



THE STANDING SENATE COMMITTEE ON NATIONAL SECURITY AND DEFENCE

EVIDENCE

OTTAWA, Monday, May 26, 2014

The Standing Senate Committee on National Security and Defence met this day at 1 p.m. to study the status of Canada's international security and defence relations including, but not limited to, relations with the United States, NATO, and NORAD (topic: ballistic missile defence); to examine Canada's national security and defence policies, practices, circumstances and capabilities (topic: review of RCMP); and for the consideration of a draft budget to study the medical, social and operational impacts of mental health issues affecting serving and retired members of the Canadian Armed Forces, including operational stress injuries (OSIs) such as post-traumatic stress disorder (PTSD).

Senator Daniel Lang (*Chair*) in the chair.

[*English*]

The Chair: Welcome to the Senate Standing Committee on National Security and Defence. Before we welcome our witnesses, I would like to begin by introducing the people around the table. My name is Daniel Lang, senator for Yukon. On my immediate left is the clerk of the committee, Josée Thérien, and on my right are our Library of Parliament analysts, Holly Porteous and Wolfgang Koerner.

I would like to invite the senators to introduce themselves and state the region they represent.

[*Translation*]

Senator Dallaire: Roméo Dallaire, Gulf of St. Lawrence, Quebec.

[*English*]

Senator Day: Joseph Day from New Brunswick.

Senator Oh: Senator Oh, Ontario.

Senator White: Vern White, Ontario.

[*Translation*]

Senator Dagenais: Jean-Guy Dagenais, Quebec.

[*English*]

Senator McIntyre: Paul McIntyre, New Brunswick.

The Chair: Thank you.

This afternoon the committee will be meeting for the full four hours. In our first panel, we will continue our study of ballistic missile defence. In panels two and three, we will return to honour our commitment made last year to seek an update on the Royal Canadian Mounted Police and the progress it is making. In our final hour, we will go in camera to consider a draft report from the Subcommittee on Veteran Affairs, as well as a draft budget from the subcommittee on its future study.

Colleagues, on December 12, 2013, the Senate adopted the following reference:

That the Senate Standing Committee on National Security and Defence be authorized to examine and report on the status of Canada's international security and defence relations, including but not limited to, relations with the United States, NATO, and NORAD; and

That the Committee report to the Senate no later than December 31, 2014, and that it retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

As we continue our look at ballistic missile defence, we are very pleased to welcome two distinguished former ministers of defence to our committee. Mr. David Pratt served as a member of Parliament from 1997 to 2004. From 2003 to 2004, he was Minister of National Defence and was involved in the early discussions surrounding ballistic missile defence. Sitting next to Mr. Pratt is Mr. Bill Graham, member of Parliament from 1993 to 2006. Mr. Graham was Minister of National Defence from 2004 to 2006, and prior to that served as the Minister of Foreign Affairs from 2002 to 2004.

Mr. Graham and Mr. Pratt, welcome. As I said before, this is the first time we have had two former defence ministers appear, and I think it is the first time ever before this committee. We look forward to your sharing some of your understandings with the committee on the subjects of ballistic missile defence and the importance of Canada's U.S. relations, especially with regard to NORAD and NATO, as well as your recommendations to help us proceed on these important subjects.

I understand you each have an opening statement and the Honourable David Pratt will begin.

The Honourable David Pratt, P.C., former Minister of National Defence, as an individual: Thank you to the committee for the invitation. I'm honoured to be here.

From my perspective, the fact that you are holding public hearings on missile defence is a good thing. I would like to congratulate the committee for this initiative. I understand you have heard a variety of testimony from many experts, including people like Colin Robertson, George MacDonald, Jim Fergusson and Frank Harvey. I completely support the messages they have conveyed.

I must confess that I'm not entirely confident I can add much to what you have heard thus far. Nevertheless, I do hope to make some contributions, however limited, to your deliberations. I thought I would take a little bit of a historical perspective on the Canada-U.S. defence relationship and focus a bit on that.

As you indicated, Mr. Chairman, I was Minister of National Defence from December 2003 to July 2004. While I was serving as chair of the Defence Committee prior to that, my travels with the committee took me to some very interesting places, not the least of which was Colorado Springs, inside the command centre at Cheyenne Mountain. At the time, I received briefings from U.S. Space Command, NORAD and other aspects of continental defence, including the response at that time to 9/11.

I followed the missile defence issue with great interest at the time, and when I took over from John McCallum as Minister of National Defence in 2003, my involvement in the issue was very much a continuation of the efforts that began with the Chrétien government.

In May 2003, statements were made in the House of Commons by my friends and colleagues Bill Graham and John McCallum on the subject of pursuing missile defence talks to "ensure the security of Canadians and the future of NORAD." I have always viewed missile defence within the broader context of Canada-U.S. military cooperation, which I'm sure you are aware is probably the most comprehensive defence relationship between two countries with the exception of the missing link of missile defence. There are roughly 80 treaty-level agreements, more than 250 memoranda of understanding and 145 bilateral forums on defence issues. The principal institutions, as I'm sure you are aware, are the PJBD; the Military Cooperation Committee, formed in 1946 to coordinate military planning; and NORAD.

My contribution to the missile defence issue was primarily through a letter that was sent to Defense Secretary Donald Rumsfeld in early January 2004. With your indulgence, I would like to read into the record the text of my letter and Mr. Rumsfeld's response, because the language used is important to note.

My letter was dated January 15, 2004, and is as follows:

Dear Secretary Rumsfeld:

For decades the United States and Canada have been partners in the defence of North America, cooperating within the framework of the Ogdensburg Agreement, the North Atlantic Treaty, and the North American Aerospace Defence Command (NORAD) to preserve our mutual security. In light of the growing threat involving the proliferation of ballistic missiles and weapons of mass destruction, we should explore extending this partnership to include co-operation in missile defence, as an appropriate response to these new threats and as a useful complement to our non-proliferation efforts.

A key focus of our co-operation in missile defence should be through NORAD, which has served us well since 1958. NORAD's long-standing global threat warning and attack assessment role can make an important contribution to the execution of the missile defence mission. We believe that our two nations should move on an expedited basis to amend the NORAD agreement to take into account NORAD's contribution to the missile defence mission.

It is our intent to negotiate in the coming months a missile defence framework Memorandum of Understanding (MOU) with the United States with the objective of including Canada as a participant in the current U.S. missile defence program and expanding and enhancing information exchange. We believe this should provide a mutually beneficial framework to ensure the closest possible involvement and insight for Canada, both government and industry, in the U.S. missile defence program. Such an MOU could also help pave the way for increased government-to-government and industry-to-industry co-operation on missile defence that we should seek to foster between our countries.

We understand the United States is prepared to consult with Canada on operational planning issues associated with the defence of North America. I propose that our staffs work together over the coming months to identify opportunities and mechanisms for such consultations and Canada's contributions.

The technical extent of protection afforded by the U.S. ballistic missile defence system will evolve over time, and our bilateral co-operation in this area should also evolve. We should continue to explore appropriate technical, political and financial arrangements related to the potential defence of Canada and the United States against missile attack, within the framework of our laws. Our staffs should discuss ways in which Canada could contribute to this effort.

If this overall framework for co-operation that I have proposed meets with your approval, I would appreciate hearing back from you at your earliest convenience.

Yours sincerely,

D. Pratt

Mr. Rumsfeld's response to me read as follows:

Dear Minister Pratt:

Thank you for your recent letter regarding cooperation between the United States and Canada on missile defense.

As you noted in your letter, the United States and Canada have been partners in the defense of North America for over 50 years. In light of the threat involving the proliferation of ballistic missiles, I agree that we should seek to expand our cooperation in the area of missile defense.

I am supportive of the approach to missile defense cooperation that you outlined in your letter and agree that this should be the basis on which we move forward.

Thank you again for your letter. I look forward to continuing the long-standing defense cooperation between the United States and Canada.

Sincerely,

Donald Rumsfeld

At the beginning of my letter to Secretary Rumsfeld, there's a brief mention of the historical context within which the Canada-U.S. relationship has evolved. We all know what was happening in the world when President Roosevelt and Prime Minister King signed the Ogdensburg Agreement in August 1940. Nazi Germany had control of most of continental Europe and Britain, and the Commonwealth stood alone against Hitler's onslaught. Yet Roosevelt and King felt quite rightly that they had a political responsibility to act when they signed the agreement to establish the Permanent Joint Board on Defense. There is a lot in a name. It wasn't the ad hoc or semi-permanent board on defence, but the Permanent Joint Board on Defense. It was seen as lasting as long as the two countries lasted, quite frankly.

It is also important to note that both men were taking substantial political risks. For Roosevelt, it was a matter of supporting Britain and the Commonwealth while at the same time not running afoul of the U.S. Neutrality Acts, which prevented the U.S. government from selling arms to belligerents.

For Mackenzie King, there were also political risks. The Leader of the Opposition in the Senate, Arthur Meighen, who would take over as leader of the Conservative Party in November 1941, was highly critical of the Ogdensburg Agreement as undermining Canada's defence relationship with Great Britain. Churchill also privately had some critical words for Mackenzie King about Ogdensburg, but he subsequently acquiesced as he came to better appreciate King's rationale for getting closer to the Americans.

I mention this because political decisions often entail political risks. Roosevelt was prepared to weather the political storm for giving 50 destroyers to Britain and Canada in exchange for bases along with approximately 200 aircraft as well as a quarter of a million rifles. And Mackenzie King was prepared to embark on a closer defence relationship with the U.S. because it was fundamentally and inextricably tied to Canada's short- and long-term national interests.

On the subject of missile defence, I think some of our political leaders, both Liberal and Conservative, have been all too often inclined to stick their fingers into the political winds and make critically important decisions with enormous ramifications for national interests on the shifting tides of public opinion. I believe this was the case with the Martin government in 2005, and it continues to be the case with the current government. Let's face it: There will always be political considerations and messaging from particular decisions, but when the chips are down it is the responsibility of leaders to explain their decisions and take measures consistent with our values and interests.

Let me close by saying that I hope you strongly endorse the idea of Canada participating in continental missile defence. And let me express my hope as well that your committee speaks with one voice — Liberals and Conservatives together — to support Canada's involvement.

The Honourable Bill Graham, P.C., former Minister of National Defence, as an individual: Thank you for your invitation to appear before the committee this afternoon. I appreciate this opportunity to share some of my experiences and perspectives related to ballistic missile defence. My colleague, David Pratt, has laid out an extensive historical context in which this is discussed. I will try not to review those matters, but perhaps my experience as a foreign minister and defence minister in the 2000s may shed some light around the reasons that decisions were made — and the context in which previous decisions were made — so that might enable you to make future decisions about the appropriateness of where we should go from here.

Senators will recall that at the time, ballistic missile defence was an emotionally charged issue, in many ways not unlike the Bomarc debate of an earlier period. It was influenced in the public mind by its association with President George Bush's foreign policies. Missile defence was perceived by many Canadians not as a defensive program but rather as a tool for an aggressive U.S. foreign policy, as exemplified by the then recent invasion of Iraq.

There were many who argued that BMD was akin to the Reagan administration's Star Wars program and the weaponization of space, which by the way is not my view any more than ballistic missiles themselves are weaponization of space. It is a land-based system, not a space-based system. However, that was a factor in the debate. There was also a great deal of skepticism over whether or not BMD worked or could possibly work, which I think would still be true of considerable concerns, although the experience of the Iron Dome in Israel and others have moved the technology along significantly since we were debating it in those days.

Furthermore, opponents believed that missile defence would lead to a new arms race. This view was reinforced by the Russian government, which strongly opposed it on the grounds that it would threaten their defensive capacity to act in the case of an attack. Proponents pointed out that BMD could never be more than of limited use and was designed to respond to rogue states with small numbers of missiles, such as Iran or North Korea. The BMD system did not, therefore, pose a threat to the Russian and Chinese nuclear deterrents. This debate was replicated recently in Europe, as you know, around the decision of whether or not to deploy the system in Europe.

In developing Canadian policy on ballistic missile defence, my colleagues and I were primarily concerned about the defence of Canada in the context of North America. But as David Pratt has pointed out, one of our major concerns in the context of the defence of North America was the need to protect NORAD as a vital instrument of Canadian security and foreign policy.

As you know, in the wake of 9/11, the United States created a new military command which would be responsible for North American security: NORTHCOM. NORTHCOM became operational in October 2002, and its new commander was double-hatted as the commander of NORAD.

There was a great deal of uncertainty at the time about what the creation of NORTHCOM meant for the future of NORAD. Since 1958, NORAD has been one of Canada's key defence institutions, playing a vital role in safeguarding North America's skies. But NORAD's significance to Canada, in my view, extends beyond its mission to secure American airspace. Its binational command structure is an important political system of equality dealing with our most powerful ally. In addition, NORAD offers a unique and invaluable window onto U.S. strategic thinking and security priorities.

