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Chair: Mr. Robert Morrissey

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

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• (1605)

[English]

The Chair (Mr. Robert Morrissey (Egmont, Lib.)): Committee members, I will call the meeting to order.

Welcome to meeting number three of the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. Today's meeting is in hybrid format. Today's meeting is to begin a clause-by-clause reading of Bill C-3.

I'll remind you that all comments by members and witnesses should be addressed through the chair. When you're speaking, please speak slowly and clearly.

As I indicated, Bill C-3 is an act to amend the Criminal Code and the Canada Labour Code. Pursuant to the order of reference on Thursday, December 9, the committee will resume its consideration of Bill C-3.

Before we begin clause-by-clause consideration, there is a matter to discuss regarding the routine motions. Specifically, it is the routine motion governing orders of reference in the House respecting bills. Is it the will of the committee? That's notwithstanding the routine motion adopted by the committee for 48-hours notice. We dispensed with that routine motion for this meeting. The part dealing with 48-hour notice to file amendments at the start of clause-by-clause shall be waived.

I see agreement from the committee. Thank you, committee members.

(On clause 1)

We will begin with clause-by-clause, beginning with clause 1. Shall clause 1 carry?

Clause 1 is carried and we move on to clause 2.

Mrs. Stephanie Kusie (Calgary Midnapore, CPC): I have a point of order, Chair.

I don't understand why we're not reading the summary first. I understand that we want to get through this today. We still have an hour and 25 minutes. I don't even feel like clause 1 addressed the summary. I just feel as though we need to go back and address the summary first, please, and then go to the first clause.

I didn't nod my head in consent for the first clause. I'm not sure if my colleagues did, but I didn't. It wasn't carried, so could we just go back, please?

The Chair: The summary is not under consideration, Madam Kusie, so therefore it's not in discussion.

I have a question from Madame Chabot.

[Translation]

Ms. Louise Chabot (Thérèse-De Blainville, BQ): I wanted to make the same observation as the one you just made, Mr. Chair.

Thank you.

[English]

The Chair: Duly noted.

We were dealing with clause 1. I had called the question and nobody objected, so it was carried, Madam Kusie.

Mrs. Stephanie Kusie: I have a point of order, Chair.

Again, I didn't give my agreement, so I don't think it was carried.

When you identify the clause, could you please read the first sentence of the clause? It's not clear from the legislation as to which are the clauses.

The Chair: We'll be clear.

Clause 1 is "Paragraph (a) of the definition offence in section 183"—

Mrs. Stephanie Kusie: Mr. Chair, it's not a lot of text. I would even say that perhaps we could read the text of the clause in its entirety. That would certainly be very helpful to me because it's not entirely clear to me what we are approving to carry.

It would help me, Chair. I apologize for placing this time on the committee. If this were several hundred pages I could certainly understand not reading the text, but given its short length... I mean this sincerely. If you could kindly read the content of the clause, that would be helpful. I believe you'd only have to read it in one official language since the other would be translated.

As I stated, given the brevity of the bill, I believe that it's not too onerous to ask. Thank you so much for that consideration.

The Chair: Thank you, Madam Kusie.

We're dealing with clause 1, which reads:

Paragraph (a) of the definition of offence in section 183 of the Criminal Code is amended by adding the following after subparagraph...

Okay, you've heard it.

Shall clause 1 carry?

Mrs. Stephanie Kusie: Sorry, Chair, I have a point of order.

To clarify, you read “adding the following after subparagraph...section 423.2 (intimidation - health services”.

Is that the area in its entirety that you were referring to for clause 1?

The Chair: Yes.

Mrs. Stephanie Kusie: That's great. If we could just be totally clear, that would be very helpful to me. Thank you.

That carries with me. Thank you.

• (1610)

The Chair: Good.

(Clause 1 agreed to)

(On clause 2)

Mr. Jacques Maziade (Legislative Clerk): Mr. Chair, do you want me to read clause 2?

