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Chair: Mrs. Sherry Romanado



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• (1105)

[*English*]

**The Chair (Mrs. Sherry Romanado (Longueuil—Charles-LeMoyne, Lib.)):** I now call this meeting to order.

Welcome to meeting number 40 of the House of Commons Standing Committee on Industry, Science and Technology. Today's meeting is taking place in a hybrid format, pursuant to the House order of January 25, 2021. The proceedings will be made available via the House of Commons website, and so you are aware, the web-cast will always show the person speaking rather than the entire committee.

We will be devoting the first hour to Bill C-253 and will then move in camera for the second hour to review the report.

To ensure an orderly meeting, I'd like to outline the regular rules.

Members may speak in the official language of their choice, as interpretation services are available for this meeting. You have the choice at the bottom of your screen of “floor”, “English” or “French”.

As a reminder, all comments by members and witnesses should be addressed through the chair. Please wait until I recognize you by name. When you are not speaking your mike should be on mute. As is my normal practice, I will hold up a yellow card when you have 30 seconds left in your intervention, and I will hold up a red card when your time for questions has expired.

Pursuant to the order of reference of Wednesday, May 12, 2021, the committee is meeting to begin its study of Bill C-253, an act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act.

I'd like to welcome today Philippe Méla, our legislative clerk, who will be working with us on this study.

Thank you very much for being with us today.

I'd now like to welcome the bill's sponsor, Marilène Gill, MP for Manicouagan.

[*Translation*]

The floor is yours for seven minutes so that you can introduce your bill.

**Mrs. Marilène Gill (Manicouagan, BQ):** Thank you very much, Madam Chair.

My thanks to the vice-chairs, to all the members, and to the committee's entire support team.

I am pleased to be before you today. I would like to thank all the members of Parliament who have worked to bring Bill C-253 before a committee today.

I must say that it has been a long haul. In that context, I would like to thank all the members of Parliament before me who have introduced similar bills in the last 20 or so years. It really was in the 2000s that the House of Commons first took up the issue. At least a couple of decades, therefore. But amendments such as the ones I am proposing today have never really been put forward.

I also introduced a bill along the same lines in the last Parliament. Unfortunately, it was not able to make its way through. Allow me to make a quick, critical comment on the legislative process here. Under our rules, some worthwhile bills that could well be in the public interest have no chance of being debated, let alone passed. They do not get through the process if they are not priorities or if, in the case of private members' bills, they simply do not get the luck of the draw.

So, of course, I hope that the government will not be calling an election anytime soon. Then this bill might go even further and go back to the House in order to pass another stage there.

Let me return to the background and the principles that informed the bill as it was being developed. It is basically very simple, despite its title that is almost as long as the bill itself.

In terms of the background, this is a grassroots bill. As members of Parliament, you know that we want to be close to the public and we listen to them. Personally, I make it a point of honour to bring the people's requests to the House. We are conveyor belts. Whether we are in government or in opposition, we are above all representatives of our constituents, not representatives of ourselves or of any particular body.

This bill, therefore, first saw the light of day on the Côte-Nord. But it could equally well have been born in the constituency of my colleague from Newfoundland and Labrador, a constituency also affected by the bankruptcy of Cliffs Natural Resources in 2015. Because of that bankruptcy, workers who had paid into a defined benefits pension plan for their entire careers were deprived of 25% of their pension funds and their insurance when the drama, I might almost say the tragedy, occurred. I will come back to that a little later.

The basic principle, on which a majority of members of the House were in agreement when we voted, is one of deferred salary. In the negotiations between the employer and the unions representing the workers, an agreement is reached that, at a certain point in their careers, they will do without some salary, in order to ensure that they have a pension fund when they retire. Simply put, it means that the money belongs to the workers.

Put another way, to repeat myself in the negative, just like in photography, I could use as an example a worker currently earning \$20 an hour. Overnight, he sees his hourly rate dropped to \$15. We could not accept that. We could not imagine depriving workers of 25% of their salary. A current salary and a deferred salary should be considered in exactly the same way. It's a salary; it belongs to the workers.

That is the very concrete principle on which the bill is based. Of course, as I am the one proposing it, you might agree that I may possibly have, or appear to have, a conflict of interest. But I completely agree with myself. All joking aside, there is still a principle behind this. Depriving people of a part of their pension fund has concrete and direct consequences in a number of areas.

Those consequences might be manifested in a lot of ways, with many examples, but I will simply talk about two major consequences.

The first consequence is a social one. I am talking here about the Cliffs Natural Resources case, which is really well documented. There have been many mental health issues, such as depression or suicidal behaviour. Of course, people were deprived of a lot. We must also think about the surviving husbands and wives. Women are also affected because they receive no benefits.

• (1110)

We must also consider the entire economic impact, of course.

I see that I have to move a little quicker, because I only have two minutes left.

So we also have the entire economic issue. We must not forget that people buy and invest in the communities where they live. The fact that they are not receiving their full pension deprives them but it also deprives the communities of resources. Individuals are affected by the situation, but so is the surrounding society.

I will really not have the time to talk about the two points that my bill seeks to amend, but I can address them very quickly.

The first is about the priority of the creditors. I deal with this in a very balanced, even very humble, way.

The second is about compensation for insurance, because that is what retirees face in the event of restructuring or bankruptcy.

Let me end with a thought that will surely find agreement among those who have hoped for this bill and the former parliamentarians who have tried to put forward solutions such as the ones I am putting before you today. We should be making legislation for our workers, because they vote. Large companies clearly do not.

**The Chair:** Thank you very much, Mrs. Gill.

We will now start with the rounds of questions.

[English]

We will start with the first six-minute round, which goes to MP Poilievre.

You have the floor.

[Translation]

**Hon. Pierre Poilievre (Carleton, CPC):** Thank you very much, Mrs. Gill. Congratulations for getting your bill to this stage.

First, I have to tell you that I once experienced a bankruptcy, with Nortel, in Ottawa. It was the biggest company in the national capital.

We learned that, in a bankruptcy, everyone loses. All the creditors lose. We sometimes think that bankers on the other side of the world end up as the big winners, but, in a bankruptcy, more money is owed to the creditors than is available to pay them.

