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—
Chair

Ms. Yasmin Ratansi

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• (0900)

[English]

The Chair (Ms. Yasmin Ratansi (Don Valley East, Lib.)): Order, please.

Committee members, we have with us today the Office of the Commissioner of Official Languages. I was explaining to Mr. Fraser that we have been studying gender budgeting and we have been listening to witnesses who have suggested that perhaps there'll be an independent commissioner located in the Office of the Auditor General. Then we had the Auditor General, who told us about the environmental commission, and we realized the Commissioner of Official Languages is more independent than the Auditor General's environmental commission.

So we're here to be educated, and as we move forward in finalizing our report, we would like to hear what options are available to us, and then the committee can decide which way to go.

Mr. Fraser, I believe you have a presentation, and with you are Madame Lemieux and Catherine Scott.

Welcome. You have 10 minutes, please.

Mr. Graham Fraser (Commissioner of Official Languages, Office of the Commissioner of Official Languages): Thank you very much, Madam Chair.

Members of the Standing Committee on the Status of Women, *bonjour*. It's a great pleasure for me to appear before you to explain my role. Before beginning my statement, I just wanted to stress how our office is available to parliamentarians who seek more information about official languages. If you wish to avail yourselves of our technical expertise, don't hesitate.

Thank you very much for inviting me to talk to you about the Office of the Commissioner of Official Languages and to explain to you my mandate as an officer of Parliament.

Joining me today are Catherine Scott, acting director general, policy and communications branch; and Dominique Lemieux, director general, compliance assurance branch.

The past few decades have witnessed the creation of a series of specialized agencies to support Parliament in its role of overseer of public administration. I'd like to commend you for examining the role of agents, also often called officers of Parliament.

In his recent book, *The People's House of Commons*, the political scientist David E. Smith notes that there has been little study of our role. "Officers of Parliament either singly or as a collective are

largely unexplored phenomena", he writes. He points out that there are two broad features that we share. I quote:

"first, independence from the executive, and second, accountability—this last itself manifested in contrasting ways: officers are accountable through their reports to Parliament, and government's accountability to Parliament is heightened as a result of the officers' activities.

In addition, as Smith underscores, I also have the role of "ensuring that language equality remains a defining principle of the constitutional architecture of Canada, its Parliament and its government".

The institution of ombudsman has, out of necessity, grown since its creation. The factors that have led to the further development of the institution of ombudsman are well known. Within the last generation or two, the size and complexity of government have increased considerably, as much in quality as in quantity.

Parliament appoints officers of Parliament to work that is crucial to ensuring the integrity of our democratic system. The Canadian parliamentary agencies led by these officers are the guardians of the fundamental values of our society. Parliament has assigned the Commissioner of Official Languages the role of ombudsman to allow the fulfilment of its mission of protecting language rights and promoting linguistic duality within Canadian society. So that this mission could be fully carried out, Parliament granted the commissioner the status of officer of Parliament and set out the necessary conditions to ensure independence from the government, namely regarding the appointment process and compensation.

[Translation]

As stated in the Official Languages Act, the Commissioner of Official Languages is appointed for seven years by the Governor in Council, by commission under the Great Seal after approval by a resolution of the Senate and House of Commons. The nomination can be revoked by the Governor in Council. The commissioner has the rank and powers of a deputy head of a department, and benefits from the same protections and benefits as a Federal Court judge.

While the independent status of an officer of Parliament should also be reflected in the budget process and the accountability process, officers of Parliament currently do not experience this kind of independence. The budget approval process puts officers of Parliament in the position of having to request funding from the government, the very entity whose performance they are supposed to be reviewing. This situation, which we believe weakens the independent status of officers of Parliament, has led a number of us, including the Auditor General, the Chief Electoral Officer, the Privacy Commissioner and myself, to propose the creation of a Parliament panel. This advisory group of parliamentarians, which is currently a pilot project, would be responsible for reviewing our budget applications and how we are carrying out our mandate and managing public funds.

The other aspect of the officer of Parliament role that we believe should be reviewed from the perspective of independence is current staffing mechanisms and processes, which are governed and regulated by the Public Service Commission, meaning the Treasury Board has a certain degree of control over the approval of resource allocation.

As you can see, the conditions of independence related to officer of Parliament status raise complex issues and should be clarified and defined in terms of the ultimate goal, which is to enable officers of Parliament to carry out their social mission with all the credibility and authority that Canadians expect of them.

As officers of Parliament, we are working with Treasury Board Secretariat to develop guidelines that define our relationship. I foresee a productive relationship and hope that this pilot project will become a permanent instrument of Parliament.

As set out in subsection 56(1) of the Official Languages Act, it is my responsibility to take all actions and measures within my authority with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of this act in the administration of the affairs of federal institutions, including any of their activities relating to the advancement of English and French in Canadian society. Our organization has over 175 employees spread throughout four branches and five regional offices. Our annual budget is approximately \$19 million.

● (0905)

[English]

As Commissioner of Official Languages, I see my role as that of a bridge builder between the various actors. Linguistic duality is an essential component of our national identity. I therefore approach my mandate with the objective of encouraging dialogue and creating synergies between francophone and anglophone Canadians, citizens of all origins, and federal institutions.

As my mission is to take every measure necessary to achieve the objectives of the act, I am taking specific actions in three clearly defined areas: protection, promotion, and prevention.

Under the protection component, I conduct audits and monitor the advancement of English and French. I receive complaints and, as needed, conduct investigations and intervene before the courts.

Under promotion, I inform Canadians of their language rights, and I conduct research and publish studies. I make the public aware of the benefits of linguistic duality, and I work with federal, provincial, and territorial governments. I work closely with official language minority communities, and I ensure that government takes appropriate measures in support of their development.

Under prevention, I develop strategic approaches to finding sustainable solutions.

Our mandate is to see to the full implementation of the act while considering in particular the major amendment to part VII of the act adopted by Parliament in 2005. All federal institutions are now required to take positive measures to support the development of official language minority communities and promote linguistic duality.

As ombudsman, I receive close to 1,000 complaints per year. I review them and conduct investigations where warranted.

For example, the administrative changes to Status of Women Canada announced in 2006 as part of the expenditure review resulted in a significant increase in complaints to the office of the commissioner by citizens concerned about the impact of budget cuts on agencies that support women in official language minority communities.

[Translation]

The Office of the Commissioner has for many years readily adhered to basic principles such as transparency and accountability to Parliament. An excellent example of our practices is our annual report to Parliament. This report discusses the status of the implementation of the Official Languages Act as well as compliance by the government and institutions subject to the act. The report also contains recommendations to the government.

Regarding internal audits, we have developed our own internal audit policy and we are now subject to the Access to Information Act.

In the mid-term, the Office of the Commissioner will face new challenges that will lead us to revisit our ongoing operational needs. I am currently reviewing how the commissioner plays the ombudsman role in contributing to attaining the act's objectives.

To ensure that section 41(2) of the Official Languages Act is respected, we will have to monitor the level of government commitment to linguistic duality and community participation in drafting government policy. It will therefore be important to call on official language majority communities for participation.

● (0910)

[English]

As an officer of Parliament, like the other commissioners before me—and I'm the sixth—I fully respect the principles of government policies aimed at ensuring good practices in the management of public funds. I'm also determined to ensure that the office of the commissioner retains its independence from government and continues to be accountable to Parliament.

I'd be pleased to answer any questions.

The Chair: Thank you, Mr. Fraser.

We now go to the first round of questions of seven minutes each.

Ms. Minna.

Hon. Maria Minna (Beaches—East York, Lib.): Thank you, Madam Chair.

Thank you, Mr. Fraser, for being here. It's good to have you here. What you've said is interesting.

Before I start on the actual structure and your responsibilities, I'm just going to get rid of one item you raised that reflects what we're doing here, which is that you receive calls from women in official language minorities. Did you check into that and did you come up with a response?

Mr. Graham Fraser: Yes, on September 25, 2006, when the government announced its budget cuts, we received a total of 118 complaints. The bulk of those complaints related to the abolition of the court challenges program—or, I should say, the suspension of the funding for the court challenges program. But a number of them, some 49 of the complaints, were related to reductions in programs dealing with the status of women, that is, the cuts in funding to Status of Women Canada and to some other programs that had been directed to funding women's groups in minority language communities.

What we did is deal with them all together. What the amendment to the act means is that the government is now legally obliged to take positive measures for the growth and development of minority communities. So with that lens, we looked at the decision-making process to see if that obligation had been taken into account. We did a very detailed inquiry and report, and we concluded that as far as we were able to discover, there was no evidence that the government had taken this obligation into account when it made these decisions, and we said so in our preliminary report in the spring of 2007.