The Chair: Yes, I will ask the legislative clerk to read it.

Mrs. Stephanie Kusie: Thank you kindly, Chair.

Mr. Jacques Maziade: Clause 2 of the Bill C-3 reads as follows:

The Act is amended by adding the following after section 423.1:

Intimidation — health services

423.2(1) Every person commits an offence who engages in any conduct with the intent to provoke a state of fear in

(a) a person in order to impede them from obtaining health services from a health professional;

(b) a health professional in order to impede them in the performance of their duties; or

(c) a person, whose functions are to assist a health professional in the performance of the health professional's duties, in order to impede that person in the performance of those functions.

Obstruction or interference with access

(2) Every person commits an offence who, without lawful authority, intentionally obstructs or interferes with another person's lawful access to a place at which health services are provided by a health professional.

Punishment

[*Translation*]

(3) Every person who commits an offence under subsection (1) or (2) is

(a) guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years; or

(b) guilty of an offence punishable on summary conviction.

Defence

(4) No person is guilty of an offence under subsection (2) by reason only that they attend at or near, or approach, a place referred to in that subsection for the purpose only of obtaining or communicating information.

Definition of *health professional*

(5) In this section, *health professional* means a person who is entitled under the laws of a province to provide health services.

[*English*]

Mr. Wayne Long (Saint John—Rothesay, Lib.): Chair, I have a point of order.

As members, we have these all in front of us. I don't know why we also have to have these read to us. I think that takes a lot of time.

We're delayed anyway, correct? I mean, there were documents from the Conservatives that were not translated, I believe.

I would suggest that we don't need to read every word in every clause. I find it irregular.

I'd like you to rule on that, if you could, Chair.

The Chair: Madam Kusie.

Mrs. Stephanie Kusie: Thank you.

If we look at what has been read to this point, it is essentially a third of the bill, and it's not even quarter after four o'clock. I think if I ask for it, it's a courtesy.

I don't think, as I said, it is too onerous. If the bill were 50 pages long, then absolutely I agree, but I think five pages is not too onerous.

I really don't think it's that big of a deal. If any other colleague would have asked for it, I certainly would have supported it and allowed for that. As I said, we're one third of the way through the reading. I really don't see it as being a major inconvenience. For the true clarification of what we are passing, I think it's fair and reasonable.

Mr. Wayne Long: Chair, if I might?

Whether it's one page or 300 pages, it's in front of us. I think it's unnecessary and unreasonable that the clerks have to read everything that we can just read in front of us. I just find it unreasonable.

That's my two cents.

The Chair: Mr. Coteau.

• (1615)

Mr. Michael Coteau (Don Valley East, Lib.): Could I suggest that perhaps we maybe just stick to the bolded text? If there's a misalignment or the assumption that there may be a misalignment between what's being read and what's being voted upon and what the person has in front of them....

Let's just stick to the bold and it will identify the clause clearly.

The Chair: I will take the direction from the committee.

Does the committee want to proceed with the legislative counsel reading verbatim each clause or does it want to proceed, as described, with the bill before you?

What are the wishes of the committee?

Mr. Boulerville.

[*Translation*]

Mr. Alexandre Boulerville (Rosemont—La Petite-Patrie, NDP): That isn't necessary. I support the suggestion of my colleague Mr. Long. It will go quicker, and we have a lot of work to do this afternoon. We can all read.

[English]

The Chair: Okay.

Madame Chabot.

[Translation]

Ms. Louise Chabot: I also agree with Mr. Long's suggestion. We have the bill in front of us, and we are able to read it. Actually, we have done so, since we have read it to determine whether or not to propose amendments.

I mostly agree with the suggestion because I don't understand the purpose of insisting on doing this reading. Surely there is one, which is certainly not to do the reading. Finally, I would agree with not doing it anymore.

[English]

The Chair: Thank you, then.

It appears there's a consensus within the committee for that. We will not proceed with reading verbatim the bill that's before you.

