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# Standing Committee on Health

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Chair: Mr. Ron McKinnon





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• (1200)

[English]

**The Chair (Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.)):** I call this meeting to order. Welcome, everyone, to meeting number 27 of the House of Commons Standing Committee on Health. Pursuant to the order of reference of May 26, 2020, the committee is resuming its briefing on the Canadian response to the outbreak of the coronavirus.

To ensure an orderly meeting, I would like to outline a few rules to follow.

Interpretation in this video conference will work very much like in a regular committee meeting. You have the choice at the bottom of the screen of either floor, English or French.

As you are speaking, if you plan to alternate from one language to the other, you will need to also switch the interpretation channel so that it aligns with the language you are speaking. You might want to allow for a short pause when switching languages.

Before speaking, please wait until I recognize you by name. During questioning, the questioner will indicate to whom they want the question directed.

When you are ready to speak, you can click on the microphone icon to activate your mike.

As a reminder, all comments by members and witnesses should be addressed through the chair, and when you're not speaking, your mike should be on mute.

I now welcome our first panel of witnesses. From the Correctional Service of Canada, we have Ms. Anne Kelly, commissioner; Alain Tousignant, senior deputy commissioner; and Jennifer Wheatley, assistant commissioner, health services. As well, from the Parole Board of Canada, we have Sylvie Blanchet, executive vice-chairperson; and Daryl Churney, executive director general.

We will start with the Correctional Service of Canada. You have 10 minutes, please.

**Ms. Anne Kelly (Commissioner, Correctional Service of Canada):** Good afternoon, Mr. Chair and members of the committee. We appreciate the opportunity to update you on the current status of COVID-19 cases in our institutions, before continuing with an overview of the Correctional Service of Canada's, or CSC's, testing approach and plans moving forward.

Mr. Chair, I am very pleased to be able to report that thanks to the tireless efforts of staff, and because of the exceptional measures

taken, we have only one remaining active COVID-19 case among inmates across our 43 institutions.

Since the pandemic began, we have had outbreaks in five of our 43 institutions, with 360 inmates testing positive out of a total of 13,900 inmates. There are 357, or 99%, who have fully recovered. One inmate from the federal training centre in Quebec remains in hospital, but not in the intensive care unit, and we have had two deaths.

Of the five outbreaks, four are fully resolved, meaning that 28 days have elapsed since the last positive case. Our last outbreak at the federal training centre in Quebec will be declared over tomorrow, if there are no new cases. It is worth noting that we had no outbreaks in the Atlantic and the prairie regions, and the one in Ontario was limited to eight inmates in one institution.

Among CSC staff, out of 142 of our employees who have tested positive to date, 132, or 93%, have fully recovered.

I want to take this opportunity to recognize the extraordinary efforts made by our employees for their ongoing work under these exceptional and challenging circumstances.

From the outset of the pandemic, CSC took a proactive approach, guided by public health authorities and working closely with our union partners, to ensure the health and safety of staff and offenders in all of our institutions. When the pandemic was declared on March 11, we focused heavily on preventing the introduction of the virus in our institutions by quickly suspending visits from the public, temporary absences except when medically necessary, work releases and inter-regional transfers.

At the end of March, the virus was introduced into one of our facilities, and the goal became the prevention of its spread. Over time, that included measures such as strengthening infection and prevention control measures, and cleaning and disinfecting protocols; actively screening all staff at the front entrance; moving to unit-based staffing to prevent staff rotation throughout the institutions; training staff on donning and doffing PPE; limiting the movement of inmates; conducting daily wellness checks for signs of symptomatic inmates; immediately testing for COVID-19 anyone reporting symptoms; medically isolating, for 14 days, inmates with symptoms or who had tested positive for the virus, or who were being admitted to federal custody; working with local public health authorities to ensure inmates' access to local hospital care, if required; issuing masks to staff, symptomatic and positive inmates, and then to all inmates; implementing our own tracing capability by training over 200 of our employees; and reconfiguring our COR-CAN shops to produce disposable and washable masks and gowns.

CSC has also worked with the Public Health Agency and local health departments and community experts to have independent, expert-led reviews completed in all of its facilities. To date, all 43 of CSC's institutions have had an infection prevention and control review or an environmental health review completed. The reviews acknowledge that COVID-19 is difficult to contain in closed environments and recognize the strong front-line leadership and the commitment of CSC staff to prevent and contain the spread of the virus.

- (1205)

There's also a reminder of the importance of training staff on donning and doffing PPE, having strong cleaning and disinfecting practices, and limiting the movement of staff and inmates to prevent spread. None of the findings are insurmountable but they will require continued focus to be sustainable in the months to come. Work is currently under way to ensure CSC is well positioned moving forward.

Now I'd like to speak briefly about CSC's testing strategy. First, health care staff actively screen and monitor all inmates for COVID-19 symptoms. As previously mentioned, CSC medically isolates inmates who are newly admitted to CSC or returning to CSC as a result of a suspension or revocation of their release, inmates who have symptoms or who have tested positive and their close contacts until medically cleared, and inmates who are released into the community from an institution in which there is an outbreak, on the recommendation of local public health.

With respect to staff, any employee who is symptomatic or who has tested positive as well as their close contacts must self-isolate for a minimum of 10 days including two consecutive days symptom-free. Currently, symptomatic inmates and staff get tested. Contact tracing is then completed and testing is offered to those in close contact. Inmates and staff who are at risk of contracting COVID-19 when there is an outbreak also get tested. Following any positive test, contact tracing is completed and testing is offered.

Moving forward, CSC will offer testing based on its recently expanded testing strategy. The strategy is responsive to CSC's closed environment, is well received by the unions and exceeds most, if not all, provincial testing strategies. In addition to the testing cur-

rently completed, the expanded testing strategy includes testing of all inmates at time of admission or return to federal custody. This is in addition to the 14-day medical isolation that will continue. It also includes testing of all inmates prior to their release into the community. Positive results will be reported to the local public health authorities and a plan jointly developed.

Finally, the expanded testing strategy also includes expanding the testing of staff and inmates in institutions located in areas where the rate of community transmission is elevated, which is called asymptomatic surveillance. For any positive tests, contact tracing will be completed and testing offered. The testing will be offered again over several weeks or months as long as communities in which the institutions are found continue to have elevated transmission. There are currently four areas in the Quebec region that have high rates of community transmission, and there are seven institutions located within those four areas. Testing has been offered to all staff working in the institutions in the Laval area.

CSC currently has sufficient capacity to test all symptomatic inmates, which it is currently doing. However, the expanded testing capacity will be achieved through partnerships. CSC has already begun reaching out to health partners to increase its capacity through MOUs with public health authorities as well as contracts with private labs. The strategy will be implemented in a phased approach over the next several weeks and months as MOUs and contracts are finalized. In order to prevent and contain the spread of COVID-19 in the months to come, especially as CSC starts easing some of the restrictions it has imposed, the expanded testing strategy will be of critical importance. Although the institutions were never closed, measures were taken to prevent and contain the spread of the virus. Visits were suspended and programming was curtailed.

To shape our new normal, I've put in place a governance structure made up of subject matter experts, union partners and senior managers from different sectors of CSC, including regional representatives. External stakeholders are also involved, including our citizens' advisory committee chair and non-governmental organizations. This approach allows us to examine what needs to resume and when, as well as the safeguards that need to be put in place. Our approach will be gradual, likely vary across different regions, and take into account public health advice.

• (1210)

As a first step, we would be looking at reinstating small group programming for inmates at some institutions, as this is key to their successful rehabilitation and to public safety.

In conclusion, as I say often, there is no greater responsibility than having the care and custody of other human beings. As commissioner, I appreciate the work of our staff, partners, stakeholders and volunteers for their amazing efforts during these extraordinary times.

Thank you, Mr. Chair and members of the committee. I'll be happy to respond to any questions you may have.

• (1215)

**The Chair:** Thank you.

We will go now to the Parole Board of Canada.

You have 10 minutes. Please go ahead.

**Ms. Sylvie Blanchet (Executive Vice-Chairperson, Parole Board of Canada):** Thank you, Mr. Chair and members of the committee.

With me today is the board's executive director general, Daryl Churney. We are pleased to appear before this committee as part of its study into Canada's response to the COVID-19 pandemic. I will use my opening statement to outline the various measures taken by the Parole Board of Canada since the outset of COVID-19 to ensure the continuity of its operations and the delivery of its important public safety mandate.

However, before I do so, I would like to provide committee members with some information about the PBC's mandate, as the board has not previously appeared before this committee. The PBC is an independent administrative tribunal that reports to Parliament through the Minister of Public Safety and Emergency Preparedness. We are part of the public safety portfolio, which also includes the Correctional Service of Canada.

The board has the authority, under the Corrections and Conditional Release Act, CCRA, to make conditional release decisions for federal offenders serving—

[*Translation*]

**Mr. Luc Desilets (Rivière-des-Mille-Îles, BQ):** Mr. Chair, I rise on a point of order.

Would it be possible to slow down the pace a little bit?

The content is very interesting. Unfortunately we're missing some of it. Unless it's only in French—

[*English*]

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

If the speaker could slow down a tad, that would be helpful. Thank you.

**Ms. Sylvie Blanchet:** I will, thank you.

The board has authority, under the Corrections and Conditional Release Act, CCRA, to make conditional release decisions for federal offenders serving sentences of two years or more. Some authorities in law, for the release of offenders, are the responsibility of the Correctional Service of Canada. The Parole Board also makes parole decisions for provincial and territorial offenders serving sentences of less than two years in all provinces and territories except Ontario and Quebec, which have their own parole boards.

PBC also has legislated responsibility to make decisions on record suspensions under the Criminal Records Act and the Criminal Code of Canada, to order or refuse to order the expungement of a conviction under the Expungement of Historically Unjust—

[*Translation*]

**Mr. Luc Thériault (Montcalm, BQ):** Mr. Chair, I rise on a point of order.

I'm sorry, but the sound quality of the interpretation is very poor. This should be fixed. We can't hear the presentations properly.

[*English*]

**The Chair:** Madam Clerk, is this a problem we can address right now, or do we need to suspend?

**The Clerk of the Committee (Ms. Erica Pereira):** Thank you, Mr. Chair. It should be fine to go now.

**The Chair:** We'll try again. Monsieur Mr. Desilets, please don't hesitate to let us know if it's not working.

Go ahead, Madam Blanchet.

**Ms. Sylvie Blanchet:** Thank you.

—and to make recommendations for the exercise of clemency through the royal prerogative of mercy.

The PBC consists of both GIC-appointed board members as well as public service employees who support them in their decision-making role. The PBC is a community board. We are, by law, to reflect the diversity of Canadian society. Our board members have diverse backgrounds spanning the fields of criminology, law, corrections, education, psychology, social work and the private sector, to name but a few.

Our conditional release program represents the majority of our work. In 2019-20, the Parole Board conducted 15,174 conditional release reviews. On a weekly basis, the PBC conducts an average of 281 federal reviews and renders a total of 407 federal decisions. These include reviews and decisions for temporary absences, day and full parole, post-suspension, detention and the varying of conditions for release.