The government's preliminary response was to the effect that it was not their interpretation of their obligation. In my recommendation, I made clear that I felt that the government has the right to govern, but it is obliged to take account of its obligations under the law when it does so. So my recommendation was that the government should review the decision-making process that had led up to those decisions, taking into account its obligations under part VII of the act. The government has not accepted either my interpretation or my recommendation, and so after our final report came out, we decided to intervene in the case that was taken before the Federal Court by the Fédération des communautés francophones et acadienne. That hearing took place in February in Fredericton, and we're waiting for the judge's decision.

That solely deals with the court challenges program. On the other aspects, we're in the process of considering how to proceed further.

• (0915)

Hon. Maria Minna: Thank you. I appreciate that. It's interesting, because we have been dealing with that issue as well.

When the Auditor General was here, she said very clearly that the Commissioner of Official Languages has a broader role than she

does. Because there is a specific law that deals with a situation and your role is one of promotion of the official languages and all the things you just said, it's broader than her role. That's what I personally am looking for in women's gender budgeting. Otherwise it's limited only to the issue of value for money, if you like, as opposed to whether we are succeeding in attaining equality for women. It's a much broader issue.

Maybe it's not a fair question, but given my preference and your experience in official languages, if you were to make a recommendation to this committee, given what we are looking for, what would you recommend? How would you recommend restructuring?

Mr. Graham Fraser: Let me preface my remarks by saying that I don't pretend to know very much about the field of gender-based analysis and I hesitate to embark on a recommendation. Aside from the brief reading of some of the transcripts of the witnesses who appeared before you.... I think that whatever recommendation you make has to take into account your understanding of the field, which I don't have.

I would say that as you consider the issue, there is a range, if you like, that goes from power to independence. The role of the Commissioner of Official Languages is not one of power. I don't have the authority to fund organizations. I'm in the influence business.

Hon. Maria Minna: If I may interject for a moment, this is the area I'm particularly interested in. A power in terms of funding—that's government structures. What we're looking for is an oversight that ensures that government is doing what it's supposed to do for women across the board, not pretending to do it, or doing it by a check-off list and not in an in-depth way.

I see your current role as one of overseeing and being able to analyze and audit to say that they're meeting the targets or not, that they're doing what they're meant to do. If the act were to be written in such a way that it would give that power.... I think your role is what I would like to see on that side, actually.

Mr. Graham Fraser: If I may, Madam Chair, I want to be very clear. I don't want to give you advice as to what you should do in terms of gender-based analysis because I simply don't know the field well enough. What I can do is talk about the independence of the role of the Commissioner of Official Languages.

The Chair: And how you're structured. Perhaps that's the question that might come about.

Madame Demers, sept minutes, s'il vous plaît.

[Translation]

Ms. Nicole Demers (Laval, BQ): Thank you, Madam Chair.

I would like to thank our witnesses—Mr. Fraser, Ms. Lemieux and Ms. Scott—for being here this morning.

The information you provide us will be very helpful in determining the type of officials we want to have in charge of gender budgets.

Mr. Fraser, you said that your independent status is not apparent in the context of the budget process. You have 175 employees at the moment who are spread throughout four branches and five regional offices.

Does that mean that the government could reduce your funding, which in turn would mean that you would have to reduce the number of employees you have, which would prevent you from carrying out your mandate properly?

Mr. Graham Fraser: That is in fact what happened after the 1995 budget cutbacks. We were not exempted from them. I say "we", but I was not in this position at the time. The office was subject to this decision made by the government. My predecessor, Dyane Adam, tried very hard to persuade the government that one of the effects of these cutbacks would be felt in minority communities in the area of official languages and in all other aspects having to do with official languages.

In addition, the Office of the Commissioner had very little manoeuvring room. Ms. Adam made her case very strongly to the government and as a result, it introduced the Action Plan for Official Languages in 2003. The Office of the Commissioner also received some funding, mainly for research purposes. After 1995, we had to stop doing our audits, and we did feel that consequences of that. As a result of her tremendous efforts, Ms. Adam managed to convince the government of the importance of the audits in light of the 2003 action plan.

• (0920)

Ms. Nicole Demers: I assume that the parliamentary panel is in place at the moment.

Mr. Graham Fraser: That is not us. I should clarify that. The officers of Parliament work together. There has been a pilot project on this for three years now. This is a parliamentary panel made up of members of Parliament from all parties. It reviews the requests for additional funding put forward by the officers of Parliament.

For example, when the government decided that under the Federal Accountability Act officers of Parliament would be subject to the Access to Information Act and internal auditing, additional funds were required. So we appeared before the panel in January or February 2007 to request some additional funding. So at the moment we have a unit that is responsible for access to information, and another that works with our internal audit committee.

Ms. Nicole Demers: Do you prefer that this group of parliamentarians make decisions for you rather than the department?

Mr. Graham Fraser: We are in the initial stages of this exercise; it is still a pilot project. At the moment, Treasury Board is involved in the panel to provide expertise and to do the necessary analytical work. Making it clear that our main connection should be to parliamentarians rather than to the executive and government, is an important first step. There is still a connection, however, because parliamentary panel does not have a group of experts or accountants that work for it exclusively. So it is somewhat dependent on the analytical work done by the Treasury Board representatives.

Ms. Nicole Demers: I'm trying to learn as much as I can in the brief amount of time we have and I'm trying to see how we could give a commissioner as many tools as possible.

How are your recommendations received by the various departments?

Mr. Graham Fraser: That is a very good question.

I was pleasantly surprised to see how sensitive departments were to our audits. We hand out marks so that departments can see where their weaknesses lie. Deputy ministers are competitive by nature; they do not like to get a poor grade, nor do ministers. Some reactions are rather visceral in nature. They wonder why they did not get a better mark and what they can do to improve their performance.

When it comes to our overall recommendations, it is more difficult to say. Last year I appeared before the National Defence Committee. I talked about the impact of the closure of the Royal Military College in Saint-Jean. Following that, last summer, the minister announced that the first step had been taken to restore the Royal Military College in Saint-Jean as a post-secondary institution. I cannot say that this happened because of my comment. It is difficult to gauge how much influence we have. However, the government disagrees completely with our interpretation of Part VII of the act. In fact, we have taken this matter to the courts to determine the real meaning of this amendment to the act.

We cannot really list our successes. We see that certain decisions are made, but we really do not know whether they were made as a result of something we said or did. In some departments, we do have allies, while other departments are less interested in the issue. We try to encourage our allies and to argue our case to those who are less interested. So it is difficult to give you a definitive answer to your question.

• (0925)

The Chair: Thank you.

I will now give the floor to Ms. Boucher, for seven minutes.

Mrs. Sylvie Boucher (Beauport—Limoulu, CPC): Good morning, Mr. Graham and welcome to our committee. As you know, we are looking at what can be done for women, and we are working on an action plan for them.

You said that you have a \$19 million annual budget. Is that correct?

Mr. Graham Fraser: Yes.

Mrs. Sylvie Boucher: To help us understand the impact that a commissioner on the status of women could have, could you tell us how this amount would be broken down? A figure of \$19 million seems like a lot and a little at the same time. How is this funding of help to you in the case of official languages?

Mr. Graham Fraser: A certain percentage of our budget goes to operations. Wages and benefits for 175 people accounts for a certain amount. Of the remainder, 45% to 50% is for protection activities—compliance with the act, audits and court cases—and 50% to 55% is used for research and promotional activities, the operation of our regional offices and communications.

Our RPP, which was tabled in the House at the end of March, contains all the supporting details and figures. I hesitate to go into more detail about the breakdown of our budget. Generally speaking, it is broken down between our protection activities and our promotional activities.

•(0930)

Mrs. Sylvie Boucher: One part of your job is to oversee progress made in the area of official languages. The same could be true if we were to have a gender equality commissioner.

We are members of four political parties, each of which has a different outlook. What structure could we establish to ensure that when a new government comes to power there is a solid structure in place for women and to ensure that we don't have to start from square one every two, three or four years?

Mr. Graham Fraser: I hesitate to make any specific recommendations regarding a commissioner, but I can tell you how the Office of the Commissioner of Official Languages was established.

During the 1960s, the Royal Commission of Enquiry on Bilingualism and Biculturalism made a number of recommendations to the government. One had to do with the introduction of an Official Languages Act and the establishment of an independent commissioner to oversee compliance with the legislation.