Madame Kusie, do you have an amendment to clause 2?

Mrs. Stephanie Kusie: I do.

I'll remember the consideration given to other members of this committee when they ask for some type of consideration.

Chair, thank you very much.

It is that Bill C-3, in clause 2, be amended by adding after line 25 on page 1 the following:

(2.1) Every person commits an offence who engages in any conduct with the intent to provoke a state of fear in a critical infrastructure worker in order to impede them in the performance of their duties.

By replacing line 2 on page 2 with the following:

tion, (1) or (2) or (2.1) is

By replacing line 7 on page 2 with the following:

(4) No person is guilty of an offence under subsection (2) or (2.1)

By adding, after line 13 on page 2, the following:

(6) In this section, critical infrastructure worker means a person who conducts or supports operations or services that are essential to the health, safety, security or economic well-being of Canadians including in relation to food supply, electricity grids, pipelines, communications and transportation.

Thank you, Mr. Chair.

The Chair: Madame Kusie, I believe those amendments are not admissible as they are outside the scope of the bill.

Mrs. Stephanie Kusie: According to whom?

The Chair: I'll ask the legislative clerk to speak to it.

Mrs. Stephanie Kusie: Okay. Certainly.

I would be interested to hear according to whom and the justification for that, please.

Mr. Jacques Maziade: Thank you, Mr. Chair.

The bill relates to the health services. My understanding, from just reading the amendment, is that it talks about critical infrastructure workers. As I said, the bill talks about health services.

This amendment adds a new concept and it's not related to the bill itself. Therefore, it would expand the scope of the bill, which is not procedurally allowed.

The Chair: Okay. The committee has heard the amendment and my ruling on it.

Madame Kusie.

Mrs. Stephanie Kusie: Thank you very much to our analysts.

I would also state, though, that outside of the term "health services", it also refers to the offence of obstructing or interfering. If we were to replace "critical infrastructure worker" with "health services provider", I think it would actually be within the realm of the bill. Certainly, I'm willing to accept the analysts' interpretation, but I do think it is relevant.

Thank you, Chair.

• (1620)

The Chair: Thank you, Ms. Kusie.

We shall now vote on clause 2.

(Clause 2 agreed to)

(On clause 3)

Mr. Jacques Maziade: For the benefit of the members, clause 3 is on page 2 of the bill, in the middle.

The Chair: Shall clause 3 carry—

Mrs. Stephanie Kusie: Chair, again, I didn't give my consent for it to carry. I genuinely believe you should wait for my consent for it to carry, as the official opposition, please. Again, I recognize the urgency of this, but we are moving relatively quickly through it. Certainly, after I've identified and have had a chance to review it again briefly in my own slow reading time, I will more than likely carry it. Thank you, Chair.

The Chair: Madam Clerk, I'll ask for a recorded vote on clause 3.

(Clause 3 agreed to: yeas 11; nays 0)

(On clause 4)

• (1625)

The Chair: On clause 4, I will call for a recorded vote.

(Clause 4 agreed to: yeas 11; nays 0)

The Chair: Clause 4 is carried.

On clause 5, I see no discussion. Shall clause 5 carry?

It will be a recorded vote.

(Clause 5 agreed to: yeas 11; nays 0)

The Chair: Clause 5 is carried.

On clause 6, shall clause 6 carry?

It will be a recorded vote.

(Clause 6 agreed to: yeas 11; nays 0)

The Chair: Clause 6 is carried.

(On clause 7)

I understand, Madam Kusie, you have an amendment.

Mrs. Stephanie Kusie: Yes, I have an amendment to clause 7, and please tell me if this is taking too much time to read. I move that Bill C-3 in clause 7 be amended by adding, after line 15 on page 4, the following:

(1.7) For greater certainty, subsections (1.2) to (1.6) do not apply to an employee who is entitled to rights or benefits under a collective agreement, contract, custom or arrangement that are at least as favourable to the employee as the medical leave of absence with pay conferred by this Division.