In making conditional release decisions, the law requires the Parole Board to take into consideration all relevant available information related to an offender's case. Board members must consider and weigh information such as court and sentencing information, the nature and gravity of the offence and information obtained from victims, the offender and other components of the criminal justice system, including assessments provided by correctional authorities.

No single factor in a conditional release review is ever determinative in the PBC's decision-making. Public safety is the paramount consideration in all decisions and must be balanced against a rigorous risk assessment of the offender's ability to safely reintegrate into the community.

The board does not prepare offenders for release, nor does it manage or supervise offenders on release. That is the responsibility of the Correctional Service of Canada. The Parole Board's conditional release outcomes reflect the high quality of its decisions. Last year, 99% of day parole supervision periods and 98% of full parole supervision periods were not revoked for reoffending, and these numbers have remained consistent over the past 10 years.

I will turn my attention now to the Parole Board's operations and the measures we've taken during the COVID-19 pandemic. Since the outset of COVID-19, the PBC has taken measures to protect the health and safety of the public, the offenders, its board members and staff while continuing to deliver its important public safety mandate. In doing so, we have been informed and guided throughout by the advice and recommendations of public health officials.

During this unprecedented period, the PBC has streamlined its operation to focus on core functions in the areas of conditional release decisions, operations and appeals, pardons and record suspensions, board member appointments and essential internal services. These core functions are primarily being delivered by board members and staff working remotely and by a small number of board members, executives, managers and critical staff working in PBC offices while practising social distancing.

Parole hearings are being conducted remotely via video conference or teleconference, as applicable, outside of correctional institutions. The PBC has also worked to streamline its processes and has modified some of its policies to provide additional flexibility to CSC and community—

• (1220)

**Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.):** I have a point of order, Mr. Chair. I have had no volume coming through for the last two minutes, and I'm checking everything here. I don't know if anyone can hear me, but I can't hear a thing. Perhaps it's just on my end. I lost the last things that this wonderful witness has just said for the last two minutes.

**The Chair:** We'll suspend for a few minutes and get this sorted out.

The meeting is now suspended.

• (1220)

(Pause)

• (1230)

**The Chair:** We will now resume the meeting.

Ms. Blanchet, you may continue with your statement. If you'd like to back up a couple of minutes, because Mr. Fisher wasn't able to hear it all, that would be acceptable.

**Ms. Sylvie Blanchet:** Sure. Thank you very much.

Parole hearings are being conducted remotely via video conference or teleconference, as applicable, outside correctional institutions. The PBC has also worked to streamline its processes and has modified some of its policies to provide additional flexibility to CSC and community partners. For example, for offenders already in the community on day parole who become eligible for full parole, the PBC has implemented efficiencies to expedite those decisions by proceeding by way of paper review.

The PBC has also amended its policy to allow Correctional Services Canada to authorize emergency medical leave privileges for offenders residing in the community for up to 30 days rather than the current maximum of 15 days.

The PBC also continues to process parole-by-exception cases as expeditiously as possible. Parole by exception is a mechanism in law to permit parole consideration for offenders who have not yet reached their parole eligibility date, in exceptional circumstances including for offenders who are terminally ill or whose physical or mental health is likely to suffer damage if the offender continues to be held in confinement. Since March 1, 2020, seven parole-by-exception cases have been granted. There are currently 33 pending decisions. In comparison, only four parole-by-exception cases were granted in all of last year.

The PBC is also working with CSC to better accommodate the circumstances of offenders during the pandemic, such as imposing a condition to reside in a home or family environment where such placement is risk appropriate rather than in a community-based residential facility. Since March 1, we have been making an average of 11 day-parole-to-other-location decisions per week compared to five per week in 2019-20.

Further, the PBC has worked closely with CSC to review cases in which offenders residing in community-based residential facilities may have had their residency condition change to specify another location such as a family home. Since March 1, 2020, we have been averaging seven such decisions per week compared to an average of one decision per week last year.

Given the current restrictions due to COVID-19, the deadline for an offender to submit an appeal to the appeals division has been extended from two months to three months in order to assist the offenders in preparing their appeal, especially if they need to seek the support of outside resources. In accordance with the CCRA, offenders have the right to an assistant at their hearing. We have been able to facilitate participation of offender assistance remotely by teleconference.

The PBC remains committed to ensuring that victims' voices are heard during this unprecedented situation and that they continue to receive all legislated information to which they are entitled. The PBC has implemented technological and procedural enhancements, as an interim measure, in order to provide victims the ability to participate at PBC hearings via telephone and to have their victim statement considered by board members. Because our hearings are being held remotely, this means that a typical hearing can have six or more individuals connected from different locations. For victims who prefer not to attend a hearing, the PBC continues to accept victim statements in various formats including audio and video recording.

In these unprecedented times, the PBC has taken measures to ensure that it continues to deliver its important safety mandate under extraordinary circumstances. I am extremely proud of the resilience and commitment demonstrated by our board members and staff in the face of these challenges.

On a final note, I would also like to invite committee members interested in attending a full hearing, once we are back to conducting in-person hearings, to get in touch with us and we would be happy to facilitate that.

Thank you.

• (1235)

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

I should mention that this meeting will have a hard cap at three o'clock Eastern Standard Time, because the facilities are required for another meeting.

We will do two rounds of questions with this panel. We'll start the questions with Mr. Paul-Hus.

[*Translation*]

Mr. Paul-Hus, you have the floor for six minutes.

**Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC):** Thank you, Mr. Chair.

The members will recall the case of Marylène Levesque. Ms. Kelly and Ms. Blanchet, I think that this brings back memories for you. The government requested an internal investigation. I'd like to know the status of this investigation.

What has been done since March as part of this investigation?

• (1240)

**Ms. Anne Kelly:** As a result of COVID-19, the investigation was suspended until further notice. Since people needed to travel, there were issues. The work that could be done from home is still being carried out. However, as I said, the investigation was suspended because of the travel required to conduct the interviews.

**Mr. Pierre Paul-Hus:** Can you update me on the progress so far? How many meetings have been held? You said that the investigation is suspended. So nothing is happening anymore. When did you stop working on the investigation?

**Ms. Anne Kelly:** Probably around mid-March, when the COVID-19 situation was declared a pandemic. In terms of the status of the investigation, I'll need to respond to you later.

**Mr. Pierre Paul-Hus:** As you can see right now, we can hold committee meetings. I imagine that your department could organize virtual meetings with witnesses using Zoom, for example, as we do here.

Why can't this be done?

**Ms. Anne Kelly:** I'll ask Mr. Tousignant to answer your question.

**Mr. Alain Tousignant (Senior Deputy Commissioner, Correctional Service of Canada):** Thank you, Mr. Paul-Hus.

I think that there's a difference between holding a committee meeting such as this one and speaking to employees as part of an investigation to hear their version of traumatic events. This creates a significant amount of nervousness. I think that it's difficult to make this comparison.

That said, in some cases, a few interviews can be conducted by telephone or video conference. However, certain interviews must be conducted in person to continue and conclude the investigation.

**Mr. Pierre Paul-Hus:** Thank you, Mr. Tousignant.

I'd like you to give the committee an update on your investigation. Of course, we can't have the information disclosed. However, you can at least provide an update so that we know the status of this important case. This is also very important for the family of Marylène Levesque.

In relation to this issue, Ms. Blanchet, you spoke earlier about the various paroles granted to date. We know that Minister Blair requested expedited parole for prisoners nearing the end of their sentences, seniors and people with medical issues. However, we've learned that dangerous prisoners were released into the community in the midst of the COVID-19 pandemic, even though we know that all the services are much harder to obtain.

Can you confirm that all the paroles were really granted to people who were sick or who had reached the end of their sentences? Could some cases have slipped through the cracks in the system?

**Ms. Sylvie Blanchet:** For the Parole Board of Canada, the risk assessment hasn't changed as a result of COVID-19. If cases are brought before us, we'll certainly take into consideration all the information provided.

I spoke earlier about cases of parole by exception. These may be the cases you were talking about.

The law hasn't changed. The risk assessment conducted by our members remains the same. The minister told you that he asked us to expedite the process. We expedited these processes.

Correctional Service Canada and the Parole Board of Canada worked together to expedite the process of obtaining a recommendation from the board for the release of the individual. The board's decision-making process remains based on risk assessment. The law hasn't changed.

• (1245)

**Mr. Pierre Paul-Hus:** Ms. Blanchet, I want to address the release of Jimmy Bouchard a few weeks ago in the Chicoutimi area. The victim wasn't informed of his release.

In your statement, you said that all the processes were in place to ensure contact with the victims. In this situation, it seems that this didn't happen.

Can you confirm that all the victims are contacted before the parole hearing?

**Ms. Sylvie Blanchet:** I can confirm that the victims who registered with the board to receive the information are contacted. Certainly some victims don't know that they have access to the information from the Parole Board and Correctional Service Canada.

When victims are registered with the board, we contact them to ensure that they can participate in the process or that they can share their concerns regarding the offender's release conditions.

I can't assure you that all victims are registered because not all victims have registered with the board.

**Mr. Pierre Paul-Hus:** Thank you, Ms. Blanchet.

Mr. Chair, I think that my time is coming to an end. I want to take this opportunity to formally move two motions submitted to the committee.

Can I do so now?

[*English*]

**The Chair:** It depends on the motion. The motions for which we received notices of motion can be moved now.

[*Translation*]

**Mr. Pierre Paul-Hus:** Thank you.

These two motions were indeed submitted to the clerk a few days ago. The motions have already been before the committee.

I can read them, or you can ask the clerk to read them. It's up to you, Mr. Chair.

[*English*]

**The Chair:** Please move them. It's probably best to read them, and do them one at a time please.

[*Translation*]

**Mr. Pierre Paul-Hus:** Perfect, Mr. Chair.

The text of the first motion is as follows:

That, pursuant to Standing Order 108(1)(a), the committee order all documents, specifically briefing notes, background documents, memos and emails, prepared for the Deputy Minister of Public Safety and the Minister of Public Safety regarding the closure of the Canada – United States border which first came into effect on March 21, 2020, and for each subsequent extension; and that these documents be provided no later than August 10, 2020.

The text of the second motion is as follows:

That Public Safety Canada provide the committee with the total number of RCMP, CBSA and Correctional officers infected with COVID-19, broken down by cohort and province, between March 11 and June 15, 2020, and that these statistics be presented to the committee no later than July 10, 2020.

[*English*]

**The Chair:** Thank you, Mr. Paul-Hus.

I would ask members, if anyone wishes to speak to this, to use the “raise hand” function. I will try to deal with interventions as they arise.

Mr. Thériault.

[*Translation*]

**Mr. Luc Thériault:** In terms of the two motions, which I believe were previously referred to as Mr. Kitchen's notices of motion, I think that the second motion is perfectly fine.

With respect to the first motion, we want to remove the reference to emails. That way, the motion regarding the border closure would be realistic in terms of the information that must be recorded. Emails may be somewhat relevant, and we could drown in this amount of information. I'd therefore move an amendment to the first motion:

That the motion be amended by deleting the words “and emails”.

• (1250)

[*English*]

**The Chair:** Thank you. We'll only—

**Mr. Marcus Powlowski (Thunder Bay—Rainy River, Lib.):** Point of order, Mr. Chair.

**The Chair:** One moment, please. We'll deal with one motion at a time.

I'm sorry. Whose point of order was that?