As Minister of National Defence, I was concerned that a decision not to participate in BMD would marginalize NORAD. There were already concerns in the early 2000s that NORAD was something of a Cold War relic with little relevance in a post-Soviet world, and particularly one in a missile world rather than one where aircraft were the concern that were originally tracked by NORAD. In my view, and in the view of many in my department, a failure to participate in BMD would give the Americans more reason to shunt NORAD aside in favour of NORTHCOM.

This concern had already been acted upon by my predecessor as Minister of National Defence, David Pratt. He has described the letter, which he shared, and the response he got from Secretary Rumsfeld in respect to that.

At that time, he committed to amending the NORAD agreement so that NORAD could provide early warning information for missile defence. In so doing, Canada aimed to protect NORAD by giving it a function in any future BMD system.

When I became defence minister in July 2004, one of the first things I did was implement this decision to amend the NORAD agreement.

In a roundabout way, however, amending NORAD actually strengthened the hand of BMD's critics in Canada at that time. Once we had amended the agreement, it was felt by many that we had done enough to assure NORAD's survival and that there was now little reason for Canada to participate in the BMD delivery aspect. As a result, in February 2005, the Government of Canada announced that it would not be participating in the U.S. missile defence

program.

The question I believe you are studying is whether today have conditions changed, and should this decision be reviewed.

In my view, it should be. In my view, NORAD has been weakened as a result of that decision. Though NORAD was renewed in perpetuity in 2006, it is clear that the U.S. regards it as a secondary operation compared to NORTHCOM. Consequently, NORAD's future still remains in doubt. Unless some unforeseen threat materializes, it seems likely NORAD will end up like the Cheshire Cat fading away to little but the grin. Of course, honourable senators would be far more familiar than I am with whether the Bi-National Planning Group, which we added to NORAD with the maritime security dimension, has been such to strengthen NORAD sufficiently, but I would argue strongly that you should have a look at whether or not those additional elements are in themselves sufficient.

I argued at that time that we should be involved in BMD and I still think we should be. Participating in BMD would help preserve NORAD and Canada's overall security relationship with the United States. Furthermore, in my view Canadian involvement in the BMD program would give us a voice in the creation and use of BMD, thereby strengthening and not weakening our sovereignty.

David Pratt has described the Ogdensburg Agreement and its origins. I ask: Is it feasible for us here in Canada to watch from a distance while fundamental decisions about the security of this continent are made in Washington without our input?

There were many that argued when I travelled across the country that the way BMD would operate is that the Americans might choose to shoot down a missile as it was coming across Canada. Therefore, we should not participate. My argument was completely reverse. If we're concerned about how the United States is going to use the BMD system, then we should be on the inside of the tent making the decisions along with them rather than outside having no control over it.

That is a fundamental decision we have to make and that, obviously, governments of today will have to make. But my view is that to the extent our resources allow us, we should be involved in the architecture of North American defence, and this does include BMD. As the United States continues to evaluate the future of its missile defence programs, Canada should be open to further cooperation with our neighbour on this still-evolving security initiative.

Thank you, honourable senators, for your time and attention.

The Chair: Thank you, gentlemen, and we certainly appreciate your coming before the committee.

One of the reasons you were invited, obviously, was not only from the perspective of having served in the ministerial portfolio for the periods of time that you did but also from the perspective of clarifying the historical political perspective at the time when decisions were being made. A number of fundamental issues were put forward by those who were opposed to Canada's taking part in the ballistic missile defence. I'm wondering if either one of you would bring to the floor the issues that they brought forward that you were facing then in the political debate so that we understand the perspective at that time.

Mr. Pratt: In the period when I was minister, we were encountering a fair bit of resistance in the Liberal caucus. There were a number of members who, as Bill has mentioned, equated ballistic missile defence with George Bush and Donald Rumsfeld, who, for some of the members of our caucus — I shouldn't say many — were political characters they just did not want to be associated with in any way. Ballistic missile defence was in many respects tainted by the Bush-Rumsfeld connection.

Politically, from the NDP's standpoint, their talking points were mainly on the subject of the Reagan SDI, the Strategic Defence Initiative, that went back to the 1980s, and I can say for my part I tried to explain in the House of Commons on many occasions that ballistic missile defence had nothing to do with SDI and had nothing to do with what they referred to as Star Wars, that, in our view, it was not going to contribute to a destabilization of the nuclear deterrent that existed, and that what we were focused on at that time were North Korea, Iran and their missile development capabilities. Back in early 2000s, even at that time, I think North Korea had the Taepodong missile, which was an impressive missile capability for a country that backward.

So those were some of the political issues we were facing. We were also facing a strong contingent within the youth wing of the Liberal Party that was opposed to this that saw this as proliferation rather than as a defensive measure. Did we at the time do a good job of explaining that? Well, we tried, as best we could, and I think Bill would support me in this. We desperately tried to explain the context, the historical context and the strategic context, but to a large extent, it was falling on deaf ears.

In retrospect, and I'm speaking for myself here, I don't think we had the level of support from the Prime Minister at the time, who was very sensitive to the fact that we were going into an election any time in the spring of 2004.

There were a lot of political considerations. There was, in my view, some careful political messaging that was attached to that, but there were, as Bill has alluded to, quite a number of serious political considerations at the time.

Mr. Graham: Thank you, sir. Well, I won't dwell much more on what Mr. Pratt has pointed out. In the context of Canada-U.S. relations, going back to my foreign minister's hat, there's no question about it that these were tense times with the United States on foreign policy issues. In some sense we were tugged in the direction of wanting to be cooperative with the United States, because we had been uncooperative on Iraq. In some respects, the public opinion was strongly hostile to — as he has pointed out — a security policy in the United States, which was seen as being unilateralist and rather heavy-handed.

In that emotional context, President Bush came to Ottawa on an official visit, and in spite of the request of the Canadian government at the time, raised the matter of ballistic missile defence publicly, and as a minister responsible for carrying this file, I had to tell him in Halifax that his intervention had been interesting but less than productive in terms of where he was trying to advance the debate.

That was a little bit the Canada-U.S. or, if you like, the domestic political situation in Canada.

There was in the academic community a very strong opposition, and I think there probably still is, and you will hear reputable voices in the academic community who are very concerned about the weaponization of space. This is a very legitimate concern, in my view, and something one had to deal with.

My personal view is it is misinformed. I don't see this as a weaponization of space any more than a land-based ballistic missile defence system itself is the weaponization of space just because this missile goes into space and comes back down again when it goes up. This is a missile that would go up from the land. If it were being talked about as being based on a space-based platform, that, of course, would be a totally different matter.

There are those who are opponents to the system who believe this is a little bit of an escalator problem, where, if you do this, then ultimately, it may become something which will end up as a space-based system, and of course as Canadians, we would be fundamentally opposed to such a system because our policies and our international presence has strongly been opposed in any way to the weaponization of space.

This is a debate that has to be looked at, in my view; and as I say, it is erroneous, but it is something that has to be countered.

Thirdly, I would say the other emotional debate that we had from many people, and I referred to it in my opening remarks, was that they said, "Well, the Americans are going to shoot a missile coming in across from Russia or wherever, and they're going to shoot it down over Canada, and we don't want anything to do with such a system."

My argument was, "Well, if you are worried about it being shot down in Canada maybe you want to be in the tent having your finger on the trigger rather than outside having no control over what they're going to do."

I remember being in Vancouver, and there was a very violent debate going on about this, and somebody said, "Oh, Mr. Graham, this is terrible. This is crazy. You are encouraging all this." I said, "Madam, if North Korea fires a missile towards Seattle, we don't know if it will hit Vancouver. The Americans will shoot it down. So let's be with them on this problem, not against them."

It was an objection that people raised, but I didn't regard it as one that I personally could subscribe to.

I would say that apart from the technological one, the most difficult context or most difficult debate we had to deal with was the objections of the Russian government who made strong opposition on the grounds that this would interfere with the efficacy of the deterrents of their own missile system and, as such, lead to a new arms race. That should be and could be a serious concern when you are looking at this, because we don't want to encourage a new arms race. There's no question about that.

When I was the chairman of the Foreign Affairs Committee, Robert McNamara came and took the position that anything that interfered with your opponent's ability to defend themselves or if you can defend yourself perfectly from your opponent, at that point, you become impervious to them and you can then attack with complete freedom. So this is a legitimate concern if it's true.

But my understanding of the ballistic missile defence system, such as it is today, and even based on what limited experience we had with Iron Dome and subsequently, there is no suggestion and never has been that it is a system that would be capable of meeting a massive attack of the type the Russians or the Chinese would mount in the event they were attacked by nuclear weapons from the West.

I would say senators would want to listen to experts in this field who are far better qualified than I am to speak to it, but I don't believe that that is a concern at this point. This, as I understand it, would be limited to one or two missiles that could be dealt with. It's technologically so complicated. Therefore, it is something that, as the Europeans were persuaded when it was deployed in Europe, would be directed towards Iran and not Russia.

However, you do have to face the fact that the Russians are of the strong opinion that this is directed against them, not towards a rogue state, and that, therefore, is a foreign policy discussion that senators would want to bear in mind when considering this. Those were basically the parameters of the debate that took place when we were there.

The Chair: Just to conclude, looking back 10 years ago compared to where we are today and the various arguments that were put forward opposed to the participation in ballistic missile defence, when you look back at those arguments and today the validity of those arguments, are you telling us not to stand up, just from a historical point of view? Is that correct?

Mr. Pratt: That's certainly my view, that from the issue of ballistic missile defence destabilizing the international security architecture, that's simply not the case. As Bill has mentioned, it does not involve the weaponization of space. It's clearly a ground-based system.

The conclusion I have to come to is that those arguments made in 2004 have not stood the test of time at all. As a matter of fact, I think there's so much compelling evidence to the contrary, when we look at what our NATO allies have done in terms of their support for ballistic missile defence; we have 28 NATO nations saying that they endorse the need to protect their populations against rogue missiles, and Canada has been saying all the right things at NATO but not doing anything when it comes to our own situation here in North America.

Senator Dallaire: Gentlemen, I'm quite honoured to see you here. I remember you in your duties, particularly you, Mr. Graham, when in 2002 I went knocking on your door to send 2,000 troops to the Congo, if you remember. It was something Kofi Annan was screaming for us to do, and we sent them to Afghanistan, but I always thought we could send people to both places. That is something else.

Also, you are both architects of the renewal of the forces. The 1990s budget cuts had ebbed, and when you were coming into your own, the rebuilding of the forces was already well launched and many of the programs that were ultimately approved came out during your tenure, the approval of those operational requirements.

However, when we decided not to join the ballistic missile defence, I agreed with that at the time, in 2005, only because I felt the risk was low that the capabilities existed in Iran and Korea at the time. Secondly, the system didn't work, so the risks of becoming engaged in something and trying to prove that made it very difficult politically. I felt we could buy time to see it mature and then move in at an appropriate moment, which I believe we are well into now; that is to say, the system is maturing but still needs significant work.

Where I still find deficiencies in the argument is on the whole operational requirement of this capability. It seems to me that the argument of continental defence is rapidly lost when we start talking Canada-U.S. Then we get all emotional about our sovereignty and all that stuff versus nobody is going to hit this country or the United States without engaging the continent. One cannot happen without the other; it's locked in.

So what did you get from the operational side that these rogue states existed, which means they are totally unpredictable and will do anything to create what they want to achieve? God knows what that might be. What were you getting as hard operational requirements to defend the continent, which would be, in my opinion, consistent with NORAD and not the requirement for NORTHCOM to even come online?

Mr. Pratt: I think the information that we were getting at the time was information that was publicly available from the standpoint of the threat of North Korea and Iran. I think at the time as well, certainly the indications were that they had not developed to the point where we were looking at a serious threat at that time.

But from my perspective, one of the fundamental principles of Canada-U.S. defence cooperation has been not to wait until you've got an imminent threat and then rush to the United States and say, "Yes, we're ready to join now," but rather to work with them over time to ensure that you understand every aspect of their thinking from a strategic standpoint, running right down to the tactical in terms of how they address the threats, how the system is going to be unveiled, the details of the test results, all of that, and that's what I was looking for as minister back in 2004, to get some of those details as a prelude to joining the effort.

I think that the nature of the relationship between Canada and the United States, as I indicated in my remarks, it's a special relationship. The binational defence relationship we have with the United States is very special. This has been mentioned by many historians. Over time, Canada has benefited from

being in the bosom of the French empire, the British Empire and now the American empire. We have been protected by our colonial masters in many respects, and that's probably not a good term to use from the standpoint of the U.S. It's certainly not an accurate term, but we have enjoyed significant protection, and as a result of that, we haven't paid the price from the standpoint of defence budgets over time.

