



## MINUTES OF PROCEEDINGS

OTTAWA, Thursday, April 11, 2024

(33)

[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, Boyer, Carignan, P.C., Dalphond, LaBoucane-Benson, Loffreda, MacAdam, MacDonald, Moncion, Moodie, Plett, Quinn, Saint-Germain, Seidman, and Smith (15).

*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 Tony Loffreda, Member, Subcommittee on Senate Estimates and Committee Budgets;

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

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

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

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

Josée Labelle, Director General, Property and Services Directorate;

Marc Lacelle, Director, Building Operations and Asset Management, Property and Services Directorate;

Julie Lacroix, Director, Corporate Security Directorate;

Pierre Lanctôt, Chief Financial Officer, Finance and Procurement Directorate;

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 chair made a statement.

The senators introduced themselves.

#### **CIBA/2024-04-11/369(P) — Consent Agenda**

The chair made a statement regarding the consent agenda.

After debate, the Honourable Senator Boyer moved that the consent agenda, which is comprised of the following items, be adopted:

- Minutes of Proceedings from February 29, 2024 (In Public);
- Minutes of Proceedings from February 29, 2024 (In Camera).

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

#### **CIBA/2024-04-11/370(P) — Report from the Subcommittee on Senate Estimates and Committee Budgets — Committee Budget Request — Standing Senate Committee on Transport and Communications**

The Honourable Senator Loffreda, member of the Subcommittee on Senate Estimates and Committee Budgets, presented the Twenty-Sixth Report of the subcommittee as follows:

**Thursday, April 11, 2024**

The Subcommittee on Senate Estimates and Committee Budgets of the Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

#### **TWENTY-SIXTH REPORT**

Your subcommittee met on March 21, 2024, the chair, the Honourable Senator Éric Forest, presiding, to consider two budget requests for the 2024-2025 fiscal year as follows:

##### **1. Ethics and Conflict of Interest for Senators (CONF)**

(Matters relating to the Ethics and Conflict of Interest Code for Senators)

Activity 1: London, United Kingdom	\$162,560
<b>TOTAL</b>	<b>\$162,560</b>
(includes funds for a fact-finding mission and for 6 senators to travel)	

## **2. Transport and Communications (TRCM)**

(Special study on the impacts of climate change on critical infrastructure)

Activity 1: Montreal, Quebec	\$18,910
Activity 2: Hamilton, Ontario	\$26,185
<b>TOTAL</b>	<b>\$45,095</b>
(includes funds for fact-finding missions and for 12 senators to travel)	

### **Summary**

For your information, the total funds in the budgetary envelope available for Senate committee budgets (except for the Committee on Audit and Oversight) for 2024-2025 is **\$2.2 million**, less **\$320,820** for witness expenses, leaving **\$1.882 million** for release to individual committee budgets. Today's recommended release of **\$207,655** for three committee travel activities, leaves **\$1,674,345** for the remainder of the fiscal year.

The budgets approved by the Senate for each travel activity are the maximum amount that can be spent for that activity. Budgets normally include funds for the full membership of the committee to travel. In general, a reduced delegation travels and efforts are made to find additional savings. Your subcommittee encourages both committees to look for reasonable ways to reduce their expenditures.

Typically, committees' actual expenditures are closer to 40% of their total budget request. Any funds remaining at the conclusion of a travel activity will be clawed-back and can be made available for allocation to committees for other activities.

Copies of each committee's budget application are appended to this report.

Respectfully submitted,

TONY LOFFREDA

*Member of the Subcommittee*

The Honourable Senator Loffreda made a statement and answered questions regarding the Twenty-Sixth Report.

After debate, the Honourable Senator Loffreda moved that the Twenty-Sixth Report be adopted.

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

## **CIBA/2024-04-11/371(P) — Report from the Subcommittee on Senate Estimates and Committee Budgets — Cafeteria Update**

The Honourable Senator Loffreda, member of the Subcommittee on Senate Estimates and Committee Budgets, presented the Twenty-Seventh Report of the subcommittee as follows:

Thursday, April 11, 2024

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

### **TWENTY-SEVENTH REPORT**

On December 15, 2022, your subcommittee was mandated by CIBA to conduct an efficiency review of the activities and services provided by the Senate Administration. As part of this review, the Administration submitted 32 proposals for savings opportunities to the subcommittee. Your subcommittee requested that 28 of these 32 savings opportunities be further analyzed, as outlined in Appendix 1 of your subcommittee's eighteenth report, presented to CIBA on June 15, 2023. Your subcommittee met on March 21, the chair, the Honourable Senator Éric Forest presiding, and reviewed the following initiative, proposed by the corporate sector, concerning food services at East Block Building and the Senate of Canada Building.

