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## Standing Committee on the Status of Women

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**Chair**

Ms. Anita Neville

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## Standing Committee on the Status of Women

Thursday, May 19, 2005

• (1525)

[English]

**The Chair (Ms. Anita Neville (Winnipeg South Centre, Lib.)):** I think we'll begin. Today is a busy day on the Hill.

Welcome to our two presenters. Thank you for coming here today to continue our discussions on pay equity.

I understand that you are to begin, Madam Côté, so I'll turn it over to you. Thank you.

[Translation]

**Ms. Andrée Côté (Director, Legislation and Law Reform, National Association of Women and the Law):** Thank you, madam chair.

Let me first introduce myself. My name is Andrée Côté. I am Director, Legislation and Law Reform, at the National Association of Women and the Law. We thank you very much for your invitation.

First of all, I would like to underline the fact that our Association appreciates the work and the importance of your committee. Your committee allows us to deal with the national and international commitments of Canada relating to comparative gender analysis and women equality. In April, your report suggested very interesting solutions to include gender comparative analysis in the different departments.

However, we have many other issues to raise before you. Of course, we are extremely pleased to talk about pay equity but there are other urgent issues. I just attended two days of meetings with women across Canada on the issue of religious arbitration in the field of family law, especially the creation of charia courts in Canada. This is a very important concern of women in many different communities.

The National Association of Women and the Law has just produced a report on this issue. It can be found on our web site, if you're interested. It was our first major report on this matter. We are waiting for the government of Ontario to produce an answer to the report of Marion Boyd but our information is that it will approve the practice of religious arbitration in the field of family law. This is an extremely worrying development for us and we would like your committee to study the matter across Canada because it's truly a development that threatens the progress made by women all over the country.

I believe that this example demonstrates why the work of your committee is so important to us. We hope that, in the next few weeks and months, all political parties will commit to maintaining this

committee and allowing it to continue its work because it is extremely important to us.

As far as pay equity is concerned, I only have a few comments to make, that will take four or five minutes, to put the matter in context. My colleague Sue Genge, of the Canadian Labour Congress, will complete my presentation by dealing with matters relating to the implementation of the recommendations.

We believe that it is extremely urgent to act in the field of pay equity and to pass immediately some federal legislation on pay equity. As you probably know, for the past 30 years, that is to say since 1977, different pay for men and women doing work of equal value has been forbidden by the Canadian Human Rights Act. In other words, it is clearly established in the Act that women are entitled to equal pay for work of equal value. Despite that, nearly 30 years later, statistics show that, on average, women who have full-time jobs earn 71¢ for each dollar earned by a man, and that this discrimination is even more acute for women of colour, aboriginal women and handicapped women. This means that they earn much lower salaries.

On Valentine's Day last, we sent a card to all our MPs reminding them of the truly terrible statistics for women, as a group, but also for women in minority groups. We know that aboriginal women earn 46% of men's salaries; ethnic women, 64%; retired women, 58%. Obviously, there still exists a very serious problem of pay discrimination against women.

This discrimination relates not only to what types of job choices women can make but also to their lower education level as compared to men. The report of the federal Working Group on Pay Equity indicated that, today still, women with a university degree only earn 67.5 percent of men's salaries. So, pay discrimination is acute, even for women with a very high level of education. Why is that? Because the work of women has always been undervalued, and because of that discrimination. This is actually a violation of human dignity that contributes to women's poverty and vulnerability.

The provisions of the Canadian Human Rights Act relating to pay equity are not effective. The process established by the Act is too long and too complex. We went through years of legal debates on the interpretation of certain words, and even the Canadian Human Rights Commission has recognized that the present system doesn't work and must be improved.

In May 2004, the Working Group on Pay Equity, tabled its excellent report: « Pay Equity: A New Approach to a Fundamental Right ». Among its recommendations, let us note the recognition that pay equity is not only a matter of labour relations but also a matter of human rights, a fundamental right; that it would be necessary, to achieve pay equity in Canada, to pass proactive legislation on pay equity applying to women but also to groups of workers that have historically been discriminated against, including members of racial minorities, handicapped persons and aboriginal people.

The report proposes that all employers be subject to the new pay equity legislation and that they be obliged to draft a pay equity plan which would apply to all their workers, not only full-time workers but also part-time, contract, temporary and casual workers.

Another recommendation that we feel is extremely important is to oblige all employers to look at their pay systems to ensure that they do not include any pay discrimination or pay inequality; to draft pay equity plans with specific deadlines; and, especially, to ensure that pay equity, once achieved, is maintained.

Finally, a very important recommendation of that committee is to create an independent Pay Equity Commission and an independent Pay Equity Tribunal because these issues are extremely complex and it would be necessary to develop some expertise to deal with them.

Since the tabling of those recommendations, the National Association of Women and the Law, in cooperation with the Canadian Labour Congress and other members of the Pay Equity Network, which is a new network that we established in the fall of 2004, has asked the government to adopt the recommendations of the Working Group on Pay Equity. So far, more than 200 groups have joined us: women's groups, union groups, anti-poverty groups, and human rights groups from all over the country.

I have prepared copies in English and French of this call to action, with the list of signatories. I believe that this will give you an idea of the breadth of support for the adoption of federal legislation on pay equity. This will show you that we are many to believe it is high time to act.

Since then, we have met with several ministers: the Minister of Justice, Mr. Irwin Cotler; the minister of Labour, the honorable Joe Fontana; and the Minister responsible for the Status of Women. All have expressed their support for the principle of pay equity, for which we are very pleased.

We have also recently received a letter from the Office of the Prime Minister, Mr. Paul Martin. I intended to make copies for you but, unfortunately, it is in French only. It is dated April 11, 2005. In this letter, the Prime Minister states that:

Gender equity and pay equity are principles that have been adopted by the Government of Canada, as demonstrated by the creation of the Working Group on Pay Equity.

And further:

[...] the recommendations of the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW) will guide the development and implementation of a federal strategy aimed at filling some serious gaps that exist in Canada and will support the efforts we make with our partners to achieve gender equity.

We are pleased with this commitment, especially since the CEDAW committee looked in January 2003 at how Canada is meeting its obligations under the United Nations Convention on the Elimination of Discrimination against Women. It has raised some concerns about the lack of progress relating to pay equity. The CEDAW committee recommended that Canada make stronger efforts at the federal level to ensure equal pay for work of equal value.