The Chair: Madam Kusie, I'm going to ask the legislative clerk to outline—

Mr. Jacques Maziade: Madam Kusie, I think you have another amendment before this one. The last four digits of the reference number are 9594.

Mrs. Stephanie Kusie: Pardon me. I'll be withdrawing that amendment, Chair.

Thank you.

(Amendment withdrawn)

• (1630)

Mr. Jacques Maziade: Okay.

The Chair: That is fine.

Do you want to proceed to your amendment—

Mr. Jacques Maziade: Not now.

The Chair: Not now—

Mrs. Stephanie Kusie: Pardon me, Chair. The amendment that the analyst referred to I will be withdrawing, and I will be presenting the one I just read into the record, Chair.

Thank you.

The Chair: Clause 6 was carried.

We're on clause 7. I understand there is an NDP amendment, NDP-1, to clause 7.

[*Translation*]

Mr. Alexandre Boulerice: Thank you, Mr. Chair.

There are two amendments, NDP-1 and NDP-2. If possible, I would like us to consider NDP-2 first, since it concerns two elements. If it is rejected, NDP-1 becomes relevant. I wouldn't want NDP-1 to be adopted and prevent the adoption of NDP-2. It's a matter of logic.

[*English*]

The Chair: Yes, Monsieur Boulerice, we can do that.

[*Translation*]

Mr. Alexandre Boulerice: NDP-2 clarifies the problematic statement we discovered regarding the calendar year for the acqui-

sition of the first day of sick leave. Here we're proposing 30 consecutive days instead of one calendar month.

NDP-2 also provides that everyone starts the program with a minimum of four days in their sick leave bank. We talked about this earlier today, and it was the subject of recommendations from several associations and health professionals. Earlier today, the Minister seemed open to such a change to avoid a situation where someone has to wait three or four months to get enough sick days to look after a flu, for example, or some other kind of illness.

Therefore, we concluded that four days was the appropriate number based on the recommendations of health care professionals. Subsequently, this allows people to continue to accumulate sick leave to a maximum of 10 days, as originally provided for in the Canada Labour Code.

The amendment also clarifies the 30 consecutive working days, and not the calendar month, for obtaining these days.

There are the two elements that make up NDP-2.

[*English*]

The Chair: Thank you, Monsieur Boulerice.

I understand the amendment is in order, although for clarification, if NDP-2 is adopted, NDP-1 and BQ-1 cannot be moved due to conflict of lines.

So, the committee has heard the amendment.

Mr. Terry Sheehan (Sault Ste. Marie, Lib.): Chair, could I hear from the officials about what's being proposed before us, if that's okay.?

The Chair: Who from the officials would like to speak to the amendment put forward by the NDP?

Mr. Andrew Brown (Assistant Deputy Minister, Policy, Dispute Resolution and International Affairs, Department of Employment and Social Development): Good afternoon, Chair. I'd be happy to speak to that.

As I understand it, the proposed amendment would provide for four days of medical leave with pay for employees. It was not 100% clear to me after what period of time that would be, or if there would be any period of time after which they would need to work to obtain those four days, and that subsequently they would continue to earn an additional day of medical leave with pay up to the maximum of 10—but after a 30-day period of continuous employment, rather than referring to completed months of employment as is referred to in the bill unamended.

The Chair: Mr. Sheehan.

Mr. Terry Sheehan: To the official, so that would potentially lead to more than 10 days of paid sick leave?

• (1635)

Mr. Andrew Brown: As I'm understanding it.... There was one piece there in the amendment that I was not clear about, namely whether there is some requirement to obtain those first four days of medical leave with pay. However, my understanding is that it would ensure that people are not beginning with having to earn.... It wouldn't take as long to have access to those first four days of medical leave with pay. They would have access to that sooner, but they would continue to be earning days for each 30 days of subsequent continuous employment. That is the difference with the specific calendar months' approach of the bill unamended.