#### **ISSUE**

Over the past few years, the Senate administration has been mandated to find different options for cafeteria operations. Neither of the Senate's two cafeterias generates enough revenue to cover operating costs. Due to declining customer numbers and rising cafeteria operating costs in recent years, the selling price of an item no longer covers its purchase cost, resulting in increased expenses paid by the Senate to the House of Commons, which sets the selling prices. The annual subsidy for cafeterias has therefore increased in recent years, reaching \$371,000 in 2022-2023, including \$133,000 for the East Block cafeteria and \$238,000 for the Senate of Canada Building cafeteria.

#### **ANALYSIS**

Most of the options proposed and considered by your subcommittee would not completely solve the funding shortfall because of the way cafeterias are run. Prices were originally set to cover the cost of food, but not the salaries of food service staff. As price increases have followed a fixed schedule, they have not risen at the same rate as the cost of food in the industry, resulting in higher losses than previously observed. Wage increases also contribute to the increase in subsidy required.

Should the status quo be maintained, it is anticipated that the financial pressures currently being experienced will only increase each year, as the cost of food, operations and attendant

salaries rise while the budget of \$310,000 per year remains static. The House of Commons is currently negotiating with its employees, which could also lead to a possible increase in staff salary scales, further increasing the financial pressure on the Administration's budgets.

The most effective option for reducing the subsidy is to close the East Block cafeteria, because its losses are higher than those of the cafeteria in the Senate of Canada Building. In comparing sales and cost of sales independent of other operating and maintenance expenses, the East Block cafeteria subsidizes food prices at a rate of 20%, while the Senate of Canada cafeteria subsidizes food prices at a rate of 0%.

Your subcommittee has considered options for continuing to provide food service to senators at the East Block Building, at a lower cost. One option is to install a specialized, intelligent vending machine containing food prepared by the House of Commons and options similar to those offered in cafeterias, available at all times while the Senate is sitting. The East Block cafeteria currently closes at 2:30pm on sitting weeks, meaning that this machine would provide cafeteria quality food (albeit with a limited menu) for longer hours than is currently available. The vending machine can be purchased or leased as part of a pilot project to assess the long-term merits of this option, operated by 0.5 FTE as well as O&M costs (approximately \$18,000, applicable to lease or purchase options). Given the purchase price of \$22,000 compared to the annual leasing fee of \$15,000, it is more cost effective to purchase the machine even for a pilot project; if the pilot at East Block is not successful, the machine could be reinstalled at the Chambers Building, where there are senators' offices but no food services.

This option could result in an annual net reduction of \$60,000 from the salary costs currently reimbursed under the status quo as well as accounting for wage increases likely to occur within the next year. It will avoid the payment of over \$30,000 to replace aging food services equipment that would not be used for its full useful life before the East Block Building closes for rehabilitation in the mid-2030s. It will also reduce the likelihood of the Senate Administration submitting a Main Estimates capsule requesting additional funding when the House of Commons completes its salary negotiations.

## **RECOMMENDATIONS**

In light of the above, your subcommittee recommends:

That CIBA approve the continuity of services for the Senate of Canada building cafeteria as well as a temporary closure of the East Block Building cafeteria as of July 1, 2024;

That CIBA approve the implementation of a one-year pilot project at the East Block Building under which an intelligent, specialized vending machine containing food prepared by the House of Commons will be purchased at a cost of approximately 22 000\$; and

That the Property and Services Directorate be authorized to enter into an expense initiation estimated at \$330,000 and that the Memorandum of Understanding with the House of Commons be renewed, for one (1) year, until June 30, 2025, for:

- the provision of catering;
- the provision of cafeteria services at SCB, and
- the provision of services related to the EB for the pilot project for the vending machine.

Respectfully submitted,

TONY LOFFREDA

*Member of the Subcommittee*

The Honourable Senator Loffreda made a statement and, together with Josée Labelle, answered questions regarding the Twenty-Seventh Report.

After debate, the Honourable Senator Loffreda moved:

That the Property and Services Directorate be authorized to enter into an expense initiation and that the Memorandum of Understanding with the House of Commons be renewed, for one (1) year, until June 30, 2025, for:

- the provision of catering;
- the provision of cafeteria services at Senate of Canada Building, and
- the provision of cafeteria services at East Block.

That a survey be conducted on the usage of the cafeteria services at East Block.