Today, we are debating who will lose most in a bankruptcy. It is not always just a matter of good people against bad people.

With Nortel, for example, thousands of entrepreneurs were working on fixed contracts to provide services, including one plumbing company with 25 employees. When Nortel went bankrupt, those companies lost their money. They had done the work but they were not paid. Everyone had to go to court so that a judge could decide who would lose the most.

Under your bill, would the plumbing company with 25 employees that I just mentioned, be more of a priority, less of a priority, or the same priority as the people receiving a pension from the bankrupt company?

**Mrs. Marilène Gill:** Thank you for the question, Mr. Poilievre.

The first thing I would like to highlight is the premise of your question, in which you say that we are not talking about setting good against bad in a dichotomous or polarized way. That is not the intention of the bill. That's the first thing I wanted to say.

You also say that a bankruptcy involves losses for everyone concerned. That is true; it is in no one's interest for a bankruptcy to occur. Ideally, what people want, whether they are employees, retirees or even the banks, is for restructuring to be possible, because it's the only positive way out. No one wants to lose.

As for the end of your comment, I can only emphasize what you said, because I completely agree with you on those two points. My bill would change absolutely nothing in terms of what suppliers can currently expect. They would maintain exactly the same priority.

• (1115)

**Hon. Pierre Poilievre:** At the moment, the creditors are almost of equal status. So the little plumbing company is now likely at the same level as the pension plan.

Currently, the judge has the power to decide how much each of the creditors, namely the plumber and the pension plan, will receive. If you are saying that the pension plan would be a priority, it means that the plumber would then be left behind, correct?

**Mrs. Marilène Gill:** No. Actually, there are a number of levels of priority and he would not be left behind. Earlier, in the introduction, I talked about the principle of deferred salary. Let me insist on that. You are telling me about the plumber. For me, a plumber is a worker too. He has the right to be compensated for the services and the effort he has provided. The same goes for pension plans. Remember what I was saying: this is deferred salary. For example, the salary of the plumber or—

**Hon. Pierre Poilievre:** Yes, but he has no salary. He has a contract.

**Mrs. Marilène Gill:** You can see it like that, but the amounts are used to pay salaries. That could be the case for a plumbing company, but you said “a plumber”, so I was thinking of an employee. I'm sorry.

**Hon. Pierre Poilievre:** Okay, I understand. You are right to say that employees have precedence. Salaries are paid before anything else. That is already a legal requirement.

When I mentioned a plumber, I was referring to a plumber from another company. Nortel was not a plumbing company, but it needed to establish contracts with companies that would provide those services.

What I am saying is that small companies provide services to big companies. If the big companies then go bankrupt, the small companies are creditors as well. So, if you give other creditors a higher priority, it means that the small companies will be left behind.

**Mrs. Marilène Gill:** No, the small companies will be in the same category. Clearly, a judge can decide, but, no, a company will not be left behind.

I understand that you are not talking about one plumber. We had some semantic difficulties. We are talking about a company, a contracted supplier. They should then be in the same category.

Quite clearly, as the priority level goes up, people share in it. That said, suppliers are ordinary creditors.

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

[English]

We'll now move to the next round.

MP Jaczek, you have the floor for six minutes.

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

Thank you, Madam Gill, for your bill. There's no question that you have the best interests of many of your constituents at heart. The bill is extremely well intentioned.

The issue, I suppose, is the devil is in the detail, as is very common with complex pieces of legislation. This is no doubt why, as you related, it has taken many years of discussion and we don't seem to be any further ahead.

The issue is one of balancing priorities. One of the issues that I think has been raised is that your bill would make it more difficult for companies with defined benefit pension plans to access loans, because lenders would have to assume a higher level of risk as their claim would be given lower priority.

Do you see this as a real risk?

• (1120)

[Translation]

**Mrs. Marilène Gill:** Thank you for the question, Ms. Jaczek.

Certainly, we always want to do the right thing and protect people. You said that the devil is in the details. I actually always agree with that, but it must not stop us from taking action. As you said, the issue has been discussed for a number of years, but basically, the situation has not moved forward since the 2000s. For example, the Companies' Creditors Arrangement Act, the CCAA, has to be reviewed every five years. In 2018, a committee report said that something had to be done. Everyone agreed on that, but nothing was done. The same happened in 2010. This has been going on and on endlessly.

That answers the first part of your question.

In the second part of your question, you were talking about the risks that lenders incur. Actually, banks are very reasonable. Clearly, they also have their requirements. Of course, when they grant loans, they want to make sure that they will get their money back. Banks already ask for guarantees when they lend to a company. They already make sure that a company is financially healthy enough for it not to be too risky to grant them a loan.

Since banks already work in that way, I do not see it as a risk.

[English]

**Ms. Helena Jaczek:** Defined benefit pension plans, certainly here in Ontario, have become rarer and rarer. I am wondering, looking forward, as hopefully, post-pandemic, the economy recovers and we see some new businesses established and so on, whether there is a risk that this bill could discourage companies from even creating defined benefit pension plans for their employees in the future.

[Translation]

**Mrs. Marilène Gill:** I actually feel the opposite.

First, we must not imagine that companies are giving workers a gift by telling them that they provide, for example, a defined benefit pension plan rather than a defined contribution plan. The issue of pension plans must be negotiated between the employer, meaning the company, and the union. Certainly, companies might prefer to provide one type of plan rather than another type. But given that it must be negotiated, I would say that it could be the opposite.

That was the first part of my answer. I would like to add a second point.

As Mr. Poilievre said earlier, it is in everyone's interest, the companies, the banks and the workers, for this to work. This is why a bill such as mine can be helpful. I am trying to put myself in a worker's shoes. A plan of that kind would be looked after and protected, and would become an additional guarantee. In my opinion, a pension plan of that kind would be an advantage. So I actually feel that it will not only protect the pension fund itself, but it will also protect this type of plan, the defined benefit plan.

[English]

**Ms. Helena Jaczek:** Going back to the issue of lenders, you talked about the banks being reasonable. Perhaps with large businesses there's potentially more negotiation, but do you not think that perhaps your bill would have a greater impact on small and medium-sized businesses, which certainly have more difficulty securing loans at a reasonable rate?