The Chair: Mr. Boulерice.

[*Translation*]

Mr. Alexandre Boulерice: I would like to make a clarification. I just noticed that there is a portion missing in the English version and that is present in the French version of my amendment, which states “jusqu'à concurrence de dix jours par année”—a maximum of 10 days. That last bit isn't in the English version.

[*English*]

The Chair: I will ask the legislative clerk to speak to that.

[*Translation*]

Mr. Jacques Maziade: Thank you, Mr. Chair.

Mr. Boulерice, your amendment continues in the text of the bill. When “one additional day of leave” is written in English on page 3 of the amendment, that is a cut that is consistent with the way an amendment is written. However, it is all there in the English text of the bill, “day of leave, with pay up to a maximum of 10 days in a calendar year”.

Mr. Alexandre Boulерice: Okay.

[*English*]

The Chair: Are you okay with that, Mr. Boulерice? Okay.

Mr. Sheehan.

Mr. Terry Sheehan: I have no further questions right now.

The Chair: Okay, you have heard the amendment. We will vote on amendment NDP-2.

(Amendment negatived: nays 6; yeas 5)

The Chair: The amendment is defeated.

Monsieur Boulерice, you have another amendment that you want to move?

[*Translation*]

Mr. Alexandre Boulерice: Yes, it is NDP-1, which essentially takes up the notion of the 30 consecutive days of work that are necessary to acquire an additional day of leave, which is in addition to the four days initially banked that were provided for in NDP-2.

These four days don't exist in NDP-1, unfortunately—let me make an editorial comment here. NDP-3 focuses solely on clarifying the 30 consecutive days of work that are necessary to earn one additional day of leave. Therefore, it doesn't matter whether a person was hired on March 7, March 15 or March 26, it's the number of days worked that counts, not the date they were hired.

[*English*]

The Chair: Okay, you have heard the second amendment from the NDP. Before we proceed to a vote, be clear that if NDP—

Madame Chabot.

[*Translation*]

Ms. Louise Chabot: I don't know if I have a point of order, Mr. Chair, but I would like a clarification.

You have put amendments NDP-2 and NDP-1 under discussion, but I would like to propose BQ-1. Is that possible?

[*English*]

The Chair: I'll go to the legislative clerk.

[*Translation*]

Mr. Jacques Maziade: Ms. Chabot, as you have just said, we have reached NDP-1, and what the chair was about to say is that if NDP-1 is adopted, BQ-1 cannot be proposed, because there will be a conflict of lines.

• (1640)

Ms. Louise Chabot: I understand that. I just want to say, for the benefit of all colleagues around the table, that I was unable to move amendment BQ-1 because of a procedural issue. As a legislative clerk, you know, you understand the procedure, but not everyone here does. This is an open meeting, and for the benefit of all members of the committee, I would point out that I was unable to make a motion that may well be adopted anyway. We can vote on NDP-1, and we can vote on BQ-1 afterwards.

[*English*]

The Chair: Thank you. We will proceed to a vote on amendment NDP-1 with the understanding that if it is adopted, amendment BQ-1 cannot be moved due to a conflict of lines. So, we are voting on NDP—

Madam Kusie.

Mrs. Stephanie Kusie: I don't understand how NDP-1 is different from the proposed legislation within the bill.

The Chair: Mr. Boulерice will have to speak to that.

[*Translation*]

Mr. Alexandre Boulерice: Thank you for the question.

The amendment simply aims to avoid the situation I have given as an example. If an employee is hired on March 8, the three weeks in March won't count because they will have to work the whole month of April before earning the first additional day of leave. It may therefore take six to seven weeks before they are granted sick leave. The amendment proposes that the employee should get one day of leave after 30 consecutive days of work. This is equivalent to one month, but there is no need to follow a calendar.

Mrs. Stephanie Kusie: Okay. It's continuous.

Mr. Alexandre Boulerice: It's consecutive.

Mrs. Stephanie Kusie: The employee must therefore work for 30 consecutive days, rather than one month.

