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# **Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities**

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**Chair**

**Mr. Phil McColeman**



## Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

Tuesday, October 21, 2014

● (1100)

[English]

**The Chair (Mr. Phil McColeman (Brant, CPC)):** Good morning, ladies and gentlemen, and welcome. This is meeting number 32 of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. Today is Tuesday, October 21, 2014. We are here to study a private member's bill, Bill C-591, An Act to amend the Canada Pension Plan and the Old Age Security Act (pension and benefits).

We have a three-part meeting today. For our first half-hour we are joined by the mover of Bill C-591, Mr. David Van Kesteren, member of Parliament for Chatham-Kent—Essex.

Before we pass it over to you, Mr. Van Kesteren, I do have two brief announcements to make. It's with a little bit of sadness but also some joy that I announce that Caroline Bosc, our clerk, will be moving on to a new role in the future. We will have a new clerk. I was informed of this yesterday. Caroline's going to the journals branch, as I understand it. It's an exciting new role for her, but we certainly will miss her. Her service to this committee has been exemplary, in my opinion.

**Some hon. members:** Hear, hear!

**The Chair:** Jinny.

**Ms. Jinny Jogindera Sims (Newton—North Delta, NDP):** I would like to take a minute just to add my appreciation for the work that you've done for this committee. I've really appreciated all your contributions and the very professional way you've dealt with all of us at times. We're not an easy group when we get in this room, to say the least, but we wish you the very, very best in your new venture—although I do think the chair should use his power to veto or block this. I do wish you, on behalf of the rest of us, joy in your new venture.

**The Clerk of the Committee (Ms. Caroline Bosc):** Thank you.

**The Chair:** Now I will mention that Caroline will be here with us probably until we get through these two private members' bills. That's the tentative plan at this point, anyway, unless something changes in the interim.

While we do this transition I'd like to welcome Philippe Méla, who is here helping out with the transition. He's a legislative clerk from the committees' legislative services part of the library. We welcome Philippe. You have a wonderful name, by the way—first name, that is.

**Some hon. members:** Oh, oh!

**The Chair:** Mr. Armstrong, would you like to say something?

**Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC):** I would just like to second what Jinny said. We've experienced a very professional, well-established, and terrific clerk over the last several months. We're very sorry to see you go but we wish you all the best. I know your parents would be very, very proud of you. Maybe someday they'll be calling you boss.

**The Chair:** Mr. Van Kesteren, this was not meant to upstage you at all with your private member's bill. Now we will move to you for your ten-minute presentation, sir.

**Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC):** Thank you, Chair. I might add that it's great to be upstaged in this particular circumstance. As well, I wish you the best in your new endeavours.

But that's not the reason I'm here, Mr. Chairman. I'm pleased to be here to speak to my member's bill, Bill C-591. It's truly an honour to have the opportunity to bring forward this bill. This bill is about restoring fairness in the pension system to ensure that murderers cannot benefit from their crimes. I believe all parties will support my proposal to amend the Canada Pension Plan and Old Age Security Act to deny survivor benefits to people convicted of murdering their spouse, common-law partner or parent. It's a terrible thing to suffer the horror of family violence, especially murder, but to have the added pain of seeing that murderer profit from their crime by collecting survivor benefits left by the victim is grossly unfair to grieving family, and repugnant to all Canadians. It was for this reason that I tabled Bill C-591 to prohibit people who murder their spouses or parents from being able to collect survivor benefits. These benefits include the OAS program's survivor's allowance and CPP's death benefit, child benefit, and survivor pension. The bill will render convicted murderers ineligible for these benefits. It would clearly set out the terms under which this policy will be applied. I have been informed that this bill will need some changes made to it to ensure that it's in sync with the rest of CPP and OAS legislation. The government will be proposing some technical amendments in this regard and I am supportive of those amendments.

I was honoured by the support from all sides in the House in debate of this bill at second reading. It was clear that we are all in agreement with regard to the basic intent of Bill C-591. However, during the debate a number of members voiced some legitimate concerns that this bill would not apply to individuals who are convicted of manslaughter. Members raised the case of a man who stabbed his spouse to death, was convicted of manslaughter on a plea bargain and subsequently collected CPP survivor benefits for 28 years. Mr. Chairman, this is not right and not within the intent of my original proposal. I indicated at the time that these concerns would be considered in committee and I'm pleased that this is happening today. At first I was reluctant to include manslaughter in the bill due to the fact that manslaughter includes a wide range of cases. Unlike first and second degree murder, there is no clear intent to kill with manslaughter. I don't think it's right to dis-entitle all individuals convicted of manslaughter in the death of a spouse or parent without exception. I think there's another way, a compromise approach, that is both consistent with the legitimate concerns members opposite raised and my original intention with this bill. Here's what I propose.

Manslaughter convictions would result in ineligibility in all cases except in those very rare instances when the courts decide that the circumstances of the crime do not warrant a punitive sentence or, in other words, when someone is convicted of manslaughter but does not receive jail time. Judges are qualified and equipped to assess the circumstances of these cases. A suspended sentence for manslaughter would signal an exceptional case in which the accused would retain their eligibility for survivor benefits. An example of an extreme case where a suspended sentence would be handed out is the situation in which the individual convicted of manslaughter had suffered a history of violent abuse from the victim and was considered by the judge to pose no continuing danger to society. The government will propose amendments in keeping with this compromise to include manslaughter in the bill. I hope this approach will address the concerns expressed by a number of members.

Fortunately, what we are dealing with in Bill C-591 is very rare. Death at the hand of family members is not common and those convicted are not always eligible for survivor benefits to begin with. In total, from 2002 to 2011, there were close to 700 spousal homicides or 70 victims a year throughout the country. The victims tend to be young women. Eighty per cent of victims were female versus 20 per cent male.

• (1105)

I am proceeding carefully, as is the government, to ensure that this bill is fair. I won't go over the details of the bill. They were covered in the House debate and are well known. But I will say that this bill will apply only to people who have been convicted rather than those who are charged with a crime.

I expect that victims organizations and family members will notify Employment and Social Development Canada of the need to disentitle a person to ensure that murderers are not able to benefit from their crimes. To help facilitate this, the government will engage directly with victims advocacy and stakeholder groups in regard to this issue.

The government has assured me that they can easily notify the department when someone has been convicted of first- or second-

degree murder or manslaughter of someone whose death would otherwise entitle them to CPP or OAS benefit. The minister has assured me that he will write to provincial justice ministers to ask them to notify the department whenever these convictions occur, to ensure that no one is profiting from their crime.

Mr. Chairman, this bill underscores our government's commitment to maintaining strong judicial principles. This proposed legislation will assure Canadians that we are taking strong action against criminals while continuing strengthening our justice system.

This concludes my remarks, Mr. Chair.

• (1110)

**The Chair:** Thank you, Mr. Van Kesteren.

Now we will move on to five-minute rounds.

Madam Sims.

**Ms. Jinny Jogindera Sims:** Thank you very much.

I want to thank David, my colleague across the way, for his presentation. I also want to thank him for keeping it brief, because I think we have a lot of agreement on this legislation.

But I do want to note, and I think all of us are aware of this, that this legislation, or legislation very similar to this, was first introduced by the NDP's Chris Charlton, who did a lot of work on this and is very passionate about this legislation. As we also know, her iteration of the bill included manslaughter as well. I just wanted to put that on the record.

Let me tell you that ending the ability of those who are convicted of murdering their spouse or parent to collect survivor benefits is something that we as New Democrats feel very strongly about and will very, very strongly support. That is why we had legislation calling for this change over three years ago. To us it is completely unacceptable that someone who is convicted of the murder or manslaughter of their spouse can profit in any way from that crime.

It actually doesn't even pass the "nod" test that we have out in our communities. I've actually had an opportunity to talk to a few people in my riding, where we've had a few heinous—I would say that's the only way to describe it—murders of women. In one of them, not only was she murdered but her remains were burned. It took quite a while, and at the end of it all it was the husband. I do remember that being the big topic of conversation, that he was going to now get benefits as a result of that.