[Translation]

**Mrs. Marilène Gill:** Thank you once more for the question.

In the current crisis, I feel that the government has already expressed its fears about companies having access to financing. Correct me if the figure is wrong, but I believe that the government has provided about \$60 billion in loan guarantees. Of course, the government can act as guarantor for companies to restructure. You may know that, under the terms of the CCAA, SMEs must have debts of at least \$5 million.

I see that our chair is now on the big screen. So I will stop here. I can come back to these questions later.

• (1125)

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

Mr. Lemire, the floor is yours for six minutes.

**Mr. Sébastien Lemire (Abitibi—Témiscamingue, BQ):** Thank you, Madam Chair.

I'm going to take the liberty right away of introducing the motion that I previously sent out and that you all received via email. The motion is as follows:

That the Committee proceed immediately to the clause-by-clause consideration of Bill C-253 as referred by the House on May 12, 2021, without hearing witnesses.

I introduce this motion on the basis that this bill does not commit any money from the government. The bill is essentially ideological and does not involve responsible government, for example.

In the particular context of COVID-19, we know that many companies are being kept on life support, as it were. That's what the results of various surveys are showing. The government's wage subsidy and rental assistance programs are very generous. However, when those programs end, we could see a significant number of bankruptcies.

In addition, the election threat weighs heavily on us. An election campaign could be triggered as early as August. We know that if this bill is not sent to the House directly, given the time allotted for

debate and consideration by the Senate, it may not receive royal assent before the House wraps up.

If these bankruptcies occur in the fall without us having passed the bill, hundreds or even thousands of workers may not be protected. That is what I'm afraid of. My colleague Marilène Gill's bill covers two areas: priority payment of preferred claims for employers, as well as compensation for the loss of group insurance.

I therefore move that we begin clause-by-clause consideration of Bill C-253 immediately, in the hope that it will be sent back to the House as soon as possible for consideration at third reading. I also hope that it will be sent to the Senate quickly so that it can be passed in the current Parliament. That will allow us to address the bankruptcies that may occur in many constituencies.

I want to point out that the motion to send the bill to committee was supported by the Bloc Québécois, of course, the NDP, the Conservative Party and 10 Liberal members, including our colleague Nathaniel Erskine-Smith. I am calling on our strategic political sense and compassion for the workers who may be affected by these bankruptcies.

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

I invite the legislative clerk, Philippe Méla, to explain the rules surrounding this motion.

**Mr. Philippe Méla (Legislative Clerk):** Thank you, Madam Chair.

The motion is a bit unusual, but it is in order. It is up to the committee to decide whether to proceed with clause-by-clause consideration of the bill here and now without hearing further witnesses. It is possible to do that, if that is the will of the committee. The motion may be debated and amended.

**The Chair:** Is unanimous consent required?

**Mr. Philippe Méla:** No, not for this motion. If this were a motion to have clause-by-clause consideration of the bill deemed completed, that would be a different matter and it would indeed require unanimous consent. However, Mr. Lemire's motion simply asks that the committee proceed immediately with clause-by-clause consideration. If the committee decides to do so, then I will take five minutes to explain how that will work.

The committee must vote on all clauses of the bill, that is, the chair must ask the committee if clause 1 shall carry, then clause 2, and so on, through to the title of the bill. The chair will then ask the committee whether it wishes her to report the bill to the House and whether she should order the bill reprinted, in the event that amendments have been made.

This motion does not require unanimous consent. It may be debated and amended, if necessary.

• (1130)

**The Chair:** All right, thank you very much.

[*English*]

I see that a couple of hands are raised.

I will start with MP Masse.

Please go ahead.

**Mr. Brian Masse (Windsor West, NDP):** Thank you, Madam Chair.

I know that with this motion I won't have a chance to question the sponsor, let alone other witnesses, but nonetheless I support the motion. I've been part of this debate for a number of years, in fact almost two generations. I believe there has been enough meritorious talk of the benefits of workers getting what is really a deferred wage in contractual agreements, when two people sit down, whether as part of a collective or a non-collective agreement and decide upon the terms of the wage.

I'm not going to take a lot of time in this intervention in order to allow my colleagues to be there. Obviously, though, as a New Democrat I won't even get a chance to thank the witness who is here today with her bill and to speak very strongly to how quickly we should move this through, in that there will be some other opportunities to hear some of the powerful voices who have raised significant issues for workers.

This may be a bit different as a process, but it's not an unfair one. It is not unusual in many respects, too, because of the circumstances faced under COVID. At the same time, the mere fact that this has a long history of working its way through the chamber, through committee and eventually back again through the chamber, but not even bringing the results that are necessary....

I want to thank all those who are participating, but being from the party that's going to be most affected by this because I won't even get a chance to question the sponsor of the bill, I support this, because the value of the workers and those who are supporting them and Canadians is too well documented to pass up yet again.

Thank you, Madam Chair.

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

We have MP Généreux and then MP Erskine-Smith.

[*Translation*]

**Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC):** Thank you, Madam Chair.

I wonder if my colleague has seen the legislative agenda leading up to the end of the session. And by the way, as far as I know, it is not a government priority to fast-track passage of the bill before a possible election or the next session. The chances of that happening are extremely slim.

Personally, I support the bill. However, I am a business man, and I would like to understand some things better. The exchange earlier between Mrs. Gill and Mr. Poilievre showed me that there is a misunderstanding not only of what a plumber is, but also of the relationship between suppliers and large companies. When subcontractors

don't get paid, they still have to pay their employees, regardless of the circumstances. So they are not on the same level as the employees, who would keep their pensions.

On the other hand, I regret that Mr. Masse cannot speak in this debate, since he has exactly two decades of experience with similar bills.

I feel we need to study the bill more carefully and hear from witnesses, so that we have a better understanding of the issue and can make sure that the bill is well put together. Mrs. Gill, again, I support your bill. However, similar bills have been met with a lot of opposition in the past. We want to make sure that this time we can get the bill passed. To do that, I still believe we should have witnesses.

We will oppose Mr. Lemire's motion. It's not that we disagree with him and refuse to move the bill forward more quickly. Rather, we think we could easily have two meetings with witnesses and also allow Mr. Masse to speak. In fact, if I have the opportunity today, I will give him my time. Indeed, it is important that all parliamentarians have the opportunity to ask Mrs. Gill questions on this matter.

