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The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Wednesday, February 19, 2020

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

The Hon. the Speaker: Honourable senators, I want to remind you that there is a limit of three minutes for speaking on Senators' Statements. The table officer will stand when there are 10 seconds left. If you see the table officer standing, please wrap up your statement.

SENATORS' STATEMENTS

LINCOLN ALEXANDER, P.C., O.C., O.ONT.

Hon. Gwen Boniface: Honourable senators, I rise today to commemorate Black History Month and pay tribute to the memory of Lincoln Alexander. Undoubtedly, many of you are familiar with his achievements and accolades. They include being the first black person to be elected as a Member of Parliament, the first black Lieutenant Governor of Ontario, and for having several schools, a parkway and the Ontario Provincial Police headquarters named after him. But perhaps what is most remarkable about Lincoln Alexander is the impact of his accomplishments on current and future Canadians.

From truly humble beginnings and against great odds, Lincoln Alexander achieved what many with privileges and opportunities could only dream of in a lifetime. From a young age, his immigrant parents emphasized the importance of education and hard work. The title of his memoir, *Go to School, You're a Little Black Boy*, is a phrase his mother would often say to him. The values that were emphasized in his formative years shaped the priorities he set during his tenure as Lieutenant Governor of Ontario. They were: empowering youth, access to education, advocating for seniors and promoting multiculturalism. The legacy of his achievements gives young Canadians the hope that their dreams are achievable.

In his memoir, he explained the great impact a trip to Africa had on him. He gained confidence and inspiration to strive for great things, having seen examples of great African role models, and this made him realize there was a lack of such examples in Canada. This defining moment in his life inspired incredible accomplishments for an individual who became such a distinguished Canadian.

Lincoln Alexander Day was declared in Canada in 2015, and takes place on his birthday each year on January 21. This year, on the occasion of Lincoln Alexander Day, a former parliamentary page paid tribute to his hero, saying:

... Alexander did not allow himself to be defined by his circumstances, and that because of his example, my friends and I believed at an early age that we did not have to be defined by ours.

Honourable senators, it was my privilege during my time with the OPP to cross paths with "Linc," as he was affectionately known, many times over. He was an honorary commissioner. He conferred on me my commission as a newly minted inspector in 1989. That night was particularly special by the words he spoke. As he presented me with my commission, he leaned forward and quietly said, "You and I have something in common tonight." Yes, in a room full of 150 people, I was the only woman and he was the only person of colour.

Lincoln Alexander was an inspiration to many of us. He was a bridge-builder for a better Canada. He once said:

It is not your duty to be average. It is your duty to set a higher example for others to follow.

In his lifetime, he did that over and over again. Thank you.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mrs. Nicole Baptiste, President of Mosaïque interculturelle. She is accompanied by a number of African Canadian authors. They are the guests of the Honourable Senators Mégie and Bernard.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

ISAAC ALLEN JACK

Hon. Carolyn Stewart Olsen: Honourable senators, I rise today during Black History Month to celebrate a real heroine.

Recently, I learned that some New Brunswickers were briefly slave owners, a fact I was greatly surprised to hear.

Isaac Allen Jack was a founding member of the New Brunswick Historical Society and the New Brunswick Loyalist Society. While he wrote in 1898:

To . . . people of today, excepting perhaps a few of those who reside in the former slave-holding states of . . . America, slavery generally seems to be so . . . indefensible that they find it hard to believe that it not only existed, but was approved by many . . . within the present century.

I emphasize that he wrote that in 1898, before the American Civil War, and after the war between the British and the Americans.

In 18th century New Brunswick, the legal status of slavery was very ambiguous, and there were some among the loyalist settlers who came up from the United States and brought their slaves with them who were determined to take advantage of that.

Nancy Morton was enslaved to a man named Caleb Jones. Mr. Jones brought his slaves with him from Maryland when he settled on a 900-acre tract of land in Fredericton after the war between the British and the Americans. I am taking some liberties in saying this, but I feel that Jones was a cruel master. We can infer his reputation from the repeated attempts his slaves made to escape his grasp. We know they did this because Jones placed advertisements within the *Royal Gazette* lamenting the escapes and asking for people to return the slaves to him. Jones didn't like his peers and they didn't like him. Later in life, his fellow magistrates requested he be removed so they could be spared, as one said, the mortification of ever working with him again.

Nancy Morton, his slave, became a central figure in Canadian legal history when she sued Jones for her freedom. I can tell you how proud I am of New Brunswick, which had two lawyers who took her case and fought it in that time. I think that was a tremendous kudos to our province.

• (1410)

Some Hon. Senators: Hear, hear.

Senator Stewart Olsen: The case went all the way up to the Supreme Court of New Brunswick in 1800. Of the four judges who heard the case, three were slave owners. Ward Chipman, who would later become a judge in his own right, and Samuel Denny Street, a flamboyant duellist, were her counsel.

In his brief to the court, Chipman wrote:

. . . I trust that we shall not in this Province . . . introduce into our political system a practice so derogatory to every principle of law and justice.

Tragically, the four justices of the court split, thus nullifying Nancy's plea. Nancy was returned to bondage. Can you imagine what she must have felt?

Justice Isaac Allen, one of the slave owners of the court, ruled in support of Nancy's bid. We can only speculate about his motives, but we know that soon after the trial, he freed all of his slaves.

[Senator Stewart Olsen]

I thank you for this. I found our history to be fascinating. With the history we see — and I've always said, "Oh, we never had slavery in Canada" — I find this to be a real eye-opener. I commend Nancy Morton. She should be a heroine in our history books today. Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mackenzie Klyne who is the son of the Honourable Senator Klyne.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of representatives from the Grain Growers of Canada. They are the guests of the Honourable Senator Black (*Ontario*).

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

CORONAVIRUS

Hon. Tony Dean: Honourable senators, I rise today to talk about Canada's response to the coronavirus outbreak.

In 2002, I was involved, along with many others, in managing the SARS crisis in Ontario. That outbreak was challenging in many respects, but we also learned a lot about preparedness for future events. In his 2003 report on SARS, Dr. David Naylor found that the response to SARS was hampered by issues of governance, poor integration of government responses, and inadequate resources to investigate and confirm the nature of the disease and to track patterns of infection.

Here we are 18 years later, and what a difference we have seen in the past several weeks. The Public Health Agency of Canada, PHAC, was created as a result of the Naylor report, as was the position of Canada's Chief Public Health Officer, a position currently held by Dr. Theresa Tam.

PHAC has provided national leadership in responding to the coronavirus, and has enabled close collaboration and information sharing between all levels of government, and the medical and scientific communities.

Many of the gaps identified by Dr. Naylor have been successfully addressed, including clarity of governance, more rapid identification of the nature of disease outbreaks, an improved ability to track disease outbreaks, close cooperation and information sharing between all levels of government, and an integrated and science-led approach to risk-based public communications. PHAC is working closely with provincial, territorial and international partners, including the World Health Organization, to actively monitor the outbreak and manage responses to it.

Colleagues, these things do not happen on their own. It takes a huge amount of leadership and hard work across government and organizations outside of it. In this case, it is the minister and deputy minister at Health Canada, their counterparts at Global Affairs Canada, Dr. Tam and her colleagues at PHAC, as well as other political leaders at all levels — public servants, health professionals and the scientific community.

It's also important to recognize the successful repatriation of Canadian evacuees from China in the past weeks. We see the right people on the ground in Trenton: military personnel; PHAC; Ontario's Emergency Medical Assistance Team; local infection control specialists from the Quinte regional health authorities; and medical specialists and volunteers from the Canadian Red Cross, who, as they always do, drop everything in order to respond to emergencies at home and abroad.

Colleagues, please join me in recognizing all of the people who and organizations that are working hard to protect the health and safety of Canadians. To all of them, we say thank you.

[Translation]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Leah Nord. She is the guest of the Honourable Senator Bellemare.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

[English]

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Don Scott, Mayor of Fort McMurray, and a group of regional stakeholders. They are the guests of the Honourable Senator Black (*Alberta*).

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

FRONTIER OIL SANDS MINE

Hon. Douglas Black: Honourable senators, I rise today to share with you an exciting and important potential project in Alberta, the Frontier Oil Sands Mine Project.

In 2010, Teck Resources Limited, a significant Canadian mining company based in Vancouver, proposed to build an oil sands mine in northern Alberta. For 10 years, the company diligently and patiently did all that was required to obtain the necessary approvals and community support. In July 2019, Teck was informed in a 1,300-page decision that the joint provincial and federal panel mandated to study the project had approved the project. The Alberta government approval followed.

On the engagement with First Nations and Métis peoples, I can advise my colleagues that all 14 communities directly impacted by the proposed mine have signed economic participation agreements signalling their support. On the environmental front, I can inform colleagues that I have been advised that emissions per barrel of the mines will be one half of the existing standard of emissions per barrel today. Most importantly, Teck has committed publicly to reduce their carbon emissions from the project to net-zero by 2050.