The integrity of the Canada Pension Plan is enormously important to Canadians. We all know that. The very thought that someone convicted of spousal homicide, manslaughter, could derive a monetary benefit from such a heinous crime speaks to an issue of fundamental justice. There should be no reward, monetary or otherwise, for committing such crimes, absolutely none.

You as a sitting government have had the opportunity to introduce legislative changes at any time, so it is concerning for me—I have to put this on the record, particularly for those who are directly affected—that the Conservatives did not prioritize this issue and make these changes sooner. You knew you had our support. This isn't one of those where there was going to be a lot of opposition from people. My only regret is that I wish we had dealt with this three years ago, two years ago, so that we weren't having this conversation today.

First, Mr. Van Kesteren, why didn't the Conservatives prioritize this legislation? Why wasn't it included on your legislative agenda?

By the way, I'm not encouraging this, but I know how fond your government has been of omnibus bills that have many, many things in them that you love. Why, after three years from when this bill was first introduced by Chris Charlton, has it taken this long?

**Mr. Dave Van Kesteren:** Thank you to the honourable member for the questions.

Let me address, first of all, her remark that this bill was previously presented by the member for Hamilton Mountain, Chris Charlton. She's absolutely right. That was the case. It was tabled. However, no one has taken upon themselves to make this bill a reality. I chose to do that.

As to the reasoning for the government not taking up this bill, that's a very legitimate question and one she could legitimately bring up with the government. I'm not on record as speaking for the government, but I would suspect that, as is often the case, there is much legislation the government is occupied with.

Secondly, when I read the history of the CPP and OAS, it's a long, excellent history and a process that we're all very proud of as Canadians. However, for some reason we missed this very important point, and I'm glad that I'm able to bring it to the foreground and that we have consensus, that we all agree this is something that has to take place.

• (1115)

**The Chair:** Thank you very much.

We'll move on now to Mr. Armstrong, from the government.

**Mr. Scott Armstrong:** Thank you, Mr. Chair.

First off, I'd like to thank my colleague from Chatham-Kent—Essex for introducing this legislation and a common sense amendment to this piece of legislation. If you don't mind, I do have a couple of questions about the background to the bill.

You mentioned in your previous answer to the opposition member's question background to CPP and OAS and what the evolution of this legislation is. Could you expand a little bit on that and talk about the background of the OAS, and how it came about that you chose this bill and chose to make this the emphasis of your private member's legislation.

**Mr. Dave Van Kesteren:** Thank you for the question. I want to thank the member also for his interest in the history of OAS and GIS and Canada Pension Plan. I too am very passionate about those institutions.

Our forefathers just after the war recognized that there was a huge need to look after those people who had moved out of the workforce.

If we look at the history, and we think about what the circumstances were then, we had moved from an agricultural society heavily into manufacturing during the world war. After that time there was a change in culture, where on the farm it was expected and normal that parents were to be looked after by their children. However, that became increasingly difficult after that time.

So the government introduced OAS in 1952. There was a call for more, because originally it became very obvious that it was inadequate and that many people didn't have the opportunity to save for retirement.

In the sixties—I believe it was 1962—the next phase was introduced, and of course that was the CPP. CPP has evolved and has changed. GIS was introduced as the guaranteed income supplement in 1967. We've made a number of other changes—I believe we had some changes in 1987—and correctly noted at the end of the nineties that we had to make some more adjustments because of the demographics. There were more people retiring than entering the workforce—or that it would become the case at some point. We recognized that we had to make some more changes.

At that time the government of the day put into effect some provisions that would ensure that the system would continue. Then, of course, our government recognized that other changes needed to be made, and those changes were made, I believe, in 2009.

The point being is this: we have a system in place that is enviable, and within the world today it ranks among the top. I think we're number two. I don't suggest we need to stop; I think we need to continue to evolve. We need to continue to correct and make things better.

But as I said earlier in response to the last question, there was an omission made. It became evident through cases that there were benefits for those, when they were receiving those benefits, were passed on to their spouse or their children. Of course, the whole essence of this bill is to stop that ever happening in a case where there was a crime committed—murder, first-degree, second. We're hoping we can change that as well to manslaughter, so that would never be the case.

I hope that answers the honourable member's questions.

**Mr. Scott Armstrong:** Just to follow up, you talked about the history of the OAS, the CPP, and the GIS. Would you think that this was overlooked at the time? Maybe people didn't realize, of course, that we have situations in the country where people do murder their spouses, do murder their family members. Do you think it was more an oversight than an actual omission?

• (1120)

**Mr. Dave Van Kesteren:** Thank you for the question.

I think that's the case. We were so focused on the need. We were so focused on the work ahead, which was to prepare and to help those who are retiring, who were moving out of the workforce, it was just, as you said, an oversight. There was the possibility of a tremendous injustice if this weren't corrected.

**The Chair:** We will go on to Mr. Cuzner for five minutes.

**The Vice-Chair (Mr. Rodger Cuzner (Cape Breton—Canso, Lib.)):** Thanks very much, Chair. I don't think I'll need all five minutes.

Dave, I want to commend and congratulate you for bringing this forward, but I think it's valid that the question be asked, especially in the wake of Chris Charlton's bringing forward her bill four years ago. I'm sure anybody who was paying attention at that time would have seen it as a bit of a Homer Simpson moment as to how this could continue. I think you probably answered it before, that you don't answer on behalf of the government, but I'm just trying to get my head around why the government wouldn't have seized that opportunity to bring legislation forward.

I'll just throw that out to you.

**Mr. Dave Van Kesteren:** Thanks, Mr. Cuzner.

It's a legitimate question. I want to point out—and I did mention this to the honourable member from the NDP side—that I acknowledged the fact that it was brought up by the member for Hamilton Mountain, in my remarks and in the House and in my closing remarks. It's not something that is hidden. I think this bill is a consensus bill. That's why I was so intrigued and excited about taking it because I wanted to do something that we could collectively agree on. I'm somewhat reluctant to bring this up but I think it is important to say this as well. Although you're right that the government did miss this—and I think that, basically, in the fervour and the excitement of government, it was just a little point that was missed—I might add that it was on the docket so anybody could have grabbed this bill. I would say to that, the member could have taken this bill when her opportunity arose. For whatever reason, she didn't. It was there for anybody else to take and originally, when this bill was first introduced by me, there were some changes made. I'd made some changes, but we're very close to what we're saying.

The answer to the question is that yes, you're right, the government could have taken this but it's also true that anyone could have taken this. If anybody wanted a bill that would go through and have consensus and have the experience of having everybody working together, it was there for the taking.

**The Vice-Chair (Mr. Rodger Cuzner):** Could you give us some kind of indication as to how many children of murdered parents or spouses would have benefited from receiving those benefits over the last number of years. Are we able to calculate that?

**Mr. Dave Van Kesteren:** I thank the member for the question.

It's a tough one to calculate because of privacy issues. It's not something that will show up statistically. It's something we have to deduce. We do know it has happened. We do know that there are cases—and the honourable member mentioned, of course, the one in B.C.—where this injustice has taken place. Statistically, if I were to put a number on it, possibly two or three a year could benefit from this, and I use those words very carefully. Even if there's one, it's too many.

• (1125)

**The Vice-Chair (Mr. Rodger Cuzner):** I'm going to miss the clerk too. I'll go ditto in wishing the clerk all the best in all her future endeavours. She's been a tremendous asset to the committee. I know she's going to have a great career ahead of her.

Now we'll go back to Mr. Armstrong for five minutes.

**Mr. Scott Armstrong:** Thank you, Mr. Chair.

Just in response to my Liberal colleague, there's been plenty of opportunity to change this. It was omitted and it was missed, but it could have been changed. CPP was introduced in 1962, so to my recollection it could have been fixed when Lester Pearson was Prime Minister, when Pierre Elliott Trudeau was Prime Minister, when John Turner was Prime Minister, when John Chretien was Prime Minister, or when Paul Martin was Prime Minister.

