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## **Standing Committee on Official Languages**

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**EVIDENCE**

**Thursday, October 8, 2009**

**Chair**

**Mr. Steven Blaney**



## Standing Committee on Official Languages

Thursday, October 8, 2009

● (0900)

[Translation]

**The Chair (Mr. Steven Blaney (Lévis—Bellechasse, CPC)):** Good morning and welcome to the 33<sup>rd</sup> meeting of the Standing Committee on Official Languages.

Pursuant to Standing Order 108(2), we will proceed with a study of services in French on board VIA Rail trains. It is our pleasure to welcome the Chairman of the Board, Mr. Donald Wright.

[English]

Welcome to our committee, Mr. Wright.

[Translation]

We also welcome the President and Chief Executive Officer, Mr. Paul Côté. He is accompanied by Ms. Christena Keon Sirsly, who is VIA Rail official languages champion and Chief Strategy Officer.

Without further ado, I invite you to make your opening statement. We will then move on to questions from committee members.

[English]

**Mr. Donald Wright (Chairman of the Board, VIA Rail Canada Inc.):** *Merci.* Thank you, Mr. Chairman and members of the committee, for this opportunity to speak about VIA Rail's record with respect to the official languages.

In light of the incident on train 46 in August, I think it's important to affirm VIA's wholehearted commitment to the principles of the Official Languages Act. The corporation has a clear record in this regard. VIA not only supports the letter of the law, but is an energetic supporter of the fundamental goals of the law, providing quality fully bilingual service to the public, promoting the advancement of French and English as the official languages of the country in all parts of the country.

When concerns were raised about bilingual service following the incident, VIA acted very quickly to investigate the matter and to dispel any confusion about where the corporation stands on bilingual service, both with the travelling public and throughout our own corporation. I am confident that the corporation is taking whatever action is necessary to address the concerns raised about the provision of bilingual service during the incident and to maintain its record of supporting federal official language policies.

My colleague Mr. Côté would like to speak briefly about that record and VIA's support for official languages.

Thank you.

[Translation]

**Mr. Paul Côté (President and Chief Executive Officer, VIA Rail Canada Inc.):** Mr. Chair, and members of the committee, VIA Rail faces unique challenges with respect to bilingual service, because of the unique relationship we have with our customers. Extended, interpersonal relationships are formed between our employees and travellers, with personal contact over the course of a trip that may last hours or even days on our transcontinental trains.

We are proud of ourselves on providing excellent, personal customer service, and we recognize that quality service in both official languages is essential.

I have been personally involved in developing VIA's policies and programs supporting bilingual service for over 20 years. We adopted our first bilingual hiring policies in the early 1980s, setting specific bilingualism requirements for all front-line personnel hired throughout the system. This provided the foundation for providing bilingual services throughout the VIA network in the years thereafter.

A train crewing initiative in 1986 designated the position of assistant service coordinator as a bilingual position; it thereby ceased to be staffed solely on the basis of seniority. In the 1990s, we continued working with VIA's unions to establish additional bilingually designated positions, including service managers, which became enshrined in our collective agreements.

● (0905)

[English]

In 1998, we established a new framework for hiring, training, and staffing bilingual positions with our new era passenger operations initiative. We consolidated the conductor's duties with those of a bilingually designated service manager position, ensuring a minimum level of bilingual service on all VIA trains. Since then we have continued to develop and refine policies and training programs to ensure that employees have the skills and the understanding necessary to serve customers in the language of their choice.

We have developed a very positive, constructive working relationship with the Office of the Commissioner of Official Languages. I personally meet the commissioner on a regular basis to provide updates on our initiatives and to exchange ideas on best practices and opportunities for improving service. Everyone at VIA takes great pride in the continuous improvements in service that we have achieved as a result.

[Translation]

The Office of the Commissioner of Official Languages issues a “Report card” measuring VIA's performance with respect to language policies each year. Those reports demonstrate the progress we have achieved, with significant improvements in the past few years regarding service to the public.

We get very few complaints from customers regarding bilingual service—only one in 2008. In fact, in our own customers' survey completed last year, 99% of customers surveyed confirmed that they were served in the language of their choice, whether it was on the telephone, in a station, or on board our trains.

Today, VIA's policy with respect to official languages is clear and unequivocal.

Any person applying to work at VIA Rail Canada in a front-line service position must pass a language test to show they are functionally bilingual in both official languages. Candidates who do not pass this test are not hired.

There are employees on every VIA train and every VIA station and call centre who are capable of providing service to customers in both official languages. All on-train and station announcements are made in both official languages. All other communications to customers are either bilingual or in the customers' language of choice.

That being said, it is also clear that we are not perfect—and we take the concerns raised following the incident on train number 46 last August very seriously.

As you know, these concerns stemmed from the evacuation of the train following a fire—a stressful situation where human shortcomings regarding the use of official languages may be understandable, but are not acceptable.

Our investigation of the incident included a debriefing with all employees on board the train.

[English]

I can confirm that all employees were indeed bilingual, and we have confirmed that all announcements made over the public address system were made in each official language.

However, we recognize that communications from individual employees may not have been made in a consistent manner, particularly with respect to making an active offer of communicating in the language of preference for each customer. This is difficult to determine with certainty because there were many other people on the scene—emergency response personnel from local fire departments, for example, and police—which may have caused some confusion about this issue.

[Translation]

However, all VIA employees involved—indeed, all VIA employees throughout the corporation—have been reminded that they must always offer service in the language of choice for every customer.

I would also like to state that unfortunate public comments made subsequent to the onboard incident do not, in any way, reflect the

position of VIA Rail with respect to our commitment to bilingual services throughout our network.

The corporation remains fully and actively committed to supporting and implementing that principle, and we will do everything possible to reinforce this point in the future.

I and my colleagues will be happy to discuss details of this incident further, or to answer any question you might have regarding VIA's policy with respect to Canada's official languages.

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

Without further ado, we will begin our first round of questioning with Mr. Rodriguez.