I can also advise that 90% of the water used in the recycling is recycled water; therefore, water from rivers is not required. Also, the pace of reclamation will keep pace with the cutting that is going on.

This project will inject \$70 billion into the Canadian economy over its projected lifespan. It will create 90,000 person-years of employment, 30% of that outside of Alberta, and it will generate an estimated \$12 billion in federal taxes.

Now, the only remaining approval is from the cabinet of Canada, which should be forthcoming imminently.

You may recall in our debates on Bill C-69 last year that the Mining Association of Canada was the only association that supported the Government of Canada's position on Bill C-69. Their leader, Pierre Gratton, was a vocal advocate in support of Bill C-69. He opined in the *Edmonton Journal* on February 7 this year:

The federal government has the opportunity to show all Canadians that Canada's review process works — that projects like Frontier, led by a Canadian corporate leader such as Teck, can complete a world-class, independent and rigorous assessment effectively and achieve a favourable recommendation by an independent panel supported by the provincial government, and, most importantly, by the communities of interest that have the most at stake. I am confident, considering all of this, that the federal cabinet will make the right decision.

For Albertans, who seek a meaningful working relationship with Ottawa on the environment and the economy, this decision is the canary in the coal mine. I hope, as Mr. Gratton has argued, that there will be a positive decision on Frontier for Canada.

[Translation]

THE LATE RAYMOND BISSON

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I rise today to pay tribute to Raymond Bisson, who passed away on October 20, 2019.

We have lost a pillar and a leader of the Franco-Manitoban community, as well as a strong advocate for services offered to the Canadian francophonie.

Born in 1944, in Dunrea, which was once a small francophone village in Manitoba, Raymond Bisson had a distinguished career. His considerable accomplishments were primarily in education and community service.

• (1420)

While serving successively as the president of the Société de la francophonie manitobaine, the president of the Fédération des communautés francophones et acadienne and the first superintendent of the Franco-Manitoban school division, Raymond Bisson took the lead on major files and resolved many issues by demonstrating leadership and applying his proven expertise. The major restructuring initiatives carried out under his leadership in each of those three positions were essential and sustainable.

We need only think of the tremendous work he did to include a provision on linguistic duality in the text of the Charlottetown Accord. Even though the accord failed, his work made Canada's provinces aware of the challenges faced by francophone minorities. Let's also keep in mind that he participated in the first talks with Manitoba in order to gain control over school governance and that he worked hard to improve the delivery of services in French, particularly by introducing the concept of the active offer.

A passionate and tireless man, he participated last April in a simulation for Collège Louis-Riel students on the effects of the Thornton Act, which did away with the teaching of French in the early 20th century. However, of his many skills, it was his ability to listen, his empathy and, of course, his sense of humour that most impressed and affected all those who knew him.

Raymond Bisson had the gift of being able to use humour in a positive and constructive manner, and his leadership style made him a kind and pleasant person to be around. Humour was an effective way for him to deal with difficult situations and helped him maintain excellent relationships with everyone he worked with.

Raymond was driven by a vision and strong convictions, had a keen sensibility and was very open minded. He had a huge impact on French-language education in Manitoba and on the francophonie in minority communities. His leadership will continue to be a source of inspiration for all for a very long time.

He also leaves a large void in the life of his wife Lorraine, his three children and five grandchildren and in the life of his many friends.

Thank you for everything, Raymond Bisson. We will never forget your contribution and your joie de vivre.

CANADIAN LITERATURE

Hon. René Cormier: Honourable colleagues, Canadian literature is rich, diverse and immensely inspiring, and it helps promote our culture at home and abroad. Today is the first ever "I Read Canadian Day," a national day of celebration of Canadian children's literature.

[Senator Gagné]

[English]

Canada has a rich collection of books by authors across the country, ranging from children's books to comics, from novels to non-fiction. This day challenges Canadians to read Canadian authors — in silence or out loud — for a minimum of 15 minutes and to share this experience with those around them.

[Translation]

In addition to the impact that reading has on our children's development, Canadian literature is central to the affirmation of our national identity. Thanks to translation, Canadian literature is available today from coast to coast to coast. It transcends language barriers and provincial and territorial borders.

This day gives me an opportunity to highlight the contributions of Acadian authors of children's books.

Thanks to the Bouton d'or Acadie publishing house, authors like Diane Carmel Léger, Marie-France Comeau, Réjean Roy, Marie Cadieux and Beryl Young, who wrote a fascinating book about our former colleague, the Honourable Roméo LeBlanc, are contributing to the development of rich, powerful Canadian children's literature.

Bouton d'or Acadie represents 80 authors and 60 illustrators from Acadia, Quebec, France and several countries in Africa and Asia. Founded by Marguerite Maillet, it was the first publishing house to publish a series of Native American legends from eastern Canada, written in the original Mi'kmaq or Passamaquoddy languages.

This series is known as the Wabanaki Collection, after the Algonquin name for eastern North America. The word can sometimes be translated as "child of light." Colleagues, that is just what Bouton d'or Acadie aims to be: a beacon of light for Canadian children and Canadian culture.

[English]

In conclusion, at a time when we recognize the importance of copyright issues in this country and seek to support our authors who are struggling to enforce their rights, I invite all Canadians to take advantage of this day, to offer a book to a young person or to an association from their communities. Thank you.

ROUTINE PROCEEDINGS

CORRECTIONAL INVESTIGATOR

2018-19 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the annual report of the Office of the Correctional Investigator for the fiscal year ended March 31, 2019, pursuant to the *Corrections and Conditional Release Act*, S.C. 1992, c. 20, s. 192.

ADJOURNMENT

NOTICE OF MOTION

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, February 25, 2020, at 2 p.m.

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

ANNUAL MEETING OF THE COUNCIL OF STATE GOVERNMENTS—WEST, JULY 16-20, 2019—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-United States Inter-Parliamentary Group concerning the Seventy-second Annual Meeting of the Council of State Governments — West, held in Big Sky, Montana, United States of America, from July 16 to 20, 2019.

ANNUAL MEETING OF THE COUNCIL OF STATE GOVERNMENTS' MIDWESTERN LEGISLATIVE CONFERENCE, JULY 21-24, 2019—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-United States Inter-Parliamentary Group concerning the Seventy-fourth Annual Meeting of the Council of State Governments' Midwestern Legislative Conference, held in Chicago, Illinois, United States of America, from July 21 to 24, 2019.

ANNUAL MEETING AND REGIONAL POLICY FORUM OF THE COUNCIL OF STATE GOVERNMENTS' EASTERN REGIONAL CONFERENCE, JULY 28-31, 2019—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-United States Inter-Parliamentary Group concerning the Fifty-ninth Annual Meeting and Regional Policy Forum of the Council of State Governments' Eastern Regional Conference, held in Pittsburgh, Pennsylvania, United States of America, from July 28 to 31, 2019.

AGRICULTURE AND FORESTRY

STUDY ON HOW THE VALUE-ADDED FOOD SECTOR CAN BE MORE COMPETITIVE IN GLOBAL MARKETS—NOTICE OF MOTION TO PLACE NINETEENTH REPORT OF COMMITTEE DEPOSITED WITH CLERK DURING FIRST SESSION OF FORTY-SECOND PARLIAMENT ON THE ORDERS OF THE DAY

Hon. Diane F. Griffin: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the nineteenth report of the Standing Senate Committee on Agriculture and Forestry entitled *Made in Canada: Growing Canada's Value-Added Food Sector*, deposited with the Clerk of the Senate on July 15, 2019, during the first session of the Forty-second Parliament, be placed on the Orders of the Day under Other Business, Reports of Committees – Other, for consideration at the next sitting.

GUARANTEED LIVABLE INCOME

NOTICE OF INQUIRY

Hon. Kim Pate: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the need to examine and evaluate concrete measures available to the Senate to support the implementation of guaranteed livable income initiatives and to promote substantive equality for all Canadians.

QUESTION PERIOD

TRANSPORT

RAIL SERVICE DISRUPTION

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, my question is for the government leader in the Senate. Leader, last week in Munich, the Prime Minister spoke of a world where we:

... benefit from the free exchange of ideas. Where our differences enrich us.

• (1430)

Just yesterday in the House, he said:

... but we need to ensure we also listen to each other. The reality of populism, and its siren song in our democracies these days, is a desire to listen only to ourselves and to people who agree with us and not to people of another perspective.

Nice words, but the Prime Minister doesn't really believe them; otherwise, he would never have excluded the leader of the official opposition, Andrew Scheer, from a meeting of leaders in the other place to discuss the ongoing rail blockades.