In 1969, the act was passed by Parliament, and in the spring of 1970, the first Commissioner, Keith Spicer, set up his office. The act gave the Commissioner some independence by giving him a seven-year mandate, so that he would be in his position longer than the government. In addition, the act provided that the government could not dismiss the Commissioner if it disagreed with him. The House and the Senate must both vote to dismiss me.

Later, the act was amended to make my salary the same as that of a Federal Court judge. When judges get an increase, I get one automatically. I do not have to go before a parliamentary panel or Treasury Board and there is no collective bargaining. I think the legislation was amended recently once again. When Treasury Board sets the increase in the cost of living at 1.3%, for example, judges and I automatically get this increase in April of each year.

Mrs. Sylvie Boucher: So, you are—

[*English*]

The Chair: Madame Boucher, one short question.

[*Translation*]

Mrs. Sylvie Boucher: So you are very protected, because there was legislation to cover all these aspects.

Mr. Graham Fraser: Yes. This is set out in the act.

Initially, this salary protection did not exist. This was brought in by means of an amendment to the act in 1988 which set the Commissioner's salary at the same level as that of a Federal Court judge.

You talked about the Commissioner's independence. There are four components to this: non-interference by the government, adequate financial resources, the ability to report to Parliament without seeking the government's permission and direct access to the courts.

Our legal advisors are not Department of Justice employees; they are our employees, our legal counsel. We recently went to court as an intervener in the SAANB-Paulin case, which was heard by the Supreme Court. The RCMP uses lawyers from the Department of Justice in its defence. Since we have our own lawyers, there is no

conflict of interest if they have to testify against an institution that uses government lawyers.

•(0935)

[*English*]

The Chair: *Merci.*

We'll go to Ms. Mathysen, for seven minutes.

Mrs. Irene Mathysen (London—Fanshawe, NDP): Thank you, Madam Chair.

Thank you very much for being here. I think it's a very useful experience to hear what you have experienced.

In 1994 when the Standing Committee on the Environment put forward recommendations to create the Commissioner of the Environment, it was thought that the advisory committee mechanism would enable the commissioner to solicit regular input from a cross-section of Canadians. Do you have any discretionary power to appoint individuals to one or more of those advisory committees to assist you in the performance of your duties?

Mr. Graham Fraser: Are you talking about advisory committees of our own or about those environmental advisory committees?

Mrs. Irene Mathysen: Well, I think yours would probably be more appropriate.

Mr. Graham Fraser: What we are free to do, and what we have done in a couple of areas, is set up advisory committees that are essentially voluntary. I mean, we don't pay people to be on those committees, although we will pay their expenses. We will fly people to Ottawa for the meetings.

Two are under way now. We have embarked on a process of changing the role of the ombudsman. One of the things we concluded was that we'd reached a certain plateau in dealing with some institutions. It struck me that there's a kind of constant routine with some institutions in which you're simply complaint-driven. You get complaint investigation report after complaint investigation report without getting any sense that you're actually changing the behaviour of the institution. So we are establishing a prevention function, without abandoning our obligation under the act to investigate complaints, and asking institutions in which we see some chronic problems how we can sit down with them and actually talk about how they can meet their obligations under the act.

As part of that re-examination of the role, we've set up an advisory committee on the role of the ombudsman. We have brought people from across the country, and every few months or so we have a meeting and go over things.

Similarly, I feel very strongly that universities have a role in terms of official languages. We've embarked on a joint study with the Association of Universities and Colleges of Canada. As part of that study, we put together a consultative committee of people from universities, the federal government, English-speaking universities outside Quebec, an English-speaking university in Quebec, French-speaking universities in Quebec, and French-speaking minority universities outside Quebec, just to make sure they were aware of what we were interested in and what we were doing. There was some discussion about the questionnaire we were going to embark upon with the institutions. We found that input to be very useful in both cases: the consultative committee on the role of the ombudsman and the one for universities.

• (0940)

Mrs. Irene Mathysen: So that has just begun. You haven't completed the dialogue yet.

Mr. Graham Fraser: No. In neither case have we completed it. We have had at least one meeting of each organization, of each committee, and others are planned.

I'm not sure whether in the past there were other consultative committees. Catherine, do you want to speak to that?

Ms. Catherine Scott (Director General, Policy and Communications Branch, Office of the Commissioner of Official Languages): In the same way, I think, under the former commissioner, from time to time there were specific advisory committees on specific issues, but not necessarily a long-standing and permanent advisory committee that advised the office.

Mrs. Irene Mathysen: Should the committee decide to recommend in the report that we create a commissioner for gender equality, are there any lessons you've learned from your experience in the Office of the Commissioner of Official Languages that you'd like to share with the committee? Is there any wisdom you could impart so that we can make the best possible recommendations?

Mr. Graham Fraser: Well, I believe very strongly in the independence of the office, and I believe very strongly in the importance of the Office of the Commissioner of Official Languages having a strong relationship not only with Parliament as an abstraction but with parliamentarians and with parliamentary committees.

I really appreciate the relationship I have with the Standing Committee on Official Languages, both in the House and in the Senate, and in addition to formal appearances before committees, I try to maintain less formal contacts with members on those committees from each of the parties. There have been instances when, for example, one of the parties was putting forward a private member's bill where our legal branch was available for consultation, not only for that party but for other parties as well. We make it clear to MPs from all parties that we're available, not just to Parliament in the abstract and the committee in specific, but to parliamentarians from all parties.

If a party comes or if a member comes and says, "I'm working on a private member's bill; what do you think?", we will make it clear that we will provide advice, but we will provide the same advice to the other parties as well, because the other parties may say, "Here's

this private member's bill, and we're trying to decide whether we're going to support it or not."

So we don't give partisan advice as to whether a party should support a bill, but we will give our interpretation of what a bill means.

The Chair: Time is up.

Mrs. Irene Mathysen: But I was just getting started.

The Chair: You'll get another round.

Would you like to finish your answer? I thought you were finished.

Mr. Graham Fraser: I don't want this to be formulated in terms of advice, but in my experience, one of the reasons I think the parliamentary panel is so important is that it enables me as commissioner and my colleagues to develop a reporting relationship—on financial matters as well as the subject matter that is our responsibility to cover—to Parliament rather than reporting to the government.

The Chair: Thank you.

We go to the next round for five minutes. Mr. Pearson.

Mr. Glen Pearson (London North Centre, Lib.): Thank you, Madam Chair, and Mr. Fraser and staff.

I always enjoy it when Madame Boucher asks a question, because she continues to say that it has to get past successive governments so we don't do something that just fits one, and she's right. That's what we need to be working towards.

However, I'm a fairly new parliamentarian here, and I'm trying to deal with the reality of what you have just said in your opening presentation. You talked about a particular instance that happened. You made a recommendation. The government did not take that particular interpretation, so you had to go another route and do it.

So am I correct in assuming, then, that if we as a committee took as our direction creating gender budget legislation about a commissioner, it could still happen that the government would ignore that, if that commissioner made a recommendation?

• (0945)

Mr. Graham Fraser: Absolutely.

There are two kinds of roles we can play. We can point out that the law is not being respected, and if the law is not being respected—if an institution digs its heels in and says, "We're not respecting the law because that's not our interpretation and we don't have to"—then we will end up before the courts, or sometimes the complainant will take the action and we will intervene with the complainant.

For example, Air Canada did not share our interpretation of what its obligations were under the act. So that ended up going to the court of appeal, and the court said that actually Air Canada has an obligation of results. It can't just show what it's trying to do; it actually has to perform.

Mr. Glen Pearson: I guess what I'm looking for, Mr. Fraser, is that if we create something that could go for successive governments, it doesn't mean that the government would have to respect it, and the only recourse for that, then, is to go to the courts.

Mr. Graham Fraser: No. When a recommendation is not respected, under the Official Languages Act there are a number of things we can do. We can make a special report to Parliament, we can make a special report to the Governor in Council, and we can go to court.

Mr. Glen Pearson: So these are the things that we would want to ask if we had a gender commissioner.

Mr. Graham Fraser: That's right. And when we feel that a federal institution has not respected its obligations under the act, we have that strategic decision to make. In some cases, what we can also do is simply draw it to the government's attention in our annual report, saying that this department is not living up to its obligations.

There are a number of other specific ways in which we can follow a file. With National Defence, for example, there have been real concerns about the availability of training in both languages, so we are doing a study on training. We are consulting quite closely with the military so they know what we're doing.

When an institution fails to live up to its obligations under the act, it's not necessarily because they're digging in their heels and saying they refuse; they will quite often say that they recognize they have a real problem in an area. So it becomes a question of trying to establish a constructive relationship and seeing how they can work on this difficulty.

Mr. Glen Pearson: Thank you.

