



MINUTES OF PROCEEDINGS

OTTAWA, Thursday, November 5, 2020

(4)

[English]

The Standing Committee on Internal Economy, Budgets and Administration met by videoconference this day at 11:03 a.m., the Chair, the Honourable Sabi Marwah presiding.

Members of the committee present by videoconference: The Honourable Senators Carignan, P.C., Dean, Downe, Dupuis, Forest, Forest-Niesing, Gagné, Jaffer, Marshall, Martin, Marwah, Moncion, Munson, Saint-Germain, Seidman and Tannas (16).

Other senator present by videoconference: The Honourable Senator Dalphond (1).

In attendance by videoconference: Pascale Legault, Chief Corporate Services Officer and Clerk of the Standing Committee on Internal Economy, Budgets and Administration; Richard Denis, Interim Clerk of the Senate and Clerk of the Parliaments and Chief Legislative Services Officer; Philippe Hallée, Law Clerk and Parliamentary Counsel; senior Senate officials and other support staff.

Also present: The official reporters of the Senate.

WITNESSES:

Senate of Canada:

Vanessa Bastos, People, Culture and Inclusion Lead, Human Resources Directorate;

Nathalie Charpentier, Comptroller and Deputy Chief Financial Officer, Finance and Procurement Directorate;

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

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

Ernst & Young LLP:

Suzie Gignac, Engagement Quality Review Partner;

Niguel Givogue, Manager, Assurance Services.

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

The Chair made a statement.

The Chair introduced all senators that were present.

CIBA/2020-11-05/041(P) — Adoption of *Minutes of Proceedings* from October 8, 2020

The Honourable Senator Marshall moved:

That the *Minutes of Proceedings* of Thursday, October 22, 2020, be adopted.

The question being put on the motion, it was adopted on the following vote:

YEAS

The Honourable Senators

Carignan, Dean, Downe, Dupuis, Forest, Forest-Niesing, Gagné, Jaffer, Marshall, Martin, Marwah,
Moncion, Munson, Saint-Germain, Seidman, Tannas — [16]

NAYS

NIL

ABSTENTIONS

NIL

CIBA/2020-11-05/042(P) — Reports from the Audit Subcommittee

a) Financial Statements

The Chair of the Audit Subcommittee, the Honourable Senator Downe, presented the fourth report of the subcommittee as follows:

Thursday, November 5, 2020

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

FOURTH REPORT

(Intersessional Authority)

Your subcommittee has approved the Financial Statements of the Senate of Canada for the year ended March 31, 2020. The audit was conducted in accordance with Canadian

generally accepted auditing standards by the professional services firm of Ernst & Young LLP.

The audit resulted in an unqualified auditor's report indicating that the financial statements present fairly, in all material respects, the financial position of the Senate of Canada as at March 31, 2020 and the results of its operations and cash flows in accordance with Canadian public sector accounting standards.

Your subcommittee recommends that these financial statements be tabled in the Senate.

Respectfully submitted,

PERCY E. DOWNE

Chair

The Honourable Senator Downe, Pierre Lanctôt and Suzie Gignac each made a statement.

Pierre Lanctôt and Suzie Gignac answered questions.

After debate, the Honourable Senator Downe moved:

That the report be adopted and that the Financial Statements be tabled in the Senate.

The question being put on the motion, it was adopted on the following vote:

YEAS

The Honourable Senators

Carignan, Dean, Downe, Dupuis, Forest, Forest-Niesing, Gagné, Jaffer, Marshall, Martin, Marwah,
Moncion, Munson, Saint-Germain, Seidman, Tannas — [16]

NAYS

NIL

ABSTENTIONS

NIL

At 11:17 a.m., the committee suspended.

At 11:18 a.m., the committee resumed in camera, pursuant to rule 12-16. (1).

At 11:23 a.m., the committee suspended.