Senator Gold, if the Prime Minister cannot even sit down with a fellow party leader — a fellow parliamentarian — to discuss this, how does he expect to resolve this crisis?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I think we all followed the news and the emergency debate with great interest. I think the Prime Minister made his position quite clear in his statements yesterday.

He has been seeking, with his colleagues and others, a peaceful way forward to resolve a very complicated dispute that deals with First Nations, governance within nations, the Canadian economy and many stakeholders and Canadians along the way.

He stated quite clearly that, in seeking the advice of colleagues in Parliament, he was looking for those who seemed to be as committed as this government is to finding a negotiated solution based upon respect and dialogue. He stated, and we all heard it, that in his opinion, the statement and speech of the Leader of the Opposition clearly indicated a very different conception of how to move forward, and the Prime Minister judged that it was better for him to pursue the discussions with those who shared his vision for moving forward.

Some Hon. Senators: Oh, oh!

Senator Plett: I don't know how to respond to that answer, but, Senator Gold, I spoke yesterday about the terrible impact the rail service disruption is having on our Prairie farmers. Mr. Scheer leads the federal party that represents these farmers, having won all seats in Alberta and Saskatchewan and half the seats in my province of Manitoba.

The Conservative Party of Canada, leader, received over 6.1 million votes, almost a quarter of a million more votes than the governing Liberals did in the last election.

Western farmers are rightfully concerned about their livelihood. They're trying to keep their operations running under very difficult circumstances, and they are worried about what's happening to our country right now.

Senator Gold, again, what does the Prime Minister's decision to exclude the Leader of the Opposition, the leader of a party that received over 6 million votes, say to our Western Canadian farmers, and what does it say to all Canadians that the Prime Minister will meet with Iran's foreign minister but not with the Leader of the Opposition?

[Senator Plett]

Senator Gold: Thank you for your question. Again, I repeat that the position of the government is clear that that it seeks to find a path forward that avoids escalation — and, indeed, contributes toward de-escalation — and that avoids rhetoric that pins blame on one group versus taking, as Chief Bellegarde suggested, responsibility collectively for moving forward to resolve this very difficult issue. The government remains committed to finding a timely and peaceful solution to this challenge. It is seized with this. It is aware, as we all are, of the tremendous impact that this is having not only on Western farmers but also on all Canadians, regardless of which party they may have voted for in the last election.

NATURAL RESOURCES

CARBON TAX

Hon. Larry W. Smith: Honourable senators, my question is also for the Leader of the Government in the Senate.

Senator Gold, in a 2020 report reviewing the fiscal and distributional effects of the federal carbon tax, the Parliamentary Budget Officer is expecting the majority of Canadian households, which fall under the federal carbon backstop, to receive larger rebates than their projected increases in consumption cost. But in that 2020 report, the PBO assumes the federal carbon levy is capped at \$50 per tonne of greenhouse gas emissions, which is the case until the year 2022.

[Translation]

According to another Parliamentary Budget Officer report published in 2019, the carbon tax will have to rise as high as \$102 per tonne if the government is to achieve the Paris agreement target by 2030.

[English]

In its 2019 simulation, Canada's Ecofiscal Commission noted that the federal fuel charge will have to reach as high as \$210 per tonne to meet the 2030 targets.

Senator Gold, given that there seem to be many price targets, and given that Canadians want to have some certainty in terms of understanding what's going to happen with the carbon tax, which price level will Canada use to meet its 2030 targets?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. It's an important one. As senators know, carbon pricing is an important policy tool to reduce the effect of greenhouse gases on our environment, but it is only one policy tool, albeit an important one, of dozens of measures that need to be put in place and that this government is intending to promote and put into place. This includes such measures as investing in clean energy, public transportation and so on.

It's also worth noting that the necessity and plan to reduce our greenhouse gases is a responsibility that's shared by the federal government and the provinces and territories. They also have plans, and they also play an important role in reducing greenhouse gas emissions.

I will come to your question about pricing in a second, but the context is important.

I've been advised that the government is working on a comprehensive plan to ensure that Canada meets its targets, and part of the plan is to work with the provinces to see which of their programs fall within the standards set and which ones may need to be adjusted going forward.

I am advised that these discussions will be taking place and will form part of the federal government's overall plan.

With regard to carbon pricing, senator, I've been advised the government remains committed to the pricing plan that was legislated in the 2018 Greenhouse Gas Pollution Pricing Act, where the price per tonne of excess carbon dioxide emissions began at \$10 and increases by \$10 to a maximum of \$50 per tonne from the year 2022 onwards.

To conclude, recall, senators, that carbon pricing is an important but not exclusive tool that the government intends to use for Canada to reduce its emissions and reach our targets.

Senator Smith: Thank you for the answer. Just as an assumption — it could be wrong — people want to see some certainty in terms of planned pricing. We've had three examples here, starting with the 2020 report and followed by the 2019 report — both by the Parliamentary Budget Officer — and then by the third-party Canada Ecofiscal Commission that said there are going to be prices up to \$210 per tonne. Can you speak to the powers that be to try to get some certainty in terms of pricing?

Canadians want to know and have certainty as to what will unfold with the carbon pricing program, because it is important. People recognize there is a problem that has to be solved, but, having said that, we need action and planned action that has some consistency so Canadians can see the results.

• (1440)

Senator Gold: Thank you for that question. I will make inquiries to find out and report to this chamber as soon as the detailed plan has been finalized and communicated.

It is worth reminding this chamber that even within the context of the carbon pricing policy, there are many sides to that one coin. It is not simply and only the price that one puts on carbon, but it is the amount of money that is returned to the provinces or territories and reinvested, whether it's in clean energy or, in some cases, into the pockets of families and households.

The actual net effect and impact of the carbon pricing regime, which varies from province to province — some have cap and trade, others have their own large emission standards, like Alberta — varies with the ways in which the provinces and the federal government, to say nothing of industry, work together to find the best solution to reach climate emission standards while protecting citizens from the unnecessarily high burden of those measures.

So we have to look at the system as a whole. The price is important, but the net impact on families, provinces and industries is equally — if not indeed more — important than simply a number in the air. I will report back when I have more information.

JUSTICE

BLOCKADE PROTESTS—RULE OF LAW

Hon. Mary Jane McCallum: Honourable senators, my question is for the Leader of the Government in the Senate.

As we all know, the situation on the West Coast and across Canada continues to boil over as the Wet'suwet'en hereditary chiefs and their supporters continue their protests over the construction of the Coastal GasLink Pipeline, which would run through their traditional territory.

In 1997, the Wet'suwet'en chiefs won a transformational decision in the Supreme Court of Canada known as *Delgamuukw*. This decision indicated that lands in B.C. were capable of having Aboriginal title being held by a First Nation. The court ruled that a further trial would be required to determine the extent to which that judgment applied specifically to Wet'suwet'en lands.

According to a recent release of access to information documents, it has come to light that the federal and provincial governments went to extreme measures to prevent any such litigation from being filed, and consequently, the long-awaited litigation has yet to take place.

This federal government prides itself on supporting the principles of the United Nations Declaration on the Rights of Indigenous Peoples, which has articles that include a requirement of the state to provide protection and redress from any action that has the aim or effect of dispossessing Indigenous peoples of their lands, territories and resources.

With that in mind, will the federal government publicly assure the people of Canada that it will immediately invoke its own ministerial litigation directive with the intent of reaching an agreement as to how to resolve these matters outside of the courts? Will the government commit to this action to reassure its citizens and the world that the Canadian government respects the rule of law?

As this is a matter of serious national consequence, I will respectfully request a written response from the government at its earliest convenience.

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for raising what it is an important and challenging dimension that has occurred too frequently in our history with Indigenous communities. I will certainly communicate your request to the government and request a written answer as quickly as they will provide it. Thank you again for your question.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

CORRECTIONAL SERVICE OF CANADA—PRISON SYSTEM

Hon. Kim Pate: Honourable senators, my question — and I may have a supplementary, depending on the answer — is for the Government Representative in the Senate.

Yesterday, the Office of the Auditor General reported that the Correctional Service of Canada “. . . did not do enough to promote and maintain respectful workplaces.” Two out of three of the Correctional Service of Canada staff they interviewed indicated concerns about organizational culture, including whether those in workplaces were “held accountable for their actions.” The report indicates that 46% — nearly half — said that they feared reprisals if they were to come forward with a harassment complaint against a fellow member of the Correctional Service of Canada.

The Office of the Correctional Investigator also released a report yesterday pointing to a “dysfunctional” and “toxic” culture among staff at the Edmonton Institution that led staff to condone and refuse to intervene in incidents of bullying, harassment and assaultive behaviour among staff and prisoners. The Correctional Investigator’s report said that the prison ran on “. . . fear, suspicion, mistrust, intimidation, harassment, bullying and abuse of power among staff members.”