Couldn't any government have taken the opportunity to fix this previously? This has been a long-standing omission. It's not just something that's happened since 2005. Am I accurate in saying that?

**Mr. Dave Van Kesteren:** Thank you for the question.

I would agree that's fair to say. Not to be critical of those past governments, because of course they were Conservative governments in the mix there as well, so probably the fairest thing to say is that it was an honest omission and it was something that I think is long overdue, and everybody agrees this is something that must be done.

**Mr. Scott Armstrong:** I know I'm pretty proud to be part of a Parliament that's actually going to solve this and make sure there's no unintended consequence of providing benefits to people who truly do not deserve them. I'm very happy we were able to bring this legislation forward. Hopefully we can work together to get these needed amendments passed over the next couple of days and we'll see this bill get royal assent as soon as possible.

**Mr. Dave Van Kesteren:** Thank you.

**The Chair:** Thank you.

Members, we will break.

Thank you, Mr. Van Kesteren, first of all, before you leave the room. If you're staying to hear further comments and debate on this, we thank you for this. We thank you actually for taking this up and making sure we correct this injustice.

**Mr. Dave Van Kesteren:** Well, thank you for this opportunity. It's been a delight to me.

**The Chair:** Thank you so much.

Members, we will break just very briefly while the second group of witnesses arrive at the table.

• (1125)

(Pause)

• (1130)

**The Chair:** Welcome back.

We're continuing to hear testimony on Bill C-591, and for that we will now be joined by officials from the Department of Employment and Social Development for the next half-hour. We have Mr. Dominique La Salle, director general from the seniors and pensions policy secretariat at ESDC, and Ms. Marianna Giordano, director of CPP policy and legislation.

Now I would like to pass the floor to you for a combined 10 minutes of presentation.

Thank you very much.

**Mr. Dominique La Salle (Director General, Seniors and Pensions Policy Secretariat, Department of Employment and Social Development):** Thank you very much, Mr. Chair and distinguished members of the committee.

[Translation]

I am pleased to appear before you today to discuss Bill C-591, An Act to amend the Canada Pension Plan and the Old Age Security Act (pension and benefits), a private member's bill sponsored by Dave Van Kesteren, the member for Chatham-Kent—Essex.

I will also provide information on amendments that will be proposed during the clause-by-clause analysis.

Let me begin by speaking briefly about the two pension programs that would be affected by this bill.

The Canada pension plan, or CPP, is a social insurance plan that provides contributors and their families with modest income replacement upon the retirement, disability or death of a contributor. It is funded by the contributions of employers, employees and self-employed individuals, as well as by returns on CPP investments.

Old age security, or OAS, is the largest federal pension program and is funded from the general tax revenues of the Government of Canada. Together, these programs pay out approximately \$85 billion per year to Canadians.

Bill C-591 applies to the survivor benefits of these two programs. This includes three different CPP survivor benefits: the monthly survivor's pension paid to the spouse or common-law partner of the deceased CPP contributor; the monthly children's benefit for dependent children of the deceased contributor; and the lump-sum death benefit, which is usually paid to a deceased contributor's estate.

The bill also affects the OAS program's allowance for the survivor, which is provided to low-income widows or widowers aged 60 to 64. To obtain the CPP and OAS benefits, an individual must apply for them and meet the eligibility requirements.

[English]

Bill C-591 has no significant cost implication, as it is generally consistent with existing administrative policy. It will affect a small number of individuals, as murder among family members is rare. In recent years, an average of 48 people were charged annually with spousal murder and an average of 21 individuals in all age categories were accused of killing their parent or step-parent. Not all those charged with murder are convicted of murder, and when there is a conviction there will frequently be no possibility of the murderer collecting the survivor benefit due to the eligibility criteria.

Let me outline the key reasons why these requirements may not be met.

Spousal homicides tend to occur among younger individuals. The number of victims is highest among those aged 15 to 34, with the number falling with age according to Statistics Canada. As a result, the deceased may not have contributed for enough years to the CPP to generate survivor benefits. It is also important to know that nearly 60% of those accused of killing their parents between 2003 and 2012 were over the age of 25 and therefore ineligible for the CPP orphan

benefit. Finally, many people who murder their spouse will not meet the eligibility criteria for the OAS allowance for the survivor.

For such reasons, we estimate that as currently written, Bill C-591 would potentially affect a maximum of 30 individuals per year, and some of these people will never apply for the benefit. This is in the context of a public pension system in which the CPP and the OAS each pay benefits to more than 5 million people every year.

I will now provide you with a quick overview of how the bill would work.

A person who has been charged with the murder of a spouse, common-law partner or parent would still be eligible to receive survivor benefits under the principle of being innocent until proven guilty. When the department learns that such an individual has been convicted of murder, this person would be disqualified from receiving further survivor benefits and steps would be taken to recover the benefits already paid, which would become a debt to the Crown. If this individual were subsequently to be found innocent on appeal, the full value of their benefit would be reinstated.

● (1135)

The bill would not remove eligibility for the orphan benefits when minor children are convicted of murdering a parent, because children under the age of 18 don't receive the benefit directly; it is the parent or guardian who receives it on the child's behalf, and the benefit helps cover the costs of caring for the child. Bill C-591 avoids creating a situation in which the department would demand repayment from a grieving widow whose child has just been convicted of murdering her husband. This would amount to punishing the victim. Children over the age of 18, however, receive the orphan benefit directly and would be ineligible to do so if convicted of murdering a parent.

Technical amendments will be proposed to ensure that the bill applies consistently to the OAS allowance for the survivor; that the minister will be able to render individuals ineligible for the CPP death benefit; and that the eligibility for non-guilty individuals is protected. The objective of these proposed minor amendments is simply to prevent the bill from having unintended results that would undermine its effectiveness.

More substantively, amendments will be proposed to include in the bill conviction for manslaughter alongside first- and second-degree murder convictions. Manslaughter is considered unintended homicide, although there may be intent to cause harm.

Manslaughter covers a wide spectrum of cases, ranging from near accidents to near murders. The department's existing administrative policy does not apply to manslaughter convictions. The reason is that the courts have indicated that the principle of *ex turpi causa*—one should not benefit from his crime—should not be automatically applied to offences such as manslaughter without examining the specific circumstances of each case. ESDC officials—our department—are not qualified to make such determinations, so the administrative policy was limited to murder convictions, to which the principle of *ex turpi causa* always applies.

Although manslaughter indicates a lesser degree of moral culpability than murder, manslaughter convictions do require criminal intent and reasonable foreseeability of a serious risk of bodily harm. The wide range of manslaughter cases, however, raises the possibility that there will be exceptional cases in which the removal of survivor benefits would be inappropriate. For this reason, the amendment being proposed by the government would allow eligibility for survivor benefits to be retained in those rare instances in which the circumstances surrounding the offence cause the courts to give a suspended sentence to an individual convicted of manslaughter. Suspended sentences show limited intent or significant mitigating circumstances.

If Bill C-591 is amended to remove eligibility for survivor benefits in cases of manslaughter, there will be no significant cost implications for the plan. Approximately two more individuals per year would be affected, on average, for a total of fewer than 32 each year. There would be an initial surge above that number, as the proposed amendment would apply retroactively.

• (1140)

[Translation]

In summary, the government will propose some technical amendments to better reflect the intent of Bill C-591. It will also propose amendments to remove eligibility for OAS and CPP survivor benefits for individuals convicted of manslaughter.

At the same time, the amendments would recognize that there are likely to be a small number of manslaughter cases in which eligibility for these benefits should be retained due to the extraordinary circumstances of the crime.

Let me conclude by thanking you once again for this opportunity to contribute to your study of the bill.

[English]

**The Chair:** Thank you, Mr. La Salle.

Ms. Giordano, if you have anything to add to the comments, please proceed.

**Ms. Marianna Giordano (Director, CPP Policy and Legislation, Department of Employment and Social Development):** No, I have no comments on that.

I can answer any questions.

**The Chair:** Okay.

We'll begin our first round of questioning with Madam Sims.