**Mr. Marcus Powlowski:** It was mine, but I think you're getting to it, which is, can we do one at a time; otherwise, I'm confused as to which one is the first and which is the second. Can we do them one at a time?

**The Chair:** There is one motion on the floor at this time. That's the one on which we are debating and so forth. We now have an amendment put forward by Mr. Thériault. Debate will now be on the amendment.



Mr. Thériault has moved to amend the original motion by dropping the words “and emails”. Is there any discussion on this?

I see that Mr. Fisher has his hand up.

**Mr. Darren Fisher:** Thank you, Mr. Chair, and thank you, Mr. Thériault, for that suggestion, which I fully agree with and will support.

Mr. Chair, I'm sorry to be seeking clarity here, but Mr. Paul-Hus moved two motions. Are we only dealing with the first motion that he put forward in the name of Mr. Kitchen on the closure of the Canada-United States border? Is that the only motion we're dealing with at this point? Will we pass or not pass that particular motion and then will we deal with the second motion today as well, while our witnesses are here?

I'd just like some clarity.

**The Chair:** Yes. Mr. Paul-Hus mentioned both motions. He only moved one.

He moved the one regarding the border closure, so we will be dealing with the motions when moved, one at a time.

[*Translation*]

**Mr. Pierre Paul-Hus:** Mr. Chair, I read two motions. The first concerned information on the border closure, and the second concerned the health of officers working for the RCMP and border services.

We can look at the first motion, which concerns the border closure. We're currently debating the amendment proposed by the Bloc Québécois regarding emails.

[*English*]

**The Chair:** You may have mentioned both motions, but we can only deal with one at a time. I believe that you actually moved the one on border closures. We are dealing with that motion, and there is an amendment to that motion made by Mr. Thériault to drop the words “and emails” from the text.

On the amendment, Mr. Fisher, your hand is still up.

**Mr. Darren Fisher:** Yes, I am again just seeking clarity on this.

We have one motion on the floor and there is now an amendment. That is what we are speaking to, not to the motion, but only to the amendment and whether we support it. The debate will be on the amendment by Mr. Thériault. Is that correct?

**The Chair:** That is correct.

**Mr. Darren Fisher:** If we have other amendments that we would like to make, we would make them after we deal with Mr. Thériault's amendment.

**The Chair:** That is correct. Once we vote on Mr. Thériault's amendment, whichever way that vote goes, that will be the new motion. Then we can amend it further if desired.

**Mr. Darren Fisher:** Thank you, Mr. Chair. I'm happy to come back with potential further amendments.

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

We will go now to Mr. Jeneroux.

**Mr. Matt Jeneroux (Edmonton Riverbend, CPC):** Mr. Chair, I think the confusion was that when Mr. Paul-Hus asked you if he should move both motions or one motion, you said two motions.

**The Chair:** Correction: I said move one motion. We can only deal with one motion at a time.

**Mr. Matt Jeneroux:** I'll argue with you, Mr. Chair. We can go back to the blues. I think you're wrong.

However, that isn't my intervention. My intervention is based on Mr. Thériault's amendment.

I'm not sure if he is simply looking for less work to do or what, but requesting the removal of “emails”.... I think it's pertinent to essentially what we're trying to get at. There is certainly a lot of back and forth over email. If you remember, this is the same member who brought up the removing of “text messages” as well—both times.

This is certainly something that I would argue is important for us at the committee level to understand. We're looking at the overall response of this thing.

If Mr. Thériault doesn't want to read a whole bunch of emails, then he simply doesn't have to read those emails. We'll do that work for him. I certainly don't support his amendment, and I will be voting against it.

• (1255)

[*Translation*]

**Mr. Luc Thériault:** Mr. Chair, I rise on a point of order.

[*English*]

**The Chair:** Monsieur Thériault, on a point of order.

[*Translation*]

**Mr. Luc Thériault:** Mr. Chair, the Conservatives have already tried to tarnish my reputation once. I won't accept, in front of witnesses who are waiting to appear, the insinuation that I'm making an amendment because I don't want to work.

I'm asking Mr. Jeneroux to retract his comments immediately. His comments are disgraceful. It's pointless to make these types of comments, which show a lack of respect for his colleagues. I said earlier why I wanted to delete the words. Since Mr. Fisher said that he agreed with me, does this mean that he doesn't want to work either?

I explained that this was strictly related to the series of motions moved and that we had to be able to finish our work and process the information. I speak from experience. I've made access to information requests in the past. Following these requests, I've drowned in a sea of completely irrelevant documents. I don't see the relevance of the text messages related to the first proposal, which was blocked several months ago. We can determine this during the debate based on the arguments.

I'm asking Mr. Jeneroux to show respect for his colleagues. I work and I'm known for being hard-working. I'd like him to retract his comments and insinuations, which once again seek to tarnish my reputation. The Conservatives were disgraceful last time, and they didn't even apologize. Yet three weeks later, they proposed the same thing.

Can we have a calm and substantive debate instead of ascribing motives to the individuals moving amendments?

Mr. Chair, I urge you to handle this properly, because this time it won't fly.

[*English*]

**The Chair:** Are there any comments or responses to Monsieur Thériault's point of order?

Mr. Webber.

**Mr. Len Webber (Calgary Confederation, CPC):** Yes, Mr. Chair.

Mr. Thériault is referring to Conservatives talking poorly about him. I have not once made any comment on Mr. Thériault in a disrespectful manner, so I would ask that Mr. Thériault please retract those statements referring to Conservatives. I am a Conservative, and a proud one, and I have not once said anything poorly against Mr. Thériault.

Thank you.

**The Chair:** Are there any other comments?

Mr. Thériault, go ahead.

[*Translation*]

**Mr. Luc Thériault:** Mr. Chair, I encourage Mr. Webber to read Mr. Bellavance in *La Presse*, along with the comments made by his colleagues, Mr. Paul-Hus and Mr. Rayes. He'll understand that I'm stating facts. That said, can we please stick to rational arguments?

**Mr. Pierre Paul-Hus:** Mr. Chair—

[*English*]

**The Chair:** I am actually in error in allowing this to go to debate. This is a point of order. It's not a point that we want to debate.

If Mr. Jeneroux wishes to apologize, that will be up to him, but we will not carry on with our...

**Mr. Matt Jeneroux:** Sure, Mr. Chair. I'll just address Mr. Thériault's.... I'm not sure what he's—

**Mr. Marcus Powlowski:** Point of order.

**The Chair:** We have a point of order already on the floor.

**Mr. Marcus Powlowski:** Point of order. We're getting French translation over the English. I am, anyhow. I don't know if you are. We can't understand two languages at the same time.

**The Chair:** Mr. Jeneroux, please make sure that your language is on English, if you're speaking English.

We'll try again. Go ahead, Mr. Jeneroux.

Do you want to respond quickly to Mr. Thériault? And please, let's not get into debate.

• (1300)

**Mr. Matt Jeneroux:** Okay. Thank you, Mr. Chair.

To address Mr. Thériault's point, I'm unaware of what article he is referring to. I'd ask him to table that at either this meeting or a future meeting, and I would be happy to look in more detail at what that means.

I am certainly happy to address any issues he has with me.

**The Chair:** Okay. We'll leave this to be resolved between the members.

I would urge everyone to remember proper decorum and to be respectful of each other.

We will resume debate on the amendment proposed by Mr. Thériault.

I have on my list now, Dr. Jaczek.

Dr. Jaczek, please go ahead.

**Ms. Helena Jaczek (Markham—Stouffville, Lib.):** Thank you, Chair.

Certainly I echo your comments in terms of respecting each other. Through the very many meetings of the health committee that I've attended, I think we have had a very respectful dialogue among us. I hope that continues.

In speaking to the amendment proposed by Monsieur Thériault, I would certainly agree that removing the reference to "emails" is a good one. With the kind of quantity that could be generated by including emails—it would be a huge amount, of course—I really don't see how that would add to what we all want to see, which are the briefing notes, the background documents and memos that relate to the closing of the United States-Canada border.

As it would read with the amendment—though I'm wondering, again, about the timing of this—certainly we would have enough information. I will be supporting Monsieur Thériault's amendment.

**The Chair:** Thank you, Dr. Jaczek.

On my list now, I have Mr. Kelloway.

Mr. Kelloway, go ahead.

**Mr. Mike Kelloway (Cape Breton—Canso, Lib.):** Thanks, Mr. Chair.

To the witnesses, my personal apologies for the delay here, but this is democracy at work and sometimes it gets a little messy.

I would support the amendment that Mr. Thériault has put forward. It's logical, as Dr. Jaczek said. It is one that is based on common sense, at least from my perspective.

My understanding as well.... Mr. Fisher mentioned, and I think this is accurate once again, that we're voting on this amendment. I have a couple of other items with respect to an additional amendment, and that will be forthcoming.

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

We go now to Ms. Sidhu.

**Ms. Sonia Sidhu (Brampton South, Lib.):** Mr. Chair, I want to echo, with my colleagues, that I support Mr. Thériault's amendment and we should be respectful with each other.

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

We go now to Mr. Fisher.

**Mr. Darren Fisher:** Mr. Chair, I had my hand raised from before, but I want to say that since this committee has been formed, Mr. Thériault has been incredibly professional, very prepared, and is known in the House as one of the hardest-working members of Parliament.

I want to make sure that's on the record, Mr. Chair.

**The Chair:** Thank you, Mr. Fisher. Let's try to keep our comments to the amendment.

We go now to Dr. Powlowski.

**Mr. Marcus Powlowski:** Mr. Chair, I want to further support the amendment.

I have to preface my remarks by saying that my riding extends all the way from Thunder Bay, so from Lake Superior to the Manitoba border. I have the total border. I can say that no issue comes up more frequently than border issues do. People who have a business across the border or family members across the border want to go across the border.

People call my office and say they saw someone with a licence plate from Minnesota towing a boat and they think they're coming up here as tourists, and they say aren't we supposed to be allowing just essential people to come into Canada. There's this non-stop questioning about what's happening at our borders. I would think, similarly, the people working at Canada Border Services Agency would face the same number of questions every day.

These are people who evidently have a lot to do and a lot of issues come up before them, and to ask them, rather than to address these very real issues, to take a lot of time going over every email would seem like diverting their attention from where it should be at this time.

I fully support the amendment.

• (1305)

**The Chair:** Thank you, Dr. Powlowski.

We'll go now to Mr. Paul-Hus.

[*Translation*]

**Mr. Pierre Paul-Hus:** Thank you, Mr. Chair.

I won't wade into the debate between Mr. Jeneroux and Mr. Thériault.

The purpose of the motion I moved on Mr. Kitchen's behalf is to shed light on the lead-up to the closing of the border, especially regarding how long it took. Why did it take so long?

This is a public health issue. I can't understand why the honourable member from the Bloc wants to strike the request for emails and thus take relevant information away from the committee. The opposition parties should stand up and demand that the

Liberal government provide as much information as possible. To be sure, the Liberal members will support any amendment that limits the information provided to the committee and, by extension, to the opposition parties. I think that's unfortunate.

Personally, I would like Mr. Thériault to withdraw his amendment, simply so that the government has to provide as much information as possible to the opposition parties. I think that even the Bloc Québécois needs the information.