In your report you also mentioned that you feel a certain amount of constraint as an officer of Parliament in the fact that you have to come to the same government for budget approval and that makes it more difficult for you. So some of you have banded together, looking for change in that.

Can I ask you what that remedy would be if we did have a gender commissioner?

Mr. Graham Fraser: What we the agents of Parliament are working on is to try to see how this pilot project of a parliamentary panel can move from being a temporary measure to becoming a permanent parliamentary mechanism to deal with funding requests from agents of Parliament.

We've had a report done by William Corbett, the former Clerk of the House, who has done an assessment of our views of the successes and limitations of the approach so far. Sheila Fraser, who is taking the lead on this, has written Minister Toews, hoping this can move forward. In March, Minister Toews wrote to us, saying that this is under consideration.

But we're also discussing looking specifically at Treasury Board, Public Service Commission, and Canada Public Service Agency policies that have a potential impact on our independence. The Auditor General's office came up with a list of some 200 policies that potentially might. We've narrowed those down to 26 to 27. So we are continuing the discussion with Treasury Board about those policies that we feel are potentially a threat to our independence.

• (0950)

Mr. Glen Pearson: We would want the commissioner to have that. Thank you.

The Chair: Thank you.

Ms. Davidson, for five minutes.

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Thank you, Madam Chair.

Thank you very much, Mr. Fraser and other members, for being here with us this morning. It's certainly interesting to hear how your particular area works and, in some cases, maybe doesn't work quite so well.

I think every member sitting around this table realizes that we need the accountability and we need the independence. What we've been discussing with this issue of gender budgeting is somebody having the oversight, because this committee doesn't have the expertise, of course, to do that.

I have a couple of questions for you about the structure as it occurs in your department. I'm not so sure they would be identical, but I think they would be somewhat similar.

You said there was a budget today of about \$19 million.

Mr. Graham Fraser: That's correct.

Mrs. Patricia Davidson: I have two or three questions I'll ask, and then maybe you could answer them.

I'm wondering how, for sure, you determine that budget. How many employees do you have today, and how many did you have when this started? How did it grow as your department unfolded, and so on?

Who controls that? Who has the responsibility for that? We need the independence, so I'm not quite clear how you can have the independence and still have somebody have some control over it. I'm having a hard time balancing that.

Mr. Graham Fraser: It's a challenge. I sometimes have a hard time balancing that myself.

In terms of the evolution of how it started, next year will be the 40th anniversary of the act, and I've found myself asking precisely that question of how we got from there to here. So one of the things I've asked that we do is to do a study internally of precisely that. We're now going through a renewal stage, because a number of people, some senior people, are retiring this year. There will be new people arriving—and I've been in this job for only a year and a half—and I thought it would be very useful for me and for them to know precisely what the stages of evolution were through the five previous commissioners.

My sense from talking to Keith Spicer was that he started with half a dozen people, and Keith will be quite cheerful in saying—and he recounts it in his memoirs—how there were elements of it that he made up as he went along. It became more formal as years went by. There was the creation of regional offices, for example, which both do the promotion work and also receive complaints. We have five regional offices plus smaller one-person offices. There's an office in Sudbury that reports through Toronto. There's an office in Regina that reports through Winnipeg. There's an office in Vancouver that reports through Edmonton.

In terms of our reporting to Parliament, we meet the same budgetary cycle as everybody else does. We do a report on plans and priorities, as everybody else does. When Treasury Board comes down with various requirements, we meet those requirements. When the government decided that there should be an internal audit process for every department, we were the first of the agents of Parliament to set in place an internal audit procedure. We are audited by the Auditor General. We've had five successive clean bills of health. We have fairly intense budgetary discussions in terms of how we're going to allocate the money that comes forward. When it was clear that there were obligations from the government that it was going to cost more, we were able to go to the parliamentary panel and lay out the case, saying this is the money that we need to meet these new obligations.

My own view is that independence carries responsibilities, that the more independent we are from the financial institutions of government that we are also monitoring, the greater our responsibility is to be transparent and responsible in our handling of taxpayers' dollars. We try to be as rigorous as we can in ensuring that we're transparent. My travel and hospitality expenses are posted on the Internet. Our budgeting procedures are made very clear in the reports on plans and priorities, and as I say, we've had five consecutive clean bills of health from the Auditor General.

• (0955)

The Chair: Thank you.

Ms. Davidson, your time is up.

I don't think I heard the answer to what Ms. Davidson asked. What she was asking was, if you are getting a budget from the government and you want to be independent, where is the other source of revenue? For example, Canada Post will be self-sufficient, and the Mint will be self-sufficient.

Mr. Graham Fraser: There is no other source of revenue.

The Chair: Okay.

Mr. Graham Fraser: I'm sorry. I misunderstood your question, then. There is no other source of revenue.

Mrs. Patricia Davidson: That's fine.

Thank you.

The Chair: So you won't be independent from government that way?

Mr. Graham Fraser: In that sense, we won't, no.

The Chair: Okay.

Madame Deschamps, vous avez cinq minutes, s'il vous plaît.

[Translation]

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Thank you, Madam Chair.

I too would like to welcome you here. Thank you for adding to our knowledge of the issue under study by the Status of Women Committee.

You spoke about a parliamentary panel, Mr. Fraser, which was established to review your budget submissions and the way in which you perform your mandate. Is it not dangerous to be supervised by a

panel composed of parliamentarians? Could this panel, at the request of various governments, change your mandate or limit the authority you already have?

Mr. Graham Fraser: Theoretically, yes.

Ms. Johanne Deschamps: The idea behind the creation of this panel was to give you more independence or freedom regarding your budget submissions.

Mr. Graham Fraser: Some people are of the view that officers of Parliament are better protected by the executive than by parliamentarians. The parliamentary panel is chaired by the Speaker of the House of Commons. The members are parliamentarians who have respect for the duties of officers of Parliament.

• (1000)

Ms. Johanne Deschamps: Who is on this panel?

Mr. Graham Fraser: It is made up of representatives—

Ms. Johanne Deschamps: Of each party?

Mr. Graham Fraser: Yes. The last time I appeared before the panel, the members were Ms. Lavallée, from the Bloc Québécois, Paul Dewar, from the NDP, Derek Lee and Mr. Szabo from the Liberal Party and Ms. Ablonczy from the Conservative Party. There were other members as well, but I cannot think of their names right now.

Ms. Johanne Deschamps: Does the panel meet regularly once a year, or is it at your request?

Mr. Graham Fraser: So far, the panel has met when we request additional funding. Initially, we thought we would appear before the panel to introduce ourselves, but, in the end, we had to set up the access to information and internal audit service, so when we appeared before the panel, it was to request funding for these new responsibilities.

Ms. Johanne Deschamps: So far, have your appearances before the panel had to do with budget matters, or were there sometimes issues involving your mandate? Have you ever had your request for funding denied?

Mr. Graham Fraser: I only appeared before the panel once, and our request was approved. So far, we have only appeared with regard to budget submissions for specific activities. For example, there is some pressure on our infrastructure, and we have to renew our internal technology. We are looking at funding requirements. We can also talk about administrative issues. That has nothing to do with our mandate, because the panel deals with financial and administrative matters involving all officers of Parliament. So, as far as my mandate goes, I'm more accountable to the Standing Committee on Official Languages of the House and the Senate.

[English]

The Chair: Mr. Fraser, I think Ms. Davidson's question was still not answered. She asked about your structure, really: what you have in terms of the \$90 million you have and the number of people you have in your offices.

Mr. Graham Fraser: In total resources for the activities, we have 177 full-time employees, or FTEs—that's the phrase; I'm still new at this game. Basically, for compliance assurance, it's \$9.133 million; for policy and communications, \$10.773 million; and then the balance is for corporate services, legal services, and the commissioner's office.

The Chair: You have a head office, and how many regional offices do you have? Is it five?

Mr. Graham Fraser: We have five regional offices, plus there are satellite offices that report through those regional offices. The regional offices are in Moncton, Montreal, Winnipeg, Edmonton, and Toronto. Vancouver is a one-person operation that reports through Edmonton, Regina reports to Winnipeg, and Sudbury reports to Toronto. In the regional offices there are three or four people.

The Chair: Thank you.

Ms. Mathysen, you have five minutes.

Mrs. Irene Mathysen: Thank you, Madam Chair.

I want to continue our discussion. You talked about private members' bills and the advice regarding the impact or perhaps even the wisdom of private members' bills.

Does the party or the MP have to approach you to ask, or if you saw something coming down the pipe, could you intervene and say, "Perhaps you should give this some more thought", or "These are the implications"? What kind of influence do you have?

