



MINUTES OF PROCEEDINGS

OTTAWA, Thursday, November 9, 2023
(28)

[English]

The Standing Committee on Internal Economy, Budgets and Administration met 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 Boehm, Dalphond, Forest, Marshall, Moncion, Moodie, Plett, Quinn, Saint-Germain, Seidman, and Smith (11).

Other senator present: The Honourable Senator Tannas (1).

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 Raymonde Saint-Germain, Chair, Subcommittee on Human Resources;

The Honourable Senator Scott Tannas, Chair, Subcommittee on Long Term Vision and Plan;

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

David Plotkin, Parliamentary Counsel, Office of the Law Clerk and Parliamentary Counsel;

David Vatcher, Director, Information Services Directorate.

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.

The senators introduced themselves.

CIBA/2023-11-09/313(P) — Adoption of *Minutes of Proceedings* from October 26, 2023 (public)

The committee considered the Minutes of Proceedings from October 26, 2023 (public).

The Honourable Senator Quinn moved that the Minutes of Proceedings of Thursday, October 26, 2023 (public), be adopted.

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

CIBA/2023-11-09/314(P) — Report from the Subcommittee on Human Resources — Senators' Regional Offices

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

Thursday, November 9, 2023

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

TWELFTH REPORT

On December 15, 2021, CIBA gave your subcommittee a mandate to examine and report on issues related to human resources in the Senate. As part of this mandate, your subcommittee considered the challenges that arise out of the use of regional offices, in the context of the Senate's obligations under the *Canada Labour Code* (CLC) and the *Accessible Canada Act* (ACA).

BACKGROUND

Under the current *Senators' Office Management Policy* (SOMP), senators can establish one additional office space outside the parliamentary precinct. This office is defined as a "regional office",¹ and it must be located within the senator's province or territory of appointment. A senator can rent commercial office space following consultations with the Law Clerk and Parliamentary Counsel. Rental fees are paid from the senator's office budget. Other associated costs, such as insurance and utilities, are equally eligible for reimbursement. A senator can also use all or part of a private residence as space for a regional office, but without reimbursement of property and associated costs. In either circumstance, office equipment, furniture, furnishings, and utilities can be bought and paid for from the senator's office budget, in accordance with the *Senators' Office Expense Index*. A senator's personal home office or personal telework location is not considered a "regional office." Neither are any locations at which senators' staff may conduct their telework.

HRRH requested that the Office of the Law Clerk and Parliamentary Counsel prepare an analysis of the issue of regional offices in the context of broader discussions the committee is having about the Senate's implementation of occupational health and safety requirements under the CLC. This analysis was presented to HRRH and discussed on Friday, October 13, 2023.

¹ Subsections 5.14.2 to 5.14.6.

Regional offices that can be located anywhere (geographically and physically, within commercial rental space or in a senator's personal residence) raise several challenges with respect to compliance with occupational health and safety requirements and adherence to the *Senate Harassment and Violence Prevention Policy*.

ANALYSIS

Occupational health and safety risks associated with regional offices

Under Part II of the CLC, employers must ensure that the occupational health and safety of their employees is protected. This obligation applies to every workplace the employer controls, but also to work activity an employee carries out in a workplace the employer does not control, to the extent that the employer controls the work activity. Section 125 of the CLC sets out a number of obligations for employers, such as ensuring that buildings and installations are safe; that standards relating to fire safety and emergency measures are complied with; and that the workplace and workspaces in it meet ergonomic standards. The employer must also investigate, record, and report all accidents, occurrences of harassment and violence, occupational illnesses, and other hazardous occurrences in the workplace. Certain obligations under section 125, such as the requirement to inspect the workplace, only apply where the employer has control over the workplace.²

As an employer, the Senate has the legal duties outlined above in all of its workplaces. Formally, pursuant to the *Parliamentary Employment and Staff Relations Act* (PESRA), CIBA is the committee that represents the Senate in contexts where it is "the employer." Regional offices—as defined in SOMP—outside the parliamentary precinct are still considered to be "workplaces" under the CLC and the *Senate Harassment and Violence Prevention Policy*. Occupational Health and Safety requirements would apply within these spaces, including the following:

- having workplace health and safety representatives conduct inspections to identify and recommend methods to address identified occupational health and safety risks within the work location;
- reporting and documenting workplace incidents as outlined within the CLC;
- undertaking risk assessments to identify the hazards—including ergonomic hazards—associated with the work location and to apply mitigation strategies; and
- having potential oversight from and inspections by the Labour Program.