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

**CIBA/2024-04-11/372(P) — Report from the Subcommittee on Senate Estimates and Committee Budgets — Efficiency Review — Laptops**

The Honourable Senator Loffreda, member of the Subcommittee on Senate Estimates and Committee Budgets, presented the Twenty-Eighth Report of the subcommittee as follows:

Thursday, April 11, 2024

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

**TWENTY-EIGHTH REPORT**

On December 15, 2022, your subcommittee was mandated by CIBA to conduct an efficiency review of the activities and services provided by the Senate Administration. As part of this review, the Administration submitted 32 proposals for savings opportunities to the subcommittee. Your subcommittee requested that 28 of these 32 savings opportunities be further analyzed, as outlined in Appendix 1 of your subcommittee's eighteenth report,

presented to CIBA on June 15, 2023. Your subcommittee met on March 21, the chair, the Honourable Senator Éric Forest presiding, and considered the following initiative, proposed by the corporate sector, to limit the number of laptops allotted to senators' offices.

## **BACKGROUND**

Information Services Directorate (ISD) provides laptops to all Senate users as part of its service offering. They are considered a central, essential tool for all senators and their staff. The Senate's workforce has become distributed and mobile, and this tool allows senators and their staff to work both in the traditional workplace and from other remote office locations.

Services offered to Senators' offices are defined in the *Senator's Office Management Policy* (SOMP) and the Senators' Office Expense Index, where it is indicated that every Senator and staff member may receive one (1) laptop paid for by central funding.

As a result, the number of laptops distributed to senators' offices is directly proportional to the number of staff hired in those offices. While some senators have one or two full-time staff, other senators choose to hire part-time staff, students, interns or have volunteers working for them, creating the need for a greater number of laptops. The number of laptops per senator's office (excluding House Officers' offices) varies from 1 to 10, excluding House Officers.

## **ANALYSIS**

Laptops and associated user licences cost approximately \$5,000 per unit during their four-year life cycle (\$1,250 per year). Overall, there are currently 318 laptops distributed in senators' offices, excluding House Officers, for an average of 3.3 laptops per office.

Based on the estimated unit cost, the 318 laptops allotted to individual senators' offices represent a cost of \$397,500 annually. To achieve efficiencies, reduce costs and reduce the Senate's carbon footprint, your subcommittee considered two options.

### **Option 1 — Establish a maximum of 4 laptops per senator's office**

Limit the number of laptops attributed to senators' offices to a maximum of four (4) devices. A similar rule exists for mobile phone plans in senators' offices. With the current distribution, this option represents a reduction of 18 laptops, or an estimated saving of \$22,500 annually. 10 offices currently use more than 4 laptops.

### **Option 2 — Establish a maximum of 3 laptops per senator's office**

Limit the number of laptops attributed to senators' offices to a maximum of three (3) devices. A similar rule exists for mobile phone plans in senators' offices. With the current distribution, this option represents a reduction of 54 laptops, or an estimated saving of \$67,500 annually. 36 offices currently use more than 3 laptops.

If option 1 or 2 were chosen, ISD would provide employees of senators who cannot receive a Senate laptop with secure, remote access to the Senate network, accessible from a personal computer, so that their work can be performed without interruption, remotely or from the premises of the Senate of Canada.

## RECOMMENDATIONS

After considering the proposed options, your subcommittee recommends:

That Option 1 be approved;

That the number of laptops per senators' office be reduced by attrition;

That a communiqué be sent to inform senators; and

That the Senators' Office Expense Index be modified to reflect the change.

Respectfully submitted,

TONY LOFFREDA

*Member of the Subcommittee*

The Honourable Senator Loffreda made a statement and, together with David Vatcher, answered questions regarding the Twenty-Eighth Report.

After debate, the Honourable Senator Loffreda moved that the Twenty-Eighth Report be adopted, with the understanding that House Officers' offices are excluded from the maximum number of devices.

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

### **CIBA/2024-04-11/373(P) — Report from the Subcommittee on Senate Estimates and Committee Budgets — Privately Owned Residence — Daily Allowance**

The Honourable Senator Loffreda, member of the Subcommittee on Senate Estimates and Committee Budgets, presented the Twenty-Ninth Report of the subcommittee as follows:

Thursday, April 11, 2024

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

## TWENTY-NINTH REPORT

On February 2, 2024, CIBA requested that the subcommittee be mandated to examine the daily allowance for privately owned accommodation to determine whether an adjustment is necessary for 2024-25 and that the subcommittee present its final report to CIBA no later than March 31, 2024.