None of these issues are new, but they are all the more alarming in light of the repeated and ongoing failure of correctional authorities to monitor and report — let alone remedy and rectify — incidents of harassment, assaults and, in the west and the east, sexual assaults of both staff and prisoners respectively. Like so many others, the Correctional Investigator is calling for meaningful external oversight of corrections.

What measures is the government taking to ensure that the law, particularly the Charter-protected and human rights of staff and prisoners, are upheld by the Correctional Service of Canada?

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for your question. The reports to which you refer paint an awful and disturbing picture, which I’m sure is unacceptable to all of us.

I’ve been advised that the government is seized with this issue. It is well aware of the concerns raised by the Auditor General around workplace harassment, discrimination and violence, both in the context of the Canada Border Services Agency and the Correctional Service of Canada, to which you refer.

I’ve been further advised that both the CBSA and the Correctional Service of Canada, CSC, have already taken action to address these concerns, and further, that the Minister of Public Safety has asked for regular and ongoing updates on the implementation of the many recommendations in the Auditor General’s report.

If I may elaborate somewhat, the CSC is committed, I understand, to implementing by March 31, the end of fiscal year 2019-20, a comprehensive strategy for eliminating workplace harassment and ensuring a work environment where employees

are treated with respect, dignity and fairness, and that will include “action plans with clear accountabilities and performance measures.”

Again, the Minister of Public Safety is seized with this issue, is requiring regular updates and will be holding the agencies to account to act on the recommendations.

Senator Pate: Thank you very much for that answer. I’d also ask that consideration be given — and perhaps you could indicate whether in fact it has been given to date — by the government to the kind of external oversight that the Senate recommended in its consideration of Bill C-83. That kind of judicial oversight would have ensured that some of these issues would and could be remedied immediately. It’s not the first time it has been recommended, but the Senate amendments were the first time it was included in legislation that could have been accepted by the government and could have provided an avenue — in particular, for prisoners — to remedy the wrongs committed against them.

What consideration has been given to re-examining those amendments?

Senator Gold: Thank you for your question, senator. I don’t know the answer to that, but as Government Representative, I will undertake to find out and report back to the chamber.

[Translation]

JUSTICE

BLOCKADE PROTESTS—RULE OF LAW

Hon. Jean-Guy Dagenais: Honourable senators, my question is for the Government Representative in the Senate.

Senator Gold, the Indigenous rail blockade is ongoing. This morning, *The Globe and Mail* wrote that your Prime Minister “can’t unblock pipes with platitudes.” We’re having a hard time grasping what there is to negotiate with protesters who are basically asking the Prime Minister to renege on agreements signed with other Indigenous representatives in this country.

• (1450)

Your Prime Minister doesn’t seem to understand that he has reached a dead end. Worse still, since when does a government negotiate with people engaged in illegal activities, people who don’t respect our courts and who hold Canadians and our economy hostage? A Canadian named Robert Hall was executed in the Philippines in 2016 by individuals who held him hostage for eight months. The Trudeau government refused to negotiate, and yet a human life was at stake.

Government Representative, as a law professor, can you explain the difference between the approach your government took in 2016 and the olive branch it is extending today, goodness knows to whom?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. The situation facing us in Canada is extremely complicated. It involves important principles, but also raises questions about our understanding of the law, which includes the rights recognized by the Supreme Court on unceded, non-treaty land in the north. There is also the matter of determining who speaks for the communities, the hereditary chiefs or the elected chiefs, as well as several other complications.

The Government of Canada bases its position on the principle that we must find a peaceful resolution to this problem that concerns and impacts all Canadians across the country.

The government's position is very clear. To avoid the kind of escalation of violence we unfortunately have already experienced in Canada, Quebec, Oka, Ipperwash and elsewhere, we must embark on a path of negotiation and dialogue. I know that it may be hard for all Canadians to understand why. However, we have no choice, because any other approach could lead to an escalation of violence and loss of life.

Senator Dagenais: I understand why the government representative referred to the incident that happened in Quebec. I was there because I was a Sûreté du Québec police officer at the time. I want to make it clear that the incident in Quebec was not resolved through peaceful negotiation; you all know how it was resolved.

Your Prime Minister keeps talking about discussions and peaceful resolution. Do you think that attitude will resolve the problem? According to yesterday's *Globe and Mail* the Prime Minister's statement was not a declaration of peace but a collage of platitudes.

Senator Gold: Like all Canadians, I would like to see the situation resolved very soon.

Speaking of Oka, 30 years ago, I was involved too because I was the son of the mediator who was hired to bring about a peaceful end to the conflict.

As I said, the Government of Canada's position is to find ways to de-escalate tensions and promote a swift resolution without increased violence.

[English]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

USE OF CHILD REFUGEES BY SYRIAN MILITARY

Hon. Salma Atallahjan: Honourable senators, my question is for the Leader of the Government in the Senate. During Question Period on February 6, Senator Gold, you stated that the Fatemiyoun Division "comprises mostly Afghan refugees who were recruited both from Iran and Afghanistan."

Senator Gold, are you aware that the Afghan refugees have been targeted by the Iranian government looking for military manpower in its alliance with Assad? Children as young as 14

are promised a few hundred dollars a month or immigration status in Iran to fight on the side of the Syrian dictator Bashar al-Assad.

Senator Gold, are you also aware that many of these children have been used as human shields and have never made it back to their families? My question is this: What discussion, if any, has Minister Champagne had with his Afghan counterpart on this very serious matter?

Hon. Marc Gold (Government Representative in the Senate): I thank the honourable senator for the question and for raising the most important and heartbreaking examples of children being abused and enlisted into such activities.

I will make inquiries of the minister and, if he is able to provide the answers, I will certainly share them in this chamber.

NATIONAL DEFENCE

NORTH WARNING SYSTEM

Hon. Elizabeth Marshall: Honourable senators, my question is also for the Leader of the Government in the Senate.

Senator Gold, I'm following up on a question posed by Senator Patterson last week on NORAD and the North Warning System. The Senate Finance Committee, of which I'm a member, spent a significant amount of time on the Department of National Defence and its capital expenditures. Last year the committee released a report on military procurement. It's quite a challenge to track capital expenditures on various capital projects within that department.

There's been a lot of interest in NORAD and the North Warning System since earlier this year when Canadian jets intercepted two Russian bombers near the North American coastline.

The Canadian Global Affairs Institute hosted a conference last month on military procurement during which NORAD and the North Warning System were discussed at length. Commodore Jamie Clarke, deputy director of strategy of NORAD, spoke at the conference and said that the government's 2017 defence policy included plans to modernize NORAD but offered few specifics. In fact he said that NORAD modernization is not included in the funding outlined in the 2017 defence policy. While NORAD modernization is also mentioned in the minister's mandate letter, neither specifics nor costs are disclosed. Jody Thomas, the Deputy Minister of National Defence, also spoke at the conference last month about NORAD and the need to upgrade the system.

Military leaders are now sounding the alarm about the North Warning System, but the department, in my experience, is so slow at implementing capital projects or procuring capital equipment, there seems to be no sense of urgency. So my question is fairly straightforward: What is the estimated cost to upgrade NORAD and the North Warning System and what are the timelines?

Hon. Marc Gold (Government Representative in the Senate): I thank the honourable senator for the question. Sometimes simple questions emit longer answers and ones that I don't necessarily have at my fingertips.

NORAD is part of our common defence of the North and is fundamental to the protection of our sovereignty in the region, a sovereignty which is challenged by the activities of other countries in the area. Thank you also for referring to the mandate letter with regard to the North Warning System because it is something that the government takes very seriously.

There have and continue to be investments in the area but, as for the overall total and the timeline, I frankly don't have the answer. I will inquire to see who might have the answer. If an answer is available, I will be happy to provide it.

Senator Marshall: I thank the honourable senator for that answer. Could I also ask you to follow up on something else — unless you have the answer there now? The 2017 policy statement is three years old now. There's a correlating investment plan that spans the next 20 years. However, the last three years have seen so many changes. For example, there's another shipyard involved. I think they're going to build an additional ship. There's now an issue with regard to the submarines.

• (1500)

It seems there are many upcoming capital expenditures that aren't included in the 2017 investment plan. Even though the investment plan is only 3 years old, it spans 20 years, and it seems to be out of date already.

I'd be interested to know whether the minister is going to update the plan, because it seems that at this point somebody should be looking at what's in it, what should be in it and revising it.

Senator Gold: Thank you for the question. I will add that to my inquiries. I hope that we in the Senate can play a role, whether in our committees or otherwise, to be kept apprised of plans as they unfold. The government is committed to ensuring that our investments in our various systems are *à la hauteur de nos besoins*, that meet our needs as a sovereign country. I thank you for your question and I will make inquiries.

ORDERS OF THE DAY

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

FIRST REPORT OF COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Patterson, for the adoption of the first report (interim) of the Standing Committee on Ethics and Conflict of Interest for

Senators, entitled *Developments and actions in relation to the committee's fifth report regarding Senator Beyak*, deposited with the Clerk of the Senate on January 31, 2020.