Mr. Alexandre Boulerice: Exactly.

Mrs. Stephanie Kusie: Okay.

Thank you.

[*English*]

Thank you, Chair.

The Chair: Thank you, Madam Kusie.

We were proceeding with a vote on amendment NDP-1.

(Amendment agreed to: yeas 11; nays 0)

Amendment NDP-1 is carried.

We'll now proceed to amendment NDP-3.

Go ahead, Mr. Boulerice.

[*Translation*]

Mr. Alexandre Boulerice: Thank you, Mr. Chair.

This amendment is very simple. We talked earlier about difficulties caused by having to get a doctor's note for one or two days of leave taken consecutively. Several doctors and health care professionals told us that this would create an administrative burden and force people to consult doctors, who have other things to do.

We know from the survey that was discussed today that if we create additional barriers, such as the requirement for a doctor's note, people may not take their sick leave. Yet the whole point of this is to make sure that people who are sick stay home because of the COVID-19 pandemic and so on.

This amendment clarifies that the employer may request a doctor's note, but only if there are at least five consecutive days of absence for medical reasons. The original legislation states that the employer may require this doctor's note for one or two days of leave. We believe this is excessive and that a minimum of five consecutive days would be reasonable.

[*English*]

The Chair: Thank you, Mr. Boulerice.

If NDP-3 is adopted, BQ-2 cannot be moved due to a line conflict.

We'll call the vote on NDP-3.

(Amendment agreed to: yeas 11; nays 0)

We now move to amendment CPC-2.

Go ahead, Madam Kusie.

• (1645)

Mrs. Stephanie Kusie: I move that Bill C-3 in clause 7 be amended by adding after line 15 on page 4 the following:

For greater certainty, subsections (1.2) to (1.6) do not apply to an employee who is entitled to rights or benefits under a collective agreement, contract, custom or

arrangement that are at least as favourable to the employee as a medical leave of absence with pay conferred by this Division.

That's in an effort to avoid the duplication of the policies of those unions in particular that already provide these leave provisions, Chair.

The Chair: Committee members have heard Madam Kusie's amendment.

Mr. Wayne Long: Chair, I'm wondering if we could get an opinion from the officials on whether this is actually necessary.

The Chair: Who wants to speak to the question posed by Mr. Long?

Mr. Douglas Wolfe (Senior Director, Strategic Policy and Legislative Reform, Strategic Policy, Analysis and Workplace Information Directorate, Labour Program, Department of Employment and Social Development): Good afternoon, Mr. Chair. I could speak to that question if you'd like.

Can people hear me? It seems I had lost the connection for a moment there.

The Chair: Yes.

Mr. Douglas Wolfe: Okay. Perfect.

My understanding of the amendment is that it would provide for a somewhat looser definition than what is provided currently in the bill. I think employers would have somewhat more flexibility under this amendment than they would under the bill. That is, I believe, what would be the effect of this amendment.

The Chair: Monsieur Boulerice.

[*Translation*]

Mr. Alexandre Boulerice: Thank you, Mr. Chair.

It's a question I would also put to the experts who are with us.

I understand the intention of the amendment, and I quite agree that subsections (1.2) to (1.6) shouldn't apply to an employee whose collective agreement or contract provides for greater benefits.

However, when we talk about a current practice or an agreement, I have the impression that it's a bit vague. An employer could say that things work differently at their company and that people have personal leave they could use. We would then have to define what a company's current practice is. I have the impression that this aspect is less clear.

[*English*]

The Chair: Are there no further questions on CPC-2?

Madame Chabot.

[*Translation*]

Ms. Louise Chabot: I somewhat agree with what has been said, even with respect to the collective agreement.

The provisions of the bill provide for a certain number of days of sick leave, but of course if a collective agreement or contract provides for more, the provisions of the bill do not apply, so I don't see the point of this amendment. It seems to me that it's a basic rule, that it's a minimum and that some people may be entitled to more leave.