## BACKGROUND

As per the *Senators' Management Office Policy*, senators may request reimbursement from their living expenses budget for their Parliamentary District (PD) accommodation expenses for privately owned accommodation. A senator who owns accommodation in the PD shall be



reimbursed an allowance for private accommodation at a rate set by the CIBA for each day such residence is available for the senator's occupancy, and providing that during such time it is not rented to another person or claimed as an expense by another senator.

The current rate for privately owned accommodation is \$50/day.

The daily rate was last reviewed in 2019 and increased from \$40 to \$50. The rate follows the rate established by the National Joint Council for private non-commercial accommodation defined as a private dwelling or non-commercial facilities where the traveler does not normally reside (such as a residence of a family member or friend).

There are currently fifteen (15) senators who own a residence in the PD.

## **ANALYSIS**

### **Housing and Utility Costs in Ottawa**

Utility costs in Ottawa, including electricity, heating, water and municipal taxes have increased over the last five years.

A Statistics Canada household spending survey for Ontario reported that spending had increased by 12% for accommodation owned and 9% for utilities between 2019 and 2021.

### **National Joint Council Travel Directive**

The National Joint Council Travel Directive applies to public service employees and other persons travelling on government business, including training.

The directive specifies that, for periods of travel status of more than 120 consecutive calendar days at the same location, in private non-commercial accommodation, the private non-commercial accommodation allowance of \$50/day will be reduced to fifty percent (50%), therefore equivalent to \$25/day.

### **House of Commons (HoC)**

Members of Parliament who own a secondary residence may claim an accommodation rate for each day it is available for their occupancy and is not rented to any other person. The current rate is \$50/day and has not been revised since April 1, 2017.

### **The Senate of Canada**

At the Senate, the privately owned accommodation rate has not been revised since April 1, 2019. Your subcommittee considered the option of increasing for privately owned accommodation by the inflation rate (CPI-trim).

Applying the inflation rate as of April 1 would increase the daily rate from \$50 to \$58 (rounded down to the nearest unit). The additional annual amount eligible for each individual senator who owns a residence would total \$2,920. Since the living expenses budget for each

senator has increased from \$26,850 to \$37,000 for the 2024—25 fiscal year, there should be sufficient funds to cover the increase in cost.

### **RECOMMENDATIONS**

In light of the above, your subcommittee recommends increasing the daily rate for a privately-owned accommodation by the inflation rate (Consumer Price Index-truncated average (CPI tronq)), effective April 1, 2024.

Respectfully submitted,

TONY LOFFREDA

*Member of the Subcommittee*

The Honourable Senator Loffreda made a statement and, together with Pierre Lanctôt, answered questions regarding the Twenty-Ninth Report.

After debate, the Honourable Senator Loffreda moved that the Twenty-Ninth Report be adopted.

The question being put on the motion, it was adopted, on division (Senator Quinn).

It was agreed that item 3 be deferred to the in-camera portion of the meeting.

### **CIBA/2024-04-11/374(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 Fourteenth Report as follows:

Thursday, April 11, 2024

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

### **FOURTEENTH REPORT**

On December 15, 2021, CIBA gave your subcommittee a mandate to examine and report on human resources issues in the Senate. As part of this mandate, your subcommittee considered the challenges arising from 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*<sup>1</sup> and must be within the senator's province or territory of appointment. A senator can rent

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<sup>1</sup> Subsections 5.14.2 to 5.14.6.

commercial office space after consulting 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. Currently 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 June 2023, your subcommittee asked the Office of the Law Clerk and Parliamentary Counsel (OLCPC) to prepare an analysis of the regional office issue in the context of broader committee discussions about the Senate implementing occupational health and safety requirements under the CLC. The OLCPC presented this analysis to your subcommittee in October 2023.

Regional offices can be located anywhere with a senator's province or territory of appointment (geographically and physically, within commercial rental space or in a senator's private residence), thus raising several challenges with respect to complying with occupational health and safety requirements—including adherence to the *Senate Harassment and Violence Prevention Policy*—and with accessibility requirements. Given these challenges, your subcommittee recommended, in its twelfth report, presented to CIBA on November 9, 2023, that the Committee investigate whether the practice of maintaining senators' regional offices is appropriate. On November 30, 2023, CIBA decided to maintain regional offices but returned the matter to your subcommittee to consider appropriate amendments to the relevant SOMP provisions, which were developed before the Senate became subject to Part II of the CLC and to the ACA. After discussions at HRRH on December 1, 2023, the OLCPC was directed to draft amendments to the SOMP provisions on regional offices to reflect the current statutory framework with which the Senate must comply. The amendments to the relevant SOMP provisions are appended to this report (Appendix A), and the substantive changes are explained below.