This is why we believe it is absolutely essential that steps be taken immediately to implement the recommendations of the Working Group on Pay Equity, as will be explained now by my colleague Sue Genge.

● (1530)

[English]

**Ms. Sue Genge (National Representative, Women's and Human Rights Department, Canadian Labour Congress):** Thank you.

As Andrée said, my name is Sue Genge. I work with the Canadian Labour Congress in the women's and human rights department. My work at the Canadian Labour Congress has included ten years of working with a pay equity working group composed of people from across the country who work under the federal legislation, who struggle with the federal legislation, and who are very frustrated with the process.

As Andrée said, the federal law, as it is currently, doesn't work. It takes way too long and does not produce results. If you're interested, I can give you some statistics on the length of time people have been struggling to get anywhere under the current legislation.

What I want to do today is just review the kind of consultation process we went through with this task force and what we think needs to happen now, and to ask for your assistance in that area. And I apologize if we repeat anything that Beth Bilson said to you. I know she was with you this week, and of course she knows about the process of the task force.

The task force was actually announced in October 2000, almost five years ago. It was announced by the federal justice minister, Anne McLellan at the time. Through the process of consultations in 2002 and 2003, we and women's groups from across the country participated in a whole series of different discussions about what we needed to see in a federal pay equity law.

There were public hearings in seven cities over 12 days. There were oral submissions by almost 200 people. There were 60 written submissions from groups across the country. There were five round tables with multi-stakeholder groups. I was at all of those. The trade unions and employer groups worked together with the task force to go over specific areas of concern and specific parts of the legislation. These were really intensive, full-day sessions. There was also one round table with the task force and women's organizations in Canada.

The task force commissioned 29 external research papers on various topics, again technical. It was "how to make this legislation work" kind of research. They also had their own research conducted internally. Then there was a symposium in January 2002.

I've done a lot of submissions to various levels of government on pay equity over the years, and this was the most extensive and intensive kind of process I've ever been involved in. It was exhaustive, and it was exhausting for all of us to go through it.

The result was the task force report, which you've seen. It's 571 pages, very thorough and very careful. They examined, I think in great detail, proactive pay equity legislation in a number of jurisdictions in Canada, particularly the Ontario and Quebec models. They came up with a whole series of recommendations that we think are quite workable. The task now, we think, is to get them implemented.

As Andrée mentioned, the Canadian Labour Congress and NAWL were part of forming a pay equity network nationally. There has never been a pay equity network nationally, and we think the interest in the issue came about because finally it looked like there was something about to happen on the federal scene—some improvement, some chance for equal pay for work of equal value in federal legislation. So we had the group sign the call for action.

As Andrée also said, we've had a series of meetings with various officials in government. One of the most concrete proposals to move for implementation that we have heard so far came in a meeting with Labour Minister Fontana on April 20. One way to go forward on the Pay Equity Task Force report, of course, is to have Justice Canada draft legislation and then move it into hearings and so on. But another proposal that we were considering, that Minister Fontana put forward and discussed with us on April 20, was to set up an implementation committee with stakeholders to work on the pay equity law federally.

I just want to review some of the points that we understood were proposed at that meeting. The idea was to have an implementation committee, jointly created by the labour ministry and the justice ministry, to guide the implementation of the task force recommendations. We thought this was a good idea to get a group of committed persons with expertise from the different stakeholder groups to start working on how to best implement the task force report. We thought the work of this committee could be towards moving forward on a legislative bill, a draft bill, based on the recommendations.

This seemed like a good idea to us, because it would allow us to talk with concerned stakeholder groups about how to make it more effective, how to get a workable piece of legislation from the beginning. It would allow for clarifications and concerns to be presented up front in the process as the legislation itself is drafted.

• (1535)

We're still hopeful that this committee will be struck. We're hoping that you can help us move forward by supporting this kind of implementation committee, one that works within the framework of the task force report and that involves experts from the employer groups, from the unions, from the women's movement, from workers of colour, people with disabilities, and aboriginal groups, who are also involved in this process, coming together and trying to see if we can come up with a workable law.

That's the kind of procedure we'd like to see happen, and we'd like to talk about whether you, as the Standing Committee on the Status of Women, can help us move that forward. Of course, we're also

prepared to answer any questions you may have about the recommendations, the consultation process, or anything else.

Thank you.

• (1540)

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

We'll move to questions.

Mrs. Smith, go ahead.

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Thank you so much.

I want to thank you both for your presentations. They were very insightful. I found it a little discouraging, though, as I listened. As a woman who has been in the workforce, in one capacity or another, for 30-some years, and who has four daughters—actually, I have two sons and four daughters—mostly finished university now and going into the workforce, I am surprised that in the year 2005 we're at the point where we're still begging for pay equity for equal experience. Pay equity is a real challenge for our youth today.

Perhaps I can address my first question to you, Andrée. In your paper, you made some recommendations that I thought were extremely useful. You talked about the commission and the tribunal. What are your thoughts on what the roles and responsibilities of each would be, and how would they differ? I don't have that information in front of me.

**Ms. Andrée Côté:** The tribunal would basically adjudicate on issues. It would have a judicial function, as distinct from the commission. The commission would have a much broader function of education—public education, employer education, worker education—which I think would be a really important first thing to do. Secondly, the commission would possibly provide advocacy support services for non-represented workers.

I think there's a real need, either in a commission or in a separate service, to have advocacy. Really, pay equity is a complex issue. A lot of the women who are not unionized are those who need it the most, and yet they don't have access to legal representation or advice, or even to information. I think a commission might play an important role to help women get the information and to advocate for their rights.

Sue, did you want to add something?

**Ms. Sue Genge:** Sure.

The discussions at the round tables during the consultation process dealt with this issue quite a bit. It's actually one of the areas where there was agreement between employer groups and unions and employee groups.

One of the tasks for the commission is to assist the parties in developing their pay equity plans. All of us understood that this would be a really useful function, because there are some technical aspects to this work. Employer groups were quite pleased that the government would have such a body in place that would help them and help employees figure out how to go about doing a pay equity study—how to group job classes, how to select job evaluation systems, what to look for in job evaluation systems, and those kinds of questions.