So if there is an opportunity to express and display goodwill in relation to that critical defence arrangement, I think we should have been there in 2004. I think events have moved on without us in some respects, and all we did from the standpoint of the Canada-U.S. relationship was leave the Americans scratching their heads wondering what the hell these Canadians are thinking. As an article I read some years ago by Jim Fergusson mentioned, they asked us to dance, and then we walked out partway through the dance. It's just not the thing that close and trusted allies do. That's the view that I took at the time and it's a view that I still hold.

Mr. Graham: May I pick up on that, Mr. Chairman? Just on the answer to the question, if I understand operational requirement, general, you're using that in a technical way. When one conflates NORAD with the decision making around BMD, there's no question but that the role of NORAD and NORTHCOM, as I understand your concern, is complicated.

I frankly think it would be naive to assume that the United States, if we have even agreed to join them in ballistic missile defence, there is no suggestion that they would put a joint finger on the trigger the way it would be if it were a NORAD operation. For example, you will recall at 9/11 that it was a Canadian general in charge of NORAD and in charge of the skies of America. That's one thing, and the Americans don't mind that. But I think it would be another thing to actually give the actual key to the nuclear trigger, if you like, to a Canadian general and say they would operate it. I think this does require some thought around these operational considerations.

However, I do strongly support what David said. I believe if we had been in on the ground floor we would have been able to work our way through all these issues and perhaps would have found a way in which we could have been better participants.

I think the other thing is if we're not, where does that leave us? I think that's the question we have to ask ourselves. If we're not there, where does that leave us? It seems to me we're outside of an extraordinarily complex and amazingly new form of a weapons system which will affect our security but which we are foreign to decisions around its development. I think that's a dangerous place to be. That's what I would feel.

I understand your position, what you took before, because there was some concern in the Department of Foreign Affairs particularly, not so much in Defence but in Foreign Affairs, that while the Americans were saying that they were not going to ask us for any cost contributions to this, that there was an expression — at least from the department there was a feeling that once you got inside the tent sooner or later somebody would pass you the bill. You're at the table eating at the restaurant, so you can't avoid paying. So I think there is an element of cost as well.

The Chair: As we proceed here — time is moving on — could I just ask if everybody could keep their preambles relatively short so we can take full advantage of our witnesses? We want to hear from you, so I'm cautioning all colleagues, and I'm going to limit everyone else from here on in to one question. Senator Dallaire?

Senator Dallaire: I come back to the argument of continental defence, which we do not hear enough. We still speak national defence and not continental defence in the argument. With the bulk of the Canadian population 200 miles of the American border, we don't know if it's going to hit the border. If it hits Buffalo, it hits Toronto and on and on. That part means we're locked in one way or another. If anybody takes a shot at the United States, they're taking a shot at us — the same thing if the damn thing doesn't work well.

However, Canada has refused to put the rest of our country in the NATO discussion of security. We do not see Canada wanting to discuss our Arctic or the grand mass of our area of the continent with NATO discussing the matters of sovereignty but most importantly defence as Norway has. Is that not part of the problem of our trying to stay out of NATO because NATO has supported BMD, and wouldn't we be logical in bringing all that together and reinforcing our need by a NATO requirement versus purely the continent?

Mr. Graham: I'm not a great Arctic expert at this time, but I've been to several conferences on the Arctic recently. I think that's a somewhat different argument, senator, about how far Canada as an Arctic nation wants to go in engaging non-Arctic powers in the administration. And whether it's in a security dimension or otherwise of the Arctic, I would not want to marry those two concepts together myself.

Mr. Pratt: Just from the standpoint of the operational requirement that Senator Dallaire mentioned earlier, I don't think frankly that the operational requirement would derive necessarily from our NATO commitments but rather from one of the three fundamental tenets of our defence policy. If you go back to our defence policy, it has been consistent with governments as far as defence policies have been written back to post-Second World War, late 1940s, early 1950s: the defence of Canada, the defence of North America in conjunction with the United States, and contributions to international peace and security. On the second part, defence of North America in conjunction with the United States, we tie into missile defence in my view; and the third, which is contributions to international peace and security, I think comes through the NATO connection. However, if you had to rank them, I would say the second is the most important, so I hope that that answers your question in some measure.

Senator Segal: Let me welcome two distinguished former ministers and thank them for their service to the country, both in government and after they left government. My question is a simple one, and it relates to what your respective concepts would have been for how we might have deployed our engagement with missile defence at the time when you gave the matter consideration. Did you have a framework of genuine advice relative to the risk North Korea, Iran and others might have constituted to our national security? Did you reflect on whether we would be engaging with an array of radar and other capacity to assist in the diagnostics that are fundamental to the operation of the system? Were you thinking at the time that any reconstruction of our fleet might involve Aegis anti-missile capability which is being used by our allies? I'm just interested to get a sense of the sorts of things when you wrote Secretary Rumsfeld and when you, minister, dealt with your counterparts. You were giving some thought as to what some of the options might have been for Canadian involvement at the time. Knowing full well that as no decisions were made and circumstances have changed we may be in a different context today, I would be interested in any wisdom you could share with us about the array of options that might have existed in your period of time.

Mr. Pratt: From my perspective, the briefings that we were getting — and I'm sure you've heard this information before so it's probably nothing new — were that the U.S. was looking at radar sites in Fylingdales in the U.K., as well I think it was Fort Greely, Alaska, and Thule, Greenland, that these were to be X-band radars to be capable of identifying and assessing the threat. I think it's called integrated tactical warning and attack assessment, something like that. From what we were hearing from the Americans, there was at that time no indication that we were going to have any interceptor sites or that they would want Canadian territory for interceptor sites. Much of my time as minister was occupied around the subject of Goose Bay and what might happen with Goose Bay, so that was one of the things that, if I recollect, we had discussed in terms of a possibility.

I can tell you from my own perspective, and again relating to the defence of North America, if the Americans had decided and if we were involved and collectively made a decision that interceptors were necessary on Canadian territory, personally I wouldn't have had any difficulty with that whatsoever because it's a contribution to the defence of North America.

As far as the destroyers were concerned, well, back then our destroyers were only about 30 years old, and they had already gone through a refit, the Tribal

class, the TRUMP program, so we weren't thinking about basing any sort of anti-missile system on destroyers. Is that something that should be considered? I'm not an expert on these subjects, and I don't think we are contemplating anything of the size of Aegis Class destroyers as part of the Canadian surface combatant program. But again, if it made a solid contribution to North American defence and if we could justify it from a strategic and tactical standpoint, I certainly would not have any objection to it.

Mr. Graham: Just to follow up on Mr. Pratt's point, I think your question, senator, is drilling down into a lot of issues that at that particular moment in time were premature. It is like we were looking at whether we would engage in the system and then we would have to consider many of the things you did, but it was very clear at the time, as Mr. Pratt has said, that we were not being asked to make any financial contribution; we were not being asked to put a radar site, a detection site; and we were not being asked to put an interceptor site.

I, like Mr. Pratt, was approached by groups who wanted to put a radar site at Goose Bay because there were many people in that area who felt this would be a way of preserving the life of that base which was being threatened because it was no longer being used for NATO flight training as it had in the past.

In terms of the maritime base, I can see where that is going with the Americans, but Mr. Pratt has already made a point about the capacity of our fleet to be able to deal with it. In the end, we were grappling with exactly that. How would Canada have been involved? If we had been in, we might have been able to find out, with our new binational panels in NORAD itself, some way of working with the Americans, through them, in finding how we could make a positive contribution that would be good for the defence of North America as a whole. It was far more political than technical, if I could say.

Senator Day: Let me thank our guests for being here. I can recall each of you being here when this committee was chaired by Senator Kenny and you were ministers of National Defence some years ago. I don't recall discussing ballistic missile defence at that time, but it's good to have you here.

I'll start with Mr. Pratt, first of all. Do you have copies of the letters you were quoting from to Rumsfeld and from Rumsfeld back to you?

Mr. Pratt: I do not have the originals. I have copies of transcripts of the letters. I was advised, interestingly enough, that in 2005, I think, the letter, which had been on the DND website, was taken off for some strange reason. I'm sure you could probably access those letters.

Senator Day: The Library of Parliament would probably be able to help us, but if you have them it would make it easier. We know that the references to these letters are there, but we haven't been able to find them. That was January 15 of 2004?

Mr. Pratt: Yes.

Senator Day: Was Rumsfeld's letter, the Secretary of Defense, dated the same date as your letter to him?

Mr. Pratt: No, it wasn't the same date. I can't recall what the date was, but it wasn't the same date.

Senator Day: Because you haven't mentioned the date.

Mr. Pratt: I think it's important to mention, again by way of context, that there were significant discussions with the American officials before those letters were sent, and questions back and forth. So the Americans had a general idea of what was coming from me at the time, and we had a pretty good idea of what was coming back from Mr. Rumsfeld. In the category of no surprises that was the standard, and I'm sure it still is the standard operating procedure when it comes to those sorts of pieces of correspondence.

Senator Day: I wanted to point out to you that there was another exchange of letters, which we do have copies of, and it's dated August 5. You had changed, and it's now Mr. Graham who is the minister, but Mr. Rumsfeld has also changed. According to this, it's Colin Powell you were writing to, Secretary of State. Maybe the positions hadn't changed, but you were writing to the Secretary of State in August of 2004.

The interesting point is that in each of these exchanges of letters, they came from Canada to the U.S. and the U.S. replied. The other interesting point, because I've run out of time but I did want to bring this out, is this decision that came into effect August 5; both letters are dated the same date, one from an ambassador to the U.S. and then back from Colin Powell. The letter states that this decision is independent of any discussion on possible cooperation on missile defence. It was just talking about the warning aspect.

You were obviously making a reservation, even at that time. Is there a reason why these letters were coming from Canada to the U.S. in both instances as opposed to from the U.S. to Canada?

Mr. Graham: As I tried to say in my opening comments, the focus at that time was very much in respect of the linkage between ballistic missile defence and NORAD, and an absolute determination by the Canadian government of the importance of NORAD and the need absolutely to preserve it and the concern that NORTHCOM was gradually going to take over all of NORAD's activities and that NORAD would be left as an empty shell. While the NORTHCOM commander is, as I said, double-hatted, everything would be on the NORTHCOM side and NORAD would be left with virtually nothing to do, for technological as well as political reasons.

So we agreed at that time that it was clear that, in terms of ballistic missile defence, it was appropriate that NORAD be a vehicle to give an early warning, because that's exactly what NORAD does. That's what it was doing in respect of planes coming from Russia or any invasion from Russia. That's NORAD's function: It's to give early warning. That's really what it's principally designed to do — examine the skies and find out what's going on. This made perfect sense.

That wasn't saying we're going to get into the ballistic missile process and be part of it, but that NORAD itself would be the logical place to house the warning system. All of this got jumbled up, if you like. That came just at this transition point when I moved over from Foreign Affairs to Defence, which probably explains why the ambassador sent the letter and why it came from Colin Powell.

Then, as I said, once that decision had been made, to some respect the pressure was off on the NORAD file for a decision in respect of the principal issue around BMD, because we had gotten a role for NORAD and now NORAD is secure, if you like. That's at least the way I saw it playing out.

The Chair: Senator Day, you're satisfied with that?

Senator Day: I could pursue that further, but we're out of time.

[Translation]

Senator Dagenais: I have two quick questions. The first is this. If Canada does not participate in ballistic missile defence, is there a possibility that Canada could become marginalized with respect to NORAD decision-making?

Mr. Graham: In my opinion, yes. That was the government's primary concern. My own concern at the time was precisely that: being marginalized in the

NORAD decision-making process, on one hand, and being marginalized in NORAD, on the other. So the risk was twofold.

Senator Dagenais: Are you of the same mind, Mr. Pratt?

[English]

Mr. Pratt: Yes, absolutely. I think what we're facing, being outside of the full missile defence program, is inconsistencies, not only with our NATO policy but with our basic defence policy. I think we have to correct that situation. Getting involved fully in BMD, or ballistic missile defence, would do that. I think it continues to be the missing link in terms of Canada's defence posture.

[Translation]

Senator Dagenais: In terms of mitigating risks to Canadian population centres, how important do you think it is for Canada to participate in U.S. decisions about how and when incoming ballistic missiles will be intercepted, for instance?

Mr. Graham: That was precisely my point when I argued that it was better to be involved in the decision-making than to let the Americans make the decisions on their own. That was the very objection to the system I had trouble with, because a lot of people would say to me, "the Americans will use it, identify a missile going through Canada, and intercept and explode it over Canada, with all the fallout on our soil rather than theirs".

I would tell them that the way to keep that from happening was not to stay out of the decision-making process. Instead, we need to be at the table when the decision is being made.

So, in my view, Canada's sovereignty and security are better served when we are part of the system than when we let the Americans call the shots, regardless of our approach.

Senator Dagenais: So you are not in favour of the empty chair policy?

Mr. Graham: No.

Senator Dagenais: Did you have something to add, Mr. Pratt?