## **ANALYSIS**

### ***Regional offices are Senate workplaces***

Proposed section 5.14.3 of the SOMP states that regional offices are Senate workplaces under Part II of the CLC and under policy instruments adopted by Senate authorities to comply with CLC requirements. Such instruments currently include the *Senate Policy on Occupational Health and Safety*, the *Health and Safety Internal Complaint Resolution Process* and the *Senate Harassment and Violence Prevention Policy*.

Under Part II of the CLC, "employers" must ensure that the occupational health and safety of their employees is protected. For the purposes of Part II of the CLC, the Senate<sup>2</sup> is the "employer" of all Senate staff and senators are "supervisors" of their staff members. As such, the Senate, as represented by CIBA, will continue to be liable under Part II of the CLC for

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<sup>2</sup> Under section 87 of the *Parliamentary Employment and Staff Relations Act* (PESRA), "employer" at the Senate is defined "any committee or person that the Senate by its rules or orders designates for the purposes of this Part." The Senate has made no specific designation for the purposes of this part of PESRA, therefore CIBA acts as the employer by virtue of section 19.3 of the *Parliament of Canada Act* which provides that CIBA, subject to the direction and control of the Senate, is responsible for all financial and administrative matters respecting the Senate, including its staff.

all Senate workplaces, including regional offices. Proposed section 5.14.3 clarifies that in their capacity as a supervisor of their staff members, a senator opening a regional office must carry out the obligations attributed to a supervisor under the policy instruments listed above, in both their precinct and regional offices.

It is assumed that most workplaces and other employers located within commercial buildings in each province will be subject to provincial occupational health and safety laws and regulations. As federal and provincial occupational health and safety regimes are generally consistent across Canada, the need for compliance with provincial legislation by other employers in commercial buildings may mitigate most occupational health and safety risks with respect to the common areas of the building. The Senate will nevertheless be liable under Part II of the CLC for any work activity carried out by an employee in a senator's regional office, whether the activity is carried out in the common areas or in the specific office space rented by a senator.

Since a regional office is located outside the Parliamentary Precinct, the Senate Administration does not currently have the resources to assess each regional office to ensure that all the relevant prescribed standards required under Part II of the CLC are being met. Unless additional resources are provided, there are only two ways for the Senate to strive towards meeting its statutory obligations: through training on occupational health and safety for senators and their staff; and through appointing employees as occupational health and safety representatives in each regional office.

#### ***Occupational health and safety training***

Consistent with the *Senate Policy on Occupational Health and Safety*, senators and employees receive training on occupational health and safety. In accordance with the CLC, senators and employees must also undergo training in prevention of harassment and violence in the workplace and must be informed of their rights and obligations under the CLC in relation to harassment and violence. Senators and their staff members are made aware of this mandatory training as part of their onboarding process with the Senate and they have three months to complete the training modules. The Human Resources Directorate monitors compliance with these training requirements and ensures follow ups are made with senators and staff members who have not completed the training. Compliance reports are also provided to CIBA. Given these training requirements that are already in place at the Senate, your subcommittee believes that senators and employees working in regional offices do not require additional training sessions at this time.

#### ***Occupational health and safety representatives***

Proposed section 5.14.4 clarifies that, in accordance with the CLC, an occupational health and safety representative must be appointed for each regional office. Section 136 of the CLC requires that, for each workplace where fewer than 20 employees are normally employed, an employer must appoint a health and safety representative. This requirement applies to each regional office. Health and safety representatives have specific obligations under the CLC and essentially carry out the role of a workplace health and safety committee in their respective workplaces.

### ***Regional offices must be in a commercial space***

Proposed section 5.14.2 of the SOMP requires that all regional offices be located in leased commercial spaces, thus eliminating the possibility of establishing a regional office in a private residence. New definitions in the SOMP glossary will create a distinction between a *regional office* where Senate employees can work and to which members of the public have access, and a *senator's home office* that is only for their own use.

As noted in your subcommittee's twelfth report to this Committee, regional offices in both commercial and residential spaces raise specific challenges in the context of preventing and resolving workplace harassment. The recent *Senate Workplace Assessment* conducted by Workplace Fairness International identified isolated workplaces as a substantial risk factor, as they provide "less access to protection and prevention measures"<sup>3</sup> because "[p]eople are less constrained by boundaries"<sup>4</sup> and "[f]ewer witnesses can make an employee an easier target."<sup>5</sup> These challenges are particularly acute in the context of a regional office located in a residential space.