• (1005)

Mr. Graham Fraser: We have a monitoring function, not just for private members' bills but for legislation generally. If we see legislation coming that we think is going to have an impact on official languages, on minority language communities, it's specifically part of the mandate—it's our job—to stick our hand up and say, "Here's something you haven't taken into account."

I've appeared before committees to talk about the acts concerning Air Canada and about the changes to the Criminal Code in terms of the operation of bilingual trials. There are others, where we haven't been formally called upon but where our parliamentary relations people will say, "Here is a piece of legislation that's been tabled; we think we should take a closer look at this." We're certainly free to intervene and to say, "We have some concerns; here's something you haven't taken into consideration."

Sometimes what we've done is commission studies by academics. For example, when the government announced that it was transferring responsibility for coordination of official languages inside government from the Privy Council Office to Canadian Heritage, my first reaction was to raise a concern about it in last year's annual report. Then we commissioned Donald Savoie to take a look at the implications of horizontality in making that kind of move. That report is informing one of the chapters in our annual report.

Mrs. Irene Mathysen: Is your advice usually heeded?

Mr. Graham Fraser: As I say, it really depends. Certainly if the government is determined to take action in a certain direction.... Let's put it this way. I have not had any indication that the government is reconsidering the decision to transfer coordination of official

languages from Canadian Heritage back to the Privy Council Office. We've raised concerns about it. We've done a study on some of the problems. The study itself is not black and white; it looks at some of the challenges and complexities of horizontal management in quite a subtle way.

But it really varies. There are some areas in which we draw things to the government's attention and notice that there are subsequent changes, and other areas where the government has said, "That's the policy we've decided to take."

Mrs. Irene Mathysen: I don't know whether I'm encouraged or discouraged. In this committee we've seen a couple of recent private members' bills that concern us considerably with regard to their impact on women and women's ability to choose when it comes to their own bodies and their own fertility.

I'm also interested in your role in terms of education and promotion. The education part is of particular interest. Could you expand on that?

Mr. Graham Fraser: Sure.

When I was appointed by Parliament a year and a half ago, although I had spent a significant part of my career covering official languages in terms of policy in Quebec and in the federal government, I felt I was not equally familiar with the situation in official language communities. I also felt very strongly that it was important for Canadian universities to be aware of its importance, so I set out to go to as many provinces and as many territories as possible in the first year.

I gave some 75 speeches. I went to nine provinces and two territories. I spoke to editorial boards. I spoke to universities. I spoke at conferences of teachers. I spoke to immersion teachers. I spoke to French-language teachers. I visited schools. As a former journalist I also have a fairly quick reflex, in that if I see something in a newspaper that reflects a misunderstanding of linguistic duality, I tend to respond fairly quickly, so I've had a fair number of articles published in response to pieces that have appeared in the press. Earlier this week I was in London, Ontario, at a session organized by French for the Future, and spoke to some 200 high school students who are in immersion. I get a fair number of invitations to speak to organizations and to universities.

In addition to my role in doing that, this is also one of the roles played by the representatives in the regions, who similarly establish relations with provincial governments, with minority institutions, and with local universities and high schools. They are my representatives in the regions and they carry on that work.

• (1010)

The Chair: Thank you very much.

Ms. Davidson is next. You have five minutes.

Mrs. Patricia Davidson: Thank you.

I think we've established that you have 177 FTEs now, so I would like to know how that has evolved. I know you've only been here a year and a half and you're not going to be able to give me a 40-year history, but could you or maybe one of the other people tell us what the difference has been over the last 10 years, let's say?

As well, in keeping independence, how do we ensure that we're not setting up another huge bureaucracy? I think that's what everybody fears is going to happen at some point in time, and although we need the accountability, the independence, and the oversight, we still need to set it up properly so that it doesn't become a life unto itself, with no controls. It's a very delicate balance in there somewhere, and I haven't quite figured out yet how you do that.

The other thing was these 177 FTEs. Whose employees are they?

Mr. Graham Fraser: I'll answer that question first. They are employees of the Office of the Commissioner of Official Languages, but we are not a distinct employer to the extent that they are public servants.

Mrs. Patricia Davidson: Do you set their wage within that department?

Mr. Graham Fraser: No. Each position is established with a classification that is established by the Public Service Commission and by the Treasury Board Secretariat. We function according to those guidelines.

For example, on the executive committee we have three EX-03 positions, an EX-02 position, an LA-02 position, and those are all fixed at that level on the basis of generally accepted public service guidelines. I can't suddenly say I would actually like my head of policy and communications to be an EX-05 and get that much more money.

In terms of what the evolution has been, I know there was a significant increase, for a specific reason, to increase our research capacity and to respond to the cutbacks after the 1995 referendum. In 2001 our budget was \$11 million. We had 124 FTEs, and then after the case was made that we were simply not able to carry out the functions required to meet the obligations in our mandate, additional funding was granted, but it was focused specifically on giving us the research capacity.

• (1015)

Mrs. Patricia Davidson: Is that controlled, then, through this parliamentary panel?

Mr. Graham Fraser: At this point, not entirely. At this point, the parliamentary panel works hand in hand with Treasury Board. The Treasury Board is their resource.

Mrs. Patricia Davidson: Okay. So it's a combination at this point?

Mr. Graham Fraser: At this point, right now, we deal with Treasury Board, even though it's one of the institutions that we are supposed to monitor. It's that conflict of interest that we are trying to sort out ourselves through the parliamentary panel.

Mrs. Patricia Davidson: Do you do any gender budgeting or gender analysis when you do your budget?

Mr. Graham Fraser: Dominique, do you have the answer?

Mrs. Dominique Lemieux (Director General, Compliance Assurance Branch, Office of the Commissioner of Official Languages): Let me find that out.

On the executive table, I think about 50% of our EX positions are held by women. I have more specific numbers somewhere here.

[*Translation*]

The representation of women in management groups is 54% in the Office of the Commissioner, while in the public service generally, the figure is 38%.

[*English*]

We have a 54% representation of women in our organization versus 38% in the public service.

More details in the administrative and services like AS, PM, PE, FI, and IS: we have 67% women. Within the public service that figure is 49%. And in administrative support 80% are women. In other words, there are a lot of women at OCOL.

The Chair: I think when we are talking about gender-based analysis, it would be in your distribution of your money. When we do gender-based analysis, it's how you distribute, but you are an equality employer so you give equal chances, and that's what it is.

We'll go to Ms. Minna.

We'll be shutting off at 10:30, so I guess I'll be able to finish the two rounds.

Hon. Maria Minna: Thank you, Madam Chair. I have a few questions and a couple of comments.

I like the fact that you have an advocacy role, and I understand it would be difficult and it would be different in the case of the gender budgeting or gender analysis. The fact that there would be a profile and persona and a public awareness of an issue that affects all women in this country has, I think, a huge impact in and of itself, apart from what might happen. I think that, for me, would be a major step forward in this country in terms of shedding light on what's going on. So I like that.

Maybe you might comment on that a bit more broadly in terms of the impact you think that role might have had in your work.

I know you have an ombudsman, and I'm wondering if you could tell us how your complaints process works in that context and how one actually does it.

You perform an audit role in the area of official languages. Could you explain to us a bit how that differs from the Auditor General's role and from the audits the Auditor General might do?

It's just those three questions.

Mr. Graham Fraser: In terms of how we handle complaints, we receive complaints by letter, by e-mail, by phone. They are received through the compliance assurance branch. There is a process of assessment of whether or not a complaint is receivable under the act, and to be receivable a complaint has to relate to a specific incident, it has to be concerning a federal institution, and it has to relate to a specific part of the act. So for example, if somebody says the post office hates French Canadians, that is not a receivable complaint. If, on the other hand, they say they went to this post office, which is in an area where it is supposed to be able to deliver services in both languages, and they were unable to receive those services. It was on July 14 at two o'clock in the afternoon and they were not able to get service in the language of their choice. That's a receivable complaint. It has to be an institution, it has to be a specific event, and it has to be a part of the act.

That filtering happens, and sometimes people will complain about something that is not a receivable complaint, but it's a reasonable concern, and I'll just write a letter to the institution saying I recognize that they don't fall under the act, but they might want to take into consideration that they have.... Sometimes we will get complaints about provincial institutions, for example, that I don't have any formal responsibility for, and sometimes it is a provincial institution that has tried to do something in both languages on a website, but you go beyond the first step and you get nothing else.

We also will deal spontaneously with things that have been raised in the media—Vimy, for example, where information was done in very poor French and it was reported in the media, and we responded quite quickly and intervened and that got changed.