[*English*]

**The Chair:** Thank you, Mr. Paul-Hus.

Monsieur Thériault cannot remove his amendment. Doing that would require unanimous consent.

We are debating the amendment, and it will be voted on one way or another in due course.

We go now to Mr. Van Bynen.

**Mr. Tony Van Bynen (Newmarket—Aurora, Lib.):** Mr. Chair, I support the amendment as well, and I can give you a very classic example.

In the last week, in one day, I received as many as 91 emails. It took me most of the day to get those 91 emails down to 21.

If we start to look at an issue as broad as this one, I simply can't imagine the number of emails that will be clouding the issue. I think we need to maintain our focus on information that is relevant, and not necessarily dilute the value of the information by overloading it with other information, which can all be gathered and could be sifted through in the documentation that this motion requests.

One minor change is that if we are going to be deleting "and emails", we should add the word "and" in front of the word "motions". I don't know whether or not that needs another motion—I'm not as familiar with parliamentary process as many of us are—but I think that would have to be a consideration as well.

I will leave it to you, Mr. Chair, to decide on that.

I do want to say that what's being proposed here, to eliminate the emails, is a very legitimate request. I think it's putting an unfair and heavy burden of reporting on people who should be focusing on doing the right things during this current emergency.

We have a pandemic in front of us, ladies and gentlemen, and therefore, we should not be overloading the system. We should respect the time and the energy of all the people who are working on this. I think removing the emails is a significant step in doing so.

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

Mr. Webber, please go ahead.

**Mr. Len Webber:** Mr. Chairman, of course, I do not support this amendment to the motion. I'm not going to reiterate what my colleagues on the Conservative side have said. Mr. Paul-Hus said it quite eloquently. We need to get as much information as possible. Withholding information just doesn't make sense to me, so eliminating emails is not what we should be doing.

Mr. Van Bynen, with all due respect, on sifting through emails and only pulling out information that is relevant, I don't understand who you think should be doing that. Who should be sifting through these emails?

• (1310)

**The Chair:** I remind everyone to speak through the chair and not to each other.

**Mr. Len Webber:** Yes, Mr. Chair.

I'm referring to what Mr. Van Bynen indicated, which was the fact that these emails should be sifted and only information that is relevant should be distributed to us, but who makes the decision on what is relevant and what is not?

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

Ms. Jansen, please go ahead.

**Mrs. Tamara Jansen (Cloverdale—Langley City, CPC):** Mr. Chair, I know that all of us here at this committee are very much in solidarity in regard to transparency and openness. I think the whole point of this committee is to ensure that we understand exactly what went on, and the idea of removing emails because it's too much work would stand in the way of that ultimate goal that we all have, which is to ensure that we have complete openness and transparency on what has happened here.

I live right at the border, and these things are extremely important to all of the constituents in my riding. I think it's imperative that we show we truly are dedicated to transparency and openness and ensure those emails are available.

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

Mr. Davies, go ahead.

**Mr. Don Davies (Vancouver Kingsway, NDP):** Mr. Chair, I think there have been some points made on both sides of this. I have noted the pattern where generally opposition wants more disclosure and government seeks to limit disclosure, and I see that pattern repeating itself here today.

I'm going to support the amendment only because if the disclosure of information that we get is not sufficient, I think it's open to Mr. Kitchen or Mr. Paul-Hus to move another motion requesting the emails. I don't find it persuasive to.... This is the second or third time I've heard the government side argue that it's too onerous to provide emails. Disclosure and accountability are foundational concepts, and I believe Mr. Trudeau has famously said that his government should be "transparent by default". That's what he told the Canadian public.

Just because it's difficult or just because it's onerous to get emails, that's not a sufficient reason to override the need for transparency. I also think that with emails what's behind my Conservative colleague's motion is that there's a degree of frankness, granularity and detail that is usually found in emails that is not found in other documents. In supporting this motion to move this meeting forward, that in no way doesn't mean I don't think the emails are a valid source of information, and we could be pursuing those later on.

I do want to comment, and ask the clerk to comment, on redaction. When this committee passed a motion before for disclosure from the government, in my opinion, we had illegitimate and, frankly, I thought unjustifiable redactions by the government. I want to make sure that the documents being sought here come in unredacted form, and that it's the clerk of this committee who will determine if anything ought to be redacted or not.

Last time, I think the privileges of these committee members, of us, were violated when we received documents that someone else, prior to sending them to us, had redacted for all sorts of reasons, many of which were way beyond the grounds that are normally given for redaction. If we're going to hold the government to account—and I think it's a good motion on behalf of my colleague to do so, particularly when the border is affecting so many Canadians in so many ways, both on an economic and a personal level—then I want this committee to get the unvarnished information we seek. I want to be very clear that I'll be looking for documents that are not sanitized to protect the government's political interests like they were last time.

Finally, I want to say that I don't find emails to be that difficult to get. There are search functions that exist in our computers, such that if a particular individual were asked to provide all emails that bore on the subject of border controls, I would point out to Mr. Van Bynen that it's a simple matter to use search functions to produce those documents. In fact, because emails are, by definition, stored on computers, it's actually very quick and easy to produce documents by email, so that is not an argument that I find persuasive.

To move this forward, I think we should have the vote on this. I'll support Monsieur Thériault's amendment to remove emails at this point, on the proviso that I reserve the right to pursue those emails later on if we find that the documents that are produced to the committee are not sufficient for the purposes of my Conservative colleagues.

• (1315)

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

We'll go now to Monsieur Thériault.

[*Translation*]

**Mr. Luc Thériault:** I agree with Mr. Davies. The motion in and of itself is quite substantial and extensive. The committee is asking for all relevant documents, specifically, briefing notes, background documents and memos.

If nothing in those documents helps the committee understand why it took so long to close the border, it points to a serious problem somewhere. If that's the case, we can ask the necessary questions. I want to point something out. Poor legislation is often unenforceable legislation—hence, my comment.

The same party even wanted text messages to be provided the last time. If we look back over all the motions that have been put forward—and there's a good few—we see that, every time, the goal is to obtain all the emails from all the stakeholders. I think we should limit ourselves to the information that's relevant. In this case, the motion sets out everything we need to gain a very clear understanding of what happened, all while ensuring the necessary transparency. If not, we will take up the issue then.

Coming back to Mr. Webber's question, I would refer him to the April 23, 2020 edition of *La Presse*. Then, he'll understand what I was referring to.

[*English*]

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

Dr. Powlowski, your hand is up. Go ahead.

**Mr. Marcus Powlowski:** Mr. Chair, the issue of transparency has come up. I want to say that I don't think the issue in asking to not include emails is one of transparency.

I certainly agree [*Technical difficulty—Editor*] we're talking about our relations with the United States. It's a totally different country. When we're talking about the reasons for reopening the border, I think we're going to have to discuss what the United States is doing with respect to control of the disease. There are 50 different states in the United States. There is the federal government. They are all potentially doing different things with respect to COVID-19.

When people start talking about when to open the border and when not to open the border, of course they're going to have to reference what is being done in the United States. I don't know whether we want, as a government, to make public everything everybody said in discussing what the United States is doing in managing the outbreak. Certainly, our relations with the United States are exceedingly important. The United States is our best friend. It's obviously our major trading partner. We have to be very sensitive to our relationship with them.

I'm not sure a requirement to open all these up to the public is really in our best interest, as a nation.

• (1320)

**The Chair:** Thank you, Dr. Powlowski.

Mr. Paul-Hus, you're up.

[*Translation*]

**Mr. Pierre Paul-Hus:** Thank you, Mr. Chair.

I think we can proceed. We've debated the motion for the record. I would just like the record to reflect my disbelief at the Bloc Québécois's helping the government do less work. I sense some dislike on Mr. Thériault's part for the Conservative Party, which is totally inappropriate under the circumstances.

Regardless, I am now ready for the committee to vote on Mr. Thériault's amendment and the final version of the motion.

**Mr. Luc Desilets:** Mr. Chair, I had asked for the floor.

[*English*]

**The Chair:** Mr. Desilets, I didn't see your hand. I apologize. Go ahead.

[*Translation*]

**Mr. Luc Desilets:** First, I agree with Mr. Paul-Hus. We should go ahead and vote, because everything has already been said. I fully support Mr. Thériault's amendment.

I would also like to apologize to the witnesses for Mr. Jeneroux's cheap shot, for which, we expect an apology, of course.

I suggest we vote, Mr. Chair.

[*English*]

**The Chair:** Thank you, Monsieur Desilets.

Mr. Van Bynen, go ahead.

**Mr. Tony Van Bynen:** Mr. Chair, I just wanted to clarify some comments made earlier by some of my colleagues.

Yes, I understand how email works. Yes, I know how to sort your email and how to sort subject lines, etc., but my concern is around the scope and the scale of these types of discussions and the volumes that would be added to the review. When I take a look at the datelines that are imposed on this motion, I think it's virtually impossible to thoroughly go through all of that information, and I genuinely believe that the other documents that have not been taken out of the motion would be sufficient to come to a conclusion.

I fully support transparency, and I think it can be achieved with the documents that are being requested.

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

Seeing no more interventions—

**Mr. Len Webber:** One more point of order, Mr. Chair.

**The Chair:** Is it a point of order or...?

**Mr. Len Webber:** It's a point of order on an earlier comment from Mr. Desilets from Quebec.

You know, you talk about Mr. Jeneroux making, as you say, cheap comments. I think that requires an extraction as well, and an apology there, too, if you're asking for an apology.

Mr. Chair, we are bickering here and it is ridiculous. Let's just move on with the vote. Making comments like that is just inappropriate. If you're going to criticize others, just think about what you say as well, through the chair.

Thank you.

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

Once again, I remind everyone to be aware of and duly recognize of the correct protocol and courtesy.

Seeing no further interventions, I will ask the clerk to conduct the vote on the amendment.

(Amendment agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

• (1325)

**The Chair:** Is there any debate or comment on the motion as amended?

Mr. Kelloway, please go ahead.

**Mr. Mike Kelloway:** Mr. Chair, I'm not sure if it's the right time, but speaking of timing, can I speak to the timeline of August 10 or would that be something separate?

**The Chair:** Yes, it is in order at this point. The motion—

**Mr. Marcus Powlowski:** Can I make a point of order?

**The Chair:** Go ahead, Dr. Powlowski.

**Mr. Marcus Powlowski:** There was already the suggestion by Mr. Van Bynen that there was a need for an “and” in there. If we’re going to amend it further, are we going to deal with this issue next?

**The Chair:** The amendment has already passed as moved by Mr. Thériault. If you require further amendments, we have to move further amendments.

I believe Mr. Kelloway was in the process of asking a question.

If you wish to talk about the timeline, Mr. Kelloway, it would be appropriate to do so now.

**Mr. Mike Kelloway:** Okay, wonderful.

In terms of the documents being submitted by August 10, given many of the points that have been made this afternoon in terms of timelines and the volume and girth of documents to be reviewed, I’m wondering if it would be helpful to extend the timeline by two weeks, to the end of August, to enable staff to do the work they need to do, which will be quite a lot.

I’d put forth an amendment for discussion to extend the deadline for producing said documents to by or on August 31.