Regional offices in both commercial and residential spaces also raise challenges in the context of preventing and resolving workplace harassment. Isolated by nature, with a small number of employees in an enclosed, low-traffic, and soundproofed area, regional offices can

² See *Canada Post Corp. v. Canadian Union of Postal Workers*, [2019] 4 SCR 900. In making this determination, the guiding principle is that the employer should be bound, to the fullest extent possible, by the obligations under the CLC.

create a heightened risk of workplace harassment. The recent *Senate Workplace Assessment* conducted by Workplace Fairness International identified isolated workplaces as a substantial risk factor. As noted in that assessment, isolated workplaces provide “less access to protection and prevention measures”³ because “[p]eople are less constrained by boundaries”⁴ and “[f]ewer witnesses can make an employee an easier target.”⁵ These challenges are particularly acute in the context of a regional office located in a residential space. Of note, the House of Commons does not allow for a constituency office to be located in a private residence. A constituency office must be established in a commercial space.

Finally, the challenges associated with overseeing these workplaces can result in situations in which occupational health and safety and harassment and violence incidents are not properly recorded or reported. Absent rigorous oversight, this could cause shortfalls in compliance and the Senate’s CLC reporting obligations. Equally, it could create significant challenges when defending a grievance or in legal proceedings, as record-keeping and compliance standards may vary from one regional office to another.

Accessibility and Security Considerations in Regional Offices

The use of regional offices may also give rise to additional costs related to accessibility and security. As an employer, the Senate has built-environment obligations for all of its workplaces, under the ACA. This may require investments into physical spaces—including a regional office in a senator’s home or commercial space—to render that workplace accessible to employees and members of the public. Further, CIBA recently approved a program to provide security assessments and protective measures for senators’ homes. This raises questions about whether this program would need to be extended to regional offices, and at what cost.

RECOMMENDATIONS

The SOMP provisions allowing for regional offices were adopted prior to the Senate becoming subject to occupational health and safety legislation under the CLC and to accessibility requirements under the ACA.

As a result of its review of the significant legal changes and other considerations outlined above, your subcommittee recommends that CIBA

- investigate whether the practice of maintaining senators’ regional offices is appropriate
- until CIBA makes a decision on this matter, impose a moratorium on the opening of additional regional offices, with a grandparent clause for the four current senators with a regional office in a commercial space
- amend the SOMP to eliminate the possibility of a regional office in a residential space

³ Workplace Fairness International, *Senate of Canada HR_RPT_WFIFINALREPORT_2022-02-08_E_FINAL_C.DOCX*, January 2022, p. 8.

⁴ *Ibid.*, p. 5.

⁵ *Ibid.*, p. 5.

- If applicable, direct the Office of the Law Clerk and Parliamentary Counsel to draft the amendment(s) to the SOMP and present them to CIBA for approval.

Respectfully submitted,

RAYMONDE SAINT-GERMAIN

Chair

The Honourable Senator Saint-Germain made a statement and, together with Élise Hurtubise-Loranger, Pascale Legault and Philippe Hallée, answered questions regarding the Twelfth Report.

After debate, the Honourable Senator Saint-Germain moved:

That CIBA investigate whether the practice of maintaining senators' regional offices is appropriate;

That, until CIBA makes a decision on this matter, a moratorium be imposed on the opening of additional regional offices, with a grandparent clause for the four current senators with a regional office in a commercial space;

That the *Senators' Office Management Policy* be amended to eliminate the possibility of a regional office in a residential space; and

That the Office of the Law Clerk and Parliamentary Counsel be directed to draft the amendment(s) to the *Senators' Office Management Policy* and present them to CIBA for approval.

After further debate, the Honourable Senator Saint-Germain moved that this matter be deferred to the next CIBA meeting.

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

CIBA/2023-11-09/315(P) — Communications Strategy for Cybersecurity Attacks

David Vatcher made a statement and answered questions regarding the proposed communication protocol for significant cyberattacks.

After debate, the Honourable Senator Saint-Germain moved that the communication protocol for significant cyberattacks, as amended taking into account today's discussion, be approved.

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

CIBA/2023-11-09/316(P) — Letter from the Subcommittee on the Long Term Vision and Plan

The Honourable Senator Tannas made a statement and answered questions regarding parking on Parliament Hill.

After debate, the Honourable Senator Plett moved that the chair of the subcommittee on Long Term Vision and Plan be authorized to respond on behalf of the Senate reconfirming its requirements related to parking to Public Services and Procurement Canada.

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

CIBA/2023-11-09/317(P) — New Membership for the Advisory Working Group on Environment and Sustainability

The chair made a statement regarding the membership for the Advisory Working Group on Environment and Sustainability.

The Honourable Senator Saint-Germain moved that the Honourable Senator Galvez, replace the Honourable Senator Black as a member of the Advisory Working Group on Environment and Sustainability.

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

CIBA/2023-11-09/318(P) — Other Matters

The chair provided an update on the request for temporary funding increase for Parliamentary Associations.

The Honourable Senator Plett raised concerns regarding security of senators on the parliamentary precinct.

The chair made a statement.

After debate, it was agreed that further discussion on this matter be deferred to a future CIBA meeting.

The chair informed members that contracts for toner and signage would be considered during the in camera session.

At 10:08 a.m., the committee suspended.

At 10:11 a.m., pursuant to 12-16(1), the committee proceeded in camera.

At 10:46 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