At 11:26 a.m., the committee resumed in public.

b) Quarterly Financial Report

The Chair of the Audit Subcommittee, the Honourable Senator Downe, tabled the fifth report of the subcommittee as follows:

Thursday, November 5, 2020

The Audit Subcommittee of the Standing Committee on Internal Economy, Budgets and Administration has the honour to table its

FIFTH REPORT

(Intersessional Authority)

Your subcommittee received the financial highlights for the first quarter for the fiscal year 2020-21. Accordingly, your subcommittee has approved and now tables the Quarterly Financial Report of the Senate of Canada for the quarter ended June 30, 2020.

Respectfully submitted,

PERCY E. DOWNE

Chair

The Honourable Senator Downe made a statement and, together with Pierre Lanctôt, answered questions.

CIBA/2020-11-05/043(P) — Public Accounts for Fiscal Year 2019-20

Pierre Lanctôt made a statement on the Senate Public Accounts for the fiscal year 2019-20.

CIBA/2020-11-05/044(P) — Request for Proposal for Moving Services

Pierre Lanctôt made a statement and answered questions on a request to proceed with a competitive process to establish a standing offer agreement with a long-distance moving service provider.

CIBA/2020-11-05/045(P) — Request for Proposal for the Employee and Family Assistance Program

Vanessa Bastos made a statement and answered questions on a request to launch a request for proposals process to establish a contract with a specialized firm that will provide the Senate with Employee and Family Assistance Program ("EFAP") services.

CIBA/2020-11-05/046(P) — Report from the Subcommittee on Human Resources — Health and Safety Policy Committee

The Chair of the Subcommittee on Human Resources, the Honourable Senator Saint-Germain, presented the sixth report from the Subcommittee on Human Resources as follows:

Thursday, November 5, 2020

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

SIXTH REPORT

(Intersessional Authority)

In July 2019, amendments to the *Canada Labour Code* (CLC) and to the *Parliamentary Employment and Staff Relations Act* (PESRA) came into force, thereby making all parliamentary employers, including the Senate, subject to the federal health and safety framework under Part II of the CLC. Further amendments to the CLC will come into force in the coming months to expand the concept of workplace injuries and illnesses beyond physical health and safety to include occurrences of harassment and violence, as well as psychological injuries and illnesses occurring in the course of employment.

As noted in your subcommittee's Fifth Report, tabled before the Standing Committee on Internal Economy, Budgets and Administration (CIBA) on October 22, 2020, the proposed *Policy on the Prevention and Resolution of Harassment in the Senate Workplace* (the 2020 Policy) presented to the Senate during the last session of Parliament is currently being reviewed by your subcommittee to ensure its compliance with the *Work Place Harassment and Violence Prevention Regulations* (the Regulations). The Regulations are expected to come into force on January 1, 2021.

As required by the Regulations, the Senate's Policy Health and Safety Committee (the Policy Committee) — a committee composed of employees and employer's representatives — will be involved in this process. Specifically, the Regulations require that a work place assessment be conducted jointly by the Policy Committee and the employer in order to identify risk factors that contribute to harassment and violence in the work place. Subsequently, the policy on the prevention and resolution of harassment and violence must be jointly developed by the employer and the Policy Committee.

For the purposes of Part II of the CLC, CIBA represents the "employer" for all staff of the Senate, including senators' staff and employees of the Senate Administration.

As explained below, in light of the critical role played by the Policy Committee in conducting the work place assessment and developing the policy on the prevention and resolution of harassment and violence, your subcommittee is of the view that the reporting structure of the Policy Committee warrants reconsideration.

THE POLICY COMMITTEE

A. Mandate of the Policy Committee under the CLC

Section 134.1 of the CLC requires all federally regulated employers with over 300 employees to establish a Policy Committee. Under the CLC, the Policy Committee plays an active role in matters relating to occupational health and safety (including harassment and violence prevention). Specifically, subsection 134.1(4) of the CLC provides that the Policy Committee shall:

- (a) participate in the development of health and safety policies and programs;
- (b) consider and expeditiously dispose of matters concerning health and safety raised by members of the committee or referred to it by a work place committee or a health and safety representative;
- (c) participate in the development and monitoring of a program for the prevention of hazards in the work place that also provides for the education of employees in health and safety matters;
- (d) participate to the extent that it considers necessary in inquiries, investigations, studies and inspections pertaining to occupational health and safety;
- (e) participate in the development and monitoring of a program for the provision of personal protective equipment, clothing, devices or materials;
- (f) cooperate with the Labour Minister;
- (g) monitor data on work accidents, injuries and health hazards; and
- (h) participate in the planning of the implementation and in the implementation of changes that might affect occupational health and safety, including work processes and procedures.