**The Chair:** The amendment is to modify the timeline and change the date to August 31.

We will go to debate on the amendment.

Mr. Paul-Hus.

[*Translation*]

**Mr. Pierre Paul-Hus:** Thank you, Mr. Chair.

I think the deadline that was chosen is acceptable. If the government can’t turn over the documents within the time frame set by the committee, it’s up to the government to request an extension. Bear in mind that the situation at the border is very pressing. Bear in mind, as well, that Canada could experience a second wave of COVID-19. All that to say, I think it’s important to speed things up. I know working remotely isn’t easy, but the fact of the matter is that public servants, the people responsible for doing this work, have access to the information and the ability to provide it, even if they have to work from home. I think August 10 is a reasonable deadline if people get to work.

[*English*]

**The Chair:** Thank you.

Mr. Fisher, go ahead.

**Mr. Darren Fisher:** Thank you, Mr. Chair.

I just want to get clarification on Mr. Kelloway’s amendment. Is he saying “on” August 31 or is he keeping the words the same as what Mr. Paul-Hus had moved, “no later than” August 31?

**Mr. Mike Kelloway:** I was thinking “on”, Mr. Fisher.

**Mr. Darren Fisher:** If all the subject matter is put together prior to the 31st, you want it held until the 31st?

**Mr. Mike Kelloway:** That’s a good question. My original intent was to have it submitted on August 31.

**Mr. Darren Fisher:** Thank you for that clarity.

**The Chair:** Dr. Powlowski, please go ahead.

**Mr. Marcus Powlowski:** Well, now you have me confused. I think the amended version is “on”. Can we clarify that? Is “on” what we’re debating now?

**The Chair:** The debate is on the amendment as provided by Mr. Kelloway.

Maybe I’ll ask Mr. Kelloway to restate his amendment.

**Mr. Mike Kelloway:** I’d be open to having the documents provided no later than August 31.

Mr. Chair, I’ll clarify my original statement to say “no later than August 31, 2020”.

• (1330)

**The Chair:** The motion before us, then, is that the wording be changed to “no later than August 31, 2020”. I think we require unanimous consent to accept that.

Do we have unanimous consent?

[*Translation*]

**Mr. Pierre Paul-Hus:** Mr. Chair, I think some of the honourable members wanted to speak.

[*English*]

**The Chair:** Yes, I’ll get to those. I just want to make sure we’re clear on the amendment.

Mr. Kelloway has clarified the amendment that he was making. I wish to ensure that everybody is in agreement with the wording of the amendment as it is now.

Seeing nothing to the contrary, I shall take that as unanimous consent.

We will go now to the speakers list.

Dr. Powlowski, you’re still on the list. Do you wish to carry on?

**Mr. Marcus Powlowski:** I’m not sure if someone wanted to speak to the proposed amended amendment, because I see a bunch of hands coming up. I’m not sure whether Mr. Paul-Hus is saying that people want to speak to the motion, or to the proposed amendment “no later than”, or to the original. I’m not sure what we’re debating.

Assuming that the debate is still on the date by which documents have to be submitted, I agree with the extension. I would go back to the same reasoning that these people have a lot of work to do to begin with. This is a big issue. There are so many border points between Canada and the United States, and not a lot of people working in this job. They have a sufficient number of things to do without their lives being made so much more complicated by having to divert those issues instead of addressing them, having to put them all on the back burner, because they have to produce documents.

I realize that for the sake of transparency they are important, but this means you’re prioritizing this function of producing documents over what I think ought to be their priority, which is dealing with the issue of border closure—who’s allowed to go across the border and who isn’t—that justifiably, I think, takes a good deal of their time.

**The Chair:** Thank you, Dr. Powlowski.

We go now to Dr. Jaczek.

Dr. Jaczek, please go ahead.

**Ms. Helena Jaczek:** Thank you, Chair.

Again, to speak to Mr. Kelloway's amendment, which is "not later than August 31", if possible, of course, we could get the documents sooner. I think that's important to make sure we all understand that.

Our goal is to get the very best information we possibly can. We know that many other committees are also looking at similar motions in terms of production of documents. Though, of course, this is important work to be done, I think we want quality, thoroughness, in the name of truly understanding what the government's response has been, and obviously planning to look to the future. I'm sure we all hope we could open that border as soon as is feasible.

However, as Dr. Powlowski said previously, it is a very delicate issue, obviously in terms of the trade involved that's so important to both our economies, but also, of course, to the health of the population and not being sure of what exactly is happening to the south of us at any one time, from so many different states and so on.

I think what we're after is production...that is transparent, that is full and of good quality. I think the timing as proposed in Mr. Kelloway's amendment makes a great deal of sense.

• (1335)

**The Chair:** Thank you, Dr. Jaczek.

We go now to Ms. Sidhu.

**Ms. Sonia Sidhu:** It's the same thing. We also need good quality reports, and we should give flexibility to staff. If the department finishes before, that's great, but we should provide the department with the time that they need. I agree with the amendment for "August 31".

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

I've been advised by the clerk that the time for panel number one has expired.

I will thank the witnesses for their statements.

Regrettably, we are unable to question you further at this time, but thank you for joining us. I appreciate your time.

We go now to Mr. Fisher.

**Mr. Darren Fisher:** I'm good now that I have clarity.

As Dr. Jaczek said, and as MP Sidhu said, if these documents are put together in a pile before August 31, I think then it's prudent to get them out before the 31st. So, "no later than" works for me.

**The Chair:** Ms. Jansen, please go ahead.

**Mrs. Tamara Jansen:** I have to say that I am completely shocked at the lack of urgency that the Liberals are showing here. Unless they have information that there won't be a second wave coming, I am absolutely appalled that we are suggesting we have time.

I am against the idea that we're just going to give ourselves a couple of extra weeks. We don't have a couple of extra weeks. That's what happened in the beginning of the pandemic as well.

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

[*Translation*]

Mr. Thériault, you may go ahead.

**Mr. Luc Thériault:** Mr. Chair, when I said earlier we had to be reasonable in our request, I thought the cutoff should be August 10, since we have a report to table, information to go through and a work plan to prepare.

Today is June 15, and I think the government can provide the documents requested in the motion on time, and that's important. I agree with Mr. Paul-Hus and Mrs. Jansen. I think it's doable and that there is enough time, especially since it doesn't involve many departments, unlike other motions we will eventually deal with.

This is an important issue, and we're going to have to review the information. We have a report to submit, so I think we should stick to August 10.

[*English*]

**The Chair:** Thank you, Monsieur Thériault.

Mr. Van Bynen, please go ahead.

**Mr. Tony Van Bynen:** Thank you, Mr. Chair.

My concern is around getting clarity in terms of the information that's being covered. If we say anything up to August 31, or August 10 for that matter, these are ongoing negotiations, so what happens if there are discussions that go on after that? Shouldn't we be spending some time defining the start date and the finish date for when these documents are covered, or do we intend for these documents to be available in the interest of full transparency? What happens if something comes forward or if there's a document that's eligible for review on August 31? Should we define August 31 as the timeline for the review of the documents that we have in place and then have a timeline for reporting?

I'm a bit confused in terms of the "up to". If it said August 31 specifically, then we would know we're dealing with information from the time that the discussion started with COVID and for what length of time we're going to be including the information. It's not clear to me how much information we're seeking, because we don't have a start date and a finish date. I'd like some clarity on that from the person who proposed the motion.

**The Chair:** I'd like to clarify a point Mr. Thériault made, and I would ask the clerk to weigh in if she feels it's appropriate. I believe the documents we're requesting here are not part of the study we're undertaking on COVID-19. The report we will be getting out of that study will be derived from witnesses who have appeared before the committee, and from briefs submitted by those witnesses and by other people to the committee specifically for this study. The document matter is, I believe, completely separate.

Unless the clerk wishes to offer an opinion, I will go to our next speaker, Mr. Davies.

• (1340)

**Mr. Don Davies:** Thank you.

I support the August 10 date. I really am flabbergasted that anybody would think it would take two and a half months to produce this documentation. It's June 15. We don't need to go until August 31. Frankly, I think the documents could be produced much sooner than August 10 as well.

In some ways, it's arbitrary. We're just picking dates here, but if Mr. Kitchen's motion was that he wants documents by August 10, then I think we should respect that. Whether it's August 1 or August 15, none of us has any basis for determining if that's enough time or not. I think we should respect the intent of the original motion and, as Mr. Van Bynen said, obviously by picking a cut-off date we are limiting what's going to come after that. Mr. Kitchen must have recognized that in his motion. There's no bureaucratic reason that we can't have these documents prepared in the next two months. I'm going to support the motion as August 10.

I also want to reiterate again that responsible government requires oversight by democratically elected politicians. I'm getting concerned at this repeated point and argument being made that by requesting disclosure for us to carry out our obligation to oversee the civil service, or oversee the behaviour and response of government, we somehow are derogating or taking away from the government's ability to deal with the pandemic. The government can chew gum and walk at the same time. I haven't heard any member of this government say that transparency and accountability are not possible right now because they're too busy dealing with the pandemic.

I want to in the strongest terms possible indicate my opposition to this false dichotomy between taking away our civil servants' ability, somehow, to deal with the pandemic and discharging our responsibility to have parliamentary oversight. This is a minority government we're in right now. No party enjoys the majority support of the House of Commons. I think it's unfair to suggest that by us as parliamentarians discharging our duties, as this motion seeks to do for transparency and accountability, somehow we are harming the government's ability to deal with the pandemic. There's not a shred of evidence of that and it doesn't pass muster.

I'm going to support the motion as is and suggest that we move on to the vote. We've already lost one panel. That's fine, by the way. I want to also say that committee members have the right to move motions at committee, and it's unfortunate that sometimes it happens when we're in the middle of a study, but I'm also a bit troubled when people apologize to witnesses as if what we're doing here is somehow inappropriate. This is the only time we have to move motions—during committee meetings—and it's a totally appropriate use of our committee time to do so.

Unfortunately, it does take away from witness time, but since we have witnesses scheduled at every meeting, there's no other time for us to do this. I respect my colleagues' right to move motions and I respect the right to debate them, but I think we've heard a lot about this motion already and I would hope that we could move to vote on it as soon as we can.

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

Mr. Fisher, please go ahead.

**Mr. Darren Fisher:** Thank you, Mr. Chair.

I think Don made some very good comments there, as did Mr. Thériault. If the 10th is arbitrary and the 31st is arbitrary, my personal belief is that I want our public servants working on the matter in front of them—the pandemic.

Mr. Van Bynen talked about in one day getting 91 emails; that's as an MP. In our office, if you add up the emails that come in with our various accounts, it's several hundred a day. Imagine those public servants having to.... Maybe Don is right. Maybe they don't have to stop their work. Maybe they can walk and chew gum at the same time. However, the important job here right now is taking care of Canadians during this pandemic and providing good advice.

Yes, the 10th and the 31st could be very arbitrary, and again, we have the “no later than” in this amendment, so I would suggest that we consider supporting the 30th and no later than the 31st and we give these public servants the time they need to focus on their jobs, on what they're tasked with doing every single day.