[English]

Mr. Pratt: Mr. Chairman, I can only echo the comments made by my colleague Mr. Graham on this. One of the critical aspects of our desire at the time was to be fully conversant with the operational procedures that would be followed with respect to an incoming missile, and that involved the time it would take to notify national officials, get approvals, et cetera, whatever that entailed. My understanding is that the window of opportunity for making a decision is very short, so an understanding of how that was going to work was pretty important.

As Bill has mentioned, for the life of me, I can't understand why we would forfeit aspects of our national security by not working with the Americans directly to implement this system, because that's what we're doing, effectively. Yes, we would have some knowledge with respect to the warning, but beyond that, what is there? There's really no role for Canada at this point. I think that's something we have to correct.

The Chair: Colleagues, on that note, and seeing that it is two o'clock, I would like to thank our witnesses for attending.

First of all, I would like to thank you for your service as Canadian parliamentarians, for the years you have put in on behalf of the public, and most importantly — and Senator Dallaire referred to it — your strong support for the military when you had those portfolios. We appreciate your being here for the questions.

As part of the committee's mandate to examine and report on Canada's national security and defence policies, practices, circumstances and capabilities, we are today turning to the RCMP.

On November 8, 2012, the Senate authorized the Senate Standing Committee on National Security and Defence to examine harassment in the RCMP and report back on its findings no later than June 30, 2013. The committee published its findings on June 19, 2013, in a report entitled *Conduct Becoming: Why the Royal Canadian Mounted Police Must Transform its Culture*. In this report, the committee stated its intention to continue monitoring the implementation of Bill C-42, the gender and respect action plan, and recommendations sent out in the report and that of the Commission for Public Complaints Against the RCMP, CPC.

Today we're pleased to welcome back to the committee the interim commissioner, Ian McPhail; and Richard Evans, Senior Director, Operations, Commission for Public Complaints Against the RCMP.

Mr. McPhail and Mr. Evans, we appreciate your taking the time to be here with us today. I understand that you have an opening statement, Mr. McPhail. Please begin. We have one hour for this panel.

Ian McPhail, Interim Chair, Commission for Public Complaints Against the Royal Canadian Mounted Police: Thank you very much, Mr. Chairman and honourable senators. Richard Evans, who is our senior director of operations, is with me today, and we're both most pleased to be with you again.

When we last appeared before you in April 2013, we discussed a number of your concerns relating to Bill C-42, the authorities it would provide to the new Civilian Review and Complaints Commission, CRCC, and how these would enhance the accountability of the RCMP.

Bill C-42 received Royal Assent in June 2013, and at that time I anticipated that a coming-into-force order and transition to the new CRCC would take place early in 2014. It appears that I was a bit optimistic on that front.

Timing aside, the CPC has continued its preparations for the eventual change, getting the necessary resources and processes in place for a smooth transition to the new CRCC and its expanded mandate and authorities.

We have secured the \$10-million funding envelope which was attached to the new CRCC mandate. This almost doubles the A-base funding the CPC received over the past few years, keeping in mind that the government had provided the commission with year-to-year interim funding which allowed us to meet our responsibilities.

Over the past year, we have worked closely with the RCMP in the development of a memorandum of understanding which is intended to foster a spirit of cooperation and the ability to resolve issues at appropriate levels. Key points in the memorandum include defining critical timelines for various phases of the complaint and review processes, CPC access to RCMP information necessary for the commission to carry out its mandate, guidelines for the

consistent management of complaints, and a notification protocol when serious incidents occur.

We have established a new unit which will undertake specified reviews of RCMP activities as set out in Bill C-42. The team has developed a process which will assist in strategically identifying and investigating key issues before they result in critical situations, with a view to providing analysis and recommendations which respond to public expectations and the realities of front-line policing.

We have also continued our outreach with provincial partners and stakeholders, outlining for them the changes the new legislation will bring, for example, providing complaint reports to provincial ministers, tailoring annual reports for each province, undertaking specified activities and reviews at the request of the province and undertaking joint investigations with provincial oversight bodies.

Finally, we have restructured our operational and administrative services and created efficiencies which will allow for investment in new mandate areas and enhancements to the complaint and review processes. By way of example, we have modernized our complaint and case management system and are working toward the implementation of a fully integrated complaint intake solution that will meet the needs of the RCMP and our provincial counterparts and provide a seamless, user-friendly service to the public.

During this time, the commission has also continued to deliver on its core mandate of addressing public complaints about the RCMP on a wide range of member conduct issues. A topic this committee has taken particular interest in has been the issue of workplace harassment within the RCMP. As you know, I completed a public interest investigation of this issue in 2013 and released a report which made 11 recommendations aimed at fostering a more respectful workplace. The RCMP commissioner has since accepted these in principle, undertaken to review them and committed to keeping the CPC apprised of new RCMP strategies and procedures which address the issue of harassment as they are implemented.

In closing, Mr. Chairman, let me say that the coming into force of Bill C-42 and the establishment of the new CRCC will bring new tools and energy to oversight which will assist the commission in addressing, in a more strategic and systemic fashion, the critical issues, such as harassment in the workplace, that challenge the success of the RCMP.

I am confident that we have put in place the structures, resources and processes necessary to launch the CRCC on a strong footing and ensure that it can meet its mandate in the years to come.

I would be happy to respond to any questions you may have.

The Chair: Thank you very much, Mr. McPhail. We certainly appreciate your coming before the committee. It has been almost one year. How time flies. Changes are being made.

One issue that has come up recently is the question of a 2007 report done internally for the RCMP, namely, the identification of over 300 instances of possible corruption of officers within the force. Some of them were apparently serious allegations that were made; twelve incidents involved organized crime, and there were some other instances as well.

Is your office given a report like that once it is concluded? Did your office receive it back in 2007-08?

Mr. McPhail: Our office did not receive that report, and it has not been the practice to provide our office with such reports. One of the reasons could be the shift in mandate. Whereas in the past the focus of the commission was almost exclusively complaint-driven, or reactive, under Bill C-42 the new mandate presupposes that the new CRCC will conduct investigations into various specified activities. I believe that that will change in the future.

I will ask Mr. Evans to comment on your question as well, considering his background as a professional integrity officer of the RCMP.

Richard Evans, Senior Director, Operations, Commission for Public Complaints Against the Royal Canadian Mounted Police: I think the answer, as Mr. McPhail has said, is that in moving forward we have already started the process to liaise more closely with the RCMP. That specified activity authority under the new legislation is fairly broad; it is not defined by the legislation. What we have undertaken to do with the RCMP, and with great cooperation from the RCMP, is identify what areas in the RCMP need to be examined. We meet regularly with them at a working level, and I'm confident that that type of report would surface during those types of discussions.

The Chair: I want to clarify before we go around the table. Am I to take it that, with the new legislation, internal reports of this kind would then automatically come to your office once they have been completed so that you are made aware of it? It is disconcerting to think that this report was completed in 2007, and yet the public is made aware of it because somebody made an ATIP request, and access-to-information request; otherwise, no one would even know that it existed.

Mr. McPhail: Even under the new legislation, I don't believe the provision of a report such as that would be automatically passed over. However, as Mr. Evans indicated, with the regular meetings that we now have at various levels of the RCMP, it is difficult for me to imagine that such a report would not now come to our attention.

Senator Dallaire: I should like to return to a fundamental element of the ethos of the institution, which is still characterized as very much paramilitary in its structure, in its philosophy of discipline, in its chain of command and so on. Although it does have many similar tasks as your run-of-the-mill police, it does have a number of other tasks, and it is structured accordingly.

In reading what the government has stated from our work, I'm getting a lot of "Ottawaese" terminology in regard to professional development of the leadership cadres and the follow-up of that through training and formal training, and so on. It says a lot that we are taking steps, that we've been talking to people. We've upgraded one course, which is just one small course, in fact, and we have got a leadership continuum process of talking with other people, although it doesn't speak at all about the concreteness of all this nor any milestone of that.

With the Somalia report, we had some very, very specific milestones, with recommendations that either had to be met or we were brought in front of the House of Commons at the time. None of this is appealing to what we articulated as a fundamental flaw in the overall process, which is the senior leadership and development of the senior officer corps and how that transcends throughout.

Have you seen a shift so far in those people who are being promoted into and then promoted within that leadership structure getting some significant changes in their professional development, in the ethos of the institution and how it is related to its troops? Forgive me for the long question.

Mr. McPhail: Not at all. Thank you, senator. First of all, I apologize because I'm not particularly articulate in "Ottawaese", so I will —

Senator Dallaire: You are forgiven for being human.

Mr. McPhail: I will do my best to answer your question. First of all, one of the key things that we discovered, when we released our report a year or so ago, was that it was the first ever effort to try to look at the issue of harassment in an overall manner. We made some recommendations, but it is up to the

commissioner and the RCMP to move ahead with the implementation. That's the commissioner's responsibility — to manage the RCMP.

We did state in our report — and, pursuant to Bill C-42, we will now have every legal authority to do so — that we would revisit this whole issue, not immediately but in the not-too-distant future.

Where we stand now is that the new code of conduct isn't fully operational. We have to give it a little time to see how it works in practice, at which time it is important that we go back in, because we now have somewhat of a base, to see if we can measure change. That's not always going to be easy, but I think it can be done.

To answer the other part of your question on a far-from-scientific basis, from what I understand from Commissioner Paulson, he's very conscious of the need to try to change the culture within the RCMP, and in terms of many of his appointments, he has moved in that direction.

Mr. Evans may have some additional comment on that issue.

Mr. Evans: I would just echo Mr. McPhail's comments. It would be a bit premature for us right now to make a judgment about how the RCMP has responded to the recommendations we've made, given that many of the processes are tied up in Bill C-42. A number of different policies are coming into force with C-42, so, as Mr. McPhail says, once they have had a chance to develop those regulations and put them in place, then the bill gives us the authority to come in down the road and do a review.

Senator Dallaire: First of all, I still am totally uncomfortable with the term the Commissioner of the RCMP "managing" the RCMP. He's in command of the RCMP, and that's in legislation, words like that. So I still see that as a sign that that shift has not happened.

However, when Somalia happened and post-Somalia, National Defence was put on six-month milestones for implementation of significant reforms, and people were being held accountable significantly for not meeting them. I was intimately involved in that.

Do you see that process going on there, or do you perceive that the commissioner is working towards that?

Mr. McPhail: I do see that process going on, and I come to that conclusion both from direct discussions that I have had with the commissioner and, just as importantly, from the discussions that Mr. Evans and other members of our team have had with their colleagues over at the RCMP.

Senator Segal: I wanted first to thank our guests for the work they're doing for Canada in a complex and difficult area and, second, to raise the prospect of consequences.

In commercial law, civil law, criminal law and administrative law, when obligations are not met, when rules, regulations and/or best practices are violated, when people's rights or freedom or standards of corruption are in some way dealt with inappropriately, there are consequences.

This is an amplification of Senator Dallaire's questioning. I have a sense here — and I say this as someone who has nothing but the highest respect for the good faith of the force; men and women who serve in it do great work for Canada in difficult circumstances — that we seem to have a process moving forward where there's always something contingent upon another piece of legislation, implementation of another framework, which means that, for example, we're not actually having a discussion within the context of due process around consequences.

If I were a junior member of your staff and saw a newspaper report that said there are 300 incidents of potential corruption in the RCMP, found by the RCMP themselves and disclosed in response to an ATIP request, even though you have terms of reference for your organization that do not directly implicate you in that — and I respect that — I would ask you this question: What are we doing about it? Are we engaging to see if anybody has been disciplined, suspended pending some further investigation? Has anybody been charged? What are we doing to ensure that the laws that apply in this country and that the RCMP dutifully enforces actually apply to the people who work within the RCMP in the same circumstance?

Mr. McPhail: Senator, you are absolutely right; there do need to be consequences. At the risk of falling into your example of someone waiting for the new legislation, the gestation period here has been very lengthy, as we all know.

I think it is very likely that in the very near future, the new legislation will be implemented. At that time, but not until that time, our commission will have the ability to investigate. As an example of a specified activities review, how the RCMP dealt with these issues is a specified activity that would cry out for examination.

Senator Segal: You were good enough, in your opening statement, to talk about the 11 recommendations that issued from your report on harassment and your engagement with the Commissioner of the RCMP and the work that they are doing. Do you believe you have, in your dynamic with the commissioner, metrics around performance on these recommendations?

I understand that you have this commitment, that they have been accepted, that they're working dutifully et cetera, but do you have any metrics about when some of the recommendations would be deemed to have been implemented in a fashion that would make you feel comfortable that they are moving in good faith with some significant sense of efficiency in addressing your recommendations?

Mr. McPhail: Proof of the pudding is in the eating. In that respect, when we go back in and measure changes and progress that have taken place, we will establish the metrics when we prepare the terms of reference for that review.

The Chair: Colleagues, could I follow up on Senator Segal for the record here?

I go back to that report of 2007 and the issues that it has raised. If your organization isn't the one that addresses questions of a report of that kind to find out if all those issues were dealt with, who does?