So, I don't know if my other colleagues agree, but we will be voting against Mr. Lemire's motion. Again, we have nothing against the bill or against Mr. Lemire's motion, but I believe we need to hear from witnesses to make sure that the bill is perfect. There are two sides to every coin. We are inevitably going to run into unpredictables along the way.

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

**Mr. Sébastien Lemire:** I have a procedural question, Madam Chair.

Regarding the two meetings, is that an amendment to my motion, a separate motion, or an opinion?

**The Chair:** It's an opinion. He did not move an amendment.

**Mr. Sébastien Lemire:** Thank you.

[*English*]

**The Chair:** MP Erskine-Smith.

**Mr. Nathaniel Erskine-Smith (Beaches—East York, Lib.):** Thanks, Chair.

Sébastien mentioned that I voted in support of Bill C-253. I was glad to do so, to bring it to committee for study. It strikes me that if we were to eliminate the prospect of hearing from witnesses, I would miss out on that study, and I think, to speak to Mr. Généreux's point, that we want to get it right. I also think we want to do it as quickly as we can, and I think we can do both of those things adequately, as far as this committee work is concerned.

We should, then, make sure that we return it to the House, ideally before we rise. I think that would be quite a quick but welcome process, if we can get it done, and I think we can, but it shouldn't preclude our hearing witnesses. I think we can do both. We can hear from witnesses—a short list, of course—get the clause-by-clause study done and then return it to the House before we rise.

That would be the aim, but while I supported getting Bill C-253 to committee, I don't support moving directly to studying it clause by clause. I think we should hear from a list of witnesses to make sure we get clause-by-clause examination right.

• (1135)

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

MP Poilievre.

**Hon. Pierre Poilievre:** I would support an idea of amending the motion in order to allow for several days of hearings so that we can actually get some expert testimony. Having just exchanged with the bill's proponent, whom I respect and whom I thank for bringing it forward, I'm not clear that the answers she provided are necessarily legally accurate. I'm not saying that in a derisive way. It's just that it's impossible for one person to have all of the legal facts related to a very complicated piece of legislation.

I certainly don't have all those facts, but, for example, I would like to know what happens to the claims of small business people who have done contractual work for a business and then the business goes bankrupt. Then the small business whose employees are not covered by the priority listing in either this bill or in the existing bankruptcy and insolvency legislation would potentially be pushed further back still.

I'm also not clear yet on whether or not this bill would provide for companies to continue to issue collateral in order to get loans that are necessary to hire people in the first place. I would like to know more.

I think the goal here that we all share is to protect pensioners in the event of a bankruptcy and to make sure that the bill actually does that and does not unfairly harm other players: small businesses, workers for those businesses, other pensions that have lent to the company that is going bankrupt, future workers who may not get hired if companies can't get financing. All of that stuff needs to be examined. Maybe, when we examine it, we will conclude that the bill is still optimal and needs to be passed, but we can't make this kind of a rearrangement of our bankruptcy, insolvency and creditor protection legislation without a single witness other than the person moving the bill. I have never seen something of this nature pass without a witness. It would be pretty revolutionary to do this without witness testimony, and I think unnecessarily so.

I think everyone here is acting in goodwill to try to get hearings quickly and get us all informed so that when we finally go through clause-by-clause study and, hopefully, pass it, we know what we're doing.

I would support an amendment—not a vote against Mr. Lemire's motion but an amendment—that would allow for some days of hearings and expert witness testimony.

**The Chair:** We have an amendment to the original motion on the floor.

MP Dreeschen and MP Lemire, you have your hands up. I don't know if it's to speak to the amendment.

MP Dreeschen, go ahead.

**Mr. Earl Dreeschen (Red Deer—Mountain View, CPC):** Thank you, Madam Chair.

I will be quick because I, too, would like to see us move forward with this.

I believe that hearing more from more people would probably be better. Just to go back quickly.... The decision was made that we would send this to the committee to look at. If we had wanted to pass it quickly.... Everyone plays these games with unanimous consent motions in the House. That would have been an option to see if that actually was something that people could have agreed upon, but we agreed upon something different, and that was to come here.

I know what it is like to have a private member's bill that doesn't make it across the wire. I have had one moving into second reading in the Senate when an election was called. I did get another chance to pass one. Anyway, I don't think it's the right precedent because if we start to do that, to say "Once we get it in here, let's try to push it through as quickly as possible," that isn't fair to other private members' bills that are working their way through the system.

As much as I would love to get the discussion in here, to shut it down now wouldn't be right, so I agree that we should have more meetings rather than fewer.

• (1140)

**The Chair:** Thank you very much, MP Dreeschen.

[*Translation*]

Mr. Lemire, you have the floor.

**Mr. Sébastien Lemire:** Thank you, Madam Chair.

I will begin by responding to Mr. Dreeschen's comment by simply drawing a parallel with Bill C-208, which the Conservatives themselves introduced. They were able to prioritize that bill, which was then able to pass third reading last month. That is what happened. It was not a priority bill. Yet, it moved from 17th to 2nd in the order of priority, if memory serves. It was even prioritized again for the second hour of debate at third reading. The Conservatives changed the order of their bills so that some of them were given priority consideration during the debate time they had. These sorts of steps are taken to ensure quick passage.

I would also like to respond to Mr. Généreux's comment. If we don't fast-track Bill C-253 back to the House without delay and an election is called, the bill will be a complete failure.

Remember that a bill was passed under a gag order two weeks ago to enact rules for how elections work during a pandemic. In my view, if the government is passing reforms to the Canada Elections Act under a gag order, that sends a very alarming message to me that it wants to call an election.



This is the context in which we must operate. Based on the indicators we have, we could see a lot of bankruptcies this fall, because right now companies are being kept alive on life support. If we don't get Bill C-253 back to the House quickly, we will not be protecting workers from these bankruptcies. We are exposing them to the consequences.

That's why this motion needs to pass quickly. We need to get Bill C-253 back to the House as soon as possible, to at least give ourselves a chance to get it passed on behalf of the people we represent.