Don's right. We're probably at the end of the debate on this. Again, I want to thank him for his comments. This is the important stuff. This is the only time we get a chance to get together and hammer these things out. We are in a minority and we are finding ways. This committee has done a very good job since we formed. We were the first committee that formed and we've been able to get together, figure things out and make things work pretty well. Maybe there's a bump in the road every now and again, but I think what we've got on this committee is a group of MPs who really do want to get to the same place, maybe not exactly in the same way.

• (1345)

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

We'll now go to Mr. Thériault.

[*Translation*]

**Mr. Luc Thériault:** Thank you, Mr. Chair.

Without dragging out the debate too much longer and with all due respect, of course, I would say that, during a pandemic and a public health crisis, border management is a fundamental issue, as we saw around the world. The biggest hotspot in the world is our neighbour to the south. We talked about the border extensively with the witnesses we met with, and to claim that it's irrelevant and doesn't have a bearing on our report strikes me as wrong. I'm certain the report that's tabled will guide discussions on how Canada manages the border with the U.S. in relation to the pandemic.

That said, I'm ready to vote.

[*English*]

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



We'll now go to Mrs. Jansen.

**Mrs. Tamara Jansen:** Mr. Fisher was talking about the importance of ensuring that staff are able to focus on their jobs, and I want to mention that we also need to focus on our job, which is to consider the safety of Canadians.

That is why we need to get this done as quickly as possible. Any delay could mean further problems with COVID-19 in our country during a second wave. We need to understand what happened. That is our job. We're focusing on the safety of Canadians, and we need the staff to help us by providing us with these documents.

**The Chair:** Thank you, Mrs. Jansen.

Mr. Paul-Hus, go ahead, please.

[*Translation*]

**Mr. Pierre Paul-Hus:** Thank you, Mr. Chair.

I think everyone heard what the three opposition parties—the NDP, the Bloc Québécois and the Conservatives—had to say. We all agree on the motion, and it makes sense that the Liberal members want to extend the deadline. It's perfectly normal; they are the party in power.

I think we can vote on the amendment and on the final motion.

[*English*]

**The Chair:** Thank you, Mr. Paul-Hus.

We'll go to Mr. Kelloway.

**Mr. Mike Kelloway:** Mr. Paul-Hus took the words right out of my mouth. I think we're at a point now where we should vote on the motion. I thank my colleagues for a spirited debate. There were a lot of great points and some that I'll consider different from mine, but that's what democracy is about. I recommend that we put this to a vote.

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

We'll now go to Ms. Sidhu.

**Ms. Sonia Sidhu:** Mr. Chair, as you know, it's National Public Service Week. I really want to recognize all staff who are working very hard—including the House interpreters, who are trying to keep up—to meet deadlines, with a number of motions passed in multiple committees. I really thank them.

Also, I thank all my colleagues. We are also working very hard on the government's response to COVID-19. I agree that if staff are working hard, we are working hard.

Of course, we need a quality report. That is why, as I said, if we had them before, that is well and good, and I support the same thing. Staff need time to make a report, so this is an important vote. Then we can be ready if the second wave comes.

● (1350)

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

I'm seeing no further interventions, so we can have the vote. I will ask the clerk to conduct the vote. The vote is on the amendment to change the date.

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

**The Chair:** We are back to the original motion, as previously amended. We will carry on with the debate on it.

Go ahead, Mr. Van Bynen.

**The Chair:** Madam Clerk, can that amendment be part of the general housekeeping by the motion; or do we need to debate that particular change?

**Mr. Tony Van Bynen:** Thank you, Mr. Chair.

I'm proposing a housekeeping amendment. We didn't insert the word "and" when we deleted the emails, so I'd suggest we clean that up.

**The Clerk:** Mr. Chair, if the committee sees fit to allow me to clean up the grammar, then I would be certainly willing to do that.

**The Chair:** Do we have an agreement so far to do that?

Okay, very well.

We now have Mr. Fisher.

**Mr. Darren Fisher:** Thank you very much, Mr. Chair.

I would like to propose the following amendment. I would like to add, after "August 10, 2020" the words "provided that the department does its assessment and vetting in gathering and releasing the documents as it would be done through the access to information process".

This amendment has been added to several of the other committees when they've done motions just like this. John Barlow moved in AGRI on Friday, June 5:

That, given the Department of Agriculture and Agri-Food's written response to M.P. Philip Lawrence's question on the cost of the carbon tax to the agriculture industry, in which their analysis and estimates do not reflect the federal backstop, the committee send for a copy of all reports, briefing notes, memorandums, emails and documents related to the federal carbon tax and its cost, directly or indirectly, to the agriculture industry, to be provided in both official languages by Saturday, August 1, 2020, provided that the Department does its assessment and vetting in gathering and releasing the documents as it would be done through the access to information process.

This was done also in several other motions. I'm not sure if you want me to read them all into the record, but Mr. Barlow moved them in two or three different motions. Kelly Block moved:

That, in the context of its study of the government's response to the COVID-19 Pandemic and pursuant to Standing Order 108(1)(a), the committee send for the following documents to be provided by the government by Monday, August 3, 2020 and that the documents be published publicly on the committee's website by Monday, August 10, 2020 and that departments tasked with gathering and releasing the following documents do their assessment and vetting as would be done through the access to information process:

I've got several more here, Mr. Chair. It seems that is the way most of the motions have gone, both in English and French, from Madam Block and Mr. Barlow as well. So I would suggest that we tag that on to the end of this motion as well.

So moved. Thank you, Mr. Chair.

• (1355)

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

We go now to Mr. Jeneroux.

**Mr. Matt Jeneroux:** Thank you, Mr. Chair.

Anytime Mr. Fisher wants to move more Conservative motions into the public record, I certainly welcome him to do so. However, yes, certainly that seems like a fair amendment, and we'll be supporting it.

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

Dr. Powlowski, please go ahead.

**Mr. Marcus Powlowski:** Given the fact that the Conservatives seem willing to accept the amendment I don't have anything further to say.

**The Chair:** Thank you, Dr. Powlowski.

Dr. Jaczek, please go ahead.

**Ms. Helena Jaczek:** I would agree. It seems to me that this amendment is clearly done to ensure that privacy is protected, and I think we can all understand the sensitivity potentially, so I think this is a very good amendment.

Thank you.

**The Chair:** Ms. Sidhu, I see your hand up. Please go ahead.

**Ms. Sonia Sidhu:** Thank you, Chair.

I think it's a reasonable request that will help narrow the scope to relevant information, which would be beneficial to our committee. I support my colleagues.

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

Monsieur Thériault, please go ahead.

[*Translation*]

**Mr. Luc Thériault:** Mr. Chair, I'm having some trouble understanding what the amendment has to do with privacy. What do memos and background documents given to a deputy minister or minister, not to mention briefing notes, have to do with privacy?

When emails are involved, I can appreciate that they might contain some compromising information and would have to be scrutinized. I'd like to hear from members who have more committee experience than I do. I am open to their views.

Earlier, Mr. Davies referred to documents that contained way too many redactions. Doesn't this actually open the door to overly redacted documents, considering that emails were stricken from the motion? I would understand if emails were still being requested, since people have a tendency to say certain things in an email because it's like chatting with a co-worker at the office. The contents of an email could go beyond the scope of what we're looking for. However, I'm having trouble understanding how accessing these formal documents could breach privacy.

It's a simple question. Can anyone answer or reassure me?

[*English*]

**The Chair:** Monsieur Paul-Hus, your hand is up.

Please go ahead.

[*Translation*]

**Mr. Pierre Paul-Hus:** Thank you, Mr. Chair.

I think we've been discussing the motion long enough. I take Mr. Thériault's point, and my fellow members can talk about it further off-line. Clearly, we want to have as much information as possible, and we don't want redacted documents. We are willing to support Mr. Fisher's amendment.

I would like us to vote now, please.

[*English*]

**The Chair:** Mr. Fisher, you're up.

**Mr. Darren Fisher:** Thank you, Mr. Chair.

Basically, any agreements that we have on the Canadian border and the United States border are bilateral. They require an ongoing agreement with the United States. Decisions have to be made with that in mind.

If we apply the ATIP rules, that would ensure that any sensitive materials pertaining to the Canada-U.S. border are not released to the public.

I would suggest, Mr. Chair, that this is a good time to vote.

• (1400)

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

Seeing no further interventions, I will ask the clerk to conduct the vote, please.

This is a vote on the motion itself, as previously amended.

**The Clerk:** From my understanding, this is a vote on the amendment by Mr. Fisher.

**The Chair:** Sorry, you are correct.

(Amendment agreed to: yeas 9; nays 2 [*See Minutes of Proceedings*])

**The Chair:** Thank you, Madam Clerk.

The amendment has passed.

We're now back to the original motion as twice amended.

Is there any further debate on this motion?

Seeing no interventions, I will ask the clerk to conduct the vote on the motion, as twice amended.

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

I will go right to it.

(Motion as amended agreed to: yeas 10; nays 1 [*See Minutes of Proceedings*])

**The Chair:** Thank you, Madam Clerk.

The motion as twice amended has now passed.

Do we have time now to start our second panel?

[*Translation*]

**Mr. Pierre Paul-Hus:** Mr. Chair—

[*English*]

**The Chair:** Go ahead, Mr. Paul-Hus.

[*Translation*]

**Mr. Pierre Paul-Hus:** Thank you, Mr. Chair.

You didn't hear it at the beginning, but I read both motions. The question on the second one should be put forthwith, since the motion has already been moved.

[*English*]

**The Chair:** Thank you. I forgot that.

**Mr. Darren Fisher:** Just on a point of order, Mr. Chair, the other motion wasn't moved. It was read, but it wasn't moved.

**The Chair:** Mr. Paul-Hus, move the motion as you read it, please.

[*Translation*]

**Mr. Pierre Paul-Hus:** All right, Mr. Chair. It reads as follows:

That Public Safety Canada provide the committee with the total number of RCMP, CBSA and Correctional officers infected with COVID-19, broken down by cohort and province, between March 11 and June 15, 2020, and that these statistics be presented to the committee no later than July 10, 2020.

Mr. Chair, before you go ahead, I would just like to point out that the motion deals only with the officers of the three agencies. The information isn't hard to find. The government should have already provided it.

• (1405)

[*English*]

**The Chair:** Thank you, Mr. Paul-Hus.

Is there any debate?

Mr. Fisher, please go ahead.

**Mr. Darren Fisher:** Mr. Chair, I think this notice of motion by Mr. Kitchen is a pretty good motion. I'm inclined to support this.

Thank you, Mr. Chair.

**The Chair:** Thank you.

Are there any further interventions? Seeing none, I will ask the clerk to conduct the vote.

(Motion agreed to: yeas 11; nays 0)

**The Chair:** Thank you, Madam Clerk.

I understand that we have a hard cap at 3 p.m. eastern, so we have less than an hour to go. I guess we can start the second panel and do what we can in that hour or in less than an hour.

That being said, I will suspend the meeting right now while we bring in the next panel.

• (1405)

(Pause)

• (1425)

**The Chair:** We will continue.

We have a hard cap at the top of the hour, so it's likely we'll get statements and maybe an abbreviated first round.

Having said that, I will introduce our panel of witness.

From the Native Counselling Services of Alberta, we have Ms. Marlene Orr. From the John Howard Society of Canada, we have Ms. Catherine Latimer. From the Union of Safety and Justice Employees, we have Mr. Stanley Stapleton and Mr. David Neufeld.