The Policy Committee is not a parliamentary committee or subcommittee. It is required to be established by the CLC and is composed of employees and employer representatives. It is mandatory under the CLC for the Senate to have a Policy Committee.

B. Composition of the Policy Committee under the CLC

As mentioned above, the Policy Committee is composed of both employees and employer representatives. Section 135.1 of the CLC requires that at least half of the members of the Policy Committee must be employees who do not exercise managerial functions. The CLC and regulations made under it entitled the Policy Committees, Work Place Committees and Health and Safety Representatives Regulations further provide that employee representatives must be selected by their unions (if unionized) or their peers if unrepresented.

The remaining members of the Policy Committee may represent the employer. The employer has the discretion to select its representatives for the purposes of the Policy Committee.

C. Current membership of the Policy Committee in the Senate

The Senate has had a Policy Committee in place for some time. When parliamentary employers became subject to Part II of the CLC in July 2019, the existing Policy Committee, heavily inspired by the requirements of the CLC but created under the Senate's then Policy on Occupational Health and Safety, was continued for the purposes of the Code while the

Senate Administration prepared a new occupational health and safety policy and processes to ensure the Senate's compliance with Part II of the CLC.

The Policy Committee is currently composed of:

- two Senate Administration managers (currently the Chief Human Resources Officer and the Director of Building Operations and Asset Management);
- two union representatives;
- one unrepresented employee of the Senate Administration; and
- one senator employee (currently vacant).

As required under the statutory framework the Policy Committee is co-chaired by an employer and an employee representative. The co-chairs are currently Diane McCullagh (Chief Human Resources Officer) and Mark Palmer (committee clerk).

D. Reporting Relationship

Under section 9 of the Policy Committees, Work Place Committees and Health and Safety Representatives Regulations, on or before March 1 of each year, the Policy Committee must submit to the Labour Minister an annual report of the committee's activities during the 12-month period ending on December 31 of the preceding year. These obligations are new for the Senate, as it became subject to the CLC in July 2019.

Under the Health and Safety Policy Committee Charter currently in place, the Policy Committee must first report on its activities and on disputes it cannot resolve to the Executive Committee. Given the new reporting requirements, CIBA's role as the employer for the purposes of Part II of the CLC and the increased role played by the Policy Committee with respect to the prevention and resolution of harassment and violence in the Senate work place, your subcommittee is of the view that the reporting structure should be reconsidered to ensure CIBA's involvement.

RECOMMENDATIONS

Accordingly, your subcommittee recommends:

That the Policy Committee continue to report to the Executive Committee and that, as a member of the Executive Committee, the Law Clerk and Parliamentary Counsel report from time to time on the Policy Committee's activities to your subcommittee. The Chair of this subcommittee will report to CIBA as required.

Respectfully submitted,

RAYMONDE SAINT-GERMAIN

Chair

The Honourable Senator Saint-Germain made a statement and answered questions.

After debate, the Honourable Senator Saint-Germain moved:

That the report be adopted.

The question being put on the motion, it was adopted on the following vote:

YEAS

The Honourable Senators

Carignan, Dean, Downe, Dupuis, Forest, Forest-Niesing, Gagné, Jaffer, Marshall, Martin, Marwah,
Moncion, Munson, Saint-Germain, Seidman, Tannas — [16]

NAYS

NIL

ABSTENTIONS

NIL

At 12:03 p.m., the committee suspended

At 12:05 p.m., the committee resumed in camera, pursuant to rule 12-16. (1).

At 1:02 p.m., the committee adjourned to the call of the chair.

ATTEST:

Pascale Legault

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

Gérald Lafrenière

Recording Secretary