So a pay equity commission would have, we think, a function of assisting the parties through the process, and the other function would be a first-level dispute resolution. If an impasse was reached between employers and employee groups about how to proceed with weighting factors to determine values of jobs, they could go to a review officer, who would help them resolve that dispute and who possibly would have—the task force recommends this—the power to make a decision, with the right of appeal for both sides if they didn't like the results.

That's the way the process in Ontario works. The statistics from Ontario indicate that review officers who settle those disputes at a beginning level have a success rate of 90% to 95%; they don't have to issue orders, they get the parties to agreement. That's a very high rate of success.

**Mrs. Joy Smith:** It's very high, yes.

**Ms. Sue Genge:** It's very impressive, actually. Employers and unions both agree that this kind of support and assistance function from a pay equity commission would be really useful in moving forward on pay equity.

• (1545)

**Mrs. Joy Smith:** How much more time do I have?

**The Chair:** About a minute and a half.

**Mrs. Joy Smith:** Okay.

Sue, you said you're a little bit frustrated right now with the legislation the way it stands, and you mentioned having the opportunity to go to seven cities in 12 days. With 60 written reports, 200 oral reports, and five round tables, that's a lot of very valuable input. You also said you met with Minister Fontana.

What are the timelines to get all of this set up and to get this show on the road? It seems to me there's an awful lot of studies, an awful lot of research, and no action. What we want as an outcome is something concretely put down on paper so that those things are available for women.

Can I have some of your thoughts on that?

**Ms. Sue Genge:** On the timeframe?

**Mrs. Joy Smith:** Yes.

**Ms. Sue Genge:** I don't think that drafting a proactive federal pay equity law, based on the recommendations of the task force, which are pretty clear, should actually take that much time. There are two models that are really useful starting points, the Ontario pay equity law and the Quebec pay equity law. Both cover the private and public sector, both have independent commissions and tribunals set up, and both call for employees and employers to work together. A whole bunch of the elements are there. In its report, the taskforce looked at those two laws and at what worked well, what didn't, and what could be fixed. So in terms of drafting a law on proactive pay equity, I think the legwork has been done by Quebec and Ontario. It should not take that long to get a draft piece of legislation.

Of course, employers and unions and women's groups and so on then will want comment on it. We always do, right? But as to getting an actual draft, I don't think it's going to take that long. I could do it.

**The Chair:** Thank you.

I'm going to move on to Ms. Brunelle, please.

[*Translation*]

**Ms. Paule Brunelle (Trois-Rivières, BQ):** Good morning.

It is always a pleasure to meet with you.

As you know, I'm in full agreement with the principle and the need of legislation on pay equity. You've told us that you met with Mr. Fontana on April 21 and that you discussed the drafting of a bill and the creation of an implementation committee. What was his answer? Will there be in a delay? Who will take the lead in drafting this bill? What could our committee do to help with the drafting of such a bill?

I believe it would be interesting for you to tell us more about the makeup of this implementation committee. This seems to be very important because the experience in Quebec has shown that, when the time comes to implement pay equity legislation, there is a lot of resistance from employers, among others, and sometimes even from some employees, men or women.

This is why I think it would be important to hear from all potential opponents, even before starting to draft such a bill. If you have any suggestions to make on this, they would be welcome.

**Ms. Andrée Côté:** Thank you for this question.

The implementation committee was not our idea. We believe that the report of the Working Group has given us the tools required to go forward and to draft a bill. However, we would like this to be done quickly. If the minister wanted to set up a committee to do that, we would be willing to participate as long as the mandate of the committee clearly was to look at the steps required to implement the recommendations of the Working Group.

We had hoped that the creation of the committee would be announced on the first anniversary of the tabling of the report, on May 4, but this did not happen. We wonder if there has been some opposition from employers. We know that employers have been putting lots of pressure at all levels during the past 20, 25 or 30 years. We also know that they weren't very pleased with the recommendations of the Working Group. So, the time will come when we have to take matters in our own hands and say that it is enough, we cannot accept more delays, and the government has to act.

I believe your committee has a role to play in reminding the government that the time has come to act. If it's not possible to bring all the stakeholders at the table to work on an implementation plan, let the government draft the bill on its own.

We have the recommendations of the report. Like Sue just said, we have models of legislation. The Quebec legislation is excellent, as well as that from Ontario. So, let's move as quickly as possible.

Let me remind you that when Ms. Abella tabled her report on employment equity, in 1984, Parliament acted in less than three months, if I'm not mistaken. There was a very quick decision to implement a policy on employment equity. So, we wonder why the government could not act as quickly today, especially since 2005 is the 20th anniversary of the rights to equality guaranteed by the Canadian Charter of Rights and Freedoms. I believe that 20 years after the Charter and 10 years after Beijing, it is time to achieve real results. We are pleased to have heard statements in favor of the principle of pay equity but I believe that Canadian women now want concrete action.

• (1550)

**Ms. Paule Brunelle:** Do you know why the government acted so quickly after the tabling of the report by Ms. Abella? What tricks did she use?

The fact that you told us that the implementation committee was not your idea seems to change the context. Is it another trick to delay? When the government wants to delay, it usually refers the issue to a committee, and then nothing is done.

Is that your feeling?

**Ms. Andrée Côté:** I believe in the commitment of Minister Fontana. I truly think he is in favor of pay equity. I have no doubts about that.

It is true that committees may sometimes be used to postpone action. So, if the committee is not created quickly, our recommendation would be to start drafting the bill immediately. Nothing prevents the government from doing that.

Why did things move so quickly in 1984? We were on the eve of the coming into force of section 15 of the Charter and I think that the government felt obliged to act quickly and to show that it was serious about equality rights. I would hope that, 20 years later, on the 20th anniversary of the Charter, it would feel the same type of urgency.

We have to go forward.

[English]

**The Chair:** Thank you.

Ms. Bulte.

**Hon. Sarmite Bulte (Parkdale—High Park, Lib.):** Thank you very much.

I thank you both very much for coming. I must say, 30 years ago I was president of Women and the Law at the University of Windsor. I can't believe we're still fighting today for the things we fought for 30 years ago.