The Hon. the Speaker: Honourable senators, pursuant to rule 12-30(2), a decision cannot be taken on this report, as yet. Debate on the report, unless some other senator wishes to adjourn the matter, will be deemed adjourned until the next sitting of the Senate.

Is that agreed, honourable senators?

Hon. Senators: Agreed.

(Pursuant to rule 12-30(2), further debate on the motion was adjourned until the next sitting.)

[Translation]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gold, P.C., seconded by the Honourable Senator LaBoucane-Benson:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Julie Payette, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Diane Bellemare: Honourable senators, given that the last throne speech emphasized the government's commitment to strengthen the middle class, I will take this opportunity to speak to you about a subject that is key to attaining this objective. You will have guessed that I am referring to skills development.

I first want to point out that strengthening the middle class is a concern not just for the Government of Canada, but also for many countries and international organizations, and rightly so. A recent McKinsey report entitled *The Social Contract in the 21st Century* informed us that, since the turn of the century, and I quote:

[English]

Polarization toward high- and low-skill employment has eroded seven million middle-skill and middle-wage jobs in 16 European countries and the United States, despite the strong job growth overall. . . .

Even though the authors of the study caution that this trend has been slowing down, particularly in the United States, the future of the labour market is not necessarily bright.

[Translation]

Stefano Scarpetta, the OECD's director of employment, labour and social affairs, made the following statement:

A better world of work is not guaranteed — much will depend on having the right policies and institutions in place.

Going forward, Canada's economic health, the development of its middle class and the inclusion of vulnerable groups absolutely depend on strategic groups and governments working together to develop a shared vision and a skills development strategy.

Skills are the new currency on the labour market. I didn't invent the expression although I often use the comparison. We're seeing it more and more around the world. To strengthen the middle class and support vulnerable groups, we need to ensure that every individual has the necessary skills, the 21st-century currency, to succeed in the labour market.

Later, I'll explain why and how prosperity, skills development and social dialogue are tightly interwoven.

Let's take a quick look at what the future holds. Experts tell us that technological change, including the rise of artificial intelligence, will have a much more significant disruptive effect on the labour market than in the past. New technology is emerging, population ages, climate changes and the rapid pace of these changes demand continuous skills upgrading.

In its 2019 employment report, the OECD estimates that in the next 15 to 20 years 14% of existing jobs in member countries could disappear as a result of automation, and another 32% are likely to change radically. The impact will differ from one country to another, but it is sure to be significant.

The OECD predicts that over 40% of jobs in Canada will be automated or transformed. Canadians need to be ready to face that reality. Again, this is about preserving the middle class, the principle of equal opportunity and shared prosperity.

As in the past, technological change will create good jobs and eliminate many routine jobs, including those held by the lowest-skilled workers. The OECD believes that many of these changes will have a bigger impact on groups that are already vulnerable.

Accordingly, unless collective action is taken to help people adapt and take advantage of these changes, income inequality could grow worse.

We need to act now. International organizations like the OECD, the International Labour Organization and the World Economic Forum are urging all countries to take action. Many countries have already done so by adopting bold skills training strategies.

Unfortunately, in Canada, despite some good initiatives in this area, we are facing a collective action problem. We are sorely lacking a shared vision that would make it possible to secure new investments, to develop a common language to meet training needs and to promote the implementation of a lifelong learning culture.

[English]

In Canada, collective action is difficult to materialize because it is difficult to achieve consensus on many issues. Besides jurisdictional questions, electoral strategies between governments of different allegiances often impede decisions and actions on a wide basis. But there is a way out.

[Translation]

Social dialogue can help build consensus and promote collective action. Social dialogue can help adopt strategies to increase Canadians' participation in lifelong skills development.

More specifically, social dialogue can help produce more complete information on the challenges, needs, costs and benefits. That is particularly important for the challenges associated with the workforce and the labour market. Despite all the respect I have for public servants, since I was one myself in another life, it is clear that governments and public servants do not have all the information they need to create truly effective programs. They are making decisions based on statistics that represent only part of the reality or on consultations that often only show only one side of the issue.

Together, the associations that represent workers and businesses can provide a more complete picture of labour and skills development needs. Social dialogue also helps identify mutually beneficial areas of consensus that may not come to light via consultations alone. That is huge. Finally, social dialogue makes it easier to implement programs and measures that will have lasting and desired impacts.

[English]

Social and economic groups such as labour and business associations may lead the way for some common goals to be pursued in skills development issues as others in relation to a healthy labour market. Labour and business have many common interests. They may differ at times, but they can often be partners and develop win-win strategies.

[Translation]

Social dialogue between labour and business is not as common throughout the rest of Canada as it is in my province, Quebec, for example. However, social dialogue, however informal, can be very useful in promoting collective action that is both inclusive and effective.

To this end, I have been working for several months, for almost over a year now, on creating a place for dialogue between employer and labour associations as well as training institutions in order to support life-long skills development.

An initial round table was held on January 31 in the Senate chamber. This meeting was possible thanks to the cooperation of the Canadian Chamber of Commerce, the Canadian Labour Congress and Colleges and Institutes Canada.

• (1510)

[English]

I want to thank more specifically Perrin Beatty and Leah Nord of the Canadian Chamber of Commerce, Hassan Yussuff and Chris Roberts of the Canadian Labour Congress and Denise Amyot and Anna Toneguzzo from Colleges and Institutes Canada for their support in the organization of this event.

[Translation]

Over 40 people representing employer associations, unions and the education and training community met for an entire day to discuss and agree on ways of dealing with the skills shortage and addressing workforce training challenges. Everyone agreed to follow the Chatham House rule, which provides that everyone can use the information received as long as they do not attribute it to specific individuals.

The first meeting was a success, since all participants expressed a desire to meet again. The participants were pleased to learn that the Senate of Canada could play a role in developing dialogue around skills.

On January 31, we began the day by presenting the results of a survey that I conducted to find out Canadians' views on the effects of the upcoming changes and their training needs.

My office paid for this hybrid survey of a random sample of 1,010 Canadians 18 and over. It was conducted by Nanos between November 29 and December 2, 2019. I want to take this opportunity to give a heartfelt thanks to Michel Cournoyer, the editor of the Job Market Monitor, for his meticulous work in developing the survey and analyzing the data. This survey, just like the January 31 activities, could not have happened without him.

Let me share some of the highlights of the survey. You can consult my website for more details.

[Senator Bellemare]

[English]

The first result is that Canadians' perceptions of the impact of technological change on their jobs are realistic compared to expert forecasts but slightly more pessimistic than OECD forecasts.

Indeed, roughly 18% of employed respondents, or approximately 3.4 million employed Canadians, believe that technological changes threaten their jobs, and another 35% of employed respondents think that these changes will affect their work tasks and will require training. This represents an estimate of 6.6 million employed people. In total, an estimate of 10 million Canadians think that their job will be affected.

The second result is that more than half of Canadians express an interest in training. However, 40% of those who express an interest say that they do not have the means or the time to do it. More specifically, it is estimated that 11.4 million active Canadians wish to take training. Among those, 4.6 million working Canadians cannot afford nor have the time to take training.

Now, more on the skills needed. The third result is that nearly half of respondents think they should undergo training to improve their professional skills or their computer skills. Also, 1 out of 10 active Canadians, or 2.1 million Canadians, believe they need to improve certain essential skills such as their reading skills, and 5.4 million want to improve their math skills.

We also polled Canadians on the usefulness of a personal training account to increase training. More than half of the respondents think that a personal training account, like the Registered Education Savings Plan in which the government and/or the employer would contribute, would be useful for increasing training, and 4 out of 10 of the respondents are ready to contribute to it.

This last result complements the results of a survey that I conducted with CROP in 2014 to the effect that a vast majority of Canadians, indeed 8 out of 10, would be interested in taking training to develop their skills if the latter was funded by Employment Insurance.

[Translation]

These results clearly show that a vast majority of Canadians are aware of the challenges they must face. Most of them want to develop their skills and would welcome a public strategy to that effect. The more detailed results also indicate a need to adopt targeted measures for the more vulnerable groups, who are less prepared to take training.

Let's come back to January 31, 2020. As I was saying, the day was a success. The participants agreed on basic principles that could arrange and coordinate the multiple initiatives already being undertaken into a coherent and comprehensive skills development strategy. These principles include universality, equal opportunity and inclusivity, constitutionality, accessibility and simplicity, effectiveness and relevance, to name a few.

The discussions were respectful of the participants' points of view and everyone expressed a desire to participate in future exchanges. While the first meeting focused more on the current situation, the implications and financial challenges, the next meeting should primarily deal with a shared interpretation of needs.