Mr. McPhail: That's an excellent point, senator, and the fact is that our organization will be the organization that deals with issues such as that. In the past, it has not been.

The Chair: I want to follow up because we will have Commissioner Paulson here next week. At this stage, then, is it strictly the commissioner who deals with that report and not your organization because of your legislative framework? Is that what I'm led to understand here?

Mr. McPhail: That's correct.

Senator Mitchell: Thank you for being here. I remain skeptical about whether Bill C-42 really is going to achieve what the commissioner says it will, which is to give him the power to get rid of the bad apples, I believe he said. The question it begs is who does the organization see as the bad apples in the case of harassment, the harassed or the harassers? There's nothing in that bill that particularly distinguishes; in fact it gives a great deal of power to get rid of the harassed, and it appears that that's what is happening.

Many with PTSD, because of sexual harassment and bullying and unbelievable cases of it that have been documented by the RCMP's tribunal processes, are now receiving their notices to be released, often from boards of inquiry or boards of review that they're not even allowed to attend. Now we see the development of regulations that will actually allow people to be released before the grievance process is finished.

What comfort can you give us, if any, that these new powers will in fact lead to getting rid of the people who are causing the problems — the harassers — and not the people who are injured because of the harassment?

Mr. McPhail: I'm going to ask Mr. Evans if he will respond to your question, senator.

Mr. Evans: It's important to draw the distinction between conduct issues in the RCMP and the mandate of our commission. The conduct and the tribunal process, the dismissal of RCMP members, under Bill C-42 and in the RCMP Act, remains the purview of the Commissioner of the RCMP as the responsible employer. That's where the dismissal takes place.

The new Civilian Review and Complaints Commission will have a broader mandate to review processes and activities within the RCMP. I'll give you an example. We made a recommendation in the harassment report saying the RCMP should do a better job of keeping records. It was difficult for us to follow all of the cases because sometimes they were recorded and sometimes they weren't. That's the first recommendation. Our mandate includes those types of procedural issues, so it's a more remedial, broad-based policy mandate. We give advice to the RCMP, the commissioner agrees and they will try to implement that. Dealing with the individual harassment complaints remains the purview of the RCMP.

Senator Mitchell: Many of your recommendations, which are really excellent recommendations, would peripherally or directly address this program that the commissioner keeps mentioning — the workplace respect program. In fact, for example, an external mechanism for review of harassment decisions should be implemented. That's pretty straightforward. You could do that in two weeks, it would seem to me.

Clearly, it would be within your purview and within your interests given these recommendations that that workplace respect program be working.

Can you give us any comfort that they're making progress? When we had them here a year ago, we found out there was no national standard, no national direction, and each area was going to develop its own. It sounded to me like something they really weren't that committed to, if I can be so aggressive, and I really feel it's still warranted to be aggressive about this because it's such a serious problem.

Do you feel that the respect for workplace program is being implemented, that it's having effect, that it has a baseline study from which it can judge progress? Have you had any plans to do a study of its progress within your new mandate?

Mr. McPhail: First, my information at the moment is more anecdotal, but it's my belief that the RCMP is working to implement this strategy. In terms of the baseline, I think the baseline is found in our previous report. As I've indicated, absolutely, we do plan, and under the new legislation, when the new CRCC is created, that will be one of our earliest specified activities reviews.

Senator White: Thanks to both of you for being here today. I have two quick questions.

We've had a number of hearings, as you probably know, in relation to CBSA and the shift we've seen in CBSA from 2004 to a decade later to more of a policing agency. We've had a number of people speak here about the lack of independent oversight for CBSA, and we've heard a lot of people talk about how often they work hand in glove with the RCMP.

Do you see your future structure under this new mandate as one that can take on the role of oversight for CBSA — with resource levels outside of the question but more about whether or not you think that's something your agency could do?

Mr. McPhail: First, senator, whether there should be that type of oversight or not is really more a subject for parliamentarians, so I'm not going to comment on that.

If your decision was that yes, there should be oversight, I think the CPC model would be an excellent fit because the whole role of CBSA has changed dramatically in the past 10 or 15 years. I don't wish to cast any aspersions, but I think we all recognize that its primary duty not that long ago was collecting tolls and revenues, and now it's quite clearly involved in a law enforcement function.

Senator White: So the answer is yes?

Mr. McPhail: Yes.

Senator White: In relation to your response to one of the earlier questions about a number of corruption cases, under the new mandate and possibly under this one, could you not hold an investigative inquiry into such allegations? Overall is corruption an issue in the RCMP? You would have that authority, if not specifically investigating those complaints?

Mr. McPhail: That's correct. As a matter of fact, one of the strengths of the CPC, and soon to be the CRCC model, is that when we do our inquiries we review documentation, we conduct interviews, we probably learn more about the matters that we're investigating, I would argue, than almost any type of public inquiry. I think that's why the reviews we've put out in the last few years have solved problems: Once people have had an opportunity to review those it tends to become fairly clear that there wasn't much more to be learned.

Senator White: Some of my friends' questions surrounded whether you could do something, and not getting the right responses from the commissioner or from the RCMP in relation to what has taken place on those 312 cases, I believe it was, would allow you to take a step forward. In that case, we would look at our own investigative inquiry conducted at CPC, or its future name.

Mr. McPhail: Yes, it clearly falls within the specified activities review category contained in Bill C-42.

Senator White: Thank you very much for clearing that up.

[Translation]

Senator Dagenais: I would like to thank the witnesses for being here today.

You may not know this, but I was the president of the police union for the Sûreté du Québec for seven years, and in cooperation with the employer, we established a harassment policy. Through that policy, we were able to prevent problems and resolve a number of cases. The union did more than just deal with labour agreements and pension plans; it also played an active role in how the force was organized.

How satisfied were you with the government's response to the concerns raised in the investigation your commission conducted, as far as the public trust

was concerned, into workplace harassment? Was the response satisfactory? Which issues identified in your investigation report would you say have not been resolved?

[English]

Mr. McPhail: In terms of the government's response, in Bill C-42, regardless of areas that could be tightened up, the government has given the RCMP the tools to do this job. It has given our commission the authority to investigate how effectively the RCMP has done the job. It's still a work-in-progress, quite clearly. It's one of those issues that probably will never be solved totally in a satisfactory manner. Nonetheless, at this time, the RCMP is in the middle of attempting to put the new systems in place. It will be our commission's responsibility to review this and to determine how satisfactorily their efforts have worked.

[Translation]

Senator Dagenais: Thank you. Mr. Evans, did you care to comment?

[English]

Mr. Evans: No, I would echo what Mr. McPhail said. It is a bit premature for us; but those are not insignificant elements in the proposed legislation. One example I would put out there is that going forward doing reviews, we determine what's relevant. There's a greatly enhanced document production process in the bill such that getting access to documents within the RCMP will no longer be a problem. Combined with a broader mandate, I think it's important and backs up what Mr. McPhail is saying about why we're confident about our ability to do these probes: the increased investigative authority.

Senator Day: Gentlemen, the first question I want to ask is about your comment that you have secured A-base funding of \$10 million. A-base implies that you expect to see that amount each year to run your activities. That's double what you had before. Is it double because of increased activities and more employees? Why would you need it doubled?

Mr. McPhail: It's double the previous A-base funding. In addition, the government provided some \$3 million in supplementary or interim funding; so it's actually an increase of about \$2 million, rounding off the numbers, of course. That combined with internal efficiencies we've made and will continue to make will give us sufficient funding to meet the new mandate.

Senator Day: Does this funding come directly to the commission or does it come through another vote?

Mr. McPhail: It comes directly to the commission.

Senator Day: I just wanted to check on that.

Looking at the latter part of your presentation, I need to ask you what this means: "We're working towards the implementation of a fully integrated complaint intake solution."

Mr. McPhail: Let me translate that from Ottawaese, as Senator Dallaire mentioned. Here is the situation as it presently stands: The RCMP can take complaints directly. They use one format for their complaint intake process. We use a somewhat different one. Every province has its own review and complaints body. Each province has its own form. To me, that made no sense; and so we're trying to have a no-wrong-door approach. If anyone in the public has a concern or an incident with a police service, they don't have to get to the right body. They can phone any body and the complaint would be directed appropriately internally. We want to get away from this idea of, "Oh, you've got the wrong phone number or email address; here are the people you should be contacting." Essentially, it's a no-wrong-door approach with one stop for the public.

Senator Day: May I come back for a second round?

The Chair: Are you following up on this question?

Senator Day: No, I think I understand that now, but I just had one other short question.

The Chair: If you can do a short preamble, you can go now.

Senator Day: We had a recommendation that transfers not be used to avoid dealing with a situation. Minister Blaney has come back and said that the RCMP does not do that. I'd like your comment on that.

Mr. McPhail: That goes to Mr. Evans.

Mr. Evans: That's not something we've looked at or that's been on our radar as something we would need to look at at this time. How the chair becomes informed of what's in the public interest under the new legislation to look at, the potential is that if there were complaints, the chair makes a determination that it's in the public interest to do a review of that. With this broader mandate, we potentially could review something like that.

Senator Day: I hope you'll tuck that at the back of your mind. You may not get too many complaints if somebody gets promoted and sent off to the Okanagan Valley. They may not want to complain.

The Chair: May I follow up on this? We spent a lot of time and resources with many witnesses with respect to coming up with a parliamentary report basically on harassment. It's a public report. I assume that your organization receives a copy of that report and that you go through that report. Would you not be asking the RCMP just what they're doing in respect of those recommendations and following up on it? Or do I have to assume that we have to put a complaint in so that you can follow up on our report?

Mr. McPhail: No, no, you don't have to put a complaint in for us to follow up on that. No one does. That's something we've said we would do and will do.

The Chair: I want to hone in on this. We put a lot of time and effort into the report and I think it's a good report overall. When you receive that report, I see you as our public representative. Do you follow up with the commissioner and his administration to follow up in a three-month, four-month, six-month period of time, to find out exactly where they're going with that report or, if they're not prepared to implement that report or aspects of it, why not?

Mr. McPhail: Perhaps I should have been more specific earlier on, senator. I meet on a regular basis with Commissioner Paulson. We've had meetings of senior members of the commission and Commissioner Paulson, and with some of his people. There are regular meetings at many levels.

Yes, we do discuss and follow up on progress. As Mr. Evans said earlier, it's still a work-in-progress, which is why we're not yet in a position to tell you exactly the effect of it. It's not yet been fully implemented.

The Chair: So I take it this time next year you'll be able to report fully to us in respect to the full effect of the —

Mr. McPhail: Yes, we will.

The Chair: Having that on the record, I'll move on to Senator McIntyre.

Mr. McPhail: Assuming I'm still no longer the interim chair.

Senator McIntyre: Thank you, gentlemen, for your fine presentation. As you know, the RCMP has recently released a number of proposed regulatory amendments for consultation. I'm referring to the RCMP Regulations, 2014 Regulatory Impact Analysis Statement, published in the *Canada Gazette* in April this year.

Was the CPC engaged in this consultation process, and how has the CPC been engaged in the process?

Mr. McPhail: I believe you're talking about the code of conduct.

Senator McIntyre: Yes.

Mr. McPhail: The CPC has not been engaged in that effort. They have been now put out for public comment, both for members of the public and members of the RCMP.

Again, it's an issue that the new CRCC can review upon its implementation.

Senator Mitchell: Your work and at least one of the focuses of your report was very much about organizational psychology and culture in an organization like the RCMP, specifically the RCMP. I think you demonstrated that you've given that a depth of thought. One of your recommendations is that — there is a relationship between workplace conflict and harassment. There is a complex relationship, and clearly you've thought that through.

In keeping with that observation and that line of thinking, I'm wondering to what extent you would connect a workplace environment that permits bullying and harassment with that kind of environment that would enable corruption to reach the serious levels that the 322 incident reports would indicate. I think there's a link in the nature of the culture.

Mr. McPhail: It's not something I've really thought about at length. At the very great risk of —

Senator Mitchell: I'm just asking you, given the depth of your experience.

Mr. McPhail: Being hypothetical on this, yes, I would think if someone feels the rules don't apply to them in one area, they may well believe that's the case in others.

Senator Mitchell: The study that concluded the 322 instances of corruption, spanning from 1995 to 2005, was done in 2007, but it's getting to be 10 years since that last period of time. Are you aware of any other studies or of monitoring that the RCMP itself is doing, and other studies they might have that would indicate what has happened in the last 10 years?

Mr. McPhail: I'm not aware of such studies.

The Chair: If I could, colleagues, I would like to go a little bit further on the code of conduct. Senator McIntyre referred to it being published in the *Canada Gazette* and further information going out for public consultation. If you will recall, we did a number of recommendations about the code of conduct and how important it was to have a code of conduct that not only was clearly defined but that laid out consequences if an officer violated the code of conduct.

What steps are you taking to ensure that your office, in working with the commissioner, makes sure that that is done so that the public is aware there is a code of conduct and there will be a consequence going forward? Do you have any comments on that?