Madame Côté, you talked about the Beijing +10 action plan. A number of members here were at the United Nations, and we met with some of the NGO groups outside of the actual meetings. It's unfortunate that it also seems to be a universal problem; many other countries are still facing this same type of problem.

What are the obstacles? Just what are the obstacles right here? I see this implementation committee. Again, I know about both the Ontario and the Quebec legislation. We can draft legislation, as you said, and we can take it to committee, which is the normal process.

We can have input at that time. Could you tell me what the rationale is behind this implementation committee?

Secondly, could you please tell me specifically what the obstacles seem to be?

Thirdly, with respect to your specific recommendations, I guess my concern with the exemptions themselves is that they frighten me; they're almost too wide. Why have you even recommended those type of exemptions? I would think that in the year of 2005, we should.... It just seems as though you're setting up people to have an excuse, that we can't find women....

I mean, we've been hearing that for 30 years as well, just in the professions and otherwise, that there are not qualified women.

The major ones, I completely agree with you...and one of the things that maybe I could suggest to the task force who did this is that you actually submit draft legislation to us. Actually, at the heritage committee, the Canadian Recording Industry Association brought us draft legislation on how to implement WIPO. But that may not be an example we can follow.

I'm really concerned here. What is the rationale? What can we do to stop it, and what are the particular obstacles we need to overcome, concretely, to have this happen?

• (1555)

**The Chair:** Who wants to take that?

**Ms. Andrée Côté:** I can start.

It's very hard for us to know what the obstacles are at a ministerial level.

**Ms. France Bonsant (Compton—Stanstead, BQ):** Ask Mr. Fontana.

**Ms. Andrée Côté:** I can guess, though.

**Hon. Sarmite Bulte:** I'm trying to find something specific. It's not just asking a minister. I would like to know what the particular holdbacks are to your recommendations. If anything, I find your recommendations don't go far enough, in my opinion.

Specifically, is there a legal problem? What is it? With all due respect, are the bureaucrats telling the minister that there's a problem? Help me unlock that door.

**Ms. Andrée Côté:** It's very hard for us to respond. As I was saying, we had wanted immediate implementation of the recommendations. We wanted to move ahead and see a bill and then give input on the bill. But when we consulted with different people in different departments, we were told that Justice Canada was looking at different options, the Minister of Labour was looking at a committee....

We are willing to help in any way we can, including participating on a committee, but we're not willing to just give an excuse for more delay. We suggest that we agreed to the implementation committee idea on condition that it was to implement the report. Indeed, it may be that some people don't actually want to implement the report. I suspect that employer organizations must be exerting some pressure.

Now, this is my guess. You would have to ask people in different departments.

**Hon. Sarmite Bulte:** So there is no legal impediment as to why we can't move ahead.

**Ms. Andrée Côté:** None at all. We have been saying that this is a human rights issue, so why are we stalling? And women are paying the price of this delay.

**Hon. Sarmite Bulte:** What I am hearing from you is that there seems to be a lack of political will to move ahead in this area. Is that correct?

**Ms. Sue Genge:** Yes. That's how it seems to us. As Andrée said, we're trying to figure out ways to move this report forward and have the implementation of it become real. We're not getting too far. We have had some positive meetings. There is a general commitment now to the report, and to moving towards implementation, but nothing really has happened yet. And something should happen, because it's not difficult.

**Hon. Sarmite Bulte:** Could you speak directly about the exemptions?

**Ms. Sue Genge:** The exemptions were another area of debate when the task force had its consultations. Some groups wanted a huge list of exemptions, others wanted none at all, and this is what the task force came up with. I would say that this section of the report is very much a compromise between different views from different organizations.

I agree with you that exemptions are problematic, but I think they also talk about the exemptions in the report itself as having to be construed rather narrowly. They had to be seriously justified. They had to be valid and so on. There is a series of exemptions in the Ontario legislation, and very few of them, to my knowledge, have ever been used as an excuse not to pay equal pay.

**Hon. Sarmite Bulte:** From a public policy point of view, exemptions shouldn't be used unless we find that it's not working out there. I personally think it's bad public policy to use exemptions. I'd like to have exemptions come in at a later date. In fact, I think what you have there is not workable. But that's my personal opinion.

Madam Côté, perhaps I could just go back to your comment on the Shariah law.

**The Chair:** One minute.

**Hon. Sarmite Bulte:** Okay.

I have worked with Marilou McPhedran; I have met with her. My understanding is that in their representations to Marion Boyd at that time, they were quite stunned by the outcome of her report, that they were quite contrary. I would assume that you were working on that.

In a minute, perhaps, can you tell us what we can do? Because I'm quite concerned about where that is going as well.

**Ms. Andrée Côté:** I think there's certainly a space for this committee to look at not only what's happening in Ontario but at what's happening in other provinces. We have been focusing on Ontario, but we understand that this is indeed a practice that's developing across Canada.

My talks with some civil servants within the Department of Justice indicate that a lot of people seem to think there's no federal jurisdiction here, but there is, clearly, because the Divorce Act determines issues around custody, etc. So clearly, child custody and

access are being discussed under these arbitration tribunals, as is spousal support, child support, and allocation of matrimonial property.

NAWL has been involved for the last 30 years in family law reform, and we're very concerned that the progressive reform we've managed to win in the courts and through legislation will be rolled back by these parallel systems of justice. We are very concerned.

**Hon. Sarmite Bulte:** Thank you very much.

• (1600)

**The Chair:** Thank you.

Ms. Crowder.

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Thank you for your presentations.

As you're probably well aware, one of the principal things the committee heard from people is that poverty for women is an issue. When you look at the fact that many women make 30¢ or less on the dollar than men do, it's astounding that we haven't been able to make any movement. My understanding from our witness on Tuesday was that this hasn't moved in many years.

When I look at the pay equity report, I see that not only were employee groups represented, but employer groups were very well represented in this process. There are pages of witnesses on the submission.

I'm a vegetarian, but I want to say this: show me the beef. For me, enough talk. I'm really concerned.

We got a letter—and I read this into the record the other day—from the Department of Justice on March 4, which said:

Over the next few months, Justice officials will be continuing our analysis of the recommendations and other approaches, with a view to developing options for legislative reform. This will necessitate further consultations and consensus building to ensure we put forth an effective course of action.