Of course, we can't know in advance who we will save from bankruptcy, which constituencies will be affected, and the circumstances in which it will happen. However, the examples we have seen, like White Birch Papers, really scare me.

[*English*]

**The Chair:** Are there any other comments regarding the amendment to have meetings to hear from witnesses?

Seeing no further debate, I will ask for a vote on the amendment to hear from witnesses. I want to see if everyone is on screen. If there is a requirement for a recorded—

Hold on. I have hands up.

MP Poilievre, did you want to explain your amendment further?

**Hon. Pierre Poilievre:** Yes. I would propose that we have at least three full meetings to hear from witnesses on the bill.

**The Chair:** Thank you very much for clarifying. I appreciate it.

MP Lambropoulos.

**Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.):** My question was going to be how many meetings you're proposing.

**The Chair:** That's perfect. The amendment is to have three full meetings on Bill C-253 so that we can hear from witnesses.

I will turn to MP Masse.

**Mr. Brian Masse:** Madam Chair, do we have dates for those meetings? Can we get specific dates?

**The Chair:** Right now, if you recall, we circulated a draft agenda for between now and the end of the session. The plan was to hold meetings regarding Bill C-253, so it's already in the books to do so. I had invited all the members to submit witnesses, which I believe some have.

We already have scheduled time in the agenda for this study.

**Mr. Brian Masse:** That's why I wondered whether this was in order and how it actually conflicts with our current schedule. Depending on the vote on this, it affects our current schedule and it doesn't take away that we've already actually booked time for witnesses. Everybody supports having witnesses, if we're going to actually have that.

Wouldn't it be out of order or would it be amending our current schedule, and does that require us to go in camera for committee business?

**The Chair:** The motion that was brought forward is admissible, as the legislative clerk stipulated.

With respect to the amendment proposed by MP Poilievre, it is admissible. He's amending the motion so that instead of going strictly to clause-by-clause study, we would actually go back to, I want to say, the original plan of seeing witnesses for this study.

As I explained, my hope was that we would be able to get everything done as soon as possible if we were to be tight on time.

I'm going to check with the clerk.

Mike, is there any deviation to the plan?

• (1145)

**The Clerk of the Committee (Mr. Michael MacPherson):** Based on my reading of the motion as submitted, it would be amended so that the committee proceed immediately to the clause-by-clause consideration of Bill C-253, as referred by the House on May 12, 2021, after three full meetings of witness testimony.

If we look at our calendar that was distributed, which was tentative, we already have Bill C-253 in there for June 1, 3, 8 and 10. Therefore, it would be June 1, 3 and 8 with witnesses, and then June 10 would be clause-by-clause consideration.

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

I'm not sure if that answers your question, MP Masse.

**Mr. Brian Masse:** Yes, I guess the department of redundancy has spoken.

[*Translation*]

**The Chair:** Mr. Lemire, you have the floor.

**Mr. Sébastien Lemire:** Madam Chair, I invite you to proceed to a vote. If this amendment passes, I will simply withdraw my motion, because I believe our committee has other essential work as well. Under the circumstances, the intent was not only for our committee to be able to quickly get this bill to the House, but also to be able to report back to the House on all the studies that we have to do, including the study on Internet accessibility and affordability. If we were to pass the motion as amended, our schedule as a committee would render all of our work null and void.

I wanted our committee to work efficiently. If the motion is amended in this way, I will simply withdraw it, so that we keep the original schedule.

[*English*]

**The Chair:** Procedurally, Monsieur Lemire, it would require unanimous consent to pull back your motion which is on the floor.

MP Erskine-Smith has his hand up. He'd like to speak to the amendment.

Go ahead, MP Erskine-Smith.

**Mr. Nathaniel Erskine-Smith:** I'll just speak to Sébastien's point.

It might make sense for there to be unanimous consent for us to move on from this conversation. You have a schedule, Chair. You've circulated it. I don't know the number of hours entirely, but I think the full three meetings would take us even beyond what you have scheduled, from my recollection, at least from hearing from witnesses. I know you're including clause-by-clause consideration in your schedule until the end of June.

It strikes me it would be much more efficient to stick to the current schedule that we have, and then to circle back at some point. If we deem that more witnesses are required, that we haven't heard from enough, we can have that conversation and cross that bridge when we come to it. Right now, we should proceed with your expedited schedule that you've already circulated. That would be the fastest for the Bloc, who are concerned about expediting, and obviously that includes hearing from witnesses.

I know we need unanimous consent, but I'm perfectly okay with forgetting we had this conversation for the last 20 minutes and moving on to ask questions of the sponsor.

[*Translation*]

**The Chair:** Mr. Lemire, I see that your hand is raised. Would you like to speak?

**Mr. Sébastien Lemire:** No. I'm sorry, I forgot to turn it off.

**The Chair:** Okay.

[*English*]

I'd like to proceed now. We have an amendment on the floor that we will have three meetings dedicated to this study, so the motion as amended, as read by the clerk, so we would go immediately to clause-by-clause consideration after hearing from witnesses at three separate meetings.

There's one thing I wanted to say before we go to the vote. We do understand that doing so will delay the review of the draft reports that we have on our schedule. I wanted to mention that as we will have to try to figure out what we can do in terms of timelines.

**Ms. Emmanuella Lambropoulos:** Point of order, Madam Chair.

**The Chair:** Yes, MP Lambropoulos.

**Ms. Emmanuella Lambropoulos:** Would it be possible for you to ask for unanimous consent to withdraw the motion or do we have to go through with these votes at this point?

**The Chair:** I will turn to the clerk.

Mike.

**The Clerk:** It's in the hands of the committee. If the member wishes to seek unanimous consent to withdraw the motion, that's all it would require.

**The Chair:** I will ask.

[*Translation*]

Mr. Lemire, would you like—

**Mr. Sébastien Lemire:** Let's go to a vote on the amendment, please. Depending on whether it passes or not, we'll see if we vote on the motion. We will follow procedure.

[*English*]

**The Chair:** One moment. I'm just going to go back to the clerk quickly, because we have some conflicting information coming back. We have an amendment to the original motion on the floor, so I will ask for a vote on the amendment.