● (0910)

**Mr. Pablo Rodriguez (Honoré-Mercier, Lib.):** Thank you very much, Mr. Chair.

Thank you for coming to be with us here today. Could you give some more details about the incident itself? What exactly happened during the incident with train 46?

**Mr. Paul Côté:** The incident occurred as a result of a fire in the locomotive, requiring the train to be immobilized.

**Mr. Pablo Rodriguez:** Could you explain a little more?

**Mr. Paul Côté:** The train was moving and a mechanical breakdown occurred in the locomotive's motor. A bolt worked loose and diesel fuel spilled. The heat of the motor caused a fire in the locomotive. When the engineers saw this, they stopped the train. As there were flames coming from the locomotive, it was clear that the train had to be evacuated.

The problem was that they were in a very isolated location, as is often the case. You do not choose where a train breaks down, of course. In this particular case, the incident occurred at night, in an isolated place. It was hot and the people had to get off the train. You saw the same videos I did. That is what happened.

**Mr. Pablo Rodriguez:** Do you have evacuation drills from time to time?

**Mr. Paul Côté:** Yes, our employee training program includes train evacuation simulations, where they are presented with certain scenarios.

**Mr. Pablo Rodriguez:** But is there an official language component? During these drills, do you ensure that there are people who speak French?

**Mr. Paul Côté:** Absolutely.

Mr. Rodriguez, as I told you in my opening statement, all of the employees on board the trains are bilingual.

**Mr. Pablo Rodriguez:** Yes, and that struck me. You are really saying all employees?

**Mr. Paul Côté:** All employees are bilingual. We have not hired anyone who did not speak both official languages since 1986. I was there then. I have worked for this company for 38 years. I started with CN in 1972. I have seen the way that this company, which at first did not give any priority to French, has evolved over time. I can attest to that. In 1985, I participated, with VIA Rail's executive committee, in the decision to hire only bilingual personnel from then on. This applies right across the country.

Recently, in the West, VIA Rail employees took us to court because we did not want to allow unilingual anglophone employees to have access to better paying jobs in order to improve their retirement. The issue was a services manager position on board trains in northern Manitoba. The problem is that this territory has not been designated bilingual. The employees said that, given those circumstances, we were not obliged to provide bilingual service, and that therefore they were entitled to apply for these positions. We refused and told them that that would jeopardize the safety of passengers. If the people on board this train had not been bilingual, in fact, the consequences would have been exactly the same as if the staff were unilingual.

**Mr. Pablo Rodriguez:** I am not sure that I understand. It is as though those people saw an option, the option being that they perhaps could have got the job without being bilingual. Are you telling us that it is impossible to obtain a position on the trains if you are not bilingual?

**Mr. Paul Côté:** Hiring is done in the context of bilingualism. Two positions on board trains require an individual to be absolutely bilingual. These are the positions of service manager and service coordinator. Let us not forget that we have people on staff who have been working for us for a long time. I began working in 1970, for example. I am 58 years old. A unilingual anglophone service attendant is still working on the trains. Do you understand what I am saying? If I were a unilingual anglophone, I could not apply for the position of service manager, because I would not be bilingual.

Some employees have been working for us since before 1985. We did not lay them off because they were unilingual. We are not unreasonable. However, they are limited with respect to promotions and access to certain positions. They cannot be service managers or service coordinators.

**Mr. Pablo Rodriguez:** How do you establish whether or not a person is bilingual? Is this done by a test?

**Mr. Paul Côté:** Yes, applicants do a test as part of the hiring process.

I would say that I consider myself to be completely bilingual. That is not meant to sound conceited. An employee does not have to qualify at that level of bilingualism. You have to have...

**Mr. Pablo Rodriguez:** ... the ability to communicate.

**Mr. Paul Côté:** Yes, you have to be able to communicate effectively with people, understand them, carry on a conversation, and so on. Obviously, this ability is assessed in the context of our industry. We do not ask people to give us a philosophical presentation in French, for example.

**Mr. Pablo Rodriguez:** So the people also have to be able to speak the other language, not simply understand it.

**Mr. Paul Côté:** Exactly.

As for those employees who are unfortunately unilingual—it is unfortunate, after all, not to be able to enjoy the benefits of being bilingual—because they were hired prior to 1986 and were unilingual at that time, there are some solutions provided in our training programs. For example, if you are in a dining car and a unilingual employee serves you but you would like to be served in French, the employee will say “just a moment”. Someone will then

go and find a bilingual employee working on board the train so that he can serve you.

● (0915)

**Mr. Pablo Rodriguez:** Thank you.

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

Mr. Nadeau.

**Mr. Richard Nadeau (Gatineau, BQ):** Thank you, Mr. Chair.

Do you operate the same way as the Public Service does; that is, do you require a CBC level, for instance? Is there a set level?

**Mr. Paul Côté:** I will ask Mrs. Sirsly to answer that specific question.

**Mrs. Christena Keon Sirsly (Chief Strategy Officer and Official Languages Champion, VIA Rail Canada Inc.):** At present, we do not use the same classifications, but it is equivalent to what is used in the Public Service.

**Mr. Richard Nadeau:** However, things are not always that great in the Public Service. We all know that. People who have taken courses and who are senior officials today have their language level but have never been able to speak French.

**Mr. Paul Côté:** Mr. Nadeau, I would like to interrupt you, if I may. Let me clarify something.

I was talking to you about hiring, but we also have training programs. We have worked with the unions to develop programs that have enabled many employees to become familiar with the second language and to become bilingual, to a certain extent. Sometimes, these were francophones learning English. This happens less frequently, I agree, but it does happen. We need to make a distinction between the programs taken by unilingual people and the hiring program, which requires at the outset that the individuals know how to speak both official languages.

**Mr. Richard Nadeau:** How many complaints did you receive from people who said that they were unable to obtain service in French during the incident in question?

**Mrs. Christena Keon Sirsly:** We received four complaints, of which only one came from a passenger. The three other complaints came from federations, groups.