In terms of the different roles of my audits and the Auditor General's audits, obviously we are asking different questions. When the Auditor General's people came to our institution, they devoted 800 hours to looking at our institution's books. That involved many more hours on the part of our staff. Our audits are not as intrusive as that, but maybe, Dominique, you might want to talk a bit more about precisely how the audits function.

• (1020)

[Translation]

Mrs. Dominique Lemieux: Audits are done in very specific cases having to do with certain parts of the act. For example, we recently undertook an audit with National Defence regarding the language in which members of the forces receive their training. The issue is the Canadian Forces' capacity to provide training in the language spoken by a tank mechanic, for example. These are very targeted situations having to do with various parts of the act. As regards service to the public, we check into the active offer of service. We check the telephone weather service provided by Environment Canada.

When other tools, such as the report cards, indicate that an institution has a particular weakness, we can do an audit to check into the very specific example of non-compliance with the act.

[English]

Mr. Graham Fraser: In terms of report cards, we tick 38 institutions and we do a certain number of.... We have a kind of grid whereby we send out our people and look at whether they got active offer, were they able to be served in the language of their choice, to what extent were our investigators able to assess the degree to which

the institution is able to offer services in both languages, and we report the performance of those 38 institutions in our annual report.

[Translation]

The Chair: You have five minutes, Ms. Demers.

Ms. Nicole Demers: Thank you, Madam Chair. I am very surprised.

[English]

The Chair: I thought she didn't want to....

[Translation]

Ms. Nicole Demers: That is fine, Madam Chair. Thank you very much.

[English]

The Chair: If you don't have a question, I'll take it back

[Translation]

Ms. Nicole Demers: No, Madam Chair, I will come up with some questions. Thank you. It is quite rare for us to get a chance to question witnesses a second time.

Good morning, Commissioner, Ms. Lemieux and Ms. Scott. I know you have not been in your position very long, but you do have a great deal of experience in other areas. Do you think that the model of an independent commissioner—which is what you are at the moment—will allow the incumbent to meet the needs of the various departments to determine how well they are interpreting gender-based analysis of budgets and/or government programs? Do you think this model could easily be applied? Do you think that the departments might be reluctant and say that they want no such position because they want to decide how to assess policies, programs, and so on? Your job is somewhat different: you evaluate the programs that have already been implemented, whereas we are asking for an evaluation of programs and policies before they are implemented. It is a little different. I am wondering whether there is some potential for conflict with the various departments.

• (1025)

Mr. Graham Fraser: I hesitate in drawing a comparison. I am aware that an individual for whom I have the greatest respect, Georgina Steinsky-Schwartz, appeared before your committee and stated clearly in her report that this would be a direction worth exploring, if not taking.

On the other hand, I am aware that there are other analyses that conclude that there already are too many people monitoring the government's actions. Therefore it is not up to me to decide. All I can do is speak about my experience as official languages commissioner. I hope that I am contributing to a better understanding of the importance of linguistic duality in Canada. I have certain goals, such as reminding Canadians of the importance of linguistic duality and telling Canadians, from both majorities, to encourage linguistic minorities. I don't simply want to be responsible for making people toe the line. I also want to be responsible for encouraging those who, within government, are doing their best to ensure that the government is truly serving Canadians in both languages.

I am much more comfortable speaking about my work than giving the kind of advice you're asking for. I apologize.

Ms. Nicole Demers: Fine. I have another question.

We're trying to achieve equality between women and men. Overall, 54% of your office's staff is made up of women. I would like to start by congratulating you. Has it been proven that these women benefit from pay equity? Do they receive the same treatment as the men who work in your office? I would like to know this. Does this automatically happen in commissioners' offices, such as Ms. Fraser's, for example? Does pay equity exist within independent commissioners' offices?

Mr. Graham Fraser: Of course, but I will let my colleague speak to this because I cannot... Someone in an EX-2 position is paid an EX-2 salary, someone is in an IS-3 position receives an IS-3 salary. No distinction is made between men and women. However, I will allow my colleagues to speak to this.

Mrs. Dominique Lemieux: I would just like to add that our employer is Treasury Board. Therefore, the Government of Canada's rules apply.

The Chair: Thank you, Ms. Demers.

[English]

Go ahead, Ms. Mathysen, if you have a very quick question.

Mrs. Irene Mathysen: It's partly a question and partly a comment.

We've heard a lot of discussion about how much your office costs and how many full-time employees there are. You mentioned a time in 1995 when the Office of the Commissioner pushed back because of budget cuts and that sort of undermining or possibly undermining of the position. So ultimately it would seem to me that we have to have a balance, and certainly we can't have runaway institutions, but on the other hand, we also have to make absolutely sure we have this oversight, this vigilance in terms of ensuring the effectiveness of our democracy.

Would it be safe to say that Parliament must always be vigilant to make sure you have that independence that you need, that we have this oversight, and that while we may talk about the cost of doing things, there's a cost of not doing them?

• (1030)

Mr. Graham Fraser: Absolutely. I couldn't agree more. What I would also underline is something I said earlier: the greater the independence, the greater the responsibility. And it's a responsibility to be transparent, it's a responsibility to be rigorous in the handling of the money that we have been accorded to meet our responsibilities, and it's a responsibility to ensure that we meet all the standards of responsible financial management.

The Chair: Thank you.

I'd like to thank you for being here and giving us an insight into how the office of official languages operates.

You were established by legislation, so this committee has sent in a report asking the government to legislate gender budgeting and to appoint a commissioner. But we are trying to come to grips with how it will function. It's not a one-size-fits-all solution, so we will have to grapple with what we want, how we want it, whether we want regional offices. That's going to be a moot point—whether it has to be situated in B.C. or elsewhere.

We'd like to thank you for being here and giving us your insight into how you operate. You mentioned that you had a report prepared by the previous Clerk of the House, William Corbett.

Mr. Graham Fraser: Yes, he has done a report for the agents of Parliament, assessing the first stage of how the parliamentary panel has functioned. He interviewed all of us and interviewed people in Treasury Board and interviewed people in the parliamentary panel to do an interim assessment of how successful this process has been.

The Chair: Could we have a copy of that report?

I guess Madam Fraser had identified 200 pieces of legislation that might need to be changed, but you've brought it down to 25. Is it possible for us to have a look at it to see how perhaps we might move forward?

Mr. Graham Fraser: I will speak to Sheila Fraser to see if that can be made available. They're basically her documents rather than mine, but I will be speaking to her later today.

The Chair: What about your 25?

Mr. Graham Fraser: Those are similarly her documents rather than mine, so I will speak to her.

The Chair: Fair enough.

Thank you very much, and I thank you and your staff for coming here.

Mr. Graham Fraser: Thank you very much.

The Chair: The meeting is suspended for a minute.

- _____ (Pause) _____
-
- (1035)

The Chair: Committee members, welcome back.

We have a motion before us is by Madam Deschamps.

Madam Deschamps, could you read that motion for the record, please?

[Translation]

Ms. Johanne Deschamps: Yes, Madam Chair. It reads as follows:

That as part of its gender analysis study, the Standing Committee on the Status of Women ask that the committee members be invited to be part of the Government of Canada's delegation to Peru, in May 2008, to attend two major international meetings, the 13th Women Leaders Network Meeting and APEC's Gender Focal Point Network meeting.

I'm not sure if I can move an amendment at this point in time. Something is missing. I would like to add: "and that the chair take the appropriate steps to this effect."

[English]

The Chair: Yes, you can go first.

Ms. Davidson had something to say.

Mr. Bruce Stanton (Simcoe North, CPC): On a point of order, Madam Chair, I don't believe the mover can make the amendment to her own motion.

An hon. member: Do you want to bring it in, Bruce?

The Chair: She hadn't moved the original motion, so this is the original motion she's moving. Yes, she's allowed to, according to the clerk. It's a clarification that she's doing to the original.

Ms. Davidson and then Ms. Mathysen.

Mrs. Patricia Davidson: Thank you. I just had a couple of comments first, and then a couple of questions for the mover, please.

After you presented this motion verbally to us at the last meeting, I did some checking. This conference is not a ministerial event and the Government of Canada is not sending a delegation. This motion refers to their being part of the government's delegation, but there is no delegation. Claire Beckton is the only senior official who is going to represent the government. Because of the nature of the conference, there are probably going to be some independent entrepreneurial women there—because that's what the conference is about—but they're not attending as part of a delegation.

I personally feel very strongly that if it's an issue, and if it's a conference that there will be parliamentarians at, we need to be present. But this is not one of those. I'm told that any of the countries that would be sending any political representation would be very small countries, that comparable countries such as the U.K., the U.S., and Australia will not have political participation there. I firmly believe that we need to have political representation when in fact that is the type of conference that is being held.