A regional office in a private residence also typically creates more significant challenges with respect to ACA compliance than commercial buildings. Most private residences do not meet accessibility standards with respect to the built environment. Establishing a regional office in a residential space would likely require significant retrofits to make the built environment accessible to employees or members of the public. If CIBA decides to continue to allow regional offices in private residences, the Committee will have to determine who is responsible for associated construction costs to make those residential spaces accessible and compliant with health and safety requirements.

Given these factors, your subcommittee believes regional offices should be limited to commercial spaces. Such a policy decision would align with House of Commons practices, which require that constituency offices be established in commercial spaces.

At the moment, a senator can buy office equipment and furniture for their home office under the SOMP's current regional office provisions. While a senator may no longer be able to establish a regional office in their private residence, amended sections 5.9.2, 5.10.2, 5.12.1 and 5.12.5 confirm that senators will continue to be able to buy office supplies, equipment, furniture, and furnishings under the SOMP for their home office in their private residence.

### ***Accessibility***

Proposed section 5.14.5 sets out that the ACA applies to regional offices. As such, they must be accessible to everyone. As noted in your subcommittee's twelfth report, the use of regional offices in commercial spaces also brings risks and costs related to accessibility. Since a regional office is located outside the Parliamentary Precinct, the Senate Administration does not have the resources and expertise to assess the building's compliance with accessibility requirements. Typically under a lease agreement, the lessor of the commercial building must ensure that

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<sup>3</sup> Workplace Fairness International, [Senate of Canada HR RPT WFIFINALREPORT 2022-02-08 E FINAL C.DOCX](#), January 2022, p. 8.

<sup>4</sup> Ibid., p. 5.

<sup>5</sup> Ibid., p. 5.

common areas in the commercial space comply with accessibility requirements, while the lessee (in this case, the senator) is responsible for the configuration of the rented office space and its compliance with accessibility requirements. When a senator leases the rented office space “as is,” the lessor is generally responsible for meeting accessibility requirements in the rented office space.

With respect to common areas within the commercial building, to comply with obligations under the ACA, a proposed amendment to the SOMP (proposed section 5.14.6) would require senators to include certain mandatory clauses in their lease agreement. The first mandatory clause would require the lessor of the commercial building to ensure that the common areas of the leased premises meet or exceed the *National Building Code of Canada* and National Standard of Canada CSA/ASC B651:23 (Accessible design for the built environment). The clause further clarifies that the lessor is solely responsible for costs for retrofits required in common areas of the leased premises so that they meet these standards. The OLCPC would draft this mandatory clause and adapt it as required. (See clause A in Appendix B of this report.)

With respect to the rented office space, proposed section 5.14.5 sets out that the senator is responsible for the configuration of the rented office space and for ensuring that it meets or exceeds the *National Building Code of Canada* and National Standard of Canada CSA/ASC B651:23 (Accessible design for the built environment). As mentioned above, a typical lease would allow the senator to make such changes, at the senator’s expense. This may require the senator to seek the services of qualified consultants. Proposed section 5.14.8 provides for such costs to be paid out of the senator’s office budget.

Senate buildings in the Parliamentary Precinct must comply with those standards. Also, given the Senate’s Accessibility Plan commitments concerning the built environment, your subcommittee believes regional offices should meet similar accessibility standards.

#### ***Additional mandatory clauses to be included in the lease agreement***

As mentioned, a proposed SOMP amendment (proposed section 5.14.6) would require senators to include some mandatory clauses in their lease agreement. Three additional clauses are recommended. First, accessibility standards and occupational health and safety requirements are not static and may evolve over time. Your subcommittee therefore recommends that senators be required to include a mandatory clause in their lease agreements such that the lessor is expected to cooperate with the senator to resolve any compliance issues resulting from changes to statutory requirements. Second, your subcommittee recommends that senators also be required to include a mandatory clause stating that the lessor must offer commercially reasonable assistance to the senator to meet occupational health and safety or accessibility requirements that may arise during the term of the lease. Finally, the lease agreement should contain a clause stating that the senator is exempt from provincial sales tax, where applicable. The OLCPC would draft these mandatory clauses and adapt them as required. (See clauses B, C and D in Appendix B of this report.)

### ***Retrofit costs***

As mentioned, retrofits to common areas of a commercial building would be the lessor's responsibility, while retrofits to the rented office space would be the lessee's (the senator's) responsibility under the lease agreement. Proposed section 5.14.8 of the SOMP provides that retrofit fees—including construction and consultant fees required to ensure compliance with occupational health and safety and accessibility standards—that are not the responsibility of the lessor of the commercial space under the lease agreement are paid from the senator's office budget.