**Mr. Richard Nadeau:** You received one complaint from a passenger who said that he had not been served in French during a crisis situation.

**Mrs. Christena Keon Sirsly:** This passenger complained about the employee's attitude, rather than the ability to...this passenger was not spoken to in French, in fact; it was the employee's attitude that frustrated the passenger.

**Mr. Richard Nadeau:** My next question may seem a little strange to you, but I want to make sure that we agree on the right terms.

As a candidate during the election, I had to take part in debates with candidates from other parties. Those candidates said that they were bilingual but I realized that, for them, being bilingual meant speaking French and Spanish. It was quite important to participate in the televised debate in French.

When you say “bilingual”, you are in fact talking about French and English, right?

**Mr. Paul Côté:** Yes, absolutely.

**Mr. Richard Nadeau:** I just wanted to make sure.

**Mr. Paul Côté:** It is already complicated enough as it is.

**Mr. Richard Nadeau:** Okay, we agree on the terms.

As an organization, did you have any doubts that there may in fact no have been service in French aboard this train?

**Mrs. Christena Keon Sirsly:** Mr. Nadeau, there was no possible doubt! It is impossible for that to have happened. First of all, the service manager positions are all bilingual.

**Mr. Richard Nadeau:** Let me stop you there. Is the service manager in the car, in the train?

**Mr. Paul Côté:** He is in the train.

**Mr. Richard Nadeau:** You mentioned the other position, the coordinator...

**Mr. Paul Côté:** ... the service coordinator. He is in the train.

**Mr. Richard Nadeau:** Is this employee in direct contact with the people?

**Mr. Paul Côté:** Service coordinators are assigned to long-distance trains. These trains go out west, and, on board, they have bars, dining cars, service counters, and so on. There are two positions, for the simple reason that the service director assigned to the train must at some point be able to rest. When the service director is resting, the coordination of on-board services is looked after by the service coordinator, who must be bilingual. So coverage is provided by bilingual staff 24 hours a day.

**Mr. Richard Nadeau:** I would like to tell you something, Mr. Côté, Ms. Keon Sirsly and Mr. Wright. On occasion, I travel on Air Canada and VIA Rail. I use those two examples because they are the companies with which I am most comfortable.

If Air Canada did half of what VIA Rail does to show respect to the people on its trains, we would be much further ahead. You will not get a hard time from me. As for the people at Air Canada, that is another story. We will talk to them at another time. They are known offenders, you might say.

**Mr. Paul Côté:** No comment.

**Mr. Richard Nadeau:** It is on the record, and you can quote me on that.

**Mr. Paul Côté:** First of all, I would like to thank you for your comments, Mr. Nadeau. I say that sincerely and I say it to the entire committee: at VIA, we have worked on this since the company's inception. In 1978, I started working on programs such as the service program for people with reduced mobility. At the time, we called them "handicapped", but we no longer use that term.

I worked with Mr. Dufault, who was Mr. Roberts' executive assistant when he was president of the corporation. It took some time, but we did see progress over the years. The meetings that I have with the commissioners of official languages...

**Mr. Richard Nadeau:** Five minutes goes by quickly, Mr. Chair...

• (0920)

**The Chair:** Your time is up, Mr. Nadeau, but you will have the opportunity to come back.

Mr. Godin.

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Thank you, Mr. Chairman.

I thank our guests. I am pleased to see you here today.

It is good to see that there was one complaint. I am going to carry on in the same vein as Mr. Nadeau. It is not that I want to pick on Air Canada—we all have the opportunity to do that here—but I must say that one single complaint compared to 130 against Air Canada, that is a huge difference. You do not have to respond to that, but you know what we think.

You say that the directors or the coordinators are bilingual.

**Mr. Paul Côté:** Yes.

**Mr. Yvon Godin:** The fact remains that these individuals are not everywhere in the train. Other employees serve the people, and we do not really know whether or not they are bilingual.

**Mr. Paul Côté:** All right, I will start over.

**Mr. Yvon Godin:** The train is quite long.

**Mr. Paul Côté:** I will start my explanation over.

**Mr. Yvon Godin:** In an emergency, the manager may not be in a good location in order to tell people to evacuate. That part is not clear.

**Mr. Paul Côté:** All right, I will try to clarify.

Up until 1985, the people hired to work for VIA Rail, namely to work on board trains, in stations or in telephone sales offices, did not have to speak both official languages. You could, for example, be hired to work in a train traveling between Montreal and Toronto as a unilingual English service attendant. If you knew somebody he could hire you; working for the railway was a great job.

That created all kinds of problems because we were never able to establish a minimum level of bilingual services and this was pointed out to us constantly by the Official Languages Commissioner. In 1985, we decided to implement a hiring policy requiring that, from now on, a bilingualism test would be administered and candidates had to have good knowledge of both official languages, English and French.

**Mr. Yvon Godin:** They hired people. I wonder if there are any people left who are not bilingual.

**Mr. Paul Côté:** Yes, there are. I could be an example. If I were unilingual English and had been hired in 1972, I could have come here and spoken to you in English only, unless I had taken language training and been successful. It is clear that there are people who began working in our organization, either at VIA Rail Canada or at CN, in 1972, in 1973 or in 1975, up until 1985, and who were hired under the former criteria.

As I said earlier, for reasons of equity, we could not fire these people because they were unilingual English. We developed, with the unions, training programs that would enable them to have access to higher-paying positions. However, they have to prove themselves. It is not enough to say, in French: "Bonjour, comment allez-vous". Some things must be said in a more sophisticated way, in a more detailed fashion.

**Mr. Yvon Godin:** I understand all of that, I can understand quickly. I was wondering if there were possibly still some people who are not bilingual.

**Mr. Paul Côté:** It is possible. What I said earlier is that, if a unilingual English person to whom you have spoken in French is serving you in a dinning room, the instructions are clear.

**Mr. Yvon Godin:** Personally, when it comes to a sandwich, that doesn't bother me. It's what happens in the case of an emergency. Someone may not be able to speak the other person's language.