Mr. McPhail: Again, it gets back to what our mandate is and what it isn't. In terms of consequences for individual breaches of the code of conduct, we're not a review body for specific individual instances of discipline within the RCMP. What we can do, and what I expect we likely will do, is review how the code of conduct is administered and what the range of penalties or range of consequences is for different actions, and review its fairness both to the RCMP members and to the members of the public.

Senator Dallaire: I've been listening and reading about your duties and so on. It's a very succinct response we got from government reference of ombudsman. It nearly borders on being flippancy, saying essentially that we've got enough oversight; we don't need another one. We could easily have said that at DND, because not only did we end up with an ombudsman, but we had six civilian oversight committees reporting directly to the minister during that period of major reform at the end of the 1990s.

Do you feel that the presence of an ombudsman would be overkill in an institution that seems to maybe not be within this current decade in terms of its ways of going through things?

Mr. McPhail: That's a difficult question to answer. What is the appropriate degree of oversight? At the risk of not answering your question, but I'll do my best —

Senator Dallaire: Bordering on Ottawaese.

Mr. McPhail: No, it will not be that.

I will give you two broader examples. Both Mr. Evans and I had the opportunity to attend the annual meeting of an organization called NACOLE — the National Association for Civilian Oversight of Law Enforcement — which is the American equivalent to a Canadian body, so all of the oversight bodies are represented there. To my surprise, they're all municipal. Not only is there not an effective form of national oversight of policing matters — although I suppose you do have the inspector general — there isn't even state-wide oversight.

Senator Dallaire: We have state police all over the place.

Mr. McPhail: Exactly, but all of the oversight bodies are municipal, without exception.

Senator Dallaire: We're going to let you off the hook with that.

Mr. McPhail: At our recent CACOLE — Canadian Association for Civilian Oversight of Law Enforcement — meeting, I introduced the concept of a panel,

which we put on, about the burden of oversight. One of the challenges we have is being fair both to the individual members and to the members of the public. In many cases of serious injury or death, you'll have an investigation by the SIU-type of body, a coroner's inquest, and an internal review. If there's no criminal charge, you will have a review by a body such as ours.

There is a multiplicity of processes, and what I think we have been trying to do in Canada is to come to a happy medium. It is not always easy, between the American system, which I don't think provides for enough oversight, and the Canadian system where we try to have consistent oversight where there's a tendency to compound the number of review bodies.

I don't have an answer for this. As a matter of fact, as I explained at our conference, I wanted to get the issue out for discussion so that people can start examining the different processes and see if we can make further improvements.

The Chair: Colleagues, it is three o'clock. I would like to thank our witnesses for taking time out of their busy schedules to come before us and take our questions. We appreciate what you do. We believe it is important at least on an annual basis to have you come before a body such as ours and have this public conversation, because it is important not just for us but for the public, most importantly.

Mr. McPhail: We appreciate it, too, Mr. Chairman.

The Chair: Time is not necessarily our friend here and our next panel is large, so we will begin. I'd like to welcome you to the Standing Senate Committee on National Security and Defence as we continue our review of issues pertaining to the RCMP. We are pleased to welcome members of the force representing the staff perspectives. First we have with us Staff Sergeant Abe Townsend, National Executive, and Superintendent Doug Anthony, National Executive of the RCMP Staff Relations Representative Program. I would also like to welcome Rae Banwarie, President, Mounted Police Professional Association of Canada; Gaëtan Delisle, President, Association des membres de la police montée du Québec; and John White, President, Mounted Police Association of Ontario.

Gentlemen, I understand each organization has an opening statement. I would invite Mr. Townsend to start. Remember, we have one hour for this panel.

Mr. Townsend, please proceed.

Staff Sergeant Abe Townsend, National Executive, RCMP Staff Relations Representative Program: We are proud to appear on behalf of the membership of the RCMP, 19,000 regular members and 3,800 civilian members, both categories hired and accountable under the RCMP Act, who serve across Canada and internationally. Their service in policing and public safety is an honour to all Canadians.

We are the RCMP Staff Relations Representative, SRR, Program. The program is a non-union labour relations program for all members of the RCMP. The program is authorized by law and is the officially recognized program of representation on all issues that affect the welfare and/or dignity of RCMP members.

During my service, I have served in four different provinces and two territories and have been an elected representative since 2004. Doug has served in two provinces and has been elected to represent since 2012. The program is comprised of 42 representatives all democratically elected from and by the membership in all territories and provinces. We will provide opening remarks and focus on four general areas: the Enhancing Royal Canadian Mounted Police Accountability Act, the informal conflict management program, harassment, and the Respectful Workplace Program.

I'm pleased to report to the committee that during the development of regulations, commissioner's standing orders, policies and training, which will operationalize the Enhancing RCMP Accountability Act, the SRR program has been engaged in meaningful consultation through the SRR internal affairs committee, the SRR staffing committee specific to the category of employee issue, the broader SRR caucus and an SRR resource whose sole function is to ensure lines of communication are open and active. While this has provided opportunities to advocate on behalf of our membership, there remain some specific areas of concern to us, and we will use the entirety of the regulatory approval process to advocate on behalf of the membership of the RCMP.

In advance of the implementation of the Enhancing RCMP Accountability Act, most RCMP divisions have implemented informal conflict management programs, ICMP. These will be supported by the rollout of a nationally based informal conflict management program. It has been reported to us by representatives in divisions where ICMP has been implemented that the results are favourable. As we participate in the development of a national program, as required by legislation, we look forward to a standardized and sustainable program for all of our membership.

In relation to harassment, since the publication of your committee's report in June of last year, publication of the CPC's *Public Interest Investigation Report into Issues of Workplace Harassment within the Royal Canadian Mounted Police*, the implementation of the RCMP Gender and Respect Action Plan and the implementation of the Respectful Workplace Program, reported complaints of harassment have been on the decline. Likely not for a single reason, but rather for a combination of reasons, we are moving in a better direction. This direction, I hope, will be supported and sustained with the approval of the commissioner's standing orders on investigation and resolution of harassment.

The final area of remark is the Respectful Workplace Program, which is an informal consequence of the Gender and Respect Action Plan. This program, while encouraged from the centre, is very much defined and implemented in the divisions to enhance our workplaces and the relationships therein.

In closing, I will point out no improvement is possible without the engagement of our membership and the sustained support of the organization. Our members are and will continue to be engaged in these efforts.

Success is dependent on funding, resources, ongoing training and strong timely communications. We will advocate for these. Thank you, and we welcome any questions the committee may have.

The Chair: Thank you, Mr. Townsend.

[Translation]

Gaëtan Delisle, President, Association des membres de la police montée du Québec: Thank you, Mr. Chair, for inviting us to address the committee regarding our understanding of the issues we were asked to comment on: whether any changes have been made since Bill C-42's publication, what changes have actually been made, and are they doing the organization any good?

Unfortunately, I can tell you that we, on our end, do not share Mr. Townsend's view. In fact, I know one of the divisional representatives on the disciplinary committee quite well, and I can tell you that the divisional representatives called in regarding the regulations made under the RCMP Act were never made aware of them before they were published last month. It is all well and good to talk about certain things, but when you do not have the regulations, well... You will notice that nothing has changed in the new regulations made under the RCMP Act with respect to oversight and the way harassment complaints are currently dealt with.

I would like to point out recommendation 15 in a Senate committee report on the RCMP; it calls on the government to establish an RCMP ombudsman. If you check the regulations, you will notice that the role of the external review committee for public complaints will be minimized as far as all types of harassment-related grievances go, including those related to travel claims. That means situations where members are not treated properly when they are asked to travel for work, for example, to provide security at the Olympics — in which case a thousand members are required to work in other locations. Grievances of that nature must be submitted under Treasury Board's travel policy. So, under the new regulations, the external review committee will not be allowed to investigate those kinds of grievances. What is more, the commissioner will decide what you will be entitled to, and the commissioner is the one making the decision. I want to be perfectly clear as far as the situation not changing goes. It will get worse.

What is defined as harassment? I am not sure whether you recall when this issue came out in Parliament: the infamous scandal involving the RCMP pension and insurance fund. A major investigation was conducted. Mr. White will surely recall back when then chief superintendent Fraser Macaulay publicly announced how the RCMP had managed to take millions of dollars out the funds.

With the new regulations made under the RCMP Act, the commissioner will now have the authority to immediately dismiss any member of the RCMP, except for the deputy commissioner. So if you apply that authority to Mr. Macaulay's situation, he would have been dismissed immediately.

And, if I am not mistaken, I believe you were involved in a complaint that was made against Mr. Macaulay. When you were assistant commissioner, you filed a complaint about his conduct. In cases where a superior files a complaint against a whistleblower, you can only imagine the implications it has in terms of conduct.

From our perspective, it is clear that harassment complaints are not taken seriously, nor does anyone want them to be. I will give you a blatant example. Eight years ago, one of my best partners, an outstanding RCMP investigator, was told one morning when he got to work, "Go home. Collect your things and go home. Do not ever come back here". It took eight years to ask the RCMP that I file a harassment grievance. Eight years — they just received the grievance last week — to say the grievance met the requirement of standing.

Just imagine that the harassment complaint resolution process is starting after eight years. What do you think has been happening during all that time? The member in question was cast aside, and what do you think people in similar situations end up thinking about the RCMP? The same thing happens in all cases involving harassment.

Ironically, in this particular situation, the harasser was promoted to the position of chief superintendent, and then promoted again to the rank of deputy commissioner. That same individual will now be reviewing the member's grievance. I simply wanted to tell you that nothing has changed.

I am available to answer any questions you may have. I will now yield the floor to my colleagues.

[English]

John White, President, Mounted Police Association of Ontario: Mr. Chair, senators, thank you for the opportunity to address your committee and for your efforts to help improve the effectiveness of Canada's national police service.

The issue of harassment in all its forms should be of significant concern to all Canadians, especially when it is occurring within public institutions. You should know there are many individuals, privileged to serve this country as part of the RCMP, who want to do their part to address the problem. Clearly, workplace harassment can never be eradicated completely. Therefore, it is critical to establish effective preventive measures while also responding quickly and decisively when incidents occur.

When people work collaboratively, a potential synergy forms which, if properly harnessed, enables organizations to respond to almost any challenge. Workplace harassment, if tolerated, robs groups of its strength, valuable skills and abilities to achieve the mission. Left unchecked, like a disease, it will erode confidence and destroy productivity.

Harassment victims are impacted by a critical failure of leadership — abuse of authority. Victims are adversely affected, with some rendered incapable of functioning normally, both at work and at home. There are costs associated to harassment — impacts on physical and psychological health. Respect for others is critical to improving the culture of the force. This could start with allowing members the associational rights they are presently being denied but enjoyed by all other police services. Sadly, our failure to properly eliminate harassing behaviour produces a culture of self-preservation where many choose to ignore the problem. Faced with intimidation, self-interest prevails. As we avoid getting involved, improper behaviour becomes the norm. Tolerating and ignoring the problem has skewed accurate measurement of harassment in the RCMP. Improper behaviour, perceived as normal, is also being reinforced in future leaders.

There is a critical workload problem in the RCMP. Harassment is symptomatic of human resource shortages and related issues. Unless HR matters are prioritized over other issues, our other problems will not be addressed in a timely way. When improper behaviour goes unreported, it's very easy to ignore the issue. It also becomes easier to attack those who make formal complaints.

You have been shown the dire consequences for victims. Many seek costly redress through external litigation. Members find it hard to have faith and trust when they observe negative media publicity. In an us-versus-them environment, how will decision makers in the future be properly trained to be comfortable and capable in dispensing discipline for which there is potentially little accountability?

We must be vigilant also against subjective conclusions about harassment. Labelling victims is extremely dangerous and unfair. They cannot be dismissed as troubled, malcontent and professionally unsatisfied. This enabling behaviour discredits all victims and shifts focus away from the real issue. Harassers and enablers try to justify their actions as protecting the organization.

We must empower members to speak out against harassment by demonstrating that they will not suffer retribution for doing so. Cultural change will happen only if we truly cease to tolerate harassment and we show that it will not be tolerated elsewhere. A moral compass must assist us in combatting harassing behaviour. Proper ethics and values demonstrated by leaders who truly understand the dangers of failing to lead must be communicated and embraced by everyone, from the top to the bottom. Thank you.

Rae Banwarie, President, Mounted Police Professional Association of Canada: I would like to thank the chair and this committee for the invitation to be here and the opportunity to address you all. In my capacity as the national president of MPPAC, I'm here to speak to this committee and provide each of you the unfettered, uncompromising truth about what is being reported to us, what is happening on the front lines with our national membership. I will share with you what the members have shared with me about their recent experiences in the force on the important issues of harassment since Bill C-42 was passed.