I don't see the need for this amendment, unless I'm given more explanation.

[English]

The Chair: Madam Kusie.

[Translation]

Mrs. Stephanie Kusie: The purpose of our amendment is to ensure that where an employee has more favourable rights or benefits than those provided for in the bill, those rights and benefits prevail and replace those provided for in the bill.

• (1650)

[English]

The Chair: Are there no further questions?

I will call for the vote on amendment CPC-2.

(Amendment negatived: nays 7; yeas 4)

(Clause 7 as amended agreed to: yeas 11; nays 0)

The Chair: I understand there's an NDP amendment, NDP-4?

[Translation]

Mr. Alexandre Boulerice: Thank you, Mr. Chair.

This is the last amendment. It aims to correct what we think is an inequity in the bill.

We asked the question earlier today and the answer was clear: in the legislation, all employees start at the same starting line. The new employee gets one day of sick leave per month, as does the employee who has worked for the company for several years. Therefore, an employee's seniority does not confer any advantage.

What we are proposing is the recognition of this seniority as soon as the legislation comes into force. An employee with at least two years' seniority in a company would therefore immediately be deemed to have earned ten days' sick leave for the coming year, rather than having to wait and earn one day's leave per month, as the new employee does.

We feel that this would be a recognition that the employee has been with the company for a long time and does not have to start from scratch in the same way as a new employee.

[English]

The Chair: Mr. Long.

Mr. Wayne Long: Thank you, MP Boulerice.

Can I get an opinion from the officials on this?

The Chair: You certainly can. Who would you wish to speak to this?

Mr. Wayne Long: It could be whoever would like to, maybe Mr. Brown.

Mr. Andrew Brown: Thank you. The amendment as moved would provide to employees referred to as having a sort of seniority—so having at least two years of experience with that employer—the ability to start at the outset with 10 days of medical leave with pay, without having to earn those in the first year.

Certainly as I understood that, it would impact the majority of employees, who would certainly have some experience. I don't have the figure for who would have more than two years of experience, but I would certainly say the majority of employees would be starting with 10 days rather than starting with zero and having to earn one day per month, effectively, to reach that maximum of 10. It would presumably make sense to frame this in terms of "continuous employment", which is a term that is already used within the Canada Labour Code.

• (1655)

The Chair: Is that okay, Mr. Long?

Okay. Are there any other questions?

Mr. Jeneroux.

Mr. Matt Jeneroux (Edmonton Riverbend, CPC): Thanks.

Can I just get Mr. Brown's opinion?

Is this retroactive?

Mr. Andrew Brown: I think the way to refer to this would be retrospective, and I'll clarify the distinction there. It would be looking at the period of time for which an employee has been working with an employer, and so that could be looking at a period of time that predates a coming into force, assuming that this comes into force.

So it would be looking backwards to determine when the employee started to work for the employer. However, as to when an employee would be eligible to receive or be eligible to take those days of paid sick leave, that would be moving forward—so from the time that this legislation would come into force, assuming that it gets passage.

That would be the distinction between retroactive and retrospective. It would look backwards to consider the period of employment with the employer.

The Chair: The committee has heard amendment NDP-4, moved by Mr. Boulerice.

I will call for the vote on NDP-4.

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

Amendment NDP-4 is defeated.

(On clause 8)

The Chair: We will now proceed to clause 8.

Mr. Jeneroux.

Mr. Matt Jeneroux: I'm sorry, is this the coming-into-force piece? Yes. I have no amendment, but I just want to highlight the minister's words. He was very clear that he wanted this to come into force, in his words, before Christmas. As I'm reading this, that will not be possible with this particular clause of the bill, which he wrote. I'd just ask for some clarification from the officials that I'm reading this correctly.

The Chair: Which official must address Mr. Jeneroux's question?

Mr. Douglas Wolfe: I can respond to that.