**Mr. Paul Côté:** That may happen, but that is not what happened with this train.

**Mr. Yvon Godin:** That was not the case. This was an individual who was a little bit difficult. For example, at Air Canada, a man asks for a can of 7UP and is told: "I don't speak French". There are some people like that.

**Mr. Paul Côté:** It happens.

**Mr. Yvon Godin:** And when the individual arrives, the RCMP or the Ottawa Police is waiting for him. Remember Mr. Thibodeau's case. There are some people who are difficult.

In this particular case, you are telling us that the person was bilingual.

**Mr. Paul Côté:** We conducted interviews and we did a language check. The employee on board this train was bilingual, absolutely.

**Mr. Yvon Godin:** In a way it is sad that this occurred, because during an emergency—

**Mr. Paul Côté:** Are you referring to the problem?

**Mr. Yvon Godin:** I am saying that it is sad that the problem occurred and that the individual did not speak both languages.

**Mr. Paul Côté:** Yes, it is sad. Nevertheless, if a person whose first language is English finds him or herself in an emergency where there is clearly going to be stress, panic and agitation...

The locomotive was on fire. I don't know whether you saw the photos, but when it is nighttime—

**Mr. Yvon Godin:** So what has been done since then to try to rectify the situation? This could happen again.

**Mr. Paul Côté:** You know, Mr. Godin, this is all about human behaviour and conditioning, in the positive sense of the word. We have to remind people about their obligations. We have to strengthen the training programs and conduct crisis simulations, emergency simulations. We must always remind them that this is very important. We must always issue these reminders.

You know, human beings are what they are, and we are not machines. In a panicky situation, people sometimes behave in ways that are not foreseeable. Nevertheless, I can assure you that everybody was given a reminder. I said this in my opening statement. Press releases were issued and memos were sent to employees reminding them of their obligations in this area. I am here to tell you that we are absolutely sincere when we do this.

• (0925)

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

We will now continue with Ms. Shelly Glover.

**Mrs. Shelly Glover (Saint Boniface, CPC):** Thank you very much.

I would like to welcome all of our witnesses.

If I may, I would like to ask you a series of questions. We only have five minutes so I will have to be brief. I would really like to clearly understand the situation that existed on board the train at the time of the fire.

[English]

I'll speak in English so all members can understand exactly what's being said.

What was the complaint made by the passenger? What exactly did he say?

**Mrs. Christena Keon Sirsly:** I'll get back to you. I have it here in my papers somewhere.

**Mrs. Shelly Glover:** Okay, go ahead.

Perhaps one of the other witnesses could explain something to me. I'd like to know what you meant by the statement that the complaint was based more on his attitude.

**Mr. Paul Côté:** Christena mentioned attitude, so once she researches the details of the complaint, she'll answer.

**Mrs. Shelly Glover:** Okay. I'll ask another question then.

Was the employee in question one of the tested and true bilingual members of your crew?

**Mr. Paul Côté:** Yes.

**Mrs. Shelly Glover:** What was his level of bilingualism, in your opinion? Do you know what his rating was?

**Mr. Paul Côté:** No, but we can check that if you want.

**Mrs. Shelly Glover:** That would be very helpful.

[Translation]

Mr. Chairman, since the witnesses have to put their papers in order to answer my question, may I share my time with Mr. Daniel Petit?

I really like you, Mr. Nadeau, but it is Mr. Petit's turn.

**The Chair:** Absolutely.

Mr. Petit, you have a good three minutes.

**Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC):** Excellent.

First of all, I would like to take a few moments to congratulate Mr. Pablo Rodriguez, who is Mr. Ignatieff's new representative in Quebec. Congratulations, it has been recorded.

Mr. Côté, my questions are a little off-topic. My colleague asked questions about the incident itself, but given that I have the opportunity to have you here today, and since VIA Rail is a federal corporation, I would like to know a few things.

I would imagine that you are already aware of the fact that the Bloc Québécois tabled a bill that would oblige all federal corporations to use only French when in Quebec territory under Bill 101.

I would like to know one thing. When your employees work—the employees from Quebec, for example—do they have bilingual or unilingual agreements?

**Mr. Paul Côté:** Bilingual.

**Mr. Daniel Petit:** In French and English? Naturally, not in French and Spanish, as we said earlier?

**Mr. Paul Côté:** In French and English. I will specify this in future.

**Mr. Daniel Petit:** Your words are being recorded, do not forget that.

**Mr. Paul Côté:** In French and in English, exactly.

**Mr. Daniel Petit:** Secondly, are the grievances filed in English and in French?

**Mr. Paul Côté:** It is the employee who chooses. It may be in both languages. The employee can choose the language of his or her choice. We will receive the grievance in the employee's language of choice.

**Mr. Daniel Petit:** Could you receive the grievances in any language?

**Mr. Paul Côté:** In French or in English.

**Mr. Daniel Petit:** All right.

Here's my main question. You are familiar with Bill 101. This is the obligation to speak only in French in the workplace. Let's say that a company such as yours were subject to this bill. Let's imagine that you are an intercontinental service, or rather a transcontinental service. You leave from Toronto, you arrive at the Quebec border. Without being separate, Quebec can enforce Bill 101. You have all of your bilingual or other employees disembark and you keep only the bilingual francophones. They arrive in New Brunswick and must once again be bilingual. How do you manage that? Have you examined this aspect?

**Mr. Paul Côté:** No, not really. We haven't looked at that specifically, in fact. Nevertheless, I can tell you that, at VIA Rail, as far as access to the employee's language of choice is concerned, as far as the French language is concerned, be it for work, the forms or supervisors... I have been chairing a management committee for six years. The meetings take place in both French and English. The people attending speak the language of their choice. There is no simultaneous translation. All of the members of the management committee are bilingual, and the forms are available in both languages.

Now, what would happen if Bill 101 applied to all of the territory in the province of Quebec? I do not want to make a blunder. I really have not assessed the situation because we haven't got to that point. We have yet to be asked to do this.