I don't understand why we need an implementation committee and why we need to consult further. It seems to me—and maybe I'm naïve about this—that there's a clear course of action. We've consulted. We've got strong recommendations. We've had a whole year, plus, to work on them. Why don't we draft legislation and use that as a consultative mechanism?

Is there anything I'm missing here?

**Ms. Sue Genge:** No.

**Ms. Andrée Côté:** No, and we agree with you, actually. There's no reason for delay.

As Sue has said, since the year 2000 we've had the appointment of this task force. It's been in the works for five years now. So there's really no more reason for delay. We need action on this. We have a clear report and good recommendations, thoroughly researched. And I think there's a strong consensus in society. We managed, in just a few weeks, to get over 200 organizations across Canada—in Quebec, in the Atlantic, in the west, across communities, across sectors—to agree. People are saying they want this report implemented now; let's go.

So I don't see why we're stalling, unless there's pressure from employers slowing things up. I don't see what the problem is, apart from that.

**Ms. Jean Crowder:** Well, from my very brief experience in Ottawa, what I have observed is that when we really don't want to take action, we strike a committee. I observed that in municipal government as well, I'm not just talking about here. But it seems to me that when we want to delay coming up with something that is going to create some challenges...and I won't deny it's going to create some challenges for employers. But to me it doesn't seem reasonable to ask women to continue to wait for people to make a decision on this, it just doesn't.

I'm sorry, that was a rant rather than a question.

One of the things that's come up is this labour versus justice. My understanding is that the women's community and the legislation talk about this as a fundamental human right. I've heard some concern that it's shifting from a fundamental human right into a labour issue.

I wonder if you could tell me why it's important to keep it under human rights rather than let it get kind of watered down.

**Ms. Sue Genge:** The task force was appointed jointly by the Minister of Justice and Minister of Labour, reporting jointly to the two ministries. That's because as a human right it also has labour relations implications. Pay equity is very much a workplace issue, and the federal sector is a fairly highly unionized sector. So labour has to play some role.

But speaking from my organization, which is the Canadian Labour Congress, we see pay equity very much as a human right, and it should be very centrally driven by the justice ministry. It is not just a collective bargaining issue. It's not just an employment standards issue. It's a human right that will be implemented through employment practices.

I mean, we support wholeheartedly the understanding of pay equity as a fundamental human right. It's in all of the briefs of all the unions that presented in all of this.

I just wanted to express some concern that I have as well, in terms of your rant, around this question of Justice considering options and conducting further consultations. I heard that too, and I heard it a little while ago. It seems to me that's what the task force did. The task force's mandate was to consider options for pay equity in the federal sector. They spent three years doing it. They consulted us to death on this question. And they came up with an option in a unanimous report.

So the options have been canvassed thoroughly. I don't see how Justice could do it any more thoroughly than was already done. That's the result of the options.

My preference, frankly, is to see draft legislation, move through that process, and make the comments we have to make when we see the legislation. The committee was an interesting idea. I think we're ready to grab at anything to move it forward, frankly. But the best route would be to draft legislation based on the recommendations of the task force, put that into the works, and then do the consultations on something concrete instead of general stuff again.

•(1605)

**The Chair:** You have another minute.

**Ms. Jean Crowder:** Great.

Andrée, did you want to comment on that?

**Ms. Andrée Côté:** I did want to come back to the human rights issue, because I think it's a really crucial issue; it's not just a detail. We don't want pay equity to be put on a bargaining table and then get a lesser priority and be bargained away. These are human rights issues. They're not open for bargaining. So it's not a question of how much money we have to put on this as opposed to that.

Pay equity is now under a human rights framework, because it is in the Canadian Human Rights Act. It's also recognized in human rights conventions, whether it be the Convention on the Elimination of All Forms of Discrimination Against Women or the International Covenant on Economic, Social and Cultural Rights. There are recognitions of pay equity there, and under the ILO conventions. Having it in the human rights framework gives it a special place in Canadian law, because human rights have a quasi-constitutional status. They're supposed to be afforded more protection and more respect.

So I think it would be important to insist that the leadership on this issue comes from the Department of Justice, and that it be framed as specific human rights legislation that is in line with the Employment Equity Act and other human rights mechanisms to ensure ultimately the equality of women and of historically disadvantaged groups.

**The Chair:** Thank you.

Mrs. Smith.

**Mrs. Joy Smith:** I've been making notes repeatedly here. I have my little "dealie" here, where I have my notes handy. You can put it on a little machine and transfer it into a page; I have things at my disposal.

This particular topic is something that...and I have agreed for a number of years. I can sense your impatience with just having more studies and having more this and having more that and more committees and more talk, talk, talk. This is an issue that is falling through the cracks. I think it has fallen through the cracks for a long time.

Right today you have made some recommendations. To fast-track it, going back to my former question, what would you recommend in your wish list? You even offered some of your talents to put things together and so on.

Sue or Andrée, or both of you, what do you think right now could be done to fast-track this and get this actually on the books before another decade passes?

**Ms. Andrée Côté:** I think clear directions should be given to staff to develop a draft bill through the summer. Then, as soon as the House reconvenes at the end of September, we'll have a bill. We'll have it in first reading, put it in second reading, send it to a committee, and have consultations on the language of the bill. Let's just move on it—but within the framework of the recommendations developed by the working group, not starting from scratch and reinventing other options. We have a framework. We have a consensus on this, we believe, with possibly some resistance from the employers. But the employers have been resisting for 30 years. If we wait until they say, "Yes, we agree", we won't have pay equity for another 30 years.

• (1610)

**Mrs. Joy Smith:** Thank you. I think everybody around this table is on the same page. From what I'm hearing, I think we all feel the same way. All of us are saying we really need to get this show on the road.

What you're saying, if I am hearing you correctly, is that the work has been done. Now it's time to get it into the legislation, to make those recommendations, and to get it put out to the public so we actually have something out there and women can be assured that they do have some guidelines, and they do have some protection if they are in a job situation where they don't have pay equity.

Maybe I'm a little more concerned about it right now, because yesterday I had a case where a woman from my riding phoned me, and she was very concerned. Clearly, for five years she did not have the pay equity that I believe she should have had for doing exactly the same job that was done by a male, and through no fault of his own; it was just the company, and I don't know why. When I phoned the company in question, the company said it was their policy; women get pregnant and don't continue in the work job. I'm telling you, I just about fell off my chair at that.