(Amendment agreed to [*See Minutes of Proceedings*])

**The Chair:** With that, we have the original motion as amended now before us. I'm going to the clerk, because there is a request by the member to seek unanimous consent to pull back his motion, which is what I understood. I don't know if that is even possible.

Mike.

● (1150)

**The Clerk:** Yes, now would be the appropriate time. If Monsieur Lemire chooses, he can request the unanimous consent of the committee to withdraw his motion.

**Hon. Pierre Poilievre:** I just want to be clear on what we're giving consent to.

If this motion is withdrawn, when will the three meetings on this bill occur?

**The Chair:** If he withdraws the motion as amended, we will proceed as we were normally going to proceed. That's my understanding. We will still be able to do the meetings that we tried to plan. I think we sent an email out last week. Those will still go ahead. There is time planned for them, for witnesses and for the draft reports.

**Hon. Pierre Poilievre:** Okay. I understand.

[*Translation*]

**The Chair:** Mr. Lemire, are you seeking unanimous consent to withdraw your motion?

**Mr. Sébastien Lemire:** Before I do that, Madam Chair, I'd like to ask the clerk what the easiest way to proceed would be. Would it be to remove the word "immediately" from my motion, so that the witnesses would appear afterwards on the days left on the calendar? If so, I would simply move to take out the word "immediately" from my motion.

At this point, I feel like the purpose of my speech has been completely distorted. If the amendment alone causes the other work of the committee to lapse, I find that profoundly ridiculous.

If you tell me that I need unanimous consent to withdraw my motion, I will call for a vote on it. I will then move to amend my motion by removing the word "immediately", with the expectation that the witnesses will appear at the end of June, after our committee has finished considering its various reports, as was intended.

If we want to play the procedure game, I will do that too.

**The Chair:** I need to check with the clerk.

If you seek unanimous consent to withdraw your motion, we will no longer be able to vote on the motion.

[*English*]

I'm going to suspend for one moment so I can confer with the clerk on this.

• (1150) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1200)

**The Chair:** We're going to resume, and I'm going to turn it over to the clerk to explain where we are, and what the options are.

Go ahead, Mike.

**The Clerk:** To recap, we had the original motion moved. There was debate. An amendment was moved to replace the wording “without hearing witnesses” with “after three full meetings of witness testimony”. The effect would be that there would be no other committee activities or business in between the three full meetings. The committee would then go immediately to clause-by-clause consideration.

The motion as amended, as it stands right now, would have the impact of pushing back the consideration of draft reports until the committee has completed its three full meetings of witness testimony and clause-by-clause study of Bill C-253.

If this motion were withdrawn, we would revert to the original tentative calendar of pontooning the meetings, having half a meeting to consider a draft report and half a meeting for witness testimony.

It's entirely up to the committee how it wishes to proceed.

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

MP Poilievre has his hand up.

**Hon. Pierre Poilievre:** If Mr. Lemire wants to withdraw his motion, I would support that withdrawal. The purpose of my intervention is simply to make sure we study the bill before we pass it. That's all.

**The Chair:** Thank you very much, MP Poilievre.

I will go to MP Lemire to find out.

[*Translation*]

Mr. Lemire, would you like to seek unanimous consent to withdraw your motion as amended?

**Mr. Sébastien Lemire:** Madam Chair, this is obviously the recommended procedure. I, for one, would rather maintain the status quo than see the committee vote on this motion as amended. Since the amendment has just been adopted, I would like to seek unanimous consent to withdraw my motion. If I don't get it, I will move another amendment to remove the word “immediately” so that we can keep pretty much the same calendar.

[*English*]

**The Chair:** We have a request for unanimous consent to withdraw the motion, if I understand correctly.

MP Ehsassi has his hand up.

**Mr. Ali Ehsassi (Willowdale, Lib.):** Point of order, Madam Chair.

**The Chair:** MP Ehsassi, do you have your headset?

**Mr. Ali Ehsassi:** I'm sorry, Madam Chair. I thought you wouldn't catch me.

This has been a very confusing meeting. It's important to highlight one reality. When we voted on the amendment, Mr. Lemire suggested to us—and this was part of the premise of the manner in which we voted—that if we voted in favour of the amendment, he would withdraw his motion. Then, subsequent to that, after Mr. Poilievre's amendment, he changed his decision.

Mr. Lemire, you've really managed to confuse every single one of us, because you've changed your position on several occasions.

Could you, one more time, tell us whether or not you are willing to withdraw the motion? You have to accept the representation you made before we voted on Mr. Poilievre's amendment.

• (1205)

[*Translation*]

**Mr. Sébastien Lemire:** Madam Chair, let me point out that the comment Mr. Ehsassi just made was in bad faith. I believe he understands very well that the motion was made in an emergency. If the urgency is the central element and the meaning of my motion is distorted, obviously I am going to oppose it. That is what happened.

You are the all-around winner as far as your goal to buy time is concerned, Mr. Ehsassi. I find it petty that you are blaming me by raising a procedural issue. Honestly, I find this attitude unacceptable, but that's your prerogative.

For now, my motion is clear. Let's go to a vote to withdraw the motion. If I don't get unanimous consent, I will ask that the word “immediately” be removed from the motion so as to preserve the essence of the committee's work. That is all I am arguing for right now. If we can't fast-track, for God's sake, can we at least maintain the integrity of what we're doing?

[*English*]

**The Chair:** MP Lemire, I'm going to ask you...the language, please. That is very unparliamentary. We have questions before the—

[*Translation*]

**Mr. Sébastien Lemire:** Madam Chair, which of the words I used were not appropriate in the parliamentary context?

**The Chair:** Mr. Lemire, our goal right now is to discuss your motion. There's no bad faith here at all. We just want to clarify what you want. You want unanimous consent to withdraw your motion. So if there are no further comments, we can ask the committee if there is unanimous consent to withdraw your motion.

Are there any questions or comments?

[*English*]

Mr. Ehsassi, your hand is up. I can't tell if you want to make another intervention.

**Mr. Ali Ehsassi:** Yes.

First of all, I would like to emphasize that I never used anything to say that Mr. Lemire actually meant to mislead us. That is not what I stated. I really don't appreciate Mr. Lemire's now turning it around and suggesting that I am acting in bad faith.