**Mr. Daniel Petit:** No, because you hadn't been before us yet.

Nevertheless, I'm going to ask you a question. Is the engineer driving the locomotive not necessarily bilingual?

**Mr. Paul Côté:** Absolutely not, no.

**Mr. Daniel Petit:** So let's suppose that he is 100% anglophone. When he arrives with his locomotive at the Quebec border, does he disembark and get replaced with a francophone engineer to continue?

● (0930)

**Mr. Paul Côté:** I don't know. I would imagine that if they didn't have the right to speak English... I really don't know. I am not really familiar with the background, with the details of this legislation. I would have to review it and we would have to make a more specific assessment. I truly cannot answer you more specifically. But from the way you have described it, it seems to me that this would be an obligation. We would comply if that were the case.

**Mr. Daniel Petit:** Thank you for the information.

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

Before continuing, Mr. Côté, you mentioned that in northern Manitoba, I believe, you had to defend the bilingual position of the service manager. Did you ultimately win your case?

**Mr. Paul Côté:** Yes. The court recognized that the need to provide service in both official languages in a situation where safety is at stake was more important than the argument presented by the employees that they would be able to improve their personal salaries. That was an extremely important decision for us.

Mr. Chairman, I just wanted to...

Are you able to answer?

**Mrs. Christena Keon Sirsly:** I can read you the complaint.

**The Chair:** We can come back to this, because there will be other rounds.

We will begin our second round. This time, I will give the floor to Ms. Zarac.

Please be assured that you will have enough time to answer Ms. Glover.

**Mrs. Lise Zarac (LaSalle—Émard, Lib.):** Thank you, Mr. Chairman.

Good morning. It would appear that you go to great effort to provide good passenger service. Since 1986, you have required that your employees be bilingual. I find that this is an example to be followed.

However, I understand that you still have some employees working who speak only one language. When you prepare your duty rosters, is that taken into consideration, or is seniority the only thing that counts? Do you make sure that there is always someone in the car who is able to serve people in both languages?

**Mr. Paul Côté:** Every train team includes a minimum of bilingual positions. For example, there is one position, the service manager position, which is on board the corridor trains. The other positions are assigned on the basis of seniority. However, because there is a great deal of staff turnover and hirings have been made recently, the probability of having a team staffed entirely with unilingual English employees, with the service manager, is just about zero.



In the transcontinental trains running from the east to the west, there is the service manager position and the service coordinator position. So we have two positions that have been designated bilingual and which of course require complete mastery of the two languages, whereas the other positions are assigned in accordance with seniority. Given the turnover rate—once again, personnel has been replaced—the percentage of bilingual people compared to unilingual people is now much higher. However, I cannot give you the exact figure.

**Mrs. Lise Zarac:** So as time goes on, your personnel will become more and more bilingual?

**Mr. Paul Côté:** Absolutely.

**Mrs. Lise Zarac:** With respect to your complaints process, I would like to know if you evaluate the complaints you receive simply by using a survey, or is there some other process for complaints.

**Mr. Paul Côté:** The survey is voluntary and it is used to ascertain from the clients whether or not they have been served in the language of their choice, whether the quality of the service was good, if they got good value for money, etc. It is a bit like traditional surveys, if you like.

Moreover, we have with us one of our employees who works as the official languages coordinator for our programs and serves an interface with the Office of the Commissioner. Ms. Desaulniers is here. When the Office of the Commissioner receives a complaint, this complaint is forwarded to us, to me and to Ms. Sirsly, who is the Official Languages Champion—we are using the government's terminology, but it is true that she is a champion all the same. Ms. Desaulniers is responsible for investigating the complaint, but she also responsible for the follow-up with the representatives from the commissioner's office and for providing the latter with information.

**Mrs. Lise Zarac:** All right.

And you received only one complaint in 2008?

**Mr. Paul Côté:** In 2008, we had only one complaint. That is correct.

**Mrs. Lise Zarac:** Do you know how many survey questions pertain to languages?

**Mr. Paul Côté:** Indeed, I think that there was one. We asked people whether they had been served in the language of their choice.

**Mrs. Lise Zarac:** Just one? All right.

**Mr. Paul Côté:** There cannot be any more than that.

**Mrs. Lise Zarac:** You stated that you received four complaints regarding the incident in question, three of which came from federations.

First of all, had you ever received any complaints from these federations, aside from the incident?

**Mr. Paul Côté:** I don't think so.

**Mrs. Christena Keon Sirsly:** I don't recall.

**Mrs. Lise Zarac:** What were the complaints about?

**Mr. Paul Côté:** They were about the public statement that had been made and for which I apologized earlier. I also apologized

yesterday before a committee that was held here. Mr. Nadeau was present.

The individual who represented us and who was responsible for the public statements unfortunately indicated that, since this had occurred in Ontario, it wasn't really necessary to speak French. I acknowledge that this was a major, regrettable and unacceptable mistake. This individual, this individual's coordinators and supervisors, were told about this in a respectful fashion. This is not acceptable.

This is not our policy, regardless of where the train is. I have just given you the example from Manitoba. It is not every day that VIA Rail finds itself in court, being prosecuted by its employees, but all the same—

● (0935)

**Mrs. Lise Zarac:** You had discussions with representatives from the federations. What was the final outcome of these discussions?

**Mr. Paul Côté:** I think they understood it was an error. We apologized and hope it will not recur: certainly not in the same context. I think the case is closed.

**Mrs. Lise Zarac:** They were satisfied with the information you provided and the action you took?

**Mr. Paul Côté:** To my knowledge yes. We sent out letters and communicated with them, and I believe it was fine. We have not heard anything since.

**Mrs. Lise Zarac:** Very well. Thank you, Mr. Côté.

**The Chair:** Thank you very much, Ms. Zarac. You have one minute left. That's it? Very well.

This morning we have Mr. Vincent here as a member of our committee.

Mr. Vincent, the floor is yours.