So I guess I'm feeling very strongly today that maybe we need... and I think members all around this table, as women, are feeling that, my goodness, maybe we need to come into the year 2005 and get this show on the road.

Do you have any comment on that, either one of you?

**Ms. Andrée Côté:** I agree. I absolutely agree with you. We try to be polite and to participate and to write those briefs and do those submissions, but frankly, the time has come. The time has come.

I think it's a question of credibility, at one point. We keep claiming human rights and equality rights guarantees, but women on the ground are not seeing the benefits of this. Inaction feeds into cynicism and perpetuates discrimination. I don't think it would be good for the government to wait until a class action suit or something like that is filed to say, "What are you doing?"

I think it's part of democracy that the government adheres to its commitments and promises and moves on it. The year 2005 is the year for pay equity, I think. It's time. The time has come.

**Mrs. Joy Smith:** Thank you.

**The Chair:** Thank you.

Ms. Torsney and then Ms. Bonsant.

**Hon. Paddy Torsney (Burlington, Lib.):** Thanks.

First let me say that I think it's true that pretty well everyone around this table is committed to having pay equity at the federal level. But I also think it's fair to say that this is a contentious area, and the reason some of the disputes have taken so long *is* that it is contentious. So yes, there may be great unanimity around the report, but that doesn't mean everyone's really onside in terms of the employers and some of the other groups that are affected.

The other thing that's interesting in this whole debate about... I mean, how are we going to move this forward faster? This committee is moving it forward by drawing attention to it. I've spoken to both ministers who are affected. Frankly, I'm glad Ms. Smith is interested in this issue, and I look forward to Stephen Harper asking a lead question on this subject, because that's how you get attention.

Frankly, I don't know that the Conservatives have ever asked a question on pay equity in the House of Commons saying that they support a bill. There are other things in Mr. Toews' agenda on justice that he asks repeatedly—

**Mrs. Joy Smith:** A point of order, Madam Chair.

**Hon. Paddy Torsney:** —and that's why the minister could have been on other issues.

**The Chair:** Go ahead, Mrs. Smith.

**Mrs. Joy Smith:** I'm not wanting to make this partisan today. I know it's a very tense day for all of us. I am not comparing any governments. I'm saying that around this table, what we should do in the year 2005 is look at it very carefully. It is a time when we need to move forward. So it's not one-upmanship, and my apologies to the presenters if we got into that kind of debate. It is a very important issue, so my apologies.

• (1615)

**The Chair:** I'm not sure that's a point of order, but let's go ahead.

**Hon. Paddy Torsney:** My point is that, unfortunately, we don't have a lot of questions in the House of Commons on this issue—with the exception of Ms. Crowder. I do apologize; it is true that this has come from there.

Governments and departments move on the issues that are popular, that are getting asked about on a daily basis. I can assure you that I have spoken to the two ministers, and they are committed to moving forward. This committee's work hopefully will be a unanimous report asking that the ministers move forthwith to drafting legislation. That's how you get stuff moving.

I do actually have a question. As I understand it, there is some resistance from particular employer groups. From your work on the consultations, are you aware of what kinds of things they are specifically concerned about and how we can move them to understand that this will actually be better?

Obviously, when the legislation was introduced in Ontario, it was extremely contentious. It's working out better in each province that has adopted it—of course, there are three provinces that don't have any pay equity legislation—and more workers in Canada are under provincial jurisdiction than under federal jurisdiction. So we should be clear that the majority of Canadians—and of course, that doesn't make it acceptable that the federal workers aren't—are working in environments where there is pay equity legislation because of the provincial legislation; that's the environment they're working in.

So perhaps you could comment on the employers.

**Ms. Sue Genge:** First of all, in the task force discussions and consultations, it was pretty clear that employers did understand that pay equity is a human right. That was not a point of dispute between employer representatives and anybody else. That was pretty clear. And that's really important, I think. If you have that understanding, then you can take from that an obligation to do something to make sure that the right can be enjoyed.

The employer groups have different perspectives on how to deal with equal pay for work of equal value, depending on the sector they're from. There are some employers in the federal sector who are really used to working with trade unions, because it's a fairly highly unionized workforce, and they have patterns of bargaining that have gone on for years and years and years. So some of those employers wanted this to be within the collective bargaining field and under the Canada Labour Code.

Well, we don't think it should be in the Canada Labour Code, because it's a human right, and that has different implications, as Andrée pointed out earlier. So there was that debate about where it should be located—not whether or not it should be done, but where it should be located.

The bankers association, frankly, which has a very low level of unionization, wanted a piece of legislation that was voluntary compliance. That's not surprising, but that was their position throughout the review. They were prepared to submit reports and so on, but they didn't want employee involvement.

I mean, you can guess; the employers' approaches tended to reflect the workforce that they dealt with. That's sort of natural.

Our approach, because we work as sort of a federation of all the unions, was a common approach from the trade union perspective. We made compromises about different approaches that we wanted to take. But I think that was part of it.

The resistance is that if there is a pay equity problem, if there is unequal pay, employers have to pay money. And employers who make profits don't like to pay money, even if it's a problem.

So let's be frank, that's the problem.

**The Chair:** Thank you. I'm sorry, I'm just mindful of the clock today.

Madame Bonsant.

[*Translation*]

**Ms. France Bonsant:** I have no questions to ask. We are all very aware of the pay equity issue. Even if we were to keep discussing it for 20 years, we would not learn anything new. It just has to be

resolved, that's all. I don't have any questions, but perhaps Mrs. Brunelle has another.

• (1620)

**Ms. Paule Brunelle:** I just have a comment to make. We can talk a bit more about it when our witnesses are gone but, if our committee agrees about the need for legislation, and since I have had the opportunity to ask questions and to make statements on this in the House of Commons, I think we have done all we can about this.

Perhaps the committee might be creative and think of a new strategy to try and move the issue forward. I believe that women know how to innovate. Why not? We could certainly talk about it. I just wanted to say that we do agree with you, and that we will try to continue to improve the lives of women in Canada.

