



MINUTES OF PROCEEDINGS

OTTAWA, Thursday, March 30, 2023

(21)

[English]

The Standing Committee on Internal Economy, Budgets and Administration met in camera and then proceeded in public, this day at 9:01 a.m., in room C128, Senate of Canada Building, the chair, the Honourable Lucie Moncion, presiding.

Members of the committee present: The Honourable Senators Bovey, Boyer, Carignan, P.C., Dalphond, Dean, Forest, Gagné, Loffreda, Moncion, Moodie, Plett, Quinn, Saint-Germain, Seidman and Smith (15).

Other senators present: The Honourable Senator Deacon (*Nova Scotia*), Osler and Tannas (3).

Participating in the meeting: Pascale Legault, Chief Corporate Services Officer and Clerk of the Standing Committee on Internal Economy, Budgets and Administration; Gérald Lafrenière, Interim Clerk of the Senate and Clerk of the Parliaments and Chief Legislative Services Officer; Philippe Hallée, Law Clerk and Parliamentary Counsel; senior Senate officials and other support staff.

WITNESSES:

The Honourable Senator Colin Deacon, Chair, Advisory Working Group on Environment and Sustainability;

The Honourable Senator Raymonde Saint-Germain, Chair, Subcommittee on Human Resources;

Josée Labelle, Director General, Property and Services Directorate;

Toni Francis, Chief Human Resources Officer, Human Resources Directorate;

Élise Hurtubise-Loranger, Senior Parliamentary Counsel, Office of the Law Clerk and Parliamentary Counsel;

Alison Korn, Issues Management and Media Relations Advisor, Office of the Chief Corporate Services Officer and Clerk of CIBA.

Pursuant to rule 12-7(1) of the *Rules of the Senate*, the committee continued its consideration of financial and administrative matters concerning the Senate's internal administration.

At 9:05 a.m., the committee suspended.

At 9:07 a.m., the committee resumed in public.

The Chair made a statement.

The senators introduced themselves.

The Honourable Senator Plett suggested that item 3 of the in camera agenda be discussed during the public portion of the meeting.

After debate, it was agreed that items 3a and 3b of the in camera agenda be discussed during the public portion of the meeting.

It was further agreed that item 3c be removed from the agenda.

The question being put on the motion, it was adopted.

CIBA/2023-03-30/223(P) – Adoption of *Minutes of Proceedings* from March 9, 2023 (public)

The committee considered the Minutes of Proceedings from March 9, 2023 (public).

The Honourable Senator Plett moved that the Minutes of Proceedings of Thursday, March 9, 2023 (public), be adopted.

The question being put on the motion, it was adopted.

CIBA/2023-03-30/224(P) – Report from the Subcommittee on Human Resources - Telework Policy

The chair of the Subcommittee on Human Resources, the Honourable Senator Saint-Germain, presented the subcommittee's Sixth Report as follows:

Thursday, March 30, 2023

The Subcommittee on Human Resources of the Standing Committee on Internal Economy, Budgets and Administration (CIBA) has the honour to present its

SIXTH REPORT

On December 15, 2022, your subcommittee was given a mandate by CIBA to examine and report on issues related to human resources in the Senate. Accordingly, in anticipation of the upcoming lifting of the employer-mandated telework in response to the COVID-19 pandemic, your subcommittee presents for adoption a draft *Senate Administration Telework Policy* ("the new Policy"), which is appended to this report.

BACKGROUND

The *Senate Administration Policy on Alternative Work Arrangements* (AWA policy) currently in place provides for the possibility of telework for Senate Administration employees. The AWA policy states, “The approval of each telework situation [must] be made on a case-by-case basis at the discretion of management.” However, it provides little guidance to managers in their consideration of telework requests.

The AWA policy was also developed in 2007 at a time when requests for telework at the Senate were uncommon. After nearly three years of employer-mandated telework, an increased interest in telework arrangements is to be expected once this public health measure, introduced at the start of the pandemic, is lifted. As we prepare to end employer-mandated telework, a more modern and robust framework with clear criteria will be key in assisting managers and employees as they navigate the changes associated with the upcoming transition.