It was clearly established that the considerations of this round table should be aligned with, but not limited to, ongoing government initiatives. It was also pointed out that a round table cannot exist indefinitely in an informal manner and in parallel with government action. However, even if future collaboration with representatives —

Hon. Lucie Moncion (The Hon. the Acting Speaker): Senator Bellemare, your time has expired. Are you asking for a few more minutes?

Senator Bellemare: Yes, please.

However, even if future collaboration with government representatives seems desirable, this does not necessarily require that they participate in the informal round table. There are avenues of communication with the Minister of Middle Class Prosperity, the Honourable Mona Fortier, who came to greet participants at lunch, and also with the Minister of Employment, Workforce Development and Disability Inclusion, the Honourable Carla Qualtrough, who was represented at lunch by her parliamentary secretary, Irek Kusmierczyk.

Clearly, by its very nature and the fact that its members are appointed for a period longer than an electoral term, the Senate is in a position to contribute to the development of social dialogue in Canada.

In closing, I wish to thank all those who participated in the day, and also the translators, Senate staff, the Office of the Black Rod, my advisor, Julie Labelle-Morissette, and also Éline Hu and Amélie Crosson, who worked on this project and, finally, Benoît Hubert, from PGF, for his consulting services.

Dear colleagues, thank you for listening to me. It will be a great pleasure to provide you more information about the results of this day. Thank you.

Some Hon. Senators: Hear, hear.

(On motion of Senator Gagné, debate adjourned.)

[English]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

MOTION TO AFFECT COMMITTEE MEMBERSHIP AND AUTHORIZE
COMMITTEE TO STUDY SUBJECT MATTER OF BILL C-4—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gagné, seconded by the Honourable Senator Gold, P.C.:

That, notwithstanding rules 12-2(2), 12-3(1) and usual practice, the Honourable Senators Ataullahjan, Boehm, Bovey, Cordy, Coyle, Dawson, Dean, Greene, Housakos, Massicotte, Ngo, Plett and Saint-Germain be appointed to serve on the Standing Senate Committee on Foreign Affairs and International Trade until a report of the Committee of Selection recommending the senators to serve as members of the committee is adopted or the members are otherwise named by the Senate;

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine the subject matter of Bill C-4, An Act to implement the Agreement between Canada, the United States of America and the United Mexican States, introduced in the House of Commons on January 29, 2020, in advance of the said bill coming before the Senate; and

That, for the purpose of this study, the committee have the power to meet, even though the Senate may then be sitting or adjourned, and that rules 12-18(1) and 12-18(2) be suspended in relation thereto.

Hon. Peter M. Boehm: Honourable senators, I'm rising as the sponsor of Bill C-4, which I think everyone knows is the implementation legislation for the Canada-United States-Mexico free trade agreement.

I wanted to say a few words about the government's motion relating to the pre-study of Bill C-4, which, of course, is CUSMA in its shortest form, at least in Canada. It's USMCA in the United States and T-MEC in Mexico.

• (1520)

Honourable colleagues, this is an extremely important matter. It is not just about vetting and passing this motion expeditiously, but getting CUSMA done. It is also important for the Senate to demonstrate that we are moving forward, and we have the national interest as top of mind.

As Senator Gold said yesterday on the issue of temporarily reconstituting a committee from the last Parliament, there is a precedent for this as recent as the Finance Committee being reconstituted in December for the supplementary estimates. Of course, there is also a precedent for pre-studies themselves, for example, with budget implementation acts and other important bits of legislation.

Canadian workers and businesses of all kinds are looking for certainty and predictability in their trading patterns in North America. They want to put the turmoil of the negotiations behind them. I think it's crucial that we vote to approve this motion quickly, so we can be ready to do our work in this chamber when we receive Bill C-4 from the other place.

I read carefully the debates from committee in the House of Commons, and it seems there has been agreement on a fairly short timeline. I submit that we should be ready in this chamber to move forward.

Ratifying CUSMA quickly has been called for by the Council of the Federation, all 13 premiers of all political stripes, business groups, leaders, labour, farmers and Canadians themselves. This is not a political issue; it is a Canadian issue, and it is very important. Thank you.

(On motion of Senator Martin, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Pettilerc, for the second reading of Bill S-208, An Act to amend the Criminal Code (independence of the judiciary).

Hon. Tony Dean: Honourable colleagues, I rise to speak to Bill S-208, An Act to amend the Criminal Code (independence of the judiciary).

Among other important things, this bill would amend the Criminal Code to give the court discretion to vary the punishment to be imposed in respect of an offence for which the punishment or different degrees or kinds of punishment is prescribed.

I join many colleagues in supporting this bill. This matter was brought to us in this chamber in the last Parliament, and I'm happy to see Senator Pate continue the debate with the re-introduction of this bill. I would like to thank Senator Pate for her diligent work in this area and the wealth of information she has kindly provided to us over the course of the last two Parliaments.

We know that criminalization causes significant social harm to individuals and their families and, as the Law Reform Commission of Canada has pointed out, longer sentences with harsher penalties are not an effective means of preventing crime.

In fact, the evidence suggests that individuals serving custodial sentences, which include time in prison, are more likely to repeat offend than those serving non-custodial sentences that mandate community-based options.

In Ontario alone, the rate of recidivism within two years of completing a prison sentence of six months or more was 35% between 2014 and 2015. While that rate has been consistently dropping over the last decade, community-based sentences with a focus on intervention and rehabilitation showed a recidivism rate of only 20% during that same year.

Mandatory minimum penalties, or MMPs, limit judges in their ability to be more lenient when sentencing in appropriate cases. They do not allow for community-based sentencing. If an individual is convicted, a mandatory minimum means time in prison that not only increases the social and mental risks of harms to the inmate but is more costly than alternative sentencing that focuses on rehabilitation.

According to Statistics Canada, in 2015-16, the federal government spent \$4.6 billion on corrections and 70% of that went toward incarceration, showing that mandatory minimums not only constitute cruel and unusual punishment, as stated by the Supreme Court in *R. v. Nur* in 2013, they also create unnecessary expenses.

Bill S-208 would restore judicial discretion in sentencing on all crimes that have mandatory minimum penalties attached to them, of which there are more than 60.

I would like to elaborate on a couple of penalties I find particularly interesting, if not troubling.

Not long ago, there were mandatory minimum penalties applied to the possession of cannabis. In 2016, more than half of all drug offences — nearly 55,000 offences reported to police — were cannabis-related, and 81% of those cannabis offences were for possession, which resulted in approximately 23,000 cannabis-related charges being laid, with 76% of them being related to cannabis. The maximum penalty for simple possession on indictment is five years less a day.

These penalties continue for the possession of Schedule I drugs, including cocaine, heroin and methamphetamine. Just possession. Such actions could result in one to two years in prison.

I would like to remind senators that on average, it costs over \$162,000 to incarcerate one prisoner per year. For women, this number is almost three and a half times higher. It is estimated this costs approximately \$533,000 annually for one female inmate.

It is important to remember that we have an overrepresentation of racialized and Indigenous groups in prison already. In 2017-18, Indigenous youth made up almost half, 48%, of youth admissions to custody in the nine reporting jurisdictions, excluding Nova Scotia, Quebec, Alberta and Yukon, while representing 8% of the total Canadian youth population.

According to recent data from the Office of the Correctional Investigator, OCI, Indigenous women make up 42% of all women in federal prisons. We must consider these statistics and recognize that MMPs disproportionately affect Indigenous and racialized Canadians, resulting in more social harms and barriers for minority groups.

The threat of incarceration does not deter drug use or address the harms of addiction. Imposing mandatory jail time for possession of illicit drugs is not an effective method of deterrence. As Senator Pate has told us in the past, individuals with significant mental health issues are also among those who are disproportionately affected by MMPs. The recidivism rates I spoke about earlier rather suggest that a public health approach to the issue, including the use of alternative sentencing focusing on rehabilitation and not punishment, is a more effective means of helping the individual with their addiction and keeping them out of prison.

It goes the other way too. For crimes that have MMPs attached to them, prosecutors are encouraged to accept guilty pleas in order to avoid harsher penalties. Critics have stated that this results in individuals being convicted of offences that do not correspond to the offence actually committed. For example, some might plead guilty to manslaughter, even though the facts disclose that it was intentional. Judicial discretion would ensure that the sentence is appropriate to the crime and to the individual's situation.

This is an issue that has received significant study and criticism. In fact, the Supreme Court of Canada in *R. v. Nur* has stated that:

Empirical evidence suggests that mandatory minimum sentences do not, in fact, deter crimes . . .

In *R. v. Lloyd*, the majority decision of the Supreme Court noted that:

. . . mandatory minimum sentence provisions that apply to offences that can be committed in various ways, under a broad array of circumstances and by a wide range of people are constitutionally vulnerable.