**Ms. Jinny Jogindera Sims:** Thank you very much.

I want to thank our guests for their presentation. It was very well laid out and very thorough. As I said earlier, we're not opposing this legislation. We welcome the fact that it's here.

Chair, at this time I would like to give a notice of motion. There are printed copies already.

**The Chair:** You have already given notice. Are you moving the motion at this point in the proceeding?

**Ms. Jinny Jogindera Sims:** I am moving it, yes.

**The Chair:** So you're moving a motion instead of asking the witnesses questions.

**Ms. Jinny Jogindera Sims:** It's because we agree with whatever is happening here.

**The Chair:** Okay. You have the floor.

**Ms. Jinny Jogindera Sims:** My motion is as follows: That the Committee invite Dignity for All to present its findings from its Poverty Elimination Plan; the plan builds on this committee's November 2010 report called, "Federal Poverty Reduction Plan: Working in Partnership towards Reducing Poverty in Canada."

Chair, 25 years ago there was an all-party resolution to take action on this. This group is very, very keen to come and make a presentation to us. As through a committee motion, we've limited it so that we're only meeting to discuss legislation. I'm here to plead that we have a meeting extraordinaire to hear from this group.

**The Chair:** Mr. Armstrong.

**Mr. Scott Armstrong:** I'd like to move that we go in camera, please.

**The Chair:** We have a motion on the floor to go in camera. We'll vote on that motion to go in camera.

**Ms. Jinny Jogindera Sims:** I'd like a recorded vote, please.

(Motion agreed to: yeas 5; nays 4)

**The Chair:** As the yeas have it, we will move in camera.

[Proceedings continue in camera]

• (1140)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (1155)

[Public proceedings resume]

**The Chair:** Welcome back to the regular meeting to consider Bill C-591. We'll carry on now with questions for our witnesses.

Mr. Mayes.

**Mr. Colin Mayes (Okanagan—Shuswap, CPC):** Thank you, Mr. Chair.

And thank you to the witnesses for being here today.

I have some questions about the CPP. We know the survivor benefits of the OAS, but OAS is taxpayer-supported whereas CPP is actually supported by employers and employees.

I was reading a couple of days ago about income splitting in the United States. The reason they have income splitting in the United States is that there was a court case that determined there was a mutual benefit in a marriage or a union, such that one of the two partners of that union would benefit by a common or mutual benefit of the two.

So I guess the question is this. With respect to CPP, could there be any challenge to the right of benefit because it's been paid for by the person? How would you say it? It doesn't really belong to the taxpayers or the government. It's actually a benefit that has been prepaid by an individual. So it would be more in a case where one spouse murdered the other, but could that spouse challenge the fact that she or he had a right of benefit? Could that be challenged under the charter?

**Mr. Dominique La Salle:** The survivor benefit is essentially an insurance benefit that one gets because of the death of a spouse or, in the case of an orphan, the death of a parent. The fact that the contributions are paid by the individual and the employer is really for the retirement part of the plan. This legislation leaves unaffected the possibility of receiving one's own retirement entitlement based on one's own contribution. So in that sense I think, sir, it could be challenged but I don't think it would be a successful challenge.

• (1200)

**Mr. Colin Mayes:** Okay. Thank you.

The government has already taken action to suspend the payment of OAS benefits to prison inmates, and in this regard the OAS allowance to the survivor. Could you explain what this bill does that hasn't already been done with regards to the previous actions of the government?

**Mr. Dominique La Salle:** Bill C-31 is the bill that suspended the OAS payment to inmates essentially because the prison system already provides for basic needs. This bill prevents killers from benefiting from their crime. The distinction would be that under C-31, if someone has killed a spouse and is an inmate and does not receive OAS, when this person turns 60, in absence of this bill, they could receive the survivor allowance under OAS. This bill would prevent that. It's adding to the provision if you like.

**Mr. Colin Mayes:** Thank you.

That's all I have.

**The Chair:** Thank you, Mr. Mayes.

Just so committee members know, I am extending the time for this witness by one more round of questioning for Mr. Cuzner. That's going to eat into a little bit of our time for the next group of witnesses, but I think it's appropriate that everyone has a turn here with the departmental officials.

Mr. Cuzner, for five minutes.

**Mr. Rodger Cuzner:** I'll try to get three questions in.

I'd asked Mr. Van Kesteren this question. How many people do we know are receiving a benefit or have received benefits in the past?

**Ms. Marianna Giordano:** We presently have an existing policy under which when the department is informed, we do not pay benefits, survivor's or children's benefits, if the person has have been

convicted of murdering their parents. Right now we do have that policy, which is very similar to what's in the bill.

We don't have specific numbers but we do have numbers of people to whom we have denied benefits because they have applied and we were informed. So we can say—

**Mr. Rodger Cuzner:** So you're saying nobody is getting it now?

**Ms. Marianna Giordano:** I couldn't say that. I would say it's only upon the minister being informed that we would stop the benefit and render them ineligible.

So on average, maybe we render one or two a year ineligible for the benefit because of murder.

**Mr. Rodger Cuzner:** So it's being addressed now through policy.

**Ms. Marianna Giordano:** Yes.

**Mr. Rodger Cuzner:** So you see a need for this legislation.

**Mr. Dominique La Salle:** It will help to make things transparent. We rely on being informed. The minister relies on being informed, the reason being that the relationship between a murderer and spouse or children is not necessarily recorded. The kinship and so on, we don't have a basis there. So we rely on being informed. A benefit of this legislation is that it makes it more visible.

**Mr. Rodger Cuzner:** So you see the legislation is necessary?

**Mr. Dominique La Salle:** I think it's very positive.

**Mr. Rodger Cuzner:** So if it's necessary, why would it not have been brought forward before, through Pearson or Kim Campbell or a previous government?

**Mr. Dominique La Salle:** It's not for me to answer that question. But I might—

**Mr. Rodger Cuzner:** But the department would have been engaged on this years ago, certainly since Chris Charlton brought it forward.

**Mr. Dominique La Salle:** The major effort in building the CPP has been the large blocks of putting it on a financially sustainable basis and addressing the big issues, if you like.

**Mr. Rodger Cuzner:** Policy had taken care of this.

**Mr. Dominique La Salle:** That's how we looked at it.

**Mr. Rodger Cuzner:** Okay.

**The Chair:** Thank you, Mr. Cuzner.

I thank the witnesses for being here on this private member's bill, and we will break while we welcome the next panel of witnesses for the last portion of our meeting.

**Mr. Dominique La Salle:** Thank you very much.

**The Chair:** Thank you.

• (1200)

(Pause)

• (1205)

**The Chair:** Welcome back to the final portion of our meeting today. We're continuing with our review of Bill C-591 and have another panel of witnesses joining us for our final hour. It will actually be less than an hour because of the interruption.

From the Canadian Resource Centre for Victims of Crime, we have executive director Ms. Heidi Illingworth, and we have Ms. Lenore Lukasik-Foss, director of the Sexual Assault Centre (Hamilton and Area) and president of the Ontario Coalition of Rape Crisis Centres.

Welcome, witnesses. Each of you will have up to 10 minutes to present to the committee. Which one of you would like to go first?

Ms. Illingworth, you're first.

**Ms. Heidi Illingworth (Executive Director, Canadian Resource Centre for Victims of Crime):** Thank you so much for inviting the Canadian Resource Centre for Victims of Crime to appear before you.

We have come here today to voice the support of our board of directors for the amendments proposed in Bill C-591. It is our understanding that this bill will amend the Canada Pension Plan and the Old Age Security Act to deny CPP survivor benefits and the OAS allowance to people convicted of murdering their spouse, common-law partner, or parent. We support this legislation so that persons convicted of first and second-degree murder can no longer benefit from their crimes in Canada. We believe the majority of Canadians would agree and support this bill.

Where we would like to see an amendment to the legislation is to include manslaughter as a reason for revoking pension entitlements. We understand that in cases of manslaughter the principle of *ex turpi causa* does not always clearly apply as it does in the cases of first and second-degree murder convictions, since they do not necessarily involve the intent to kill and can involve abuse, provocation, or accident. In his speech last June the member from Chatham-Kent-Essex stated:

Courts have said that the principle of *ex turpi causa* should not be applied automatically to manslaughter and other offences involving responsibility for a death without examining the specific circumstances of each case.