I just wanted to make that comment to the mover, and then I have a couple of questions.

If this motion passes, and I expect it likely will—it looked as though there could have been concurrence on the other side—would this be an official committee trip? Maybe that's what you're referring to by the addition you put on your motion today. Would all members of the committee be attending, or just representatives? What's the rationale behind it? Why are we doing this?

As I pointed out before, did you realize when you put this forward that it wasn't a ministerial or parliamentarian conference?

I would appreciate it if the mover could clarify that for me.

•(1040)

The Chair: I just want to clarify.

If you go their website and download the APEC stuff, under the category of who should attend, it says government representatives. It is there, but I will ask Madame Deschamps to respond to the questions and then I'll continue with the speaking list, if you don't mind.

Thank you.

[*Translation*]

Ms. Johanne Deschamps: Madam Chair, I tabled this motion—and I refer to APEC because in 2005, I participated in the conference that took place in Chile, if memory serves me well—because, in my opinion, when these types of international meetings take place, and when they deal with issues that can enhance our role as parliamentarians, for example, issues dealing with gender analysis, there are no binding commitments. If you read my motion carefully, you will note that it expresses a wish. If I go by previous years—I do not have a considerable amount of experience here, as I was only

elected in 2004—I believe it was the government's custom to invite or inform parliamentarians or opposition critics of the issues in question, and to ask them to participate, to be part of a delegation or a group of parliamentarians, and attend these international meetings. I think that this is a matter of ethics and of respect for the role of members of Parliament.

[*English*]

The Chair: *Merci.*

Ms. Mathysen, followed by Ms. Neville.

Mrs. Irene Mathysen: Thank you, Madam Chair.

I want to thank Madame Deschamps, because I think she's raised something very important here. It has come to my attention that either in late October or early November Canada is going to be reviewed in Geneva by the United Nations committee for compliance under CEDAW. That's a very important meeting for us, so I've given it some thought and I wonder if I could make a friendly amendment to Madame Deschamps' motion.

I've actually written it out. I'll repeat it here: that as part of its gender analysis study and all issues that pertain to the work of the committee on the status of women, the Standing Committee on the Status of Women wishes to be included in all the meetings that the Government of Canada is invited to attend.

I didn't list the meetings because I'm not aware, perhaps, of all of them and I wouldn't want to delete something that should be there; hence the inclusion of “all”.

I'd also like to say that it's interesting with regard to the Peruvian invitation. It says, “Who should attend?” and the response is “government representatives”. So I think that's quite clear in terms of governments being invited.

At any rate, I'll pass my amendment around.

The Chair: The clerk is going to come and take it.

Ms. Neville.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Thank you very much, Madam Chair.

I was actually going to speak to the same issue as Ms. Mathysen did.

And I want to assure Ms. Davidson that if there's been any concurrence or collusion on this side of the table, I have not been part of it.

•(1045)

Mrs. Patricia Davidson: I didn't mean that; I just...you know.

Hon. Anita Neville: I have not been part of it in any way.

I think, Madam Chair, how this has come about is that the meetings in February at the UN, for the first time in my history here, did not have political representation at them. Last year I was part of a delegation. There was one member from each party. The delegation was headed by Senator Nancy Ruth, from the Conservative Party. But there was representation, and Madame Demers was part of it as well. For us not to have political representation this year, to my mind, is unprecedented. We have a very capable coordinator—I'm not sure of Ms. Beckton's title. She is very capable, and I don't want to take anything away from her, but she is a bureaucrat. She's not part of the political direction of this country.

So I think it's very important that there be political representation. I don't know whether 12 people should go or whether it should be representation of the various groups, but my point is that there has to be representation.

As it relates to the meeting in October or November, I was going to put forward a motion—and I haven't got it drafted today—specific to that particular meeting. Canada is being reviewed in Geneva, and I have here the Convention on the Elimination of All Forms of Discrimination against Women. Regarding what it is being reviewed on, it has submitted much of its documentation already. But many of the issues that will be dealt with there are issues we have looked at in this committee, whether it's trafficking, aboriginal women, violence against women, or poverty. So in my mind, that is of particular importance.

I don't know what the committee wants. If you want, I can put forward a notice of motion. I won't be here next week, but I want to single that one out as being an important one, for there to be representation.

The Chair: Thank you.

Madame Boucher.

[*Translation*]

Mrs. Sylvie Boucher: When we received this motion, of course we did some research and we were told that no members of Parliament from the major countries were going. Therefore, if we go, we won't have access to certain activities because members of Parliament aren't going. No parliamentarians have been invited, only NGOs. Government officials will be going.

[*English*]

The Chair: Madame Boucher, can you provide us with a list of who is going? How do you know there are no parliamentarians going? The website, when it says, "Who should attend?", says "government representatives". So if you have a list of the delegates who are non-parliamentarians, I believe the committee would like to know so we can bring an end to the motion.

We're dealing with the amendment to the motion, and I would like to read it and take a vote on it, if there are no further discussions. Here is the amended motion:

That as part of its gender analysis study and all issues that pertain to the work of the Standing Committee on the Status of Women, the Standing Committee on the Status of Women wishes to be included in all the meetings that the Government of Canada is invited to attend, and that the chair take the appropriate steps to this effect.

Mr. Stanton.

Mr. Bruce Stanton: I'm having difficulty with the way the motion is worded. It's inclusive of the committee and speaks of the committee as a whole. Does that put it into the category of committee travel? It's a technical point. The committee's agenda, where we seek funding to go on committee travel, is one thing. It's another thing, though, to suggest that there should be a delegation invited by the government of the day to attend when these issues are in play at an international conference.

The way I hear the wording, it's more the former. I don't know that this was intended by either the mover or Ms. Mathysen, who formulated the amendment.

• (1050)

The Chair: Can I ask Ms. Mathysen to respond first? Then I will get Madame Demers to speak.

Mrs. Irene Mathysen: Essentially, I think probably representatives, but I don't want to speak for Madame Deschamps. I would feel more comfortable if we went back to Madame Deschamps or Madame Demers for those specifics.

The Chair: I'm reading the amendment you submitted, and that is why I'm coming to you. Otherwise, I will go to Madame Deschamps, who had an original motion that we be invited to Peru.

Do you wish to address what Mr. Stanton is saying?

[*Translation*]

Ms. Johanne Deschamps: Yes. We can probably simplify this because we're starting to complicate matters and to get bogged down in technical terms. The purpose of the motion was to put some pressure on the government. The reason I'm tabling it is because we are currently involved in a study on gender analysis and I think that we should make the government aware of the fact that when it goes to important meetings or conferences it should invite the committee members. If the reference to committee members is too restrictive, we could suggest that it invite the critics of each party, those who are responsible for this issue.

[*English*]

The Chair: Madame Demers, do you want to add anything?

[*Translation*]

Ms. Nicole Demers: Madam Chair, I just wanted to say that the usual representation would apply. We are aware that if the committee cannot decide on its own to attend, then the government cannot invite everyone. When we ask the government to invite us, then the usual rules apply, the usual representation. As a rule, this means one person or member per party.

[*English*]

The Chair: Ms. Neville.

Hon. Anita Neville: Madam Chair, this presumes that the government has made a decision to send political representation. As we saw with the UN meeting in February, the government did not choose to send political representation. I'm assuming we are hearing from our colleagues that there should be political representation, that there should be a representative of the government and that there should be representation from the other parties involved. So it's not just bureaucrats who go.

The Chair: Ms. Minna.

Hon. Maria Minna: I was going to make a similar suggestion, but I'll wait.

The Chair: Go ahead, speak. I can multi-task.

Hon. Maria Minna: I was going to say the same two things.

One, when Madame Deschamps' text says "committee members", it's vague enough that it doesn't necessarily mean or say "committee"; it says "committee members". It could be any one or two or three members—it doesn't say how many. I think that is broad enough.

Also, I was going to raise the same issue as Madam Neville just raised. Maybe we could change this by saying "international events that Canada is invited to attend" and leave it at that, as opposed to saying that committee members would be asked to be part of events that "Canada is invited to attend".

The Chair: I think the answer to the question you asked, which was a budget question, is that if APEC asks the government to come—and it's the Standing Committee on the Status of Women with the majority of members who are supposed to be part of that government representation—then yes, the budget would go from the committee to the Liaison Committee and we would seek approval from it. If, for example, it came through the CPA or IPU, then they would pay for the budget.

So your question in terms of the budget is now answered.