Thank you all for coming. We were delayed with committee business, but we'll try to give everything our full attention.

The Native Counselling Services of Alberta, please go ahead. You have time for a 10-minute statement, but if you can abbreviate it at all, that would be appreciated.

**Ms. Marlene Orr (Director of Corrections, Native Counselling Services of Alberta):** Good afternoon, Mr. Chair and members of Parliament. I'm honoured to speak to you today.

My name is Marlene Orr. I'm speaking to you from Treaty 6 territory, the traditional lands of the Cree, Nakoda Sioux, Métis and many other indigenous peoples. As a member of the Beaver Lake Cree Nation and Treaty 6, I'm especially proud to acknowledge the traditional territory of my people.

I'm the director of corrections for the Native Counselling Services of Alberta.

[*Translation*]

**Mr. Luc Thériault:** Mr. Chair, I have a point of order.

My apologies for interrupting the witness, but the sound quality is quite poor. Can we get that fixed?

[*English*]

**The Chair:** Yes. Can we take a quick look at the French interpretation? We're good.

I'm sorry, but could the witness try again, please?

**Ms. Marlene Orr:** I am the director of corrections for Native Counselling Services of Alberta, a not-for-profit that has provided programs and services for indigenous people in conflict with the law, for over 50 years.

Native Counselling Services of Alberta runs the largest healing lodge for male federal offenders in Canada and the first section 81 healing lodge for federal female offenders. Healing lodges are minimum-security federal institutions in which the care and custody of minimum-security federal offenders is transferred to the indigenous community under the Corrections and Conditional Release Act.

Focusing on indigenous culture and ceremony, section 81 healing lodges work to reintegrate indigenous federal offenders into the community using an indigenous world view. We are better equipped to deal with indigenous offenders than the Correctional Service because we understand historic trauma and take our [*Technical difficulty—Editor*] reintegration because we know our communities. Section 81 healing lodges are the face of reconciliation and indigenous reintegration for federal offenders.

Today I'll speak about the impacts of COVID-19 on [*Technical difficulty—Editor*] service providers in particular. The wider impact is important for understanding the impact on offenders.

Since the Truth and Reconciliation [*Technical difficulty—Editor*].

• (1430)

**The Chair:** Madam Orr, your sound has gone. I'm not sure if it's on your end or my end. Are you there?

Madam Clerk, maybe we can get somebody to give her a call. We'll carry on with another witness.

Let us now go to the John Howard Society.

Please go ahead, Ms. Latimer.

**Ms. Catherine Latimer (Executive Director, John Howard Society of Canada):** The John Howard Society of Canada is a charity committed to just, effective and humane criminal justice systems. I am grateful for the committee's invitation to share our concerns about the response to the outbreak of coronavirus in Canada. For many Canadians, the pandemic has caused fear and significant disruption to our lives. For others, it has had tragic consequences, and we send our condolences to all those who have lost friends and family to this disease.

The federal government has direct responsibility for prisoners in its care, and the impact of the coronavirus on the federal prisons has been profound. Two people have died, more than 360 people have been sickened, and five institutions have been contaminated. The rate of infection was assessed at 13 times the rate in the general population.

According to the correctional investigator's April 23 release, 400 prisoners were held in medical isolation in extreme conditions that violated their rights. Hundreds more are locked down in their cells for 22-hours a day, with inadequate meaningful human contact, which is inconsistent with the UN definition of solitary confinement and its prohibition. Prisoners protesting the conditions were met with force in some cases, resulting in prisoners having to seek medical assistance outside of the prison. Visits with family and volunteers were cancelled, and chaplaincy services were suspended, all of which increased feelings of isolation. Programs and opportunities to make progress on correctional plans were suspended, leading to increased feelings of hopelessness and frustration.

We are experiencing the worst crisis in Canadian corrections since the Kingston Penitentiary riots almost 50 years ago. The tragedy is that we were forewarned by epidemiologists and other medical experts about the amplifying effect that prisons have on the virus. The medical and human rights advice was to remove as many people from prisons as possible and give the remainder a chance, through prevention, by permitting social distancing.

As soon as the pandemic was labelled as such in mid-March, there were calls on the federal government to safely release prisoners. These were ignored. The first two prisoners at Port-Cartier tested positive on March 30. On March 31, Minister Blair asked CSC and the Parole Board of Canada to consider ways to expedite releases. Other more expeditious measures, like respites under the Governor General's clemency authority, were not considered.

While other jurisdictions and provinces released hundreds and thousands of prisoners following the advice of medical experts, Canada did not. Canada has duties to prisoners. Section 215 of the Criminal Code provides that those who are detaining individuals have a legal duty to provide the necessities of life to those under their charge and could be criminally liable if they, without lawful excuse, fail to discharge that duty and it endangers the life of the prisoner or his or her health in a permanent manner.

The Corrections and Conditional Release Act obligates the service to provide essential health care and reasonable access to non-essential health care that conform to professionally accepted standards. A core purpose of the correctional system, as set out in the CCRA, is to carrying out sentences in a "safe and humane" manner. CSC is required to use the least restrictive measure consistent with the protection of society, staff members and offenders.

The World Health Organization and other international bodies released a joint statement about how COVID-19 should be managed in prisons. Among other things, it stated that COVID-19 responses in prisons must respect the human rights of people deprived of their liberty, and the disruptive impact of restrictions should be actively mitigated. It provided that any intervention should comply with the UN's standards for the treatment of prisoners, the Nelson Mandela Rules. Those rules define solitary confinement as "22 hours or more" in cells "without meaningful human contact", and prohibit prolonged solitary confinement, 15 days or more, which is understood as a form of cruel treatment. Canadian courts have recently recognized the harm that such isolated confinement can cause and have found charter violations.

There are hundreds of prisoners who have experienced isolated confinement for well over 15 consecutive days as a response to the COVID-19 virus. Many would like to see an in-depth, independent inquiry into the government's handling of the COVID-19 crisis in our federal prisons to assess whether obligations were met, how people died and became ill, both from the virus and the strict isolation imposed in response to it, and to assess what should be done in future for a second wave or another pandemic.

• (1435)

Based on the concerns I heard from prisoners and their families, the inquiry could provide much-needed answers. In the interest of time, I will give you categories rather than go into the issues raised by the prisoners and their families. Those include issues associated with the prevention of the disease from getting into the prison, dealing with the infected prisoners once the prisons were contaminated, dealing with the other prisoners, and reopening the prisons and bringing back some of the strict measures that had been put aside during the pandemic.

In conclusion, individuals in our federal prisons have suffered as a result of the government's response to the coronavirus. It is questionable whether the duties and obligations to prisoners have been met during this period. I hope this committee will recommend that an in-depth, independent inquiry be held to examine and learn from this crisis during which the physical and mental health of our prisoners were imperiled and their rights disregarded.

Thank you so much.

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

We go now to the Union of Safety and Justice Employees.

You have 10 minutes, but if you could do it faster, that would be great. Thank you.

**Mr. Stanley Stapleton (National President, Union of Safety and Justice Employees):** Good afternoon. My name is Stan Stapleton. I am the national president of the Union of Safety and Justice Employees, also known as USJE. As a national organization representing employees working on the front lines of the pandemic, I am immensely appreciative of the opportunity to be here with my colleague David Neufeld, who is the national vice-president.

USJE represents over 16,000 federal public service employees who work for 18 federal departments and agencies in a safety or justice capacity. However, the largest number of our employees work for the Correctional Service of Canada.

Unlike the Union of Canadian Correctional Officers, UCCO, which plays a security function at federal penitentiaries, USJE represents a diverse range of employees with crucial rehabilitative and administrative functions. These include food service officers, parole and program officers, teachers, managers of assessment and intervention, facilities and maintenance crew, and licensed practical nurses. Hundreds of federal parole officers and case management teams from coast to coast oversee the reintegration of federal offenders. Their job is to ensure that federal offenders across the country adhere to their supervision plans and are not at risk of reoffending.

I will be very honest with you. When COVID-19 hit, I do not believe we were prepared. Whatever pandemic protocols may have been in place were not immediately applied within CSC. On March 18 I wrote a letter to Commissioner Anne Kelly, appealing to her to immediately implement proactive measures to minimize the spread of COVID in federal prisons and contain the footprint in the community. We needed CSC to do what was effectively being done in Canada's long-term homes—namely, heavily control who was coming in and out of federal penitentiaries; significantly increase clean-

ing and sanitization protocols; ensure appropriate use of PPE, and encourage face coverings within; begin widespread testing; stop employees from working at multiple sites; and isolate presumptive cases among employees or offenders.

For several weeks, we found that new protocols were not always applied consistently. For example, there was limited access to testing and PPE, sanitization was inadequate, employees were moving between sites, food delivery within affected prisons was presenting opportunities for further infection, and there were not enough laptops to enable work from home. Quite frankly, when considering the living and working conditions at CSC during this pandemic, it is remarkable that major outbreaks were contained to five federal sites and two deaths. Although extremely unfortunate, it could have been much worse.

USJE's senior leaders worked around the clock for several weeks to highlight the challenges, gaps, oversights and opportunities to do things better when it came to COVID. One could say we were relatively lucky this time. However, many CSC employees working at full capacity and under enormous stress during the past few months would not view the situation so favourably.

Thankfully, at this stage CSC and its union partners are in a much better place. This is in part because of the creation of a joint transition task force established by CSC, USJE and other labour partners. The task force is something that USJE called for in order to keep employees and offenders safe. The work of this task force has been very encouraging in terms of the level of respect and engagement. We commend Bev Arsenault's leadership with this task force. I believe it could represent a new direction in how CSC treats its labour partners, who have first-hand knowledge of the challenges on the ground.

I will now turn it over to my colleague David Neufeld.

• (1440)

**Mr. David Neufeld (National Vice-President and Regional Vice-President, Correctional Service of Canada Community and Parole Board of Canada - West, Union of Safety and Justice Employees):** As we begin to enter a reset phase of this pandemic, it is imperative that USJE work very closely with CSC and other stakeholders to, first, critically evaluate the effectiveness of the protocols put in place because of COVID-19 and determine what could be done better and how, and second, assess what is needed in this new normal environment for operations to continue efficiently and safely while also beginning to prepare immediately for future waves and challenges. To do so, we have identified the following recommendations.

First, USJE is encouraged to seek greater collaboration between our organization and CSC. This meaningful joint work is already yielding positive outcomes for employees, offenders, institutions and facilities as a whole. USJE is committed to working closely with all stakeholders to ensure we take the time to critically reflect on the past few months as well as to act now to mitigate the impacts of potential future pandemics. We believe the work of the task force must continue for a minimum of one year, until this pandemic is safely behind us.

Second, from the onset, safety measures must meaningfully take into account input from front-line employees who work within the institutions, community corrections centres and community parole offices. In the early days, USJE members across the country reported immense frustration in having their feedback disregarded by CSC management. Many felt that the lives of offenders and employees were on the line, especially in outbreak sites, where hundreds of offenders became ill. Our members are often the people who will be putting the new protocols into place, so their buy-in is absolutely paramount. No one understands operational considerations better than those who see their impacts daily. Their input matters a great deal and needs to be treated with respect.