We feel that not including manslaughter in the bill does create a huge policy gap, especially when we consider that the largest portion of family-related homicides are spousal murders and that a great number of those result in a plea bargain to reduce the conviction of manslaughter.

If we are amending the law to ensure that no one convicted of murder can collect pension benefits, we must also address the case where charges are plea bargained down to manslaughter. We feel it is not acceptable for a killer to collect pension benefits in either case, especially if there is a history of violence towards the victim. Plea bargains are often also a reflection of an overburdened court system, which is a loophole that we must close. Intimate partner abuse is a very serious issue in Canada, particularly for Canadian women. Women are overwhelmingly the victims. This is also true in the case of spousal homicide. We know from Stats Canada data that about

half, or 49%, of all female murder victims in Canada were killed by a former or current intimate partner. In contrast, only 7% of male murder victims were killed by an intimate partner. No one wants to see killers benefit from their heinous act. It is an insult to the families of the victims, to taxpayers, as well as to the principles of justice. Certainly, no person who pays taxes and personally contributes to an insurance plan wants to see murderers receive a benefit for killing someone. Thankfully, this is a rare situation in Canada.

I understand from the debates in the House and the last witnesses who were just here that an average of 48 people a year have been charged with spousal murder. Most of these were young men charged with killing their wives or female partners. Then, again, between 2003 and 2012 an average of 21 individuals in all age categories were accused of killing a parent or step-parent.

We agree that no one wants to see those who suffer the murder of a loved one also suffer the added insult of seeing the one responsible for that death collecting the victim's benefits as well. We look forward to the passage of this legislation and ask that you consider an amendment to include manslaughter convictions where the circumstances of the case warrant pension benefits being denied.

Thank you.

• (1210)

**The Chair:** Thank you, Ms. Illingworth.

We'll now move to the next witness, Ms. Lukasik-Foss.

**Ms. Lenore Lukasik-Foss (President, Ontario Coalition of Rape Crisis Centres; Director, Sexual Assault Centre (Hamilton and Area)):** Good afternoon, honourable members, staff and guests. Thank you for the opportunity to address the committee on Bill C-591. Today I'm speaking on behalf of the Sexual Assault Centre (Hamilton and Area) and the Ontario Coalition of Rape Crisis Centres, also known as the OCRCC.

OCRCC is a network of 26 sexual assault centres from across Ontario. We offer counselling, information, and support services to survivors. The Sexual Assault Centre and OCRCC agree with most of the proposed components of Bill C-591 and recommend that it be accepted, with the addition of manslaughter as grounds for which to revoke benefit eligibility.

Our thoughts are as follows. It is critical to apply a gendered lens to Bill C-591. Lethal incidences of violence perpetrated by known offenders, particularly spouses, ex-partners, and family members, continue to impact women differently than men. Domestic violence is a social issue that affects a large number of Canadian women. Further, the link between domestic violence, lethality, and women's victimization is consistent. The most recent annual report by the domestic violence death review committee, issued in February of this year, notes that women are most commonly the victims of lethal domestic violence in Canada, similar to what my esteemed colleague has mentioned. In 2012, 20 reviewed cases included 14 homicides and six homicide-suicides resulting in 32 deaths. Of the 26 victims, 77% were female and 90% of the perpetrators were male. These findings are consistent with earlier domestic violence death review committee reports, which found overall that 73% of all lethal cases reviewed from 2003 to 2012 involved a couple where there was a history of domestic violence and that the majority of victims were female.

It is important to note that a woman is most likely to be harmed, including lethally harmed, by an offender that is well-known and close to her. A recent Canadian report notes that when it comes to women's experiences of violence, overall men were responsible for 83% of police-reported violent crime committed against women. Most commonly it was her intimate partner. This contrasts with violent crimes against men where intimate partners were among the least common perpetrators, at only 12%. Certainly, these examples of gender-based crimes mean that particular types of violence continue to impact women and their extended families disproportionately than men. Women's vulnerability to domestic and sexual violence by spouses and partners in particular means that women's experiences of these crimes are different from those of other populations.

We imagine, for example, based on the above statistics, that it is very likely that women's extended families have been largely impacted by the current gap in the CPP and OAS acts. For this reason, we contend that any discussion on Bill C-591 must include a gendered analysis of lethal violence in Canada. We also ask that manslaughter be added as grounds to revoke eligibility for pension and benefits. There are cases where a spouse or a parent, through plea-bargaining process, is convicted of manslaughter as opposed to first or second degree murder. Although the overall number may be small, it is unconscionable to allow anyone to collect pensions or benefits after a conviction of this nature. We firmly believe that the spirit of Bill C-591 is fully realized when this loophole is closed.

The amendments to C-591 indicate our government's increasing awareness of the broad implications of gender-based violent crimes in Canada. This includes the financial implications of violence for women and their families.

In recent years Justice Canada studies have examined the economic cost of crime in Canada. Gun crimes in 2008, for example, were found to cost \$3.1 billion. Spousal violence measured in 2009 cost \$7.4 billion. Financial impacts can include healthcare costs, lost wages to victims and her support persons, public spending on justice systems and social services.

We do not wish to see more costs and dollars misdirected. The Canada Pension Plan and Old Age Security Act can better support

the right to equal protection and equal benefit of the law for women through the changes proposed by Bill C-591. Certainly, Canada's courts, systems and social policies, including CPP and OAS, have an important role in supporting victims of crime.

●(1215)

Bill C-591 is one example of the needs of women facing violence and those of their loved ones gaining recognition.

Lastly, the Ontario Coalition of Rape Crisis Centres and the Sexual Assault Centre (Hamilton and Area) recommend that the government consider taking further fiscal and legislative measures to address the serious issue of domestic violence before it results in the death of a spouse or parent. Bill C-591, while important, impacts a small number of Canadians, while domestic and sexual violence impact numerous people across our country, particularly women. Repeated studies and reports have shown us what is truly needed to address the issues facing victims of domestic and sexual crimes. We know that much can be done to prevent all forms of gender-based violence. We urge you to undertake the necessary systemic and comprehensive work required to end all forms of violence against women in Canada.

In closing, I'd like to thank you for the opportunity to speak before you today and for giving recognition to the expertise and work being done by sexual assault centres in Ontario. The Ontario Coalition of Rape Crisis Centres has a 30-year history of working in Ontario and Canada to address and end sexual and other forms of gender-based violence in our communities. The Sexual Assault Centre in Hamilton has been serving our community since 1975.

Thank you very much.

**The Chair:** We thank you for your presentations.

We now go on to questioning, starting with Madam Groguhé.

[Translation]

**Mrs. Sadia Groguhé (Saint-Lambert, NDP):** Thank you, Mr. Chair.

I would like to thank the witnesses for their very insightful remarks today.

A general consensus exists around Bill C-591. We, in the NDP, support the principle that no one should be able to benefit from their crime. But we have pointed out that the bill does not go far enough. And that speaks precisely to what you said about the bill including not just first-and second-degree murder, but also manslaughter.

We believe that manslaughter should be included because, in the course of the judicial process, the accused could receive a plea bargain deal of manslaughter, and as a result, perpetrators of violence against women could collect survivor benefits, as you pointed out.

Ms. Lukasik-Foss, I have a question regarding your statistics. Of the 77% of female victims, what percentage of the crimes involved manslaughter?

[English]

**Ms. Lenore Lukasik-Foss:** I'm sorry, I didn't hear any of the translation. It wasn't in my headpiece, so I don't know what was said.