**The Chair:** Okay.

Folks, I think we have had a great opportunity to work together in collaboration for the last year and a half, so I'm going to lower the temperature a little bit. I'm going to ask for unanimous consent to withdraw the motion as amended.

Do we have unanimous consent?

I don't believe this requires a recorded division, but I will ask the clerk.

Does this require a recorded division?

**The Clerk:** No. A request for unanimous consent is just a regular request. As long as there is no dissenting voice, then you have unanimous consent.

**The Chair:** Do I have unanimous consent to withdraw the motion as amended?

(Motion as amended withdrawn [See *Minutes of Proceedings*])

[*Translation*]

**Mr. Sébastien Lemire:** Madam Chair, is it my turn again now? If so, how much time do I have left?

[*English*]

**The Chair:** Right now we have....

[*Translation*]

You have six minutes for discussion with Mrs. Gill.

**Mr. Sébastien Lemire:** Madam Chair, are we still on schedule? The first part of the meeting was supposed to end at noon. It being already 12:09 p.m., do we have to start the second part?

Can you clarify what we have to do?

**The Chair:** If it is the will of the members of the committee to continue with Mrs. Gill's testimony, we will do that.

If it is the will of the committee to go to [*technical difficulties*].

• (1210)

**Mr. Bernard Généreux:** I think we have lost communication with the chair. Am I the only one with the problem?

**Mrs. Marilène Gill:** No, there are several of us. I was afraid I was the only one.

**Mr. Sébastien Lemire:** Madam Chair, since the Internet connection stopped working, I could not hear the last 20 seconds of your comment.

**The Chair:** Yes, we also have a draft report to consider, but we didn't have a chance to finish the first round of questions. So here's my suggestion. If we obtain the consent of the members of the committee, we'll finish the first round of questions, so that all parties can at least have a chance to talk to Mrs. Gill.

Mr. Lemire, you have the floor for six minutes.

**Mr. Sébastien Lemire:** Thank you very much, Madam Chair.

Mrs. Gill, thank you for joining us and for your leadership on this issue—

[*English*]

**Mr. Brian Masse:** I have a point of order, Madam Chair.

I was kicked out of the Zoom conference for about the last two minutes, so I just want to make sure that I have the right context of the debate.

As well, I want to bring up a serious issue. We have had this happen in the House of Commons.

Mr. Ehsassi, in his intervention, pointed out that he wanted to get away with not using his headset. I want to remind everyone that this is a health and safety issue for our interpreters, and that's a very serious thing. I don't think he meant it the wrong way, but I think it's important that we convey to the interpreters that we always follow that.

I just want to mention that, because as caucus chair I deal with this and other indiscretions. I don't think it was done in the wrong way. I just want to point this out, though, that it's for our interpreters.

**The Chair:** Thank you very much, Mr. Masse.

Just so you know, what we're going to do is try to finish the first round of questions with MP Gill so that each party has a chance to ask its question. Then we will move into the in camera portion of the meeting to talk about the report.

With respect to MP Ehsassi, that is why I stopped him from intervening. Without the headset, we would not proceed. I don't think he meant it with any ill regard towards our interpreters, but I thank you for pointing that out.

With that, I will now go to MP Lemire.

[*Translation*]

You have the floor for six minutes.

**Mr. Sébastien Lemire:** Thank you again, Madam Chair.

My question is for the member for Manicouagan.

First, thank you for your leadership on this issue. We agree that this affects people's lives in practical terms. During the deliberations in the House, you said that, in the event of a company's bankruptcy, pensioners can lose up to 25% of their deferred salary. So their quality of life is directly affected.

What would this change in concrete terms, if Bill C-253 were passed in this Parliament?

**Mrs. Marilène Gill:** My thanks to my colleague, who is also the vice-chair of the committee, for the question.

If the bill were passed, it would change a lot of things.

I would start by saying that, if this bill were to pass, everyone would win. Earlier, I mentioned the possibility of changing the priority of creditors, in this case the pension plans. In fact, the creditors are not the pension plans, but the workers themselves, since it is their deferred wages. If a company is in financial difficulty, everyone will sit around the same table because everyone has an interest in seeing the company restructured in order to avoid bankruptcy. So that's one of the benefits of the bill.

Also, you mentioned that a worker's pension fund could be reduced by 25% in the event of bankruptcy. That was the percentage in the specific case of Cliffs Natural Resources, but it can be as high as 50%. That's pretty much what happened with White Birch Paper. A 50% cut is huge. The bill guarantees that wage for workers. It provides certain conditions for those who are still working, for those who are retiring and for those who are already retired. So it benefits all workers and the community as a whole.

I'm not sure whether you want a more specific answer. I talked very broadly about wages and insurance and the fact that people will reinvest in the community and all parties are going to try to further prevent a business from going under.

Some say that, if you give priority of repayment to workers' pension funds, it will be a little more risky for the banks, and they might be a little bit worried about it. In fact, if they're worried about a company going bankrupt, they may be more willing to lend money to that company because it could be a way to guarantee the restructuring of the company. If I had something to lose, I would be a lot more willing to do what I have to do to make sure it works, rather than the other way around. In any case, as soon as a company gets into serious trouble, the banks are not inclined to lend it money. That is what we usually see, and this bill will not change that.

I must also mention that, right now, the government comes before the workers. That is not right. This bill would change that as well.

• (1215)

**Mr. Sébastien Lemire:** Thank you, Mrs. Gill.

Your bill essentially seeks to have defined benefit plans, and only defined benefit plans, considered as preferred claims. So we are talking about reimbursing the workers. It also seeks to compensate workers for group insurance losses.

The idea behind this bill has been discussed for a number of years, even decades, as Mr. Masse said. Could you elaborate on the urgency of passing this bill? Why should we pass it quickly, in this Parliament?

**Mrs. Marilène Gill:** He even talked about generations. That paints a good picture for us.

I think we need to pass the bill quickly because we are ready to do so. Some talked about the need to hear testimony. People have been testifying for 20 years and telling us the same things. Some think it will be difficult for companies, wonder how they are going to do it, and are concerned that it's going to be an additional burden on them. However, I really think that they are crying wolf and just trying to scare people, because there are solutions. In terms of income tax recovery, if it wants to, the government can withdraw

from creditors who have a higher priority than workers. It can offer loan guarantees.