Some penalties have already been struck down for being incompatible with the Charter, such as in *R. v. Nur*.

• (1530)

Honourable senators, Bill S-208 does not eliminate mandatory minimum penalties. Judges would still be able to impose the sentence required by the MMP — or even a harsher sentence — if they find that to be the appropriate course of action. Giving judges a discretion to impose a different sentence will, I believe, ensure that justice is being done and that the sentence corresponds to the crime.

I hope you will join me in supporting Bill S-208. I look forward to a fulsome study and more debate on the subject. Thank you.

(On motion of Senator Duncan, for Senator Forest-Niesing, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE FUTURE OF WORKERS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lankin, P.C., seconded by the Honourable Senator Gagné:

That the Standing Senate Committee on Social Affairs, Science and Technology, when and if it is formed, be authorized to examine and report on the future of workers in order to evaluate:

- (a) how data and information on the gig economy in Canada is being collected and potential gaps in knowledge;
- (b) the effectiveness of current labour protections for people who work through digital platforms and temporary foreign workers programs;
- (c) the negative impacts of precarious work and the gig economy on benefits, pensions and other government services relating to employment; and
- (d) the accessibility of retraining and skills development programs for workers;

That in conducting this evaluation the committee pay particular attention to the negative effects of precarious employment being disproportionately felt by workers of colour, new immigrant and indigenous workers; and

That the committee submit its final report on this study to the Senate no later than April 7, 2022.

Hon. Tony Dean: Honourable senators, I rise today to support Senator Lankin's motion that the Standing Senate Committee on Social Affairs, Science and Technology study and report on the future of workers, with an emphasis on precarious work, the gig economy and temporary foreign workers.

I congratulate Senator Lankin on this timely and relevant motion. Getting this study in the hands of a committee would ensure a planned, well-organized and transparent study on issues that are relevant to all Canadians.

Honourable senators, we know that the nature of work in Canada and around the globe is changing. This is creating opportunities but also challenges. More recently, the rise of

online digital platforms is making it much easier for people to engage in this new economy, whether on a full-time, part-time or supplementary basis.

Traditional employee and employer relationships are being challenged, as are the legislative and regulatory frameworks we have in place to protect workers. Today I want to focus in particular on the gig economy.

Some observers, including the Montreal Economic Institute, argue that the advantages of a gig economy for workers and employers far outweigh the downsides, and given this assumption governments and regulators should take a “hands-off” approach.

At the same time, others are advocating for the extension of the reach of existing labour regulation, or variations of it, to the growing numbers of vulnerable workers. Those of us who have witnessed the worst aspects of unequal power in workplaces understand how important these protections are.

A first step though will be achieving a better understanding of the nature of the opportunities and challenges associated with the rapidly changing nature of work, and this is why Senator Lankin’s proposal is so important.

Colleagues, we see the structure of work changing in front of our eyes. Every time we get into an Uber or Lyft vehicle or have a meal delivered at home, we’re receiving a service performed by a gig worker. The same is true for the large numbers of people engaged in a broad range of digitally enabled service delivery, from taking pizza orders to parcel delivery, to digital design, video and music production.

A December 2019 Statistics Canada study found that 1 in every 10 Torontonians is now a gig worker. The number of gig workers participating in the economy increased by 70% in Canada between 2005 and 2016.

Traditional notions of who is considered to be an “employee” for purposes of labour regulations are challenged in the gig economy, and, indeed, so are jurisdictional boundaries. So a clear understanding of the nature of this work is central to understanding whether and how regulation is necessary and practical.

“Precarious work” and “gig work” are often used interchangeably. Both refer to work arrangements that are less structured and non-traditional, often by way of a short-term contract with a firm or individual to complete a specific task or to work for a specific period of time for which the worker is paid a negotiated fee, but there are differences between the two.

Precarious work is always associated with low pay, poor working conditions and few opportunities to gain skills and experience that would lead to better work. It can be temporary or longer term, but it is by its nature precarious. To some extent, in contrast, gig work is almost always a short-term arrangement. In many cases, the income of gig workers is low, however, high-earning contractors can also be considered to be gig workers. And gig work is increasingly facilitated by the use of online digital platforms such as Uber or SkipTheDishes, and can include work from home in areas of digital design. In short, gig work is

characterized by the short-term arrangements that are often enabled by or dependent on the internet. Gig work is not always precarious, but it often can be.

Defining gig work is important because it helps us characterize the nature of employment relationships, such as who is an “employee” as opposed to an “independent contractor” within the meaning of labour laws, and it therefore informs consideration of potential regulatory options. However, the law determining who is an employee is becoming increasingly complex.

For some employers in the gig economy, the classification of workers as independent contractors is key to the profitability of their business models. It drives down costs because workers not classified as employees are excluded from basic statutory entitlements, such as access to Employment Standards’ protections, which include notice, severance and overtime provisions. The absence of those protections for workers, of course, is the obvious flip side of this equation.

The definitions associated with the legal status of workers are being tested in several jurisdictions, including in Ontario, California and the European Union. California has seen these issues tested in the courts and has recently enacted legislation to define more closely what constitutes an employee. As of January 1, 2020, California Assembly Bill No. 5, or AB-5, now places the onus on employers as opposed to employees to prove the status of employees using the revised criteria, as opposed to workers being required to do this.

Changes to Part III of the Canada Labour Code, introduced in the 2018 Budget Implementation Act, would prohibit employers from misclassifying employees in order to avoid their obligations with respect to labour standards, and instead place the burden of proof on the employer to demonstrate that the individual is not their employee. Legislative changes such as these are incremental, but they are just a start.

Alongside complexities in defining emerging forms of employment relationships are important questions about jurisdiction. Ubiquitous access to the internet and the explosion of digital platforms has seen the gig economy expand globally, which presents additional challenges for regulators.

An important feature of the internet-based gig economy is its reliance on direct transactions between workers and consumers, facilitated by a digital infrastructure. While this provides important opportunities for gig workers to provide services directly to consumers, questions are arising about the relationship between workers and the digital platforms which provide them access to gigs.

• (1540)

A good example of this sort of issue arose in *Heller v. Uber Technologies Inc.*, referred to briefly by Senator Lankin yesterday. In this case, David Heller of Ontario was a registered Uber driver and launched a class-action lawsuit in 2019, arguing that Uber misclassified him as an independent contractor, while he considered himself an employee of the company.

Before the suit could proceed, Uber contested his ability to launch the lawsuit, because when Uber drivers register with the company they agree to settle disputes through an arbitration process. This sounds fair enough on its face. However, it turns out that this arbitration process is required to be processed and heard in the Netherlands, at a cost of over \$14,000 to initiate. Not surprisingly, an Ontario Court of Appeal judge has ruled that this arbitration clause is unconscionable at common law and would make this clause invalid under the Arbitration Act. Uber has since appealed this decision to the Supreme Court, and a decision is forthcoming.

Honourable senators, I raise this case because it touches on issues associated with defining employment relationships in the gig economy, the complexities arising from gig work that is mediated by and dependent on digital platforms and the offshoring of dispute resolution mechanisms which can essentially put those mechanisms out of reach of workers. Along with other areas of study, these are matters that would benefit from our consideration of the changing nature of our economy and its impact on work. This study would also present an opportunity to explore potential solutions for the significant social impacts the gig economy is having on various communities.

According to a Statistics Canada study this past December, workers at the lower end of annual income distribution are about twice as likely to be involved in gig work in relation to other workers. Low-income workers, comprising nearly half of all gig workers, are particularly vulnerable and are more likely to experience unfair treatment by employers. One possible approach receiving widespread attention is the potential establishment of a basic living wage. This would permit vulnerable workers like new Canadians, young people and women, all who participate most in the gig economy, to have more choices in how and where they work.

Second, I would like to see this study consider options for better, stronger and, perhaps, entirely different employment protections, with an emphasis on finding a sensible balance between the interests of employers and the interests of workers.

Third, as recommended by Senator Lankin, the proposed study should consider opportunities for training and skills development, including more resources and more timely coordination of education and skills development with growth areas of the economy, potentially crossing over to the sort of study that was spoken about earlier. A better matching of skills and training for growing industries would help us positively influence the future of work, improve job choices and support every region's economy.

The Senate of Canada is obligated to protect our most vulnerable populations, including workers who are at the bottom of the pay scale, subject to poor working conditions and working on short-term contracts. They are dependent on us for help.

I commend Senator Lankin for promoting this important and timely study, and I encourage you all to support this motion. Thank you.

Hon. Pierrette Ringuette: Senator Dean, I really appreciate your comments. I believe — and I would like to have your comment on this — the gig economy and gig employees or

workers — I find there are different sections, some that would be under the provincial jurisdiction of labour law and some that would be within federal jurisdiction. If a certain gig employee was working at a call centre across Canada, then I believe the jurisdiction of that job would be federal. Not only is it the scope of the territory, but also the tool that is being used that is under the jurisdiction of the Government of Canada. I would like to have your opinion as to whether that will also be included in the scope of the study.