• (1220)

**The Chair:** We didn't have translation going on there.

**Ms. Jinny Jogindera Sims:** Oh, you have to do it all over again.

**The Chair:** Was it not working? The translation was not working for you?

**Ms. Lenore Lukasik-Foss:** No, I didn't hear the English. I'm so sorry.

**The Chair:** Could we have some assistance for that?

**Ms. Lenore Lukasik-Foss:** I have it on, I could hear other people.

**The Chair:** We're going to restart your time, and so you have to repeat what you just said.

[Translation]

**Mrs. Sadia Groguhé:** I will try to be a bit more concise.

As far as the principle that no one should be able to benefit from a crime they have committed is concerned, the NDP strongly supports the bill. We want to underscore an important caveat, however: the bill does not include manslaughter, as you indicated in your remarks.

You mentioned the importance of a gendered lens, stating that 77% of victims were female. What percentage of those cases involved manslaughter?

[English]

**Ms. Lenore Lukasik-Foss:** I'm sorry, I didn't bring a copy of the research. I'm sure it's easy to find out, and I have noted in my notes where I got the study. I don't know what percentage were manslaughter, but I agree that I think it's an issue not having manslaughter included, since for many of the cases that we followed, the plea-bargaining process resulted in manslaughter.

[Translation]

**Mrs. Sadia Groguhé:** Thank you.

Do you think you could get a hold of that figure and forward it to the committee?

[English]

**Ms. Lenore Lukasik-Foss:** It would be a few days, but I would get them to you, yes.

[Translation]

**Mrs. Sadia Groguhé:** I think that's a very beneficial and important point.

During the debate in the House, it was mentioned that victims' advocacy groups could advise the department of situations where a

murder victim's death would ordinarily make the individual convicted of the murder eligible to collect benefits.

Do you think it would be possible to put in place a system whereby that information could be communicated to the department? What players might have a hand in relaying that type of information?

[English]

**Ms. Heidi Illingworth:** I think I did read in the debates of the House that the government was going to be encouraging groups to come forward if they had information to share with the federal programs responsible for giving benefits. I think that's something we could do. Locally, for example, groups like the Sexual Assault Centre in Hamilton, if they're tracking cases locally, could ensure that they sent a follow-up message to CPP and OAS, and things like that—and the same with groups like mine. We're a national organization, but we do track cases where we can, especially high-profile cases of homicide of women by their partners. We have an interest in that area, so I think that probably the department already receives some of that information from family members or groups. I think I saw something about that, but I don't know if they would need to have a formal line, a toll-free line or something like that potentially added to their services.

• (1225)

[Translation]

**Mrs. Sadia Groguhé:** Since this important bill is moving forward, I thought that, perhaps, an oversight mechanism could be set up to relay the information to the department automatically or in some systematic way.

Does that sound realistic to you?

[English]

**Ms. Lenore Lukasik-Foss:** Yes.

**Ms. Heidi Illingworth:** Yes, absolutely.

[Translation]

**Mrs. Sadia Groguhé:** I have a minute and a half left.

As I see it, manslaughter should be mentioned in the bill. Other than that, are there other issues in the bill that we should be looking at? And if so, what are they?

[English]

**Ms. Heidi Illingworth:** I don't have any others that I can address at this time.

**Ms. Lenore Lukasik-Foss:** No, from a victim's perspective, absolutely not. I think this feels like a really clear thing we want to support and see happen.

[Translation]

**Mrs. Sadia Groguhé:** Very good.

[English]

**The Chair:** On to Mr. Butt for five minutes.

**Mr. Brad Butt (Mississauga—Streetsville, CPC):** Thank you very much, ladies. Thank you very much for being with us today, and more importantly, thank you to your organizations and everybody who is involved in your organizations for the great work that you are doing.

Certainly this government recognizes the fact that it's unfortunate that we do have quite a number of instances of domestic assault and, of course, abuse of both women and children. Admittedly, it's something that we have to do a better job trying to fix and in supporting victims and families in these cases. I think we've done quite a bit.

I'm sure I speak on behalf of all members of Parliament when I say thank you to your agencies for the tremendous work you are doing and for taking time to come to share your views on this private member's bill the committee is dealing with.

I think in your testimony you're certainly clear, but just so that it's absolutely clear, your position is that this bill, with the proposed amendments including manslaughter, is the appropriate way to go forward, that this bill will ensure that individuals who are committing crimes will not financially benefit in any way, shape, or form from committing that crime. So you have no concerns about the income support, let's say, for the individual who has perpetrated this crime, because they would be ineligible to collect these benefits. That's not a concern to your organizations at all.

**Ms. Heidi Illingworth:** No.

**Ms. Lenore Lukasik-Foss:** No.

**Mr. Brad Butt:** One of the things that I think is designed in this bill is that the perpetrator of the crime not be entitled to receive the benefits. One of the reasons I think that's important is that, unfortunately, most of the cases of domestic violence are predominantly against women and mothers, and that there are children involved.

One of the great things about this bill is that it would prevent the father, the husband, the partner—who is likely the perpetrator of the crime—from getting the benefits rather than the children, if they are underage. This bill is going to make sure the children are eligible to get the benefits and not the perpetrator. I'm assuming that's something you would support.

Maybe you can share some of your experiences in working with families of domestic violence, some of the financial challenges that they have, and how important it would be to make sure that these financial benefits go to the children of the murdered mother, in this case, and not go to the partner, husband, father, who would otherwise be entitled to them if this bill were not the law.

**Ms. Heidi Illingworth:** Yes. I would say that absolutely, it's important that the children be able to access the benefits as orphans through a guardian if they're underage, and that the money not be collected by the person who's incarcerated.

I'll let Lenore speak to the broader issue of supporting victims on a daily basis, because I know that's what she's doing.

**Ms. Lenore Lukasik-Foss:** Yes. There are so many impacts. When you think of these children, they've lost their mom and they're dealing with that and the financial implications if both parents were working. Now the dad's incarcerated, or the partner or some male figure in the home is now incarcerated.

So you think of what's happening financially with these kids and emotionally, of course. I'm extremely concerned about the kids, but also I'm pleased to know that there will be financial supports for the kids. They will not be directed to the person who killed the woman,

their mom, but the kids will be eligible. I think that's very important because there are so many issues at that point, and financially that is a very challenging time for the family.

• (1230)

**Mr. Brad Butt:** Yes, there's no question about that. I know that in my area—I represent a riding just outside of Toronto, Mississauga, Ontario—we have two excellent organizations that I'm familiar with. One is called Interim Place and the other Armagh House. Both are doing tremendous work with families. You're probably aware of both of them, as well as the Peel Committee Against Woman Abuse, which is also doing excellent advocacy work.

I know one of the challenges that we do have in all of these cases is resources, even though this government, under the Department of Justice and the ministry responsible for the status of women, has been increasing funding and so on.

I admire your expertise on this and just because you're here, can you give us a general sense—I know it's difficult to generalize—of the public perception now about violence against women and children? It seems to me that there is more awareness but that the caseload is not falling.

I'm certainly no expert on this, but I'd be interested to know from your perspective if there's more that we can be doing in awareness and understanding. I realize this bill is about benefits and legal issues and all of that, but there's a wider community perspective to all of this when we sit here as parliamentarians on these bills. Would you take a minute to do that?

**The Chair:** Actually, we're way over time.

That said, I think that there might be space for you to answer that question. This is a very collegial group. As you'll see, Mr. Cuzner might offer you that time from his time.

**Mr. Rodger Cuzner:** Thanks, Chair. Thanks very much to both of you. Thank you for your presentations first, because they were informed and succinct.

Your amendment is well reasoned. It's excellent. I want to thank you for that and, as Mr. Butt said, for the work that you do. You deal with an ongoing input of tragedy, so what you do is noble and it's important. I thank you and commend you for the work that you do.

The officials have addressed this bill, and we're in support of it. Looking at Bill C-591 gives us the real lowdown, but for the benefit of the committee, could you share with us the most egregious example of where somebody you know of would have received a benefit as a result of murdering a spouse. Are you aware of those cases?

**Ms. Heidi Illingworth:** I am aware of the one that was, I think, brought forward in the media a lot around this bill. I believe her name is Ms. Fetterkind, whose father murdered her mother. It's quite an old case now, but she understood that he had been receiving a spousal benefit for something like 28 years while he was incarcerated. It's a case out of British Columbia. I would have to look through my files, but I'm certain we would have been involved in others. Off the top of my head, that's the one that comes to mind with respect to this bill.