Although C-42 became law last year, we have not begun to feel a real impact of the legislation as we have awaited the development of the regulations and the commissioner's standing orders. Nevertheless, members are aware of the pending changes and are understandably nervous. The committee has been made aware of the fundamental flaws in C-42. It entrenches the power imbalance and places unprecedented discretion in the hands of the commissioner

and senior managers to discipline and dismiss members. The new processes continue to lack independent third-party adjudication; the commissioner has the final say. Members may be compelled to make statements and produce documents without sufficient protections. Members can be discharged with ease with minimal procedural protections. Members are understandably fearful about how these powers will be deployed.

Members are also disappointed to see that the new code of conduct continues to include the "no criticism" clause found in the previous code of conduct. This provision, which prevents members from criticizing the operations or the administration of the force, unless authorized by law, effectively muzzles dissent, placing the onus on the member to guess when his or her freedom of expression might be paramount. Justice Iacobucci flagged a concern with this provision in the 1999 Supreme Court *Delisle* decision, and yet it remains today.

Where have we come in the last year? Members have been told that the problem of harassment will be addressed. Members have been told that the problem will be taken seriously, but what have the members actually seen and experienced? Our members have seen their commissioner come before this committee and identify three members by name, members who had spoken out against the force with complaints of harassment. Our members have seen the commissioner ridicule and demean their colleagues, engaging in a very public campaign of bullying. The message? Speaking out against harassment will not be tolerated.

Our members have seen their commissioner belittle those suffering with PTSD by using a derogatory hand gesture, which was captured at a meeting, an audio meeting at Alberta, and he apologized for that after the recording was circulated and a backlash occurred.

Our members have seen harassment problems continue to arise and be inadequately addressed. An example would be the case of a certain staff sergeant who had to fight for the support of the organization in order to get back to work after surgery following a physical altercation during arrest. Her name is in the transcripts.

This staff sergeant took her complaint to the chain of command, to senior management, who failed in their obligations to her. She felt personally dismissed and she was told that the organization would not engage in dialogue with her if she wanted to have her association representative present as part of this process. That information is contained in Exhibit A, the five pages of emails where she was in communication with Commissioner Paulson.

Our members have seen the RCMP management at the highest levels make a choice favouring the RCMP's reputation over the health and welfare of members. This committee may already be aware that Dr. Webster, a police psychologist in British Columbia who provided psychological counselling to many members, was removed from the RCMP's approved list of doctors in August of 2012. I have provided the committee with ATIP information showing that this decision was approved and sanctioned by the commissioner and was largely based upon Dr. Webster's speaking out about his concerns with the RCMP workplace.

Indeed, his decision to delist Dr. Webster was accompanied by a complaint to the College of Psychologists of British Columbia, which included press clippings. The college determined the RCMP's complaint was unfounded and dismissed it. To support its complaint to the college, the RCMP supplied members' private medical files to the college without their knowledge or consent. A Privacy Act investigation is nearing completion and a decision is imminent.

Commissioner Paulson approved the delisting of Dr. Webster. He subsequently appeared before a parliamentary committee and is on record stating that RCMP members are able to seek treatment from the health care provider of their choice. So the question before this committee is whether Commissioner Paulson stands by his actions regarding Dr. Webster or his testimony before the committee, as they are diametrically opposed. Exhibit B-1 contains the emails which show his knowledge and sanction of the process. Exhibit B-2 is the college's decision, which I have supplied.

Finally, our members have seen some of their colleagues take their own lives. I am personally familiar with the stories of two members in British Columbia, but there are others in Canada. These are suicides. These suicides are currently under investigation in British Columbia, and a special coroner has been appointed and a report is pending.

In one of the of the cases, the member I has helping was waiting almost two years to have a harassment settlement implemented, to receive a written apology for the harassment and the payment of legal fees from the RCMP. These issues weighed heavily on his mind. I know, because I was attempting to help him in wrapping the matters up. I spoke to him the day before he committed suicide. His death is a potent and heartbreaking reminder to me of these workplace issues and how they can impact our members.

There's still much work to be done in the RCMP on both harassment and human resource issues more generally, as documented in Dr. Duxbury's report on the RCMP, Exhibit C. I have provided a copy of the executive summary.

The new processes ushered in by Bill C-42 are not the panacea that they are made out to be but will make members more vulnerable to management than ever before. After years of broken promises, the members are being told again to have faith in the leadership of the force. That is not what the members need. They need true accountability and strong and fair leadership that they can put their faith, trust and futures in. MPPAC has made significant, positive differences in every single member's case that I or my executives have been personally involved in. That's what our membership deserves: an independent, professional police association recognized by management and engaged to partner in the workplace and bargain on issues to protect members' interests.

I thank the committee for the opportunity to speak on these very important issues. I would leave you with this one final observation: The pay, pension and benefits enjoyed by RCMP members are directly tied to those negotiated by municipal and provincial police through collective bargaining. These collective agreements contain provisions for the handling of grievances and disputes, which must be resolved within a specified time frame. Why is it, then, that the men and women of the RCMP are denied these same processes that directly affect their pay, benefits and pensions, yet we are entrusted with the responsibility to uphold the rule of law and the protection of all in this country?

The last 50 years of policing have shown that police associations contribute to the quality and professionalism of policing while serving to support their members. It is true that under such a system the commissioner would no longer be able to act unilaterally and without reference to the wishes of the membership, but is it really wrong to ask our commissioner to lead rather than just command? I consider that to be the cornerstone of an effective, modern police force. I would be pleased to offer any further assistance to this committee, should it be required.

The Chair: Thank you very much for your presentations.

I would like to ask a specific question to Mr. Townsend, and then give the floor to Senator Dallaire.

Has your organization considered our recommendation for the establishment of an ombudsman, and have you taken a position on that?

Mr. Townsend: We have, and our consideration for that goes back to the Brown report. Our position has remained consistent that external oversight, in relation to a place for our members to go, is a positive thing. With an ombudsman or ombudsperson, it would depend on the legislation and the framework that would exist so that person would have a true ability to affect the decision making. If it's just to create another structure that would not deliver for

Canadians and for the membership, why would we create another structure? Like anything, the devil would be in the details, such as what authority the ombudsman or ombudsperson would have.

Senator Dallaire: Just statistical information first.

[Translation]

Mr. Delisle, how many members do you have in Quebec?

Mr. Delisle: Members who are working for the RCMP?

Senator Dallaire: Yes?

Mr. Delisle: About 1,000 members.

[English]

Senator Dallaire: Mr. White, how many do you have in Ontario?

Mr. White: Approximately 1,200 employees, total. Not all regular members.

Senator Dallaire: I wish you would stop using that term, "employees."

Mr. White: Members. Senator, they're not all regular members. About 1,150 are civilian employees, public servants and everybody else.

Senator Dallaire: I'm looking at the code of conduct exercise that's going on, and I'm always going back to the military because you guys have been using the paramilitary, and on and on. We have Queen's Regulations and Orders that are interpreted by lawyers who do courts martial, and until just a couple of decades ago we even had the ability to give capital punishment. We have that, and then we have administrative directives and so on that are signed under the authority of the Chief of the Defence Staff to implement the rules and regulations.

In this process here, I'm not too sure where the standing operating procedures of the commissioner are, or his interpretation of the code of conduct. What do you expect coming out of that from the code of conduct, which to me should be a very deliberate and clear reference point for the administration and discipline of the force?

Mr. Delisle: You're talking solely about discipline?

Senator Dallaire: I'm saying administration and discipline because harassment is a discipline problem, it's an attitude problem, an atmosphere problem and a leadership problem. The instruments you have, I'm not sure how they're being implemented.

Mr. Delisle: I gave the clerk a copy, in both official languages, of a decision that was —

[Translation]

Senator Dallaire: I have not read it, as we received it five minutes ago.

Mr. Delisle: I understand. This is a ruling handed down in a workplace harassment case. The applicant was Alain Lebrasseur, whom Mr. White knows very well.

I will read you an excerpt that shows how the RCMP can react. This is such a comprehensive and broad issue that the commissioner must interpret what is good or not.

The following is stated in paragraph 4: "The Applicant had always been a successful and well-respected officer. Even after his wife became the victim of the RCMP's harassment, his performance for 2002 was reviewed positively. However, the RCMP apparently wanted him to persuade his wife to abandon her legal proceedings against it. As he refused, he was, in turn, harassed and abused by some of his superiors."

The Honorable Judge Tremblay-Lamer provided this information, but she also continues further on. The judge's decision is laid out in paragraph 28. In this case, however, the truthfulness of the applicant's testimony is indisputable. In fact, the uncontested evidence establishes that the applicant was harassed by his superiors for two years, so that he would convince his wife to withdraw the charges. The last straw was the fact that they told him they would continue to abuse him in other ways, with no end in sight.

Do you understand the extent of the RCMP's senior management, under the commissioner's command? That is almost impossible to describe.

[English]

The Chair: Could I ask for a qualifier with the witnesses: If we can shorten down the replies, because there are only 30 minutes left and there are lots of questions to be asked.

[Translation]

Senator Dallaire: That is pretty relevant.

[English]

Mr. White, I am finding it difficult that a chain of command could actually do what he has just described. Is this something that is within the ethos, within the culture of people who are in command positions, to be able to use such methods in order to impose their will, or is this exceptional?

Mr. White: I don't believe, senator, that it is exceptional.

Senator Dallaire: Exceptional in the pejorative sense, of course.

Mr. White: In the pejorative sense. But by the same token, I think it is important to make the point that not everybody in a command leadership position in the RCMP falls into that category. It very much depends on the situation.

To go back to your question — and I think it has been said before the committee — the run-of-the-mill stuff, the everyday items, the mundane

administrative things where a meal claim is denied or whatever, will probably roll out the way they have in the past. Bill C-42 was intended to expedite situations where the public purse was being egregiously abused by individuals who were not coming to work for different reasons and the organization had to do something, felt it had to do something to rectify that situation.

The statistics are that those individuals are perhaps 150 individuals out of 20,000. That's the reality. It is not like we have a huge problem with people who decide they're not coming to work tomorrow and just go home.

The concern amongst members is that in this middle ground, where we have tried to solve one problem, have we created an environment where there will be more problems? Individual actions can be delayed; they can be deferred. Things could be done where resolution is stalled; it is basically dragged out. What happens then? That's the concern of members. There's real fear.

Bill C-42 places an extreme amount of power in a localized area, and there's very little in terms of appeal; there's very little in terms of an ombudsman-type position to help members be protected from abuse. I don't want to go on too long. It is the middle ground that we're worried about.

Senator White: Thanks to all of you for being here. It's great to see people who represent similar interests and still want to find different ways of dealing with it.

My question is for Staff Sergeant Townsend. We've heard a number of comments about harassment. You have been in the Div-Rep program for a while. I think you've been at NAC now for a few years as well. How do you feel about the last 12 months and the path forward when it comes to dealing with harassment in the workplace, in particular in relation to those you represent?

Mr. Townsend: In the past 12 months, there's been a greater sense of awareness among the membership. When I say "the membership," I mean from the most junior to the most senior. That may, in fact, be one of the big things that are actually driving the reported incidents of harassment down.

That being said, through various means, we have all put folks' attention on it. Through the Respectful Workplace Program, through the broad-based consultation on the development of a code of conduct, all of these items focus attention. It becomes everybody's problem, not somebody else's problem.

My concern is that we will improve and then we will go on to the next item and pay little attention to this, thinking that we have it cured when, in fact, as I mentioned in my opening comments, these are things that have to be sustained through policy, through CSOs, through funding, and through continuous dialogue, so that awareness is maintained in the organization.

It is inappropriate — regardless of what level you are — to act in a harassing way, whether it is the highest level of the organization acting that way, or whether it is at the peer-to-peer level acting that way. It becomes an unacceptable behaviour to isolate somebody, to use derogatory language towards them, to mitigate their potential for development.

Are we moving in the right direction? Based on the statistics, which are only a year old since your report, based on what the SRRs in the field have reported to me, yes, we're moving in the right direction. Are we there yet? Hopefully we will always move in the right direction and not backwards.

Senator White: A follow-up to that. I'm a believer that what gets measured gets done. If we look at that, that we're moving in the right direction, do you feel that we have enough measurement going forward over the next three, five, seven, ten years of the RCMP? It's been around for over a hundred, and it will hopefully be around for another, plus. Do we have enough put in place now to make sure we don't hear the public complaints and outrage, and that, okay, we're good now, and 27,000, 28,000 people continue on the path, or do you think we need to do more? What recommendations can you give us?

Mr. Townsend: We're encouraged by the recommendations that have been adopted, recommendations made by this committee, that there be a centralized accounting so that it isn't 12 different people's problems, that in fact there is one place to find and measure the record, similar to the ministerial reporting that was ordered five or six years ago on conduct, which actually gave the minister — and, by extension, those who were informed — a keener sense of awareness of what is really going on. It is not being hidden in a division, one of 12 or 13 different divisions. I agree. It has to be measured. It has to have continuous attention and sustained effort so that we don't backslide.