• (1055)

Hon. Maria Minna: But the government or the department pays for it.

Hon. Anita Neville: The department pays for it as well.

The Chair: Yes, but what I'm saying is that when it comes to us, the Department of Canadian Heritage would give us the budget to do it; nobody else would. It would come under the Liaison Committee's heading, Canadian Heritage and Standing Committee on the Status of Women. It wouldn't be the IPU or CPA, or any of the parliamentary associations.

Now that we have clarified this and we are on the motion as amended by Ms. Mathysen, I will re-read it so that we can take the vote in the right way:

That as part of its gender analysis study and all issues that pertain to the work of the Standing Committee on the Status of Women, the Standing Committee on the Status of Women wishes to be included in all the meetings that the Government of Canada is invited to attend.

Hon. Maria Minna: Okay, that's where the problem is.

The Chair: You can make a friendly amendment for clarification.

Hon. Maria Minna: The issue here, I gather, is that we're talking about the standing committee as a whole. The motion is fine with me, but maybe all we need to say is, "the standing committee members" or "the committee members", as Madam Deschamps has said, rather than the "committee". Otherwise it's the standing committee as a whole that is being asked. The other way, it's "standing committee members", and then it's up to each party to decide who goes. It's little bit more nuanced.

The Chair: Ms. Mathysen, is that okay with you? It would be the "members of the Standing Committee of the Status of Women.

Mrs. Irene Mathysen: Yes, that's fine, but there might be a simpler way of clarifying it by saying, "the Standing Committee on the Status of Women wishes its members to be included". That way it doesn't define that it's all members; it's just some members.

(Amendment agreed to)

The Chair: So it would read:

That as part of its gender analysis study and all issues that pertain to the work of the Standing Committee on the Status of Women, the Standing Committee on the Status of Women wishes its members to be included in all the meetings that the Government of Canada is invited to attend, and that the chair take the appropriate steps to this effect.

(Motion as amended agreed to)

The Chair: There's one last thing: the action plan on gender equality.

Mr. Pearson.

Mr. Glen Pearson: Madam Chair, just before we move on with the action plan, it seems to me that we more or less had a consensus agreeing to pursue that, but I don't think there was a motion saying so. I think it would be helpful for the clerk if there were a defined motion that we all agreed to pursue. I've written one up: that the Standing Committee on the Status of Women undertake a study to hear testimony from different women's groups on the proposed action plan for gender equality that was put forward in budget 2008.

The Chair: Okay, that's just a formality, because we've already started it.

Thank you, Mr. Pearson.

Ms. Minna.

Hon. Maria Minna: This is for clarification, Madam Chair. I appreciate that with this one we're formalizing what we discussed before, and I've been thinking about it overnight. I don't understand what we're trying to do here, exactly. We have the report on gender budgeting, which is a huge piece of work that we're still working our way through. It's going to take us quite a bit of time—I would suspect most of the month of May—to get it right and make sure we have some impact. That is going to have the major impact on women's equality, above anything we could do as a committee.

So I'm not quite sure; is this referring to the government's planning...?

The Chair: The government has stated that it will do an action plan, so we are pre-empting it. There is no timeframe given, so we would like to have a study, and therefore—

Hon. Maria Minna: I understand that, but I was wondering whether this would take priority over the report.

The Chair: No, it doesn't. The report, as you've been told, is going to be ready, if you go to your work plan, by the end of May.

It's the 13th and 15th of May.

•(1100)

Hon. Maria Minna: I guess my concern is that there are a lot of witnesses here, and we're really plowing a lot of the same field. We could probably write an action plan without listening to any more witnesses. All we need to do is review the economic security plan, all of the reports we've written, and all of what we've done on.... Essentially our report on gender equity could be turned into a work plan; I'm not quite sure we need all of the hearings again.

What we could do is set up some work sessions and use what we have to draw up a plan.

Maybe I'm being unreasonable, but it seems to me we'd be hearing a lot of the same stuff from these groups.

The Chair: Ms. Minna, the reason it was put in a work plan is that the witnesses who came before us said, "The government has started an action plan. Why don't you study it?" We will be finished with the report and will be going through the report, so we have some spare time within which we can do it.

Hon. Maria Minna: Madam Chair, I'm not arguing with that. I understand that we want to do an action plan. All I'm suggesting is that before we start going to a long hearing listening to organizations, we take a step back and look at what we've already done and use all of the information we have, including the many hearings we've had on gender equality, as the basis for the work plan, because essentially that's what it's about.

I'm just trying to suggest that maybe we could save ourselves a whole lot of time.

The Chair: Madame Demers, and then Mr. Stanton.

[*Translation*]

Ms. Nicole Demers: Madam Chair, I just want to make sure that you're going to give me the floor before we adjourn the meeting. I would like to add some information.

[*English*]

The Chair: The floor is yours.

[*Translation*]

Ms. Nicole Demers: Thank you, Madam Chair.

Some of our colleagues went to Cape Town a few weeks ago with a parliamentary mission. While they were there, they met some of the Afghan parliamentarians who had come to visit us here—you will recall, Madam Chair—to speak to us about the progress of Afghan women.

During that meeting, the women parliamentarians told our colleagues very clearly that they had been forced to make those statements, that they had been coerced into giving that testimony, which was not true and which did not reflect the current situation in Afghanistan with respect to women parliamentarians and women in general in Afghanistan.

I don't know what we can do. I don't think we can serve as a sounding board for people who come here to take advantage of the Status of Women Committee and to provide false information. These women were very angry and they were threatened with dire consequences if they spoke out.

I personally intend on contacting Amnesty International and other organizations to tell them this. This is a very unhealthy situation. We will have to be cautious in the future when we meet with delegations, we will have to make sure that these individuals are free to tell us the truth about what is happening in their country, that they are free to speak.

[*English*]

The Chair: Thank you, Ms. Demers.

Mr. Stanton.

Mr. Bruce Stanton: Thank you, Madam Chair.

On Madame Demers's point, this is rather disturbing, and if you have any information that would shed some light on this situation, I think we should all be concerned about it.

On Madam Minna's point, I'm inclined to agree. I don't think two meetings to finish up the report is sufficient, given the volume of work we've had on gender budgeting. I realize it's a lot of work for the analysts to pull this together, but I wonder if, before we jump into our work on the action plan, we should forge ahead to finish up on gender budgeting. If I might make a suggestion, if the analysts could take a first cut, at least some sample recommendations without having to do all the text, then we could begin to take a look at the key recommendations that came out of that. At least we could begin with that as a first look. I believe two meetings is insufficient to wrap up this file properly. I'd say it would be more like four or six meetings, perhaps, including the recommendations and some of the text.

The Chair: I will tell you what the technical difficulty is at the moment. The analysts had come up with a synopsis of the report and kept the recommendation at the back of the page. They themselves do not want to put in the recommendations, because a slew of recommendations have been made, and I guess it's up to us to say what we would like to put within the context of these witnesses. A translation of the report is taking place as well. The translation takes time.

So within that timeframe we, as a committee, need to move forward with something else. That is the action plan. As the report is in translation and it's 100-odd pages, we won't be ready for it. May 8 is when we would like to start a study on the action plan. If you don't want a study on the action plan and you don't want a meeting, that's fine. It's up to the committee.

•(1105)

Hon. Maria Minna: Madam Chair, getting an action plan is good, because I think that's a bit of a blueprint of how we want to move forward. All I was saying is that before we start hearing a lot of people—and we should hear some people—maybe what we want to do is agree on what we want to ask when they come, so we focus. We could use the materials we have and maybe have a session among ourselves, without necessarily having anyone here, and put down what we think the action plan might look like on the basis of what we now know and then have an idea of who we want to come before us. This is a very long list, and we may never finish it. If we're going to do an action plan, I'd like to finish it, because we have a lot of material already.

The Chair: That's fine. So May 8 is committee business. A lot of the other parties have not submitted the names of who they would have as witnesses. So what we will do is leave May 8 to study how we move forward with all the information we've gathered.

So does that mean Mr. Pearson's motion does not pass?

Hon. Maria Minna: No, that's fine, because I think we should do an action plan. All I'm asking is how we approach it, because we don't want to take two months with hearings on things we already know.

The Chair: So before anybody leaves, I want that motion.

Mr. Pearson has moved that the Standing Committee on the Status of Women undertake a study to hear testimony from different women's groups on the proposed action plan for gender equality that was put forward in budget 2008.

Hon. Maria Minna: Fine. The motion is fine; it's just how we approach it.

The Chair: I would like a vote.

(Motion agreed to)

The Chair: The meeting is adjourned.

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