Third, for service levels to continue at their pre-pandemic standards, more resources—especially human resources—will be required. Many CSC employees have adapted their work to be in line with social distancing and other COVID-19 requirements. For example, a CSC program officer in the community who is in charge of delivering a weekly rehabilitation program to a group of 10 offenders now has to meet individually with each one every week through video conference or teleconference. Not only will this require far more time to accomplish, but it means that each offender must have access to a smartphone or device, a reliable Internet connection and a quiet place to speak with the instructor. Sufficient human resources are imperative to maintaining the required frequency of contact with offenders. Meaningful frequency of contact is absolutely critical to ensuring proper supervision and rehabilitation, as well as public safety. For some, COVID-19 has only worsened workload issues and stress levels, given the realities of working differently.

Fourth, sanitation processes must be improved. COVID-19 has forced us to take a much closer look at cleaning protocols within CSC. CSC has just recently committed to the Public Health Agency of Canada standard. Over the past few months, employees have worked hard to contribute to enhanced cleaning efforts, even if it

was not part of their official duties. However, the current practice of relying on a small number of offenders to do the majority of sanitization in very large penitentiaries, with little or no training in pandemic standards, is irresponsible. Contracting these critical tasks to outside agencies with highly transient employees is also not the answer. Using outside cleaning contractors who enter a number of sites increases the chances of spreading the virus between institutions. We witnessed this during the outbreak in Mission Institution in B.C., where cleaners were going between two different penitentiaries during the same week. Additionally, interview rooms for multiple staff to meet offenders in federal prisons are often extremely small and not cleaned regularly. CSC penitentiaries and CCCs carry the same risk as Canada's long-term care homes. We urge CSC to hire full-time properly trained cleaning professionals in each institution, community parole office and community correctional centre.

Last, in terms of the community footprint, community parole officers and case management teams have significantly decreased their footprint and have reduced community contagion through delivery of programs by telephone or video. They are also providing supervision by reducing the number of times an offender travels to a community parole office or by meeting with the offender in the community at a safe distance. In many instances, case management teams can effectively work from home.

• (1445)

In light of the prospect of a second wave, USJE strongly recommends no meaningful change to this modified approach to overseeing offenders in the community until Canada is confident that we are past a second wave.

In closing, we urge committee members to consider how the federal government can assist the federal correctional system with proper resources to maintain this new normal. Additional human resources, a contained footprint and more robust cleaning practices are imperative to keeping offenders, employees and Canadians safe. The federal government must also ensure that public health agencies throughout Canada offer widespread testing to offenders and employees. CSC must continue to foster ongoing collaboration with its labour partners and front-line employees.

Thank you for your time. We are pleased to answer any of your questions.

**The Chair:** Thank you.

I see Ms. Orr has rejoined us. I understand she had a power surge in her building, and that sounds very bad.

Please go ahead. We'll make do the best we can. If you'd like to start your presentation over, you have 10 minutes. Please speak slowly and carefully. Thank you.

**Ms. Marlene Orr:** Good afternoon, Mr. Chairperson and members of Parliament.

I am honoured to speak to you today. My name is Marlene Orr, and I am speaking to you from Treaty 6 territory. As a member of the Beaver Lake Cree Nation in Treaty 6, I am especially proud to acknowledge the traditional territory of my people.

I am the director of corrections for Native Counselling Services of Alberta, a not-for-profit that, for over fifty years, has provided and continues to provide programs and services for indigenous people in conflict with the law. Native Counselling Services of Alberta runs the largest healing lodge for male federal offenders in Canada and the first section 81 healing lodge for female federal offenders.

Healing lodges are minimum-security federal institutions, in which the care and custody of minimum-security indigenous federal offenders is transferred to the indigenous community under the Corrections and Conditional Release Act. Focusing on indigenous culture and ceremony, section 81 healing lodges work to reintegrate indigenous federal offenders into the community using an indigenous world view. Our healing lodges are better equipped to deal with indigenous offenders than are Correctional Service Canada or their other partners because we understand historic trauma. We take guidance from our elders on how we should address those issues of trauma and the relationship those issues have to criminal activity. We are better at the reintegration of indigenous federal offenders than are Correctional Service Canada. Section 81 healing lodges are the face of reconciliation and indigenous reintegration for federal corrections.

Today I will speak about the impacts of COVID-19 on indigenous people in general and on indigenous offenders and service providers in particular. It's important to understand the wider impacts so that we can understand the impact on offenders.

Since the Truth and Reconciliation Commission hearings and calls to action, we've become better informed regarding the social issues seen in the indigenous community and the direct link those issues have to historic trauma. We understand that the myriad impacts, such as loss of culture, fragmented families, lack of parenting models, addictions, poverty and violence in all forms, are directly tied to legislation in Canada that sought to strip indigenous people of their very cultural and legal identity in order to have access to their lands.

The onset of COVID-19 left us all unprepared for the upheaval in day-to-day life. Rapidly changing government and corporate policies left us in fear, anxiety and isolation for months. The impact was widely felt amongst Canadians but particularly amongst in-

igenous people and communities, who still struggle with poverty and other historic trauma impacts.

With the measures put in place by Canada, the provinces, municipalities and first nations communities, mental health concerns and loneliness have added increased stress. The impact on our communities, where the intergenerational effects continue, has exacerbated existing mental health concerns for indigenous people, perhaps to a greater degree than for others. Unresolved issues of trauma have surfaced and have been magnified. Lack of access to the cultural and spiritual community have left many indigenous people unable to cope with their emotional and mental health challenges without supports. That is especially true for indigenous offenders in institutions.

As restrictions ease, the use of masks and gloves has been stressed by provincial and federal authorities. With many provinces moving into relaunch, the use of masks will become increasingly necessary for people to access services. For example, in Alberta, persons attending court are required to wear masks, yet no masks are supplied by government agencies. Given the level of poverty many indigenous people experience, they are not likely to have the resources to purchase this protective equipment. Many indigenous not-for-profits are expected to bear the cost of providing this.

● (1450)

Very early on in the pandemic, schools closed down, and the expectation was that classrooms would move online. Students were expected to continue their studies while isolating. While laudable, these efforts come from a very privileged perspective.

According to the Canadian Poverty Institute, indigenous peoples in Canada experience the highest levels of poverty. A shocking one in four indigenous peoples are living in poverty. Speaking from lived experience, I can assure you that luxuries like electronic devices and Wi-Fi or phone data are not financially attainable for those in poverty.

This need for devices and data to stay connected became an issue for us as well. The online supports necessary for marginalized people excluded indigenous people because of their lack of access to connectivity. As we've seen here today, those are issues that our organization faces providing services out of a federal building.

Funders forced many organizations to bear the real cost of setting up online services and, when you consider that many indigenous people are too poor to stay connected virtually, it does not really make sense. Many indigenous communities have connectivity issues because of the lack of quality internet within their communities. One example is a Métis settlement in Alberta, where the Wi-Fi services do not extend beyond the governance office because of lack of internet infrastructure in their remote community.

This lack of connectivity was felt by us as well. At the very start of the pandemic, corrections staff were ordered to work from home, using Correctional Service Canada laptops to remain connected to the offender management system. Staff were kept safe and supported by corrections supplying them the equipment necessary to do their jobs in isolation.

Indigenous community partners in corrections didn't have the same assets and, as a result, couldn't work from home. Healing lodge staff had to go to work daily and risk exposing themselves and offenders in a residential facility. Despite numerous requests for laptops and connectivity, the two healing lodges I oversee were not provided with them. We were told by CSC that there was no equipment available, yet we received reports that approximately 20,000 laptops were purchased during the pandemic by CSC and are sitting stockpiled in Ottawa. The unspoken message is that the government is concerned about the safety of its staff, but not concerned about the safety of its indigenous partners.

While corrections staff were working at home, some of their responsibilities were deemed too unsafe for them to undertake. One example is the urinalysis testing performed on inmates and conditionally released offenders. This responsibility was devolved to my staff because, apparently, the task is not unsafe for indigenous people.

One of our healing lodges is in this old federal building. CSC is responsible for the maintenance. We had an electrical fire that burned out our entire camera security system. Correctional maintenance staff refused to enter our building, even though we implemented precautions long before CSC did. We were left to deal with that on our own.

CSC was slow to implement a COVID-19 response. We couldn't get answers to questions we had about policy, practice or testing. As our healing lodges are also, in part, community residential facilities, we have both inmates and conditionally released offenders. We were the only Alberta-based community residential facility that has remained open during the pandemic. We implemented policies around COVID-19 weeks before CSC did, and we continued to accept offenders released from the federal institution.

Our policies included a requirement for institutional health care to attest that offenders being released were COVID-free, or at least symptom-free. For three solid weeks institutional and community parole staff were dismissive of our policy and fought us on every transfer case. We asked that they attest that the transfer of released offenders occurred in a CSC vehicle that had been sanitized after the previous use. For three weeks, every federal institution we received released offenders from fought my staff about this. This speaks to the lack of pandemic policies and practices within CSC. It also speaks to the lack of health and safety practices in general.

• (1455)

The pandemic exposed cracks in the relationships among CSC, the indigenous community and community partners.

With tremendous political pressure mounting, CSC and the Parole Board rushed to depopulate the prisons for fear of COVID-19 spreading. In this rush there was little understanding of the reality of how this would affect indigenous people in communities. The rush to depopulate was a rush towards displacement and increased risk of offender exposure to the virus and to poverty.

It is well documented that my people are predisposed to a number of health issues like diabetes, tuberculosis and respiratory issues. Because of this, indigenous people in our communities are particularly vulnerable to COVID-19, and the risks of contracting the virus are much greater in the presence of these health concerns. This led to first nations taking unprecedented steps to safeguard their communities by locking down their borders and restricting access to those who did not live in the community. The increased cost of implementing security and ensuring food sovereignty has been enormous and a challenge for our communities.

If you did not live in the community when the pandemic hit, you were not likely allowed to go there. CSC did not have the relationship with indigenous communities to fully understand the impact of releasing indigenous offenders to closed communities.

**The Chair:** Ms. Orr, we're out of time.

Could you please wrap it up?

**Ms. Marlene Orr:** Sure.

What we are recommending is that a number of things take place.

Ensure that indigenous communities have good-quality Internet access. Ensure stockpiles of PPE are for not-for-profits. Ensure work-at-home policies for government workers apply to contractors as well. Ensure a thorough review of the fast-tracking of indigenous offender releases and ensure that a return to the systemic barriers faced by people in corrections does not happen again. Ensure that indigenous offenders remain connected to their families and cultural supports, keeping in mind community issues of connectivity. Ensure solid health and safety practices in corrections that are sustainable during normal and/or non-pandemic times.



Thank you for hearing me out today. I am open to any questions you may have.

• (1500)

**The Chair:** Thank you.

Thank you to all the witnesses.

Unfortunately, we are completely out of time. We have a hard cap on these video conferencing facilities at 3:00 p.m. EST.

I would encourage all the witnesses to submit additional material in a written brief through the clerk. We would certainly appreciate hearing more from you. I regret that we're not able to ask questions at this point. Thank you for your time and thank you for your patience.

Thanks to all the members.

With that, we are adjourned.

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