Any contract established for consultation fees or required retrofits must comply with the Senate's *Procurement Policy*.

### ***Lessor cannot be a family member of the senator leasing the commercial space***

Section 4.3.8 of the SOMP states, "No family member of the senator shall render services or benefit from payments under a contract related to that senator." A lease agreement for a commercial space for a regional office would be a contract under that section of the SOMP. A new section 5.14.9 is proposed to clarify this limitation in the specific context of regional offices. The term *family member* is defined in the SOMP glossary.<sup>6</sup>

## **RECOMMENDATIONS**

The SOMP provisions permitting regional offices were adopted before the Senate was subject to occupational health and safety legislation under the CLC and to accessibility requirements under the ACA. Based on its review of the significant legal changes and other considerations outlined above, your subcommittee recommends that CIBA

- approve the SOMP amendments proposed in the Appendix of this report; and
- require senators with existing lease agreements to comply with the new SOMP provisions on regional offices when their lease is renewed.

Respectfully submitted,

RAYMONDE SAINT-GERMAIN

*Chair*

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<sup>6</sup> Definition of *family member*: A person, other than someone excluded by the CIBA upon request, who is

(a) a spouse or a common-law partner;

(b) a child or grandchild;

(c) a parent or grandparent;

(d) a brother or sister;

(e) a person in a relationship described in paragraph (b), (c) or (d) by virtue of an in-law or step relationship; or

(f) a person approved by the CIBA upon request as equivalent to a family member.

The Honourable Senator Saint-Germain made a statement and, together with Élise Hurtubise-Loranger and Julie Lacroix, answered questions regarding the Fourteenth Report.

After debate, the Honourable Senator Saint-Germain moved that the Fourteenth Report be adopted and that the Twelfth Report, presented on November 9, 2023, be considered as for information only.

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

**CIBA/2024-04-11/375(P) — Parking Policy**

Julie Lacroix made a statement and, together with David Groves, answered questions regarding revisions to the *Senate Parking Policy*.

It was agreed that this item be further discussed during the in camera portion of the meeting.

It was agreed to differ item 6.

**CIBA/2024-04-11/376(P) — For Information Items sent via Email**

The chair made a statement regarding items sent via email to member for information purposes.

At 10:24 a.m., the committee suspended.

At 10:26 a.m., pursuant to 12-16(1), the committee proceeded in camera.

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*



## Appendices to the Fourteenth Report of the Subcommittee on Human Resources

### Appendix A

#### Glossary

**Senator's Home Office** An office in a senator's private residence that is used by the senator for performing Senate-related work.

**Regional Office** A rented location in a commercial space that is used by a senator or their staff members for performing Senate-related work.

#### 4.1 General Rules

##### 4.1.3

When ordering office supplies for their Parliamentary Precinct offices, senators must place their order using one of the Senate's approved vendors. When ordering office supplies for a senator's home office or regional office, while the preferred method is to place the order using one of the Senate's approved vendors, a senator may also:

- a. request a purchase order; or
- b. use personal funds and request reimbursement.

See section 5.9 for other rules regarding office supply purchases.

#### 5.9 Office Supplies

##### 5.9.2

Supplies that are not available from the Senate inventory or that are required for a senator's home office or regional office may be purchased in accordance with Chapter 4 and costs shall be paid from the senator's office budget.<sup>7</sup>

#### 5.10 Office Equipment, Furniture and Furnishings

##### 5.10.2

Costs of all equipment, furniture and furnishings for a senator's home office or regional office are paid from the office budget.

#### 5.12 IT Equipment, Software, Landlines and Internet Plans

##### 5.12.1

Costs of IT equipment, software, landlines and internet plans are paid for from central funding or the senator's office budget as indicated in the Senators' Office Expense Index and in accordance with the provisions below.

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<sup>7</sup> This section is followed by a "Tip" box which will be updated to reflect the inclusion of senators' home offices.

#### **5.12.5**

Costs of landlines and internet plans for a senator's home office or regional office are paid from central funding or the senator's office budget as indicated in the Senators' Office Expense Index.

### **5.14 Office Space**

#### **5.14.1**

Maintenance costs for senators' Parliamentary Precinct offices are paid from central funding.

#### **5.14.2**

Senators may establish a regional office outside the Parliamentary Precinct. That office must be located within their province or territory of appointment. Senators must rent commercial office space for their regional office, in accordance with section 5.14.6.