**Mr. Robert Vincent (Shefford, BQ):** Thank you, Mr. Chairman. Welcome.

We've been told that train crew are bilingual and have some training.

To begin, do you have a retirement program?

**Mr. Paul Côté:** Yes. What do you mean by that?

**Mr. Robert Vincent:** After how many years can people retire?

**Mr. Paul Côté:** Staff is entitled to work until the age of 65.

**Mr. Robert Vincent:** I understand, but are people entitled to retirement after, for instance, 25 or 30 years of service? Is there a given number of years?

**Mr. Paul Côté:** Our retirement plan is designed in the following way: a person who is 55 and has accumulated 85 points, which is a combination of age and years of service, may choose to take full retirement or continue to work.

**Mr. Robert Vincent:** You said that as of 1985 bilingualism tests were administered.

**Mr. Paul Côté:** Yes.

**Mr. Robert Vincent:** I was thinking to myself that it had already been 24 years.

**Mr. Paul Côté:** There are fewer now.

**Mr. Robert Vincent:** You should almost be able say that 100% of the people working for you are bilingual.

**Mr. Paul Côté:** Mr. Vincent, to be realistic, I'm 58 years old, I started working in 1972, I could keep working another seven years. That is not what I will be doing.

**An hon. member:** Oh! No.

**Some hon. members:** Ah ah!

**Mr. Paul Côté:** That is the reality you have to understand. Those who started working at the age of 20 or 21 in 1972 like myself are still working for us and still have a ways to go. If I were to stay until the age of 65, I would be there until 2015—I haven't made the calculation.

**Mr. Robert Vincent:** He's in no rush to retire after all.

**Mr. Paul Côté:** As was said, obviously, with time, things improve. However, people are still working and we treat them as we do other employees. We've given them the opportunity to learn the second official language. However, it is not an obligation.

**Mr. Robert Vincent:** On August 16, the day of the event, did VIA Rail send out an internal message that such an incident had occurred, that no one had been able to provide instructions in French? Were memos sent out on that very day to inform everyone of the issue, at all levels within your organization? On this same day, was there, on the one hand, a press release, and on the other hand an internal letter or memo sent to company staff to advise them that if people are bilingual, they must communicate with passengers both in English and in French?

**Mr. Paul Côté:** Not on the same day, because the incident took place on August 16 in the evening.

**Mr. Robert Vincent:** The next day?

**Mr. Paul Côté:** The next day and the following days, as soon as things became clear, that the complaint and feedback was received, we issued both an internal and an external memo. Afterwards, we sent out more specific information to staff to remind them of their obligations with respect to official languages.

**Mr. Robert Vincent:** After you had sent out this memo, why is it that you sent out letters of apology in English only?

**Mr. Paul Côté:** An apology has to do with the choice of official language people mark down. For instance, when members of our VIA Preference program register, they may indicate English instead of French. If so, correspondence with them is in that language.

The same type of thing happened to me with—

**Mr. Robert Vincent:** Do you mean to say by that that all passengers on board train number 46 on August 16 were registered in English?

**Mr. Paul Côté:** No.

**Mr. Robert Vincent:** That is what you're telling me. If the letter sent to passengers was strictly in English, when its purpose was to apologize for having spoken to them strictly in English—

**Mr. Paul Côté:** You are right to raise the point. I thought you were asking the question in terms of policy. That was an error in the

system: the letter went out in English only and it was sent out as such.

**Mr. Robert Vincent:** A memo had been sent out a few days earlier. Did someone ignore it? What happened? Given the scandal it provoked, the person who sent out the apology should have been more vigilant.

● (0940)

**Mr. Paul Côté:** You are right.

**Mr. Robert Vincent:** Why did this happen?

**Mr. Paul Côté:** I do not know, I cannot explain it.

**Mr. Robert Vincent:** Did you carry out an investigation on this?

**Mr. Paul Côté:** We asked the person who carried out the investigation what had happened. The answer was that it was up to them to send out a letter, but that they had completely forgotten to check the choice of language.

**Mr. Robert Vincent:** Is this person bilingual?

**Mr. Paul Côté:** Yes, absolutely.

**Mr. Robert Vincent:** And this person forgot.

**Mr. Paul Côté:** That's correct. Mr. Vincent, human errors occur, and it's unfortunate.

**Mr. Robert Vincent:** I understand, Mr. Côté, but it would seem to me that given what happened on August 16—

**Mr. Paul Côté:** You are right.

**Mr. Robert Vincent:** —and that people had been warned through a memo, that there should be another mistake—

**Mrs. Christena Keon Sirsly:** The apology was sent practically at the same time as the statement—

**Mr. Robert Vincent:** What was the date on the apology letter?

**Mrs. Christena Keon Sirsly:** The day after the incident.

There is one other thing. Our reservation data system had a browser problem. If an individual makes a reservation and uses an English-language browser, our system classifies the person as an anglophone. That is a common problem it does not only occur at VIA. In fact, there was a recent article in the papers about this type of incident.

Since the incident, we have asked people to specify a language, so we may be sure to communicate with them in that language.

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

We'll now go back to Ms. Glover: who had asked a question of our champion.

**Mrs. Shelly Glover:** I have a number of questions to ask, but I'll start with the complaint, Ms. Sirsly.

**Mrs. Christena Keon Sirsly:** Would you like me to read the complaint letter to you?

**Mrs. Shelly Glover:** Yes please.

**Mrs. Christena Keon Sirsly:** On August 16, 2009, on board Toronto to Ottawa VIA Rail train number 46, specifically car number 3, most announcements were provided in English only during an emergency situation. The railway conductor initially provided security instructions in English only but subsequently partially repeated them in French in response to a request from a complainant. The complainant believes the railway conductor does not have a sufficient command of French to be responsible for a train as the second set of instructions she provided were such that passengers had to guess at the information provided in French. Furthermore, another employee advised passengers, in English only, that VIA Rail had been contacted and that engineers would be arriving shortly. Further to that, two or three staff members stated, in English only, that they would establish a medical list to recover a suitcase containing medication.