[*English*]

**The Chair:** Thank you.

Ms. Crowder is next.

**Ms. Jean Crowder:** This is just a really brief comment. As was noted, I have been in the House speaking about it. I also have a motion before the House asking for implementation of the pay equity. I did ask for advice on drafting a private member's bill because I was so frustrated by the lack of movement. The advice I got, of course, was that because it was money, I couldn't do it.

So I would really hope that this committee would get to the place, and I don't know the mechanics here, of recommending that the government move immediately on draft legislation on it.

**The Chair:** A report.

**Ms. Jean Crowder:** Yes. That's what we would need to do, a report.

Do I need to do a notice of motion—

**The Chair:** Let's just finish up here, if we could, in the speaking order, and then we'll come back to that.

**Hon. Paddy Torsney:** If everyone agrees, Ms. Crowder, you don't have to.

**Ms. Jean Crowder:** Okay.

I want to put a motion forward when everybody's ready to agree.

**Voices:** Oh, oh!

**Mr. Russ Powers (Ancaster—Dundas—Flamborough—Westdale, Lib.):** Come up with a motion that we can all agree with.

**The Chair:** Okay.

I've got Mrs. Kadis next, and then Mrs. Smith if she wants to.

**Mrs. Susan Kadis (Thornhill, Lib.):** Thank you, Madam Chair.

I also want to thank our guests today. I think you can see that there's a general consensus—if I can say that, with respect—to move in this direction expeditiously. We're trying to understand how this committee can facilitate that. And it's good that you've been very open, very frank, in that regard.

However, how does this model that the task force worked on for so long compare with Ontario's, for example? Ms. Bulte mentioned the exemptions, etc. Has it been watered down, or do you feel that if it was moved on in this form, it would do the necessary work that needs to be done in this area?

**Ms. Sue Genge:** I think the task force actually drew some lessons from some of the weak parts of the Ontario legislation. Their recommendations are stronger in a number of areas than the Ontario law, because they've had the benefit of ten years of experience, and we know that there have been some difficulties with that legislation. Similarly, with Quebec, they took some of the aspects of the Quebec legislation.

I've been doing this for a long time, and this model is the best one I've seen, of any of the legislative models that have been put forward. In Ontario I was on the Pay Equity Hearings Tribunal for six years, so I'm really familiar with the Ontario legislation.

**Mrs. Susan Kadis:** So we can potentially benefit from all that labour-intensive work.

**Ms. Sue Genge:** Exactly. Frankly, I think the task force did a really good job.

**Mrs. Susan Kadis:** Okay. That's good.

Thank you.

**The Chair:** Mrs. Smith, go ahead.

**Mrs. Joy Smith:** Thank you, Madam Chair.

I think you can feel around this table that everyone here is anxious to get some resolution to this. I have to say that I agree with Madam Torsney, the member across the way. She's very correct that a lot of this is provincial jurisdiction. It truly is.

As well, there are challenges there. Very truthfully, from the employer's point of view, that is a big piece of it. For employers, there has to be dialogue with different companies to see what kinds of supports they can put in, because it is about money.

Perhaps one of you would comment further on the kinds of things you've done to bring companies in. Have any companies gone to the forefront and actually said they were going to be leaders in this? Have you had any from the private sector? From the federal point of view, I know there are limitations when you can't trump what's happening in the province. Some provinces have implemented different parts of this at different levels.

Could you comment on that a little bit? This would be a challenge to you and to putting legislation together, there's no doubt about that.

• (1625)

**Ms. Sue Genge:** I'll make a couple of comments on that.

Approximately 10% of the workforce is actually covered by federal law in terms of employment. In the pay equity network that we work with, a number of provincial coalitions are part of the federal network, because they think the federal government can set an example to the provincial governments where they're working. In New Brunswick, for example, there's a pay equity coalition there. That coalition has actually drafted legislation for the New Brunswick government to consider. In Saskatchewan it's the same thing.

So we think a federal law will really help move some of these other jurisdictions forward, and that's certainly the view we're hearing from within the network.

In terms of companies that have already worked with pay equity laws, there are a lot of positive examples in Ontario. Occasionally you hear of problems with the Ontario legislation, which is understandable and inevitable, I think, but lots and lots of companies in Ontario have worked under that legislation, developed plans with their employees that were very successful, and did so without any intervention by the commission or the tribunal. Most of them are like that, in fact. Even in the federal sector there have been some companies that I know of, in the telecommunications area, that have negotiated pay equity plans under the old act voluntarily with their unions, and already have stuff in place around pay equity.

For companies like that, a new proactive law will simply mean a review of the plans they have in place. If they comply, and they most likely will, they won't have to do anything else. For people who have already gone through this process under the federal situation, it won't be a big deal.

So there are some examples, yes.

**The Chair:** Thank you.

Mr. Powers, then I have a question, and then I think we'll come to an end.

**Mr. Russ Powers:** Thank you, Madam Chair. I'll just be very brief.

There's probably no excuse why this shouldn't have been dealt with long ago. I think your suggestion for this committee to become more actively involved and in fact to be the catalyst to basically initiate something for the minister to look at is very clearly worthy of our consideration and our participation. I believe all of us will be onside.

I come from a university setting in Ontario. Obviously, we were part of that whole prologue. What moved it along—and you can probably comment on it, Ms. Genge—is the fact that in 1989, when the legislation was introduced, the hiccup in the very early stages was that there had to be the buy-in and the ability to, how should I say, do the payback in an extremely short period of time. So both businesses and the academic settings and things like this, that found....

I found that when things moved ahead in a very productive manner, it was when reasonable and realistic timeframes had come in and been applied, with paybacks to bring it in line. It moved it forward in a very aggressive manner. I think that's something that clearly should be taken into consideration in order to get the buy-in not only from our ministers but also to get the staff onside.

Talking from experience, I certainly saw that things went 500 times quicker once there was that understanding. Certainly that was the standpoint of the groups I was connected with.

**Ms. Sue Genge:** I think the task force took some of that experience into account as well. I know they're recommending something like three years from the date of adoption of the act to the first payout. So it's a three-year preparation period, so that people can educate themselves and learn.