In addition, in the current context of a labour shortage, the Senate must remain competitive when it comes to recruiting and retaining qualified employees in order to fulfill its mandate. It is increasingly challenging to fill vacant positions due to a smaller pool of available workers. A new telework policy will be a key component of both our talent acquisition and retention strategies.

Consequently, the Senate Administration has developed a new Policy that provides a clear framework to govern Senate Administration telework arrangements, for those positions that are suitable for telework, and ensures that Senate’s operational requirements are fully met.

KEY FEATURES OF THE NEW POLICY

Operational Requirements

The new Policy sets out clear criteria that must be considered before a telework arrangement is implemented. This will ensure that the potential impact of such arrangements on operational requirements is properly considered and that the new Policy is applied fairly across the Administration. The employee’s immediate manager is responsible for considering and approving a telework request in light of these criteria.

First, the manager must consider the position’s suitability for telework: a position’s suitability is to be assessed based solely on its responsibilities and job description. If the position is determined not to be suitable based on this analysis, telework is not an option. Second, the manager must consider the particulars of the employee making the request for a telework arrangement and the unit for which they work. The manager must base the assessment on the ability of the employee and their work unit to meet their operational requirements, on the arrangement’s potential impact on the employee’s performance, and on the work unit’s well-being.

Recall to Senate Premises on Telework Days

The new Policy provides that an employee can be recalled to Senate premises on a telework day so that operational requirements are met or for attendance at in-person meetings, events, or training sessions. Whenever possible, an employee who is recalled to Senate premises during a scheduled telework day is to be provided with reasonable notice. However, the new Policy recognizes that circumstances may arise in which the employee must be recalled on short notice due to unforeseen operational requirements, notably participating in committee or subcommittee meetings or when a

senator requests a meeting. Any travel costs for an employee recalled to Senate premises will be at their own expense, and the commuting time will not count as paid work time.

Health and Safety Requirements

Many of the employer's occupational health and safety obligations under the *Canada Labour Code* extend to a telework location. As such, a risk of workers' compensation claims exists in relation to work injuries that might occur in telework locations. The new Policy requires an employee to attest that their telework location complies with health and safety requirements. The standard telework agreement therefore contains a detailed checklist to ensure that this is adequately addressed. The employee must also immediately report to their manager any work-related accident, incident, or injury that occurs during working hours.

Protection of Sensitive Senate Information

The safety of sensitive Senate information that could be accessed by third parties at an employee's telework location is considered in any telework arrangement. Employees must keep confidential any information whose disclosure would constitute a breach of the privileges of the Senate, any Senate committee, any joint committee, or any individual senator. All Senate policies, including the *Information Management Policy*, continue to apply in the telework context. As it currently stands, the *Information Management Policy* requires Senate employees to keep protected, confidential, and restricted documents in locked cabinets and/or in locked offices or rooms. Some adaptations to this policy will be required to ensure that employees can be compliant with its requirements in a telework context. Adjustments to the *Information Management Policy* are forthcoming.

Equipment and Expenses

The new Policy provides that an employee who is teleworking will be given either a Senate-issued laptop or the capacity to connect to a secured virtual Senate computer. With respect to expenses, the new Policy provides that the employee is responsible for the costs of equipping and maintaining their telework location, including any costs related to utilities, high-speed internet access, and furniture.

IMPLEMENTATION AND NEXT STEPS

Working on site at the Senate

On January 31, 2023, your subcommittee met with Senate Administration sector heads and management team members to discuss the implementation of the new Policy. The management team was asked to report on maintaining service levels for senators, on employee productivity and engagement in a hybrid work model, and on managing overtime and performance in a telework context. During this meeting, the management team provided details on operational needs unique to each directorate and on how managers plan to implement the new Policy for their respective teams. Furthermore, the management team emphasized the importance of taking a flexible approach in applying the telework policy to ensure that each sector can fully meet the Senate's operational needs. Your subcommittee was satisfied that all topics and issues were adequately addressed at the meeting and that a flexible approach is needed with regard to Senate employees working on site, since operational requirements vary from one directorate to another. Requirements may also vary based on the parliamentary calendar.