The coming-into-force date is upon order of the Governor in Council. That could be at a moment to be decided in the future, or that will be decided in the future. As you heard from the minister, I think there is a considerable interest in having this come into force as soon as possible.

Mr. Matt Jeneroux: Mr. Wolfe, it's good to see you again. We have a lot of history together on my bill.

Just to be clear, within the two sections, subclause 8(1) reads that it's coming into force "on the 30th day after the day on which this Act receives royal assent". From our experience, royal assent took essentially three months in our case, but they're saying 30 days after the day. If it passes in the Senate, let's say, next week, it would still require those days to get to royal assent, and then an additional 30 days on top of that. Royal assent usually takes about a day or two after it passes in the Senate, so we're looking at, probably, some time later in January. Am I doing my math right here, Mr. Wolfe?

• (1700)

Mr. Douglas Wolfe: Excuse me, I think there's been a slight mix-up here. I think you may be referring to the Criminal Code coming into force.

Mr. Matt Jeneroux: It's subclause 8(1), so sections 6 and 7, referred to in subclause 8(2), would describe when the sick days would come into force.

Mr. Douglas Wolfe: Yes, for the sick days provisions, they are coming into force by Governor in Council, but—

Mr. Matt Jeneroux: Is it typical to have subclauses of the bill split like this?

Mr. Douglas Wolfe: It's fairly typical when different provisions are put together, as they have been in this bill.

Mr. Matt Jeneroux: Okay. Thanks for hearing me out, Mr. Chair.

The Chair: Did that address your issues, Mr. Jeneroux?

Mr. Matt Jeneroux: Yes, I think so. Part of what we were looking to do was to split the bill into two at one point. I think that probably highlights the initial need for that. In the interest of getting this passed for a variety of reasons, particularly the sick leave piece, I think it's important that we move forward. Again, when the minister comes here and states one thing and then we're left here to pick up the pieces on the rest, it gets to be a little bit cumbersome on our end.

Thank you to Mr. Wolfe and to all the officials for taking the time to explain the nuances of this piece of legislation.

The Chair: Thank you, Mr. Jeneroux.

Shall clause 8 carry? It will be a recorded vote.

(Clause 8 agreed to: yeas 11; nays 0)

The Chair: Shall the title carry? It will be a recorded vote.

(Title agreed to: yeas 11; nays 0)

The Chair: Shall the bill as amended carry? It will be a recorded vote.

(Bill C-3 as amended agreed to: yeas 11; nays 0)

The Chair: Shall the chair report the bill as amended to the House? It will be a recorded vote.

(Reporting of bill to the House agreed to: yeas 11; nays 0)

The Chair: Shall the committee order a reprint of the bill as amended for the use of the House at report stage? It will be a recorded vote.

(Reprint of bill agreed to: yeas 11, nays 0)

• (1705)

The Chair: Thank you, committee members. That concludes the clause-by-clause reading of Bill C-3 and the approval to proceed from here.

I want at this time to thank the committee members for their work, and especially the staff of committee members and the minister's staff. I know that a lot of work has gone into this. It was a tight timeline, and this committee achieved consideration and approval of the bill. Thank you very much.

Mr. Ruff?

Mr. Alex Ruff: Before we adjourn, Chair, I just want to put on the record here that this afternoon there was a lot of panic, I guess, among interpreters, legislative clerks and law clerks to try to get amendments done. I get the rush, and I totally appreciate that, but I think that in consideration of the staff and the incredible work they have to do, with 24 hours we still would have had plenty of time to get this through.

For future consideration at this committee of any legislation or bills, I would strongly recommend that we try to share stuff ahead of time and give enough time for everybody on this committee and the respective members of Parliament and the necessary clerks, translation staff, etc., to do their jobs. I think it will make it run a lot smoother in the future.

I just wanted to get that on the record. Thanks, Chair.

The Chair: Thank you, Mr. Ruff. That is duly noted and, at the same time, we have a chair on OJT, on-the-job-training.

The meeting is adjourned.

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