I personally think that's a bit long, but that's one of those compromises that the task force came up with through their consultation process. It gives the commission time to get up and running, develop their expertise, and provide the assistance that's needed; and the employers to set up their committees, meet with their committees, and do the work. So it's a reasonable timeframe, once we get the legislation.

**Mr. Russ Powers:** Just to add to that, if it's three years, it actually gives you probably four to five years, because getting the process into place and then paying out allows probably four to five budget years in order to put that money aside, in order to ensure that it's delivered.

Thank you, Madam Chair.

**The Chair:** Thank you.

Before I ask my question, is there anybody else?

Do you have another question, Ms. Torsney, or a comment?

**Hon. Paddy Torsney:** Yes, a comment. I just think we need to clarify this.

If you work for a school board in Ontario, you are covered by pay equity legislation.

• (1630)

**Mr. Russ Powers:** Correct.

**Hon. Paddy Torsney:** If you work for a school board in B.C., you are not. When we bring in our legislation, if you work for Air Canada you'll be covered, because that's federally regulated, whether you live in Alberta or in B.C.

So federal legislation wouldn't impact provincial employers.

**Mr. Russ Powers:** We agree with you.

**Hon. Paddy Torsney:** Okay.

There just seems to be something about employers having an impact at the provincial level, which is not true. A provincial employer would not be affected by federal legislation.

Okay. All the people at the table get it.

**The Chair:** Thank you.

I have one very quick question. You've each met with the two ministers engaged. We have letters that we're going to send out. They just need translation. They're going to send them out to the committee. I want to know from you, clearly, where you understand each department or each minister to be. I was present when Minister Cotler spoke to the March of Women and made a strong commitment to the pay equity legislation, but I'm not...

What's your understanding, clearly, of where each department or each minister is on this?

**Ms. Andrée Côté:** Unfortunately, we don't have such clear messages that... Minister Cotler clearly told us that he considers pay equity to be a fundamental human right but that options were being explored, and inter-ministerially; you know, the horizontal approach was being looked into. He remained a bit vague as to the actual outcome.

Minister Fontana, again, also committed to the principle, and proposed this implementation committee. We haven't actually heard anything since to make this concrete, except again from a general commitment in terms of pay equity.

So it's hard for us to know exactly what's happening. Is it competition between two governmental departments? Is it because we have two ministers who are unclear as to who actually takes the lead? We don't know. But that's a possibility. Clearly, somebody is going to have to sit down and develop a draft piece of legislation. We have been trying to impress on different ministers and civil servants that we believe it should be the Department of Justice, because this is a human rights issue, and we should move along with this.

We don't really understand what's holding it up. We're not privy to inside information, so this is just my guess. I can't offer more than that.

**The Chair:** So it's really up to this committee to try to drive the agenda forward.

**Ms. Andrée Côté:** I think you would be in a much better position than we would be, for sure.

**The Chair:** Thank you.

Ms. Crowder.

**Ms. Jean Crowder:** I don't know the procedure to ask for unanimous consent from the committee to put a motion forward. I need some instruction.

**The Chair:** You need 48 hours' notice.

**Hon. Paddy Torsney:** Unless you have consent of the committee. And you have my consent, anyway.

**The Chair:** We'd have to see the motion.

**Ms. Jean Crowder:** Do you want me to read it to you?

**The Chair:** Sure.

**Ms. Jean Crowder:** That the committee instruct the Minister of Justice, supported by the Minister of Labour, to introduce draft legislation by June 23, 2005, to implement the recommendations of the Pay Equity Task Force report.

**The Chair:** I'm advised by the clerk that we cannot instruct the minister.

**Ms. Jean Crowder:** Okay, what can I do, then—encourage, ask...?

**The Clerk of the Committee (Mr. Richard Rumas):** You can "recommend that" the minister...

**Ms. Jean Crowder:** Okay.

**Hon. Paddy Torsney:** I was feeling very "gusto-ish" here.

**The Chair:** It was that rant at the beginning that did it.

**Hon. Paddy Torsney:** Yes. It was her rant that inspired me.

**Ms. Jean Crowder:** So we would recommend that the Minister of Justice, supported by the Minister of Labour...

**Hon. Paddy Torsney:** You may not have to be that specific. You could just say "the two ministers".

**The Chair:** I'm getting instructions here.

We have an option to do that, or we have an option to put down a report in the House of Commons.

**Ms. Jean Crowder:** I have to admit, my preference would be to have a motion supported by the committee, followed up by a report. I think the motion is a very strong statement of the will of the committee.

**The Chair:** Yes, we could do that if we have unanimous consent here. We could follow up with a report as well, and I could send a letter on behalf of the committee to the minister.

Do I have, first of all, unanimous agreement for Ms. Crowder to put forward this motion?

**Some hon. members:** Agreed.

**The Chair:** Perhaps you could read it once more.

• (1635)

**Hon. Paddy Torsney:** Yes, the edited version.

**Ms. Jean Crowder:** That the committee recommend that the Minister of Justice, supported by the Minister of Labour, introduce draft legislation by June 23, 2005, to implement the recommendations of the Pay Equity Task Force report.

**The Chair:** I'm advised that it's appropriate. Any discussion?

**Hon. Paddy Torsney:** I think you should just say, "draft pay equity legislation".

**The Chair:** We have a friendly amendment.

**Ms. Jean Crowder:** The reason I think you should talk about the report is that there was full, extensive consultation, very specific, and they've done all of the work around—

**Hon. Paddy Torsney:** No, I meant draft pay equity legislation to implement the report.

**Ms. Jean Crowder:** Oh, okay.

**Hon. Paddy Torsney:** That's what I meant—rather than any other kind of legislation.

**Ms. Jean Crowder:** Thank you.

That was the lawyer speaking up.

**The Chair:** I'm going to call the question.

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

**The Chair:** Mr. Powers.

**Mr. Russ Powers:** Do you have position papers since the tabling of the report? If there is anything you want to share with us in written form, would you ensure that it gets to the clerk? Thank you.

**The Chair:** Thank you.

We have a few minutes, and I'm wondering, with the committee's permission, if there is a willingness to go in camera to continue the discussion on our report on core funding.

**Hon. Paddy Torsney:** So it didn't get tabled today?

**The Chair:** It did not get tabled today. There were amendments put forward by one party.

[*Proceedings continue in camera*]

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