**Ms. Lenore Lukasik-Foss:** Prior to working at Sexual Assault Centre, I worked in women's shelters, so my experience for many years was primarily domestic violence. We would hear from colleagues across the province. I think it was not as well known, so you'd hear about that odd case or someone would say, "Could this be right? This can't be right". A family member would contact the shelter and say, "We think this is happening". Because of privacy, it would be hard for us to confirm things sometimes, so I think that's the difficulty. But I remember hearing about it back during my time working with victims of domestic violence within the shelter movement. Anytime I talk about this, people are so surprised that it could happen. I think you mentioned the Homer Simpson moment earlier, or one of your esteemed colleagues did. Whenever I raise it, I think people are genuinely shocked and surprised that this is a possibility.

• (1235)

**Mr. Rodger Cuzner:** I think that, at least with the legislation, they seem to be getting it most. They weren't able to say exactly how many cases each year they could identify that would be getting away with it. With the legislation, maybe there can be a more formal process that could trigger the response sort of thing.

That's it for me.

Thank you again.

**The Chair:** Thank you.

Given the time, we'll move on to our next questioner, but maybe we could revisit Mr. Butt's question while it's perhaps still in your minds.

**Mr. Brad Butt:** Perhaps you wouldn't mind just providing an update, a bit of profile, on where we are now generally. I'm sure you'll report more on the area you serve, the Hamilton area, but generally it's what you're hearing from others across the country about this issue.

**Ms. Lenore Lukasik-Foss:** Yes.

**Mr. Brad Butt:** We do a lot of advertising and stuff on this, so you'd think trends would go down. I mean you advertise about people not smoking and instances go down, but it seems to me the message isn't getting through as much on domestic violence, so I just wondered about that.

**The Chair:** Would you like to make your comments on that?

**Ms. Lenore Lukasik-Foss:** Yes, sure.

I'll start, and then maybe I'll turn it over to my colleague.

I started working in this field about 26 years ago, so it's been a long time. Interestingly, though, when I first started working and I would tell people what I was doing, people shook their head. They'd never heard of it; they didn't really understand; or they'd make a joke. I'm pleased to report that's changed and that most people I talk to now have an awareness of sexual assault domestic violence. I get a lot fewer jokes, although I still get them, sadly.

What I've seen is that there's greater awareness of the issue. People are talking about it more, though about sexual violence a little bit less so. It's still something that isn't discussed. When I go to parties, sometimes people politely walk away when I say where I work. It is something that's still uncomfortable for people to talk about.

I know when I worked in the shelters, we were often full, but I know in my community—I certainly can't speak for all communities—it is nearly impossible to get a bed in a shelter right now, and I hear this consistently. So when I have people calling me up saying, "Do you know how to get a bed there?", I'm, like, "No, I have no magic wand to get a bed either". I know our shelters are full. I know when I've looked at the national trends, the studies of all the shelters, this is not unusual. Most shelters are full of children, and that's another really shocking fact people aren't aware of.

For me, yes, there is more awareness, but in terms of the underlying foundational issues that are causing violence.... We certainly know there are things that make violence spike, but we haven't really gotten at the root causes yet, unfortunately. The good news is that for women in these generations, compared to 50 or 60 years ago, there is an option. There are places to go, and there are supports, but it's still a really desperate, sad picture in our country, which is shocking.

**Ms. Heidi Illingworth:** Yes, I would absolutely agree. I would add that I still really see it as a hidden problem, a problem we're not comfortable talking about. Victims certainly don't report it immediately, and it takes a long time to get the support or get to the point where you feel you can access a shelter, perhaps, and finally leave.

I think we're seeing more and more high-profile instances. Certainly the sports leagues in the U.S. have had a few incidents this summer that have brought more attention to these issues, but we have a lot of work to do in preventing this crime in the first place, as Lenore was saying, including working with young school-age children around respect in relationships, starting at a young age and talking about how to solve our problems without using violence, and things like that. We need to do a better job throughout the school systems for sure, and as Lenore said, we need more funding for beds in these shelters because they are full. That's something we hear often at our centre as well.

• (1240)

**The Chair:** Thank you for that. I felt it was important that we get those views on the table.

Now we'll move to Mr. Maguire.

**Mr. Larry Maguire (Brandon—Souris, CPC):** Thank you, Chair.

I was curious as to the answers to the questions by my colleague, Mr. Butt, as well, and so I appreciate your answers. I also appreciate your being here today, and for your presentations, and also for the work you do as organizations.

You've been very clear on this particular Bill C-591 in regard to your stand and to the amendments and everything else. I want to ask a question about the type of work your organizations do, and I'd like each of you to respond just for the record as to what other types of advocacy activities you participate in and what other areas you work in besides this particular one.

**Ms. Heidi Illingworth:** My agency was founded in 1992. We opened in 1993. The Canadian Police Association is the group that started us. They still house us in their offices here in Ottawa.

We work with victims impacted by all types of serious crime, so anything from fraud to domestic violence to homicide. First and foremost, we try to connect victims who call our office from across the country with supports in their local area. We provide information resources to them through our website. We have a monthly newsletter. We also do a lot of advocacy.

We try to be a voice for victims. We try to bring their voice to the table, as we've done here today. Our board of directors is made up of eight individuals who have been impacted by homicide from across Canada. We are constantly trying to bring the voice of people harmed by a crime to the table so that all sorts of crime and justice issues.... We're not trying to speak for them, but we bring attention to issues they call our office to talk about. These include the difficulties they are having, whether it's on the front line accessing services, whether it's with police, the Crown, or later on in the criminal justice process when it comes to prisons and following the offenders through the system.

**Ms. Lenore Lukasik-Foss:** I'm wearing two hats today. I'm the president of the Ontario Coalition of Rape Crisis Centres. I represent 26 rape and sexual assault centres across Ontario. We work primarily in advocacy. Similar to what Heidi's saying, we try to encourage conversation, awareness, education, and policy change in order that our communities better respond to the needs of sexual abuse and assault survivors.

I'm also representing a local sexual assault centre in Hamilton. That's the Sexual Assault Centre (Hamilton and Area). Next year is our association's 40th anniversary. We were the third rape crisis centre in Canada. I'm very proud of our community for that.

We provide services to men and women survivors of childhood and adult sexual assault. We have a 24-hour support line. We spend a lot of time doing prevention work. As Heidi was mentioning, a lot of time is spent in Grade 9 health classes with the boys and the girls, talking about consent and relationships, to be able to help them get the language and learn how to do this, because we don't teach our young folks how to do this. We also do specialized programming with newcomer communities because we know there's a huge stigma for them to walk through the door of a sexual assault centre. We try to do bridging programs to make it easier for folks to walk through our door.

**The Chair:** Thank you.

We'll move on to Madam Sims. I believe you are sharing your time with Mr. Brahmi.

**Ms. Jinny Jogindera Sims:** Yes.

Mine is just a brief comment. First of all, thank you so much for the work you do. As you said, when people run away from you at events it points to the value of the work you do and how people are not comfortable talking about this subject. But we know that domestic violence crosses all socio-economic and ethno-cultural communities.

I think the point I'm going to take away from here, which I already know, is how we are failing in our communities to provide safety and security to the women who do want to leave, because of the cuts to legal aid and to advocacy...and even helping with transition, the lack of beds, especially the lack of beds for women with families....

If you have two or three kids, you are in a completely different situation than if you are on your own. So I appreciate all of that. I would like to have a much deeper conversation about what we should be doing there. But I do really want to say we appreciate your support for this legislation, which is there to correct that.

Once again passing this legislation is not going to fix domestic violence, nor do I think that financial gain is the driving force for the domestic violence. There are many other things that drive domestic violence.

So I just wanted to say a big thank you.

Mr. Brahmi has gone for a coffee, so I will ask a brief question.

If there were three things that you would like governments to do that would address domestic violence in a physical way to support the victims of domestic violence, what would those three things be?