Senator White: As you know, my policing background also includes seven years in municipal policing, where I had a police service board that I was accountable to or at least answerable to; in other words, they could fire me if they wished — and maybe wished many times.

This is to anyone: Do you see a positive opportunity for the RCMP to have a similar quasi-independent oversight board of management that talks about strategic direction and about issues such as harassment, ensuring that those policies are put in place, separating politics, which often comes into play when it comes to the RCMP, with a responsibility and accountability to the minister?

Mr. Townsend: Similar to our position in the Brown task force, a board of management provided that it was framed in such a way that it would advocate for the advancement of the organization and not a special interest or a partisan-type board, yes.

Senator White: If I could have a response from one of the witnesses from the Mounted Police Professional Association of Canada, please.

Mr. Delisle: If I understand your question correctly, you would move to amend Bill C-42?

Senator White: No. I'm asking whether or not a board of management, a police board, would work better.

Mr. Delisle: We asked you to amend Bill C-42 a year ago. That didn't go anywhere.

Senator White: I understand. I will ask somebody else the same question if they want to reply.

Mr. White: I believe the membership of the RCMP, the rank-and-file members, just want to know that the process is fair, transparent and timely and that they will see this, that it will be demonstrated to them. They talk amongst themselves; they observe things. They know when things are occurring properly, and they know when they're occurring improperly. I firmly believe that an independent ombudsman or a board of management, as long as it is not seen as a mechanism to help the organization get to the next issue or put out that fire, will be very welcome and is required. To the proponents of C-42, I respect you.

However, I think more is required than just legislation. We're dealing with human beings. A piece of legislation needs to be given character and life amongst the people who deliver policing services to this country. If that's done — regardless of how it rolls out or what it looks like — if people feel they have an advocate and things are fair, we will have achieved success and you will change culture in Canada's national police service.

Senator Mitchell: My question is to Staff Sergeant Townsend. Your concern with the ombudsman was that you wouldn't want one that didn't deliver. However, with years of harassment, with cases where a subordinate woman is fired for a relationship with her supervisor, the male, and he's not fired, with cases where somebody has exposed himself and is moved to B.C. and loses 10 day's pay — this is decades of harassment. It has happened on your

watch, on the SRR's watch. Is it a case of your structure just not being able to function properly, given that there is this inherent, one could argue, conflict of interest — you are in the management structure — and it hasn't been able to deliver your concern with an ombudsman? Isn't it time for the kind of organization that Mr. Banwarie represents, MPPAC, which has a model that is used in every major police force across the country and, in fact, is referred to in decisions about pay by the RCMP itself? Isn't it time for us to maybe look at a different kind of organization given that yours hasn't delivered?

Mr. Townsend: Thank you for the opportunity to reply. I'm sure you have read it; I have read it — that is, the CPC report on harassment that looked not just at our organization but at other policing organizations in Canada, namely those that have the type of representational structure that you refer to as being better. Statistically, they're no different than us. That doesn't make us correct, and that's why we're moving to correct it.

I don't think you can draw a line to say depending on the type of representational activity will depend on whether or not it will be a harassment-free organization. We all strive to be a harassment-free organization.

Regarding your comment that I'm in the management structure, in fact, I'm not. I'm accountable to the constitution of the SRR Program and the SRR caucus, who are elected by the members. The commissioner can't impeach me; the SRR caucus can impeach me. I'm accountable to the membership, not management of the RCMP.

Will I continue and will we continue to represent within the best of our ability given the structure? Yes, indeed we will. You know as well as I do that question is before the Supreme Court of Canada, and we look forward to their reply. We will advocate for our national police force as being a distinct part of the Public Service of Canada. We serve the public as their national police force, distinct and apart from the broader public service — unique, is the way I frame it.

Senator Mitchell: I share the skepticism of Bill C-42, that is, the idea that the commissioner says it will allow him to get rid of the bad apples. It begs the question: Who does he, or whoever is firing, think the bad apples are — the harassers or the harassed? And there's more and more. I would see an organization that was demanding an ombudsman, demanding a public oversight board and demanding a union as being really serious about getting this problem fixed. I don't see that.

In fact, Staff Sergeant Townsend, with all due respect, on both questions, on the ombudsman and the public oversight board, you have kind of tempered it — well, contingent upon whether it delivers or not. I don't get a really strong commitment from this organization, and I don't mean to single you out —

The Chair: Would you get to your question?

Senator Mitchell: My question is this: Is there evidence now that, in fact, C-42 has actually emboldened the organization and they're starting to fire the injured, and is there any indication that they're actually firing the harassers?

Mr. Townsend: You want me to reply?

Mr. Banwarie: Thank you for the question, senator. I can speak to some of the cases I know from members who have been injured and who have been off work for a long time. In these cases, the injury happened as a result of harassment and bullying in the organization. They know what is coming down in terms of the type of power that the commissioner and his delegates will have, and they're leaving. They do not want to be victimized again by being dismissed and fired once those regulations come into play.

A lot of people now are going to leave the organization. Once they're done, then it doesn't matter. It doesn't matter what the situation was with them, or what their injuries were, or whether it is an occupational stress injury or whatever it may be; they're out of the force now. That's how I believe it will roll out. For something as significant as that piece of legislation, the membership are not even being told how it is going to play out and the matrices of how the processes are going to be done.

I would think that for anything as substantial as this you would know in every part of the process how it is going to impact you, not after it has been done, created and finished, and then "Oh, here you go. This is how it's going to play out." That's not fair to the membership at all. How can you expect trust from an organization that continues to operate in that fashion? You just don't.

[Translation]

Senator Segal: I have one issue with this. I am hearing two different stories, and two completely different organizations are being described here. Some people are telling us about a major national police organization that is currently reforming itself. Apparently, changes are being made and improvements are seen, in terms of processes for the protection of rights. On the other hand, some people are talking about an organization whose treatment of its members borders on the criminal.

[English]

For a guy who has no police experience — and this senator has none other than to fundamentally respect the men and women in uniform who are trying to do a difficult job — it is fundamentally troubling. I would like you to help us understand why, for people who have a broad experience with the force, engaging on behalf of members of the force, trying to have two totally different perspectives on what is now going on — and I expect and assume that all of you are testifying in the best of faith and are giving us your best possible perspective on what is going on — the gap is so large in what's being said to us this afternoon.

[Translation]

Mr. Delisle: Honourable senator, I do not know whether you have taken the time to read the new regulations covered in the RCMP Act. You will find that all the member protection measures have been removed from the regulations. That has been set aside. So the intent is already there. The individual who will enforce those regulations will already have unconditional power in terms of everything.

Moreover, there is an internal system in place. Ask Mr. Townsend — I have nothing against him personally, and we have known each other for a long time, as I was a divisional representative for 33 years — whether he thinks that he is not part of the management. His office is in Ottawa, and his move to Toronto was paid for. Ask him whether he requested the move from the management, or whether he had the right to do that.

I am saying this to show you how people in the system are treated. He is certainly not part of the management. Since he is a divisional representative, he does not report to the commissioner, but to his divisional representative. However, you know perfectly well that, if you want to keep the benefits, you indirectly have to provide a service to the employer.

My conclusion — and people are also coming to the same one — is that the divisional representatives are stuck in the system, whether we like it or not. The commander is responsible for the divisional representative. Only the commander, and no one else, can approve their expenditure allocations.

Someone has to sign off on that. So you can see from this example that the system is internal in that regard.

[English]

The Chair: Mr. Townsend, you indicated that you might want to respond.

Mr. Townsend: Yes, I would like to respond specifically to one comment of my long-time friend. No taxpayer money was spent to move me to Toronto, none whatsoever, to give that piece of clarity.

In relation to the independence of our program, I can tell you that, from my experience and from that of many of my colleagues, as a representative, I was never told what I could or could not publish to the membership I represent. I was never examined in relation to the specificity of the expenses as I travelled about to represent the members, nor was I asked by any of the commanding officers I worked for what, in fact, I was dealing with on behalf of the members.

They respected the confidentiality that was stipulated in the RCMP Act. His experience may have been different, but I can speak for mine.

So, when we look at why we see two different things, if we go back to the honourable senator's question, I can tell you that, in "O" Division, for instance, in Ontario, over the last year, 600 of the members and employees in "O" Division have received some level of informal conflict management awareness. That's 600 of 1,200 employees. Do I see it as all negative? Not necessarily. We're moving.

I will let my colleague, Superintendent Anthony, close off.

Superintendent Doug Anthony, National Executive, RCMP Staff Relations Representative Program: I have been a member for 33 years, and the last 14 have been at headquarters. You get a real perspective of what's happening in the force and how it is going. Although these gentlemen can certainly give you individual examples, on the whole, where we're going I approve of. Are we there yet? No, we're not.

If we look at the statistics, between May 1, 2013, and 2014, we have dropped 134 harassment complaints. The year before, it was 240. It is going down. The amount of harassment complaints that are being investigated is going way up.

We have the respectful workplace initiative that came out as of January 31 of this year. Between then and March 31, 19,073 members of the force, or 61.85 per cent, have taken that training. I have seen the informal conflict management professionals work because, as a staff relations representative, I had 3,400 employees. I dealt with harassment every day, and having brought in those informal conflict management professionals has been wonderful. People have been able to talk things out rather than having them fester into harassment.

I see where we're going. Is it perfect? Absolutely not. I agree with Gaëtan Delisle a little bit. We don't have the safeguards, perhaps, in all of the areas, but are we going in the right direction? I think we are. I know that management is taking this seriously. I know that the membership is taking this seriously. The training that people are getting certainly solidifies that, so, to answer from my perspective, from the broader point of view, we're going in the right direction.

Senator Segal: I don't have any other questions. I don't know whether other members of the panel wish to speak. That's up to you, Mr. Chair.

The Chair: Colleagues, we will go on to the next questioner if we could because we're running out of time here.

Senator McIntyre: Gentlemen, thank you all for your presentations. My question is addressed to the group, so anyone from the group can answer this question. It has to do with health issues. Recently concerns were expressed in the media about new regulations being introduced under the Enhancing RCMP Accountability Act.

According to some, the act would enable the RCMP to more readily dismiss members with health issues. I assume by "health issues" they mean not only physical ailments but also mental health issues. I'm referring specifically to an article published in the *Edmonton Journal* last April called "Ailing Mounties fear new rules that make medical dismissals easier."

Could any one of you speak to those issues?

Mr. Townsend: I would like to speak to health modernization as it relates to Bill C-42. As a program, we are on record in this house as well as Parliament to object to the absence of the state provision for administrative discharge. We will continue to articulate that through the regulatory process.

When I say "administrative discharge," that would be discharging you for unsuitability based on a health condition. We object to that vehemently. Our members will not have a process of appeal while they still remain members of the force.

In the new world order, they will have the process of appeal, but they will appeal it as an outsider. In our organization, once you are an outsider, you can fight long and hard. Even if you win, you don't really win.

So that piece of C-42 we object to. We always have. In relation to our health care program, the organization still maintains a duty to accommodate. We have gone through the policy development on this so that decisions are not made in the absence of clear thinking and a sober second thought. For any decision in relation to advancing an administrative discharge, which would include health, the application has to be cleared through a central policy centre so that you don't have the one-offs out in Alberta or out in Newfoundland making uninformed decisions: "Okay, this is what I see in my small piece of the world."

So we have that piece of assurance, but, overall, we find the absence of a state provision on these administrative decisions so that they can exercise the appeal process hugely troubling, as we have commented in the past and as we will continue to reference.

Senator McIntyre: So this is simply fear mongering on the part of the media.

Mr. Townsend: I don't see it as fear mongering if you completely understand the state provision. We take young Canadians and move them from one end of the country to the other. Their support systems may be left in another province. With an appeal process where you are still a member, at least you exercise all of your rights as a member.

Health is probably the less objectionable one when you look at the other administrative discharge processes. At least, arguably, if you are discharged for health-related reasons, you will have some type of disability insurance. As it relates to that state provision, there are other bona fide occupational requirements that you have to meet where you can be administratively discharged that don't equate to having a disability insurance to sustain your family.

So that piece gets really complicated. As an organization, we still have the duty to accommodate. Unlike the military, we don't have universality of service. Those pieces didn't just up and disappear because of C-42. That administrative process still is there.

[*Translation*]

Mr. Delisle: I heard my former colleagues say that they worked very hard and were always involved in the drafting of regulations.

I would like to draw your attention to section 17 of the regulations. Had they worked so hard, section 17 would state that the members have the right to file a grievance before the External Review Committee, so that this body would review their case. However, that is not true.

In the past, when members were terminated for medical reasons, they could submit a grievance and be heard by the External Review Committee. I feel that any hard work they did do was not at all for the members' benefit.

[*English*]

The Chair: Colleagues, it is 4:30. So, on behalf of the committee, I would like to thank the witnesses for coming before us and taking our questions.

(The committee continued in camera.)

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