The complainant also finds deplorable comments made by the VIA Rail spokesperson with regard to questions on the lack of services and instructions in French during this incident. The complainant is of the view that VIA Rail should make a greater effort to serve travellers in the language of their choice, especially in emergency situations.

**Mrs. Shelly Glover:** You have investigated this matter. What have you found? In your preliminary remarks, Mr. Côté, you stated that an announcement had been made in French, which contradicts what is said in the complaint.

Have you determined the validity of this complaint?

**Mrs. Christena Keon Sirsly:** Before I respond, I would like to point out that further to all the media attention, we received testimony from other passengers stating that the announcements had been made in both languages. These comments support what our own staff was saying.

**Mrs. Shelly Glover:** Has there been testimony from other passengers who supported this gentleman's complaint?

**Mrs. Christena Keon Sirsly:** Not to my knowledge.

**Mrs. Shelly Glover:** Most of the testimonies seem to confirm what you have said, in other words that the announcements were made in French, as required.

There was also an issue as to attitude. I would like you to describe this.

**Mrs. Christena Keon Sirsly:** I think employees were stressed, and perhaps a bit abrupt, but the findings pointed to them not necessarily being insensitive to this person's fears. They were very task-oriented. A number of passengers had left their suitcases on the train, and they contained medication. These passengers were worried. The employees were trying to address the problem, and perhaps they were a bit impatient.

● (0945)

**Mrs. Shelly Glover:** It would seem to me, as was mentioned by the passenger in his complaint, that a number of employees were focused on these tasks.

I would like to know to what extent the employee who made the announcement in French is fluent.

**Mrs. Christena Keon Sirsly:** He is the service director. He is the one that makes the announcements. Based on the assessments we've had done, he is bilingual.

**Mrs. Shelly Glover:** Very well.

And the other staff members who spoke to this gentleman, did they pass their test, are they fully bilingual?

**Mr. Paul Côté:** Yes. As I explained earlier, if people have English as their mother tongue but are fluent enough in French to work at

VIA, it may happen that in carrying out these duties in a crisis and panic situation, they may not necessarily comply with the requirement to use both languages. The emergency was to complete certain tasks. That is my assumption, but I wasn't there.

I myself have experienced these types of situations on trains, during derailments, for instance. I can tell you that we focus on the task at hand. Ms. Sirsly used the expression task-oriented, and that is accurate. In these cases, we must proceed to evacuation. Unfortunately, some obligations are probably set aside, but we are attempting to rectify things through training and feedback.

**Mrs. Shelly Glover:** I agree. I too have been involved in emergency situations and I know that mistakes are made. I am talking about human error.

**Mr. Paul Côté:** Exactly.

**Mrs. Shelly Glover:** It could also be that the passenger heard something different from what was said, there could have been human error at that level as well.

**Mr. Paul Côté:** You are absolutely right to bring that up.

Thank you, Mr. Chairman.

**The Chair:** Thank you. That has given us a good overview of your expertise, Ms. Glover.

We are now going to move on to Mr. Godin.

**Mr. Yvon Godin:** Thank you, Mr. Chairman.

It is true that, during emergencies, new voices are sometimes heard, but that was not the case here.

You said that you received letters confirming that the announcements were relayed in both languages. Is that correct?

**Mrs. Christena Keon Sirsly:** Are you referring to the letter that was sent afterwards?

**Mr. Yvon Godin:** I am referring to the letters you received from clients.

**Mrs. Christena Keon Sirsly:** Okay.

**Mr. Yvon Godin:** Were they English-speaking or French-speaking clients?

**Mrs. Christena Keon Sirsly:** French-speaking.

**Mr. Yvon Godin:** They all said that the announcements were made in both languages. So, in reality, there was no incident.

**Mr. Paul Côté:** It is not for us to question the client's perception of events. If somebody feels that this was the case, we respond to that perception. We cannot allow ourselves to question how somebody experienced a particular event.

Nevertheless, we checked the facts and the people who contacted us did so of their own volition. If the client is not satisfied and feels that he did not receive good service, we will follow up on the complaint.

**Mr. Yvon Godin:** You said that you consider yourself to be fully bilingual. If you heard an announcement in English, and your brain had already processed the message, you might not listen to the French message. Do you think that? Is that a fair comment?

**Mr. Paul Côté:** Indeed, it is quite possible.

**Mr. Yvon Godin:** The person who filed the complaint did not get the message. I think that is the best way to approach this.

As you said, people perceive and process things differently. Perhaps that is what happened.

**Mr. Paul Côté:** That's the possibility.

**Mr. Yvon Godin:** We sometimes hear things. I remember going into a hotel once and saying in English "Do you have any rooms available?" To which the receptionist replied "I'm sorry, I don't speak French." I am certain that I spoke English, but the receptionist was expecting me to speak French.

On another point, I tabled a bill to require that Supreme Court justices be bilingual. A unilingual English-speaking judge appeared before the committee and said that he had had outstanding interpretation services. But how can he be sure of that if he does not speak French? Legal interpretation is very difficult.

**Mr. Paul Côté:** Indeed.

**Mr. Yvon Godin:** I am just trying to point out that even if somebody sends a letter to say that the announcements were made in both languages, it could well be that he did not listen to the second announcement because his brain had already processed the message.

**Mr. Paul Côté:** It is certainly a possibility.

**Mr. Yvon Godin:** That is the point that I wanted to make.

**Mr. Paul Côté:** Thank you.

**Mr. Yvon Godin:** I would also like to sincerely congratulate VIA Rail. Continue with what you are doing because you're on the right track, what we need is recognition of the importance of providing service in both of Canada's official languages.

I do however feel that Mr. Petit is exaggerating when he says that there is a complete change of personnel at the Quebec border, although I do not know why he uses that term as Quebec is not a country. The NDP is aware of the reality of the situation and tabled a similar bill seeking to recognize the right to choose one's language of work so as to allow people to address their employer in their language and be served in their language.