The House of Commons and the Library of Parliament have also taken a flexible approach. The House is adopting an approach based on the parliamentary calendar to ensure that the operational needs of members of Parliament are met. Managers will oversee telework agreements based on their team's operational requirements and the services they offer in support of parliamentary operations. The Library of Parliament has adopted the same approach.

This flexible approach seems to better meet the operational needs of both organizations. For example, House Procedural Services employees need to be on site for more days during sitting weeks due to operational requirements. They are then able to telework on more days during parliamentary break weeks.

The Senate's new Policy also adopts this flexible approach. The Senate Administration's Executive Committee understands and agrees that on-site presence is essential not only for operational needs but also for other essential purposes such as team cohesion and employee morale, and transmission of the Senate culture to new employees. A condition of employment for employees approved for telework will include the requirement to be on site, as agreed upon and as required in unforeseen circumstances. The Executive Committee will strive to strike a balance between telework and on-site presence to best support the Senate and its employees.

Coming into force and implementation of the policy

The new Policy could come into force immediately upon its adoption by CIBA. Currently, the public health measure requiring Senate employees to telework remains in effect. The decision to lift this measure could be made when the new Policy is adopted. However, the coming into force of such a decision should be pushed back to give employees time to make any necessary arrangements in preparing to return to work on site at the Senate. At least one month's notice is required given that it involves a change in working conditions. Your subcommittee proposes lifting this public health measure on May 1st, 2023 and allowing for a gradual implementation of the new Policy to be completed by May 12, 2023.

Implementation reports

To keep your subcommittee and CIBA informed about the policy's implementation, the Executive Committee commits to submitting a progress report outlining the number of telework agreements approved and any challenges observed or adjustments required to those agreements. The report will cover the first months following the policy's adoption, from April to June 2023. A second progress report will also be prepared and will cover the first year following the adoption of the policy, from April 2023 to March 2024.

The Executive Committee will also monitor the implementation of the new Policy through various measuring tools, including key performance indicators, service standards, forward planning agendas and formal consultations with senators and their staff.

RECOMMENDATIONS

Your subcommittee recommends that CIBA

- approve the new Policy and communicate its adoption to Senate Administration employees;

- suspend the application of the telework provisions in the existing *Senate Administration Policy on Alternative Work Arrangements*;
- direct the Senate Administration to remove telework from the existing *Senate Administration Policy on Alternative Work Arrangements*, with the changes to be approved by the Executive Committee;
- direct the Senate Administration to make necessary adaptations to the *Information Management Policy* in the context of telework; and
- lift the public health measure mandating telework for Senate employees, effective May 1st, 2023, and immediately communicate this decision to senators and Senate employees.

Respectfully submitted,

RAYMONDE SAINT-GERMAIN
Chair

The Honourable Senator Saint-Germain made a statement and, together with Toni Francis and Élise Hurtubise-Loranger, answered questions regarding the Sixth Report.

After debate, the Honourable Senator Saint-Germain moved that the subcommittee's Sixth Report be adopted.

The question being put on the motion, it was adopted, on division.

CIBA/2023-03-30/225(P) – Report from the Advisory Working Group on Environment and Sustainability

The Honourable Senator Deacon made a statement and answered questions regarding the Second Report of the Advisory Working Group on Environment and Sustainability.

CIBA/2023-03-30/226(P) – Specific Service Agreement with Public Services and Procurement Canada – Base Building 2023-2024

Josée Labelle made a statement regarding services provided to the Senate by Public Services and Procurement Canada for the 2023-24 fiscal year.

After debate, it was moved by the Honourable Senator Quinn that the Senate Administration be authorized to proceed with the Expense Initiation and continues proceeding with sole-source contracts with Public Services & Procurement Canada (PSPC) for the provision of base-building maintenance, equipment rental fees, and standard accommodation construction projects for the 2023-24 fiscal year, whose aggregate costs are estimated at \$176,900.

The question being put on the motion, it was adopted.

CIBA/2023-03-30/227(P) – Knowledge Client Funding (LTVP) – 2023-2024 Forecasts

Josée Labelle made a statement regarding the Knowledge Client Funding Forecast.

After debate, it was moved by the Honourable Senator Bovey that the 2023-24 Knowledgeable Client Funding forecasts estimated at \$3.5 million dollars be approved.