Senator Dean: Thank you. I would like to think that it is going to be included in the scope of the study. We know, because we've discussed it many times in this place, that labour law has both a federal perspective under the Canada Labour Code and also under the sweep of provincial labour codes.

One thing that I would certainly want the study to look at is relatively recent legislation in Ontario, introduced by the previous government, that was based on an in-depth study of the future of work by a couple of labour lawyers, one from the employer side and one from the union side. This led to the introduction of some very interesting and novel protections in Ontario labour law that spoke to the sorts of employees that we're talking about. That included things like reasonable notice of changes to work hours and tackling the issues of things like zero-hours contracts.

The key provisions of that legislation were, unfortunately, repealed by the current government in Ontario. Governments do this, they pass legislation and repeal legislation, and that is absolutely fine. But I do think that there are things we could look at in those legislative changes and the terrific and in-depth study that gave rise to them. You've raised an important question, and I think we should look into it jurisdictionally, as broadly and as deeply as we can, and I think we're going to have to do that if we're going to find ways to wrap our arms around what is a very complex set of issues.

The Hon. the Speaker: Senator Dean, your time has expired but I believe Senator Deacon would like to ask a question. Are you asking for five more minutes to take another question?

Senator Dean: Certainly.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Colin Deacon: Senator Dean, I wanted to ask this question of Senator Lankin last night; not that you're second-best, but I would love to have your perspective on this. An important part of our economy is made up of entrepreneurs who are very much precarious workers. Entrepreneurs are building businesses and creating future wealth and jobs, and I know firsthand that often the last person to get paid is the person who is building the business and who has the most on the line.

I think that how we respond to that in our society is really important, because that is the creation of salaried positions. It is getting people from the temporary microcontract economy back into salaried positions and creating those jobs and opportunities. I

would like to see where your thoughts are on including entrepreneurship as part of the precarious workforce in this country that needs to be supported and understood.

Senator Dean: I can attest to the fact that I'm second-best to Senator Lankin because I worked for her as a public servant in Ontario. It's a terrific question. I talked about definitions earlier. Going into this study, which I hope gets traction and is supported, definitions are awfully important because they can constrain the scope of these studies.

Many of these things are one-time opportunities to get to a committee and go deep and broad. Knowing the Senate and our committee structure, I would expect there would be fulsome discussions on the scope of this. A precarious worker in Canada is a precarious worker in Canada, and we have to recognize that.

(On motion of Senator Martin, debate adjourned.)

• (1550)

ARCTIC ISSUES

INQUIRY—DEBATE

On the Order:

Resuming debate on the inquiry of the Honourable Senator Bovey, calling the attention of the Senate to the need to renew and further its interest in Arctic issues.

Hon. Mary Coyle: Honourable senators, I rise to speak to Senator Bovey's inquiry that calls upon the Senate to renew and further our interest in Arctic issues and to support her suggestion that we consider establishing a committee of some complexion — probably a special Senate committee — to continue the important work that was initiated by the Special Senate Committee on the Arctic in the previous Parliament.

The committee's report, *Northern Lights: A wake-up call for the future of Canada*, provided a good starting point to the Senate of Canada's engagement on Arctic matters. However, as any of the committee's members will attest, we were really just starting to scratch the surface on this critically important and very diverse region of our country. The committee, which was launched on the recommendation of former Senator Charlie Watt from Nunavik, ended up making 30 recommendations on matters ranging from healthy economies, culture, science, Indigenous knowledge and environmental conservation to the Arctic in a global context.

Our colleague Senator Patterson capably chaired the committee after Senator Watt retired from the Senate to return to Makivik Corporation. The idea was to relate to and influence Canada's Arctic and Northern Policy Framework, which came out last September, three months after the Senate committee report came out.

I rise today to contribute to this inquiry as a member of that Special Senate Committee on the Arctic, which looked at the significant and rapid changes in the Arctic and impacts on its original inhabitants. I also rise as a person with a keen interest in

the Arctic, partially due to having family connections in Nunatsiavut, Nunavut and now in the Yukon. And I rise as a professional in rural community development, as a Canadian committed to reconciliation with our Indigenous neighbours and as someone who appreciates the strength and potential of Arctic peoples and their territories.

Earlier this session, when I introduced an inquiry on pathways to meet Canada's net-zero emissions targets, you heard me refer to Canada as an Arctic nation and to the fact that much of the Arctic is Indigenous land. I also described the Arctic as the Earth's air conditioner.

Nunavik's Sheila Watt-Cloutier, former International Chair of the Inuit Circumpolar Council and author of *The Right to be Cold*, reinforces this. She said:

The ice is our life source. It is a giving nurturing mother energy. It is our university, it is our supermarket and the ice is about the health and wellbeing of an entire people who live at the top of the world.

She also writes:

For the Inuit, ice is much more than frozen water, it is our highways, our training ground and our life force. It's something we thought of as permanent as mountains and rivers in the south. But, in my generation, the Arctic sea ice and snow, upon which we Inuit have depended for millennia, is now diminishing.

She goes on to say:

If you protect the Arctic, you save the planet. . . .

This is not Las Vegas.

. . . what happens in the Arctic does not stay in the Arctic. Everything is connected through our common atmosphere, not to mention our common spirit and our common humanity.

Fellow Nunavik leader, former President of the ITK and more recently Minister of Indigenous and Northern Affairs Special Representative on the Arctic, Mary Simon, published her report in 2017 on a new Shared Arctic Leadership Model. In the report, Mary Simon said:

I heard repeated accounts of the impact of a warming Arctic on food security, infrastructure, housing, and safety on the land and sea. The message was very clear: an adaptation strategy and implementation plan for the Arctic must become a national priority within Canada's climate change commitments.

While visiting Iqaluit in September 2018 with the special Senate committee, we heard first-hand from members of the Chamber of Commerce about the complex and serious effects of climate change on safe drinking water supply for that community. With changes in precipitation patterns, the level of the lake that was the source of drinking water had gone down significantly. Water was scarce. To add insult to injury, the permafrost on which the above-ground utilidor, which carried

and distributed the water throughout the community, was melting. This caused the utilidor to buckle and break in some places, resulting in the loss of the already preciously scarce water. That's a double whammy for that community. In the Northwest Territories, we heard about people's homes falling into the sea. In the Yukon, we heard about the growing dangers of wildfires.

I could go on for days about the calamitous climate change impacts across the Arctic, as the imperatives for mitigation, resilience and adaptation are urgent, but it's important to mention other Arctic priorities as well.

Aluki Kotierk, President of Nunavut Tunngavik Inc., Nunavut's land claims organization, recently wrote to me in an email:

I am glad to hear that you are working to revive the special committee on the Arctic. The Arctic is part of Canada. It has the longest Canadian coastline and has an incredibly deep imprint on the Canadian identity. Inuit have contributed as human flagpoles to Canadian sovereignty and Canada takes pride in symbols of identity that come from Inuit culture, such as the inukshuk, kayak, etc.

She continues:

Inuit are Canadians, yet the social determinants of health indicate that Inuit fall far below other Canadians in terms of food security, high school graduation, health access, employment numbers, etc. and are much higher in terms of suicides completed, incarceration, violence, etc. This requires special attention to be able to address these issues face on and ensure that all Canadians are able to enjoy the same standards.

We know that seven out of ten Inuit children go to bed hungry every night and so we need to see the growth in economy translate into the pockets of Inuit.

Another Arctic woman leader, Caroline Cochrane, Premier of the Northwest Territories, said:

I came to the table looking at not only what we could do for the North, but also what the North can do for the rest of Canada.

Colleagues, as mentioned earlier, we have the new Canada's Arctic and Northern Policy Framework. This framework was informed by Canada's commitment to the United Nations' 2030 Agenda for Sustainable Development and has the same time frame — that is, 10 years from now.

The eight goals and related 67 objectives spelled out in the framework will guide the federal government's investments and activities over the next 10 years. These include the following: nurture healthy families and communities; invest in the energy, transportation and communications infrastructure that Northern and Arctic governments, economies and communities need; create jobs, foster innovation, and grow Arctic and Northern economies; support science, knowledge and research that is meaningful for communities and for decision-making; face the effects of climate change and support healthy ecosystems; ensure that Canada and our Northern and Arctic residents are safe, secure and well defended; restore Canada's place as an international Arctic leader; advance reconciliation; and improve relationships between Indigenous and non-Indigenous people.

The Hon. the Speaker: I'm sorry, Senator Coyle. I will have to interrupt you now, given that it is now 4 p.m.

(At 4 p.m., pursuant to the order adopted by the Senate on February 5, 2020, the Senate adjourned until 1:30 p.m., tomorrow.)

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