You have no need to be concerned, Mr. Côté, because you claim to already provide your employees with this choice. All forms are available in both languages and if an employee wishes to speak to her boss, she can do so in the language of her choice. However, there is a problem in Quebec, as people are made to speak English. I think that it's what this bill is trying to remedy. I think that Mr. Petit went a little too far.

● (0950)

**Mr. Paul Côté:** Thank you.

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

The improvement is certainly noteworthy. The satisfaction rate stands at 99%, there was only one complaint in 2008 and service in the client's language of choice has improved in the wake of the problem with the browser.

I think that two members still wish to speak. They will each have a turn. I think that we have pretty much covered the subject.

The floor is yours, Ms. O'Neill-Gordon.

[English]

I think you want to speak. Then Mr. Nadeau can conclude this session.

**Mrs. Tilly O'Neill-Gordon (Miramichi, CPC):** Thank you, Mr. Chair.

Welcome this morning.

I certainly want to congratulate you on the pride you take in providing bilingual services as well as you can. I understand it's pretty well 100%, and I guess it only takes one, as all Canadians are more aware of it.

When it happened, did you hear anything from the Minister of Transport, Mr. Baird, or Mr. Merrifield?

**Mr. Paul Côté:** We did indeed, particularly due to the public announcement that was made by our designated public affairs person. I think they did the right thing. I would have done exactly the same thing. It was absolutely unacceptable and contrary to our policy. That's basically what both ministers asked the chairman and me to clarify. We responded to them by reconfirming our commitment to the official languages and outlining the action plan we put in place to correct that.

**Mrs. Tilly O'Neill-Gordon:** Okay. So they wanted to know how you were going to fix this to avoid any further action.

**Mr. Paul Côté:** Absolutely.

**Mrs. Tilly O'Neill-Gordon:** Thank you.

Can you provide us with a report of your plan going forward?

**Mr. Paul Côté:** Yes. We can certainly put together a document outlining what we have done further to the incident and investigation—the press release and internal communications.

**Mrs. Tilly O'Neill-Gordon:** Yes, include what measures you have taken to ensure it won't happen again.

**Mr. Paul Côté:** We'll make note of that and make sure the committee gets this.

**Mrs. Tilly O'Neill-Gordon:** Thank you.

**Mr. Paul Côté:** Thank you, Mrs. O'Neill-Gordon.

I'll now turn to Mr. Nadeau.

[Translation]

**Mr. Richard Nadeau:** Thank you, Mr. Chairman.

Can the investigation be carried out after the incident be made public?

**Mr. Paul Côté:** As a general rule, internal inquiries into employee behaviour are not made public.

**Mr. Richard Nadeau:** Very well. Is that standard practice?

**Mr. Paul Côté:** Yes, it is a matter of complying with the individual's human rights.

**Mr. Richard Nadeau:** Very well.

Potential employees' knowledge of English and French is tested during the hiring process. Do you carry out periodic reviews, for example five years, to ensure that employees can still work in both languages?

**Mrs. Christena Keon Sirsly:** We rely on our supervisors to ensure that employees can carry out all of their duties. We are in the process of implementing a system to review our employees' capacity to work in both English and French.

**Mr. Richard Nadeau:** You are in the process of implementing a system...

**Mrs. Christena Keon Sirsly:** Yes, to make it more formal than it currently is. At the moment, we rely on our supervisors to inform us if an employee is no longer able to...

• (0955)

**Mr. Richard Nadeau:** Supervisors should also have to take the test, at some point.

**Mrs. Christena Keon Sirsly:** Yes, exactly.

**Mr. Richard Nadeau:** I would recommend that you carry out five-year reviews of your employees' language skills as a means of quality control.

In an emergency, everybody works together to ensure that passengers are evacuated safely and in the best possible conditions, at least with regard to their physical well-being.

I appreciate that in the normal course of events, clients can receive service either in French or in English. However, in an emergency, if there are unilingual employees on the train, service is sometimes only provided in one language.

**Mr. Paul Côté:** That is correct, Mr. Nadeau, it can happen.

That is why we have resisted the demands of employees in the west who wanted to be allowed to hold these better paid positions to boost their pension on the grounds that, as their region has not been designated bilingual, official language requirements on this matter do not have to be met. We however felt that public safety goes beyond the designation of bilingual regions, and we stood firm. Unfortunately, we had to go to court, but I believe that was the reasonable course of action.

**Mr. Richard Nadeau:** Do not pay too much attention to the way in which Mr. Petit describes Quebec's Charter of the French Language or the bills which the Bloc Québécois and the NDP have

introduced to protect employees' rights. Let us be clear: the finger of blame has been pointed at us, at all Quebecers and at everybody in this room who respects Quebecers. VIA Rail can rest assured that, whether Quebec becomes sovereign or remains part of Canada, and whether it is an NDP or a Bloc Québécois bill that is adopted with the support of all members in the House of Commons, the aim is the same, to ensure respect for the Quebec nation in such situations and, of course, to ensure respect for all employees in all fields in Quebec.

**Mr. Paul Côté:** I understand.

**Mr. Richard Nadeau:** Thank you.

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

**Mr. Pablo Rodriguez:** Mr. Nadeau is busy criticizing a former colleague and erstwhile Parti Québécois candidate.

**Mr. Richard Nadeau:** Indeed.

**Mr. Pablo Rodriguez:** You have to stick together.

**Some hon. members:** Oh, oh!

**The Chair:** Your point of order is inadmissible, Mr. Rodriguez.

**Mr. Pablo Rodriguez:** Darn!

**The Chair:** Before we start washing our dirty laundry, I would like to thank the witnesses.

[English]

Madam Sirsly, Mr. Côté, and Mr. Wright, thank you for appearing this morning in the committee and for showing us this nice picture.

[Translation]

**Mr. Paul Côté:** Thank you.

[English]

**The Chair:** I think it's very motivating for the members to see society acting this way toward the official languages.

[Translation]

**Mr. Paul Côté:** Thank you for the invitation.

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

(The meeting is adjourned.)





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