#### **5.14.3**

For greater certainty, a regional office is a Senate workplace for the purpose of the Canada Labour Code and of policy instruments adopted by any Senate authority to comply with the Code. As such, obligations incumbent on senators in their capacity as supervisors of their staff under those instruments continue to apply in a regional office.

#### **5.14.4**

In accordance with section 136 of the Canada Labour Code, an occupational health and safety representative must be appointed for each regional office.

#### **5.14.5**

For greater certainty, the Accessible Canada Act applies to regional offices and the Accessibility Plan that the Senate puts into place under the Act applies to regional offices. Such offices must therefore be accessible to everyone. The senator is responsible for the configuration of the rented office space and for ensuring that it meets or exceeds the National Building Code of Canada and National Standard of Canada CSA/ASC B651:23 (Accessible design for the built environment).

#### **5.14.6**

A senator must consult the Law Clerk and Parliamentary Counsel before renting commercial space for a regional office. The private lease agreement for a regional office into which the senator enters must include mandatory clauses on occupational health and safety and accessibility requirements. The Office of the Law Clerk and Parliamentary Counsel must draft these mandatory clauses. The Senate shall not be party to any lease agreement for office space outside the Parliamentary Precinct. Senators are responsible for obtaining appropriate insurance coverage.

#### **5.14.7**

Rental fees for a commercial office space are paid from the senator's office budget. Other associated rental costs, such as insurance and utilities, are eligible for reimbursement.

#### **5.14.8**

Improvements and retrofits to the rented office space—including construction and consultant fees required to comply with occupational health and safety and accessibility requirements or for security reasons—that are not the lessor's responsibility under the lease agreement are paid from the senator's office budget.

#### **5.14.9**

In accordance with section 4.3.8, a family member of the senator renting the space cannot be the lessor of a commercial office space for the senator's regional office.

### **8.4 Departing Senators**

#### **8.4.5**

Departing senators must return all Senate assets assigned to their home office and regional office prior to their departure date. Packing and shipping costs related to closing a home office or regional office are paid for from central funding.

If the cost of returning an asset exceeds its replacement value, Material Management and Logistics, in consultation with the Chief Financial Officer, will determine if returning the asset is warranted.

#### **Senators' Office Expense Index**

Office supplies (p. 6)

All other office supplies, including supplies for a senator's home office and regional office (stationery, binders, writing utensils, organizers, staplers, etc.)

Office equipment, furniture and furnishings (p. 6)

Furniture and furnishings for a senator's home office and regional office

IT Equipment, telecom and websites (p. 7)

Phone landlines for a senator's home office and regional office (Maximum 2 lines)

Internet plan for a senator's home office and regional office (Maximum 1 plan)

Additional equipment for a senator's home office and regional office (headsets, telephones, etc.)

New and departing senators (p. 19)

Packing and shipping costs for removing Senate assets when a senator closes their home office or regional office

## **Appendix B**

The following are examples of mandatory clauses in leases of senators' regional offices for occupational health and safety and accessibility purposes. These clauses may be subject to change by the Office of the Law Clerk and Parliamentary Counsel to account for changes in applicable legislation, regulations and standards or to comply with applicable provincial legislation. Changes may also be required to reflect the agreement of the parties in relation to the rented office space (e.g., the clauses may need to be adapted if the senator rents the space "as is") and to reflect terminology used in the lease.

Clause A: Despite any other clause in this Lease, the Lessor represents and covenants that the common areas of the leased premises will, at all times during the term, meet or exceed the National Building Code of Canada and National Standard of Canada CSA/ASC B651:23 (Accessible design for the built environment). The Lessor is solely responsible for any costs to retrofit common areas of the leased premises to meet these standards and requirements. (NTS: If the senator leases the rented office space "as is," the Lessor should be responsible for meeting accessibility requirements.)

Clause B: Despite any other clause in this Lease, if any new federal, provincial, municipal or other governmental law, regulation, order or rule is adopted or comes into force after the date of this Lease, in any manner changing or otherwise modifying the laws now in force that govern either (i) the accessibility of the leased premises, or (ii) the occupational health and safety obligations of the Lessee, the parties will, without delay, attempt in good faith to arrive at a mutually agreeable solution addressing any such change and any potential impact it may have on the Lessee's use of the premises leased hereunder.

Clause C: The Lessor will, at all times during the term of this Lease, offer commercially reasonable assistance to the Lessee for the latter to meet all applicable occupational health and safety and accessibility requirements.

Clause D: The Lessee is exempt from paying the provincial sales tax as per the following exemption licence number: (insert applicable exemption number here).