• (1245)

**Ms. Lenore Lukasik-Foss:** Well, that's a million-dollar question, but I'll try it without a lot of thought beforehand.

I think we need to have adequate child care available for women. As I said, shelters are mostly full of children because the highest risk group are young women, and we know that the women are more likely to be murdered, experience higher rates of sexual violence, and that they often have young children. One of the barriers that keeps women in situations of domestic violence is money, a financial concern. Affordable day care would be a help. Housing would be a help so that women have a place to go, because women are afraid of being in poverty—and that's a reality, that if they leave they'll be poor.

I just think it's about having adequate resources for them to walk them through the next steps. Emotional support counselling, call it what you like; child care; and housing would be huge. It's not the whole thing, but those are the “top of the head” things.

**Ms. Heidi Illingworth:** I would absolutely agree. I think the shelters we have are doing a remarkable job with very limited resources. If I could see a huge cash influx to allow them to hire more staff and expand beds on the front line, that would be amazing.

Second, definitely it's affordable, safe housing for when women are leaving and transitioning back into living arrangements with their children on their own.

Third, I would also like to see a lot more money in prevention across the country so that we can reach our youngest children who are starting school. It's great that we're going in at Grade 9 across Ontario, but in many ways that's too late in my opinion, and we need to be much earlier talking about respect in relationships and how we solve our problems in respectful ways with each other.

**Ms. Jinny Jogindera Sims:** Thank you very much.

I agree, and I think if I had to pick the top three, it would be very similar to the ones you chose. What always amazes me that when we do a profile of the person who is suffering from domestic violence we usually think it's somebody who doesn't have a good job, doesn't have a good education, and totally dependent. But you and I know that's often not the case. I've known very strong women who, when you looked at them from the outside, you would never think anybody would take that lady on, because she is sure, confident, makes great money. Yet once you take away the layers, we have domestic violence right across.

So one of the key areas that you've mentioned is prevention, and it starts very, very early. I think it starts in the home from the time our kids are little, with parenting, and goes throughout our system.

Do I have more time?

**The Chair:** No, that's it.

**Ms. Jinny Jogindera Sims:** Okay, thank you so much for coming here, and last but not least, for what you do.

**The Chair:** Mr. Maguire.

**Mr. Larry Maguire:** Thank you.

In the follow-up to the questions that I asked before, in your organizations—we certainly want to work with them and have worked with them in the past—there is a need for the policies that you're working with and I'm wondering what the major issues are. You've outlined them, through the clarity that you've given us on the different programs you offer. What would be the key ones you'd advocate for next, besides the bill that we're dealing with today? What do you see as the major area where your resource centres and our government can work together?

• (1250)

**Ms. Lenore Lukasik-Foss:** Wow. Thank you very much for this opportunity to share feedback beyond the scope of Bill C-591, which I also think is very important. I would love to see a national strategy on violence against women, a comprehensive strategy that would include, of course, prevention and intervention, what we do when the abuse happens. Then we need that transitional support to help strengthen the families after they leave the violence—or if they remain, how we can get supports and counselling in place to end the violence. I feel that's missing on a national scope and would like to see it.

I agree that Grade 9 is too late; they just don't let us in the doors a lot earlier.

**Ms. Heidi Illingworth:** I would agree 100% with Lenore. We definitely are missing a national strategy that includes those three key areas. I think we need to focus more in Canada on preventing sexual and domestic violence. I think these areas are still very much hidden from the criminal justice system; victims don't report these crimes and it's probably not going to change unless we focus a lot more financial resources in this area. The majority of victimization in Canada is happening in these areas, and that's not reflected in police statistics and criminal court statistics because many of these cases never come to that point. If women are able to, they're escaping to shelters on their own and the criminal justice system is not necessarily becoming involved and perpetrators being sent to prison

in every case, so we need to concentrate on early intervention and prevention.

**Mr. Larry Maguire:** Obviously, more education in that whole process and area would be a big plus and your organizations do a lot of work in them. Do you see yourselves as brokerages for that at your organizations? Obviously you must be doing a lot of the hands-on work as well. Could you clarify that for me and facilitate where and how in-depth the interaction is?

**Ms. Lenore Lukasik-Foss:** I'm confused about the question. Do we also provide service but do advocacy work in policy?

**Mr. Larry Maguire:** Yes.

**Ms. Lenore Lukasik-Foss:** Yes. Absolutely. The goal for me is that we would have no more clients.

**Mr. Larry Maguire:** Absolutely.

**Ms. Lenore Lukasik-Foss:** I don't want to work in this field any more. In my lifetime, I'd like this to be an issue that we've tackled. I'm optimistic, but I'm also realistic that this is likely not the case. Absolutely, our work at our centre is hands-on, front line work with thousands, when we think of our crisis line and all our programs for folks in our community. We also take the time to come and try to speak to governments and policy-makers about the important things, the really serious things that you can do to impact victims in our communities.

**The Chair:** Thank you, Mr. Maguire.

We'll move on to Madam Sims.

**Ms. Jinny Jogindera Sims:** Thank you very much.

You must be wondering why we're not asking you about the legislation that we're here to study. I'm sure you did your homework before you came. In many ways, it is related to the legislation. I think this is one of those cases where I think all parties around this table are in agreement with the legislation. The only concern we have is we'd like to see the word "manslaughter" added. Other than that, we're going to be fine. If we're not really targeting what's in the legislation, that's why. I just wanted to explain this.

**The Chair:** We're giving people a lot of latitude here today, moving off the topic of our legislation, because you did travel here and you have a lot of expertise to offer.

We'll move to Mr. Armstrong, if you would like to wrap it up perhaps.

**Mr. Scott Armstrong:** I have a couple of really quick questions, Mr. Chair.

Lenore, in your presentation you gave some figures on the cost of crime, and I think you said violence against women amounted \$7.4 billion.

• (1255)

**Ms. Lenore Lukasik-Foss:** Yes.

**Mr. Scott Armstrong:** How is that calculated, because that sounds like a huge amount?

**Ms. Lenore Lukasik-Foss:** Yes—

**Mr. Scott Armstrong:** I'm not questioning the amount; I'm sure it's that high.

**Ms. Heidi Illingworth:** That's a low figure actually.

**Mr. Scott Armstrong:** In that calculation, is there a calculation there for unreported violence? There can't be.

**Ms. Lenore Lukasik-Foss:** That was a Justice Canada stat from 2009. It is considered a conservative estimate. It included things like health care costs, lost wages, public spending in justice and social services. They tried to do a comprehensive calculation, but it's considered by many to be conservative. Interestingly, this year—I didn't include it because it didn't seem relevant—sexual assault has a higher cost, but the cost is disproportionately borne by the victim not the system because, as Heidi mentioned, most victims of sexual assault do not enter any of our official systems. For me, that was very distressing because it means those victims and their families are carrying that burden alone, as opposed to the others, whereas with domestic violence there are more systemic costs.

**Mr. Scott Armstrong:** When you add what we all know is a huge amount of unreported crime, particularly in this area, if \$7.4 billion is the actual calculation that's been made on what's been reported, if you can extrapolate that and add to what we know is out there we're talking a huge cost upon all of us. It's not only emotionally and the

idea of what's right and wrong, but also economically. This is a huge factor we have to deal with.

Thank you very much for your time. We appreciate it.

**Ms. Lenore Lukasik-Foss:** I'm going to put a word in here to say that it is absolutely fiscally responsible to address this issue because we are bleeding dollars by not addressing it. I think we would actually be further advanced if we did targeted strategic spending and we wouldn't see these costs.

**Mr. Scott Armstrong:** Thank you very much.

**Ms. Heidi Illingworth:** Absolutely, the cost of crime is borne by the victims. I want to reiterate that point again. Huge costs. I think it's a similar study to those that the Department of Justice have done, but almost 70% of the cost of crime are borne by victims themselves.

**The Chair:** Thank you very much for being here today as witnesses. We appreciate your time. We appreciate your depth of knowledge and sharing that with the committee today.

The meeting is adjourned.

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