The question being put on the motion, it was adopted.

CIBA/2023-03-30/228(P) – Other Matters

The chair made a statement regarding CIBA being authorized to appoint senators who are not members of the committee to its subcommittees.

CIBA/2023-03-30/229(P) – Appointment of Vice-chair

The Honourable Senator Quinn moved that the Honourable Senator Smith be appointed as deputy chair of the committee to represent the Canadian Senators Group, following the departure of the Honourable Senator Tannas.

The question being put on the motion, it was adopted.

At 10:31 a.m., the committee suspended.

At 10:32 a.m., pursuant to 12-16(1), the committee proceeded in camera.

At 10:45 a.m., the committee suspended.

At 10:48 a.m., the committee resumed in public.

CIBA/2023-03-30/234(P) – Report from the Advisory Working Group on Environment and Sustainability (Public Disclosure)

The chair made a statement and reported that the committee approved the working group recommendation to award the contract to highest-ranked bidder, Lemay and Groupe AGÉCO, in the amount of \$84,060.

CIBA/2023-03-30/235(P) – Report from the Subcommittee on Human Resources - Updated Casual Work Policy

The chair of the Subcommittee on Human Resources, the Honourable Senator Saint-Germain, presented the subcommittee's Seventh Report as follows:

Thursday, March 30, 2023

The Subcommittee on Human Resources of the Standing Committee on Internal Economy, Budgets and Administration (CIBA) has the honour to present its

SEVENTH REPORT

On December 15, 2021, CIBA gave your subcommittee a mandate to study and report on issues related to Senate human resources. As part of this mandate, your subcommittee has examined and updated the *Senate Administration Policy on Casual Work* (Policy).

BACKGROUND

The existing Policy was last updated on April 29, 2011. The Human Resources Directorate (HR) has reviewed it as part of the Senate Policy Renewal Project. The policy renewal initiative provides an opportunity to modernize and align this Policy with both the Senate Administration's current needs and the new policy template. The proposed updated Policy is appended to this report.

ANALYSIS

Casual workers are not employees as defined under the *Parliamentary Employment and Staff Relations Act*. Consequently, the *Guide of Terms and Conditions of Employment of Unrepresented Employees Within the Senate Administration* does not apply to them, nor do any collective agreements. This Policy was therefore developed, in 2011, to outline the terms and conditions of employment for casual workers, mainly regarding their compensation and leave entitlements.

The Policy also provides both a framework to determine when casual workers can be employed and the talent acquisition process to be followed by the managers hiring them. Finally, the Policy outlines the roles and responsibilities of those involved in implementing the Policy.

RECOMMENDATIONS

Your subcommittee recommends that CIBA approve the updated *Senate Administration Policy on Casual Work* and that it be implemented immediately.

Respectfully submitted,

RAYMONDE SAINT-GERMAIN
Chair

The Honourable Senator Saint-Germain made a statement regarding the Seventh Report.

After debate, the Honourable Senator Saint-Germain moved that the subcommittee's Seventh Report be adopted.

The question being put on the motion, it was adopted.

CIBA/2023-03-30/236(P) – Office Space Requirement

The Honourable Senator Saint-Germain made a statement.

The Honourable Senator Saint-Germain moved:

That the Property and Services Directorate be directed to conduct an analysis in order to make recommendations in relation to the telework policy for the Senate Administration insofar as it relates to office space requirements;

That the analysis focus on providing an estimate of the office space that the Senate Administration may be able to release as a result of the coming into force of the telework policy from the total square footage of office space currently being utilized, including the potential impact of a move toward increasing unassigned workspaces (hoteling) on operational requirements, the economic value of this office space being released and a timeline for the release of this office space;

That the Administration provide the results of their analysis and preliminary findings to CIBA by December 21, 2023 in order to seek further guidance from the Committee; and

That the Administration provide a new fit up standard for office space for the Senate Administration as a result of telework within one year of the implementation of the policy.

The question being put on the motion, it was adopted

At 10:55 a.m., the committee adjourned to the call of the chair.

ATTEST:

Pascale Legault

*Chief Corporate Services Officer and Clerk of the Standing Committee on
Internal Economy, Budgets and Administration*

Keli Hogan

Recording Secretary