I think that, in 2010, we heard from 47 witnesses on a similar bill. I feel like we have to do the work over again every time. I feel that all the arguments have already been made over the last 20 years or so. A lot of researchers have testified. Those who appeared said that there would not be a big impact on the ability of businesses to get loans. This has all been documented before.

I wish we could work with what has already been done and pass this bill. That's where the idea of starting the clause-by-clause consideration immediately comes from. What we need to do now is show leadership and make a decision. We have no idea what the Canadian and global economy will look like after the pandemic or what will happen 20 or 30 years from now. However, we can do something right now.

The bill is reasonable. I would invite your colleagues to read the bills on this topic that have been introduced over the last 20 years or so, if they want to know more. I would invite them to read all the debates in the House and in committee. They will see that we have done the rounds and now we simply have to make a decision. I hope we make it very quickly. I am willing to hear from witnesses, but I think we are beyond hearing from witnesses. The situation has not changed over the past years. In fact, it has only gotten worse for pensioners and workers.

**Mr. Sébastien Lemire:** I have one last quick question for you.

Do you think that COVID-19 has increased the number of bankruptcies?

**Mrs. Marilène Gill:** Yes, absolutely. We have already seen—

**The Chair:** I'm sorry, but the six minutes are up.

[*English*]

I will now turn to MP Masse.

You have the floor for six minutes.

**Mr. Brian Masse:** Thank you, Madam Chair.

It's an interesting meeting and an important one. There are important positions for everybody to get out, and I do appreciate that.

I want to say, though, that I've been a little surprised by this bill in the sense that we've had so much concern exercised on the banks. I've been lobbied. When Manley tried to change the banks under the Paul Martin regime, we had endless streams of banks and the banking association coming to us and saying that they had to be more like the American banks or they'd be swallowed up and that they couldn't compete. Then later on, the word was that they saved Canada, despite getting massive bailouts during the economic downturn under the Harper regime to get their creditors.... Most recently, during the pandemic, they got significant action immediately from the government. In fact, the first act by the government was to protect the banks and some of their nefarious loans, which have actually made them vulnerable in many respects.

I'd like to spend the rest of my time not on the concern exercised on the banks, but on some workers' issues, because I believe workers do deserve some restitution.

My good friend Scott Duvall from Hamilton has a bill, Bill C-259, which is similar to yours, Madam Gill. I want to thank you for your hard work on the bill and for bringing it to committee. One of the differences is that his bill calls for not allowing a judge to suspend the benefits of employees at a time of bankruptcy, under the Companies' Creditors Arrangement Act.

Can you talk a bit about why your bill doesn't include that aspect? What are the benefits or negatives of not having that in there? Unfortunately, sometimes pensioners are swizzled during the process too. That's really what the proposed section tries to eliminate.

• (1220)

[*Translation*]

**Mrs. Marilène Gill:** I would like to thank my colleague for his excellent question and his introduction, which I fully agree with.

My bill is about defending workers and pensioners, not the banks. I was not elected by banks, but by the people, some of whom are workers. That is the first thing.

In fact, my bill is very simple. It's extremely simple, although I have been told that the devil is in the details and it could have a big impact. There are a lot of assumptions about the bill, but only when we pass it can we see what is actually happening and confirm those assumptions. We are working with theories right now. The idea of introducing a simple bill is that it also gets passed quickly. There was a consensus among the central labour bodies that I have been consulting for a number of years. We talked to a lot of people, including workers and pensioners.

As my colleague Mr. Barsalou-Duval, whom I like and with whom I have already discussed this, said in the House, the bill could obviously be improved. However, the more we improve it, the less likely it is to meet the needs of the greatest number of people, because we will be stuck on details and mechanics. I hope that it will be adopted quickly.

What Bill C-259 contains is not bad, quite the contrary. I absolutely agree with that, as does my party. However, as you also mentioned, Mr. Masse, we have seen how it works in committee. It takes a lot of time. If we want to do the job right, we should even sit this summer. I would be willing to come back and testify all

summer so that this bill could finally go back to the House. I'm exaggerating, but sometimes you have to be ready to do what it takes to finally get a bill passed.

I think the simplicity of the bill would allow it to be sent back to the House quickly. We can make improvements, but if we can get something done after 20 years, I think that would be amazing.

[*English*]

**Mr. Brian Masse:** I understand that. My sports betting bill has taken over a decade. It is for one line in the Criminal Code and stalled for two years in the Senate after it passed the House of Commons, so I get it. Is that the same philosophy?

One of the other things we looked at was the Pension Benefits Standards Act and allowing the superintendent of financial institutions to flag deficiencies of pensions. Is that the same thing? Are you trying to keep the bill clear, neat and simple so it can get broad political support from other parties versus adding a couple of other points that might be more complicated or that may need more political support from other political parties to come to fruition, like those that other countries have? The United States actually has this kind of provision.

I'll leave it to you to answer that part.

[*Translation*]

**Mrs. Marilène Gill:** Thank you.

There are many parts to your questions.

You made the comparison with other countries. I find that very interesting. It is often and repeatedly said that Canada is lagging behind in this area, and that is true. That's the first thing.

I tried to be fair by taking into account the consultations and people's requests. This bill contains what the unions representing the workers are asking for. They are not asking for more. It is the same thing for the pensioners' federations. That is what they are asking for as well. People want a change. The important thing, the most basic thing, is to make the change. As I mentioned earlier, I am not saying that the other additions are not attractive. However, we are in a special situation. We have a minority government and, of course, as a parliamentarian, I am adapting to the situation.

I would like to talk about another subject, since your questions and comments allow me to do so. You mentioned that your bill spent two years in the Senate. This may be an editorial comment, but I think the process is so cumbersome that it fails to adequately represent people. Your bill deserves to be passed, regardless of the positive or negative outcome it might have. Unfortunately, that is one of the compromises that you have to make as a member of Parliament.

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

[*English*]

Mrs. Gill, I want to thank you for taking the time to introduce your bill to us today. We will be in touch with you on this study.

With that, I will suspend and ask members to use the in camera link and reconnect so that we can go in camera. Thank you.

[*Proceedings continue in camera*]

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