

The Canadian Region

CPA Regional Conference

Halifax played host to dozens of parliamentarians from across the country and other delegates and observers during the week-long annual Commonwealth Parliamentary Association Canadian Regional conference from July 14-19, 2019. Attendees noted the Maritimes' welcoming hospitality and the strength of the panel topics.

Commonwealth Women Parliamentarians (CWP) Meeting

Saskatchewan MLA **Laura Ross** provided the Chair's annual report, detailing a busy year in which she had the opportunity to attend numerous meetings, forums and conferences to share the CWP's goals. These events included a Nova Scotia Campaign School from May 25-27, which drew 200 participants. Ms. Ross said the campaign school included a wonderful cross section of women from diverse backgrounds and ages. Ms. Ross also mentioned the CWP's *She Should Run* publication (see our interview in this edition) and a successful outreach program held in Edmonton last year.

In a session on "Six Signature Traits of Inclusive Leadership," **Terri Cooper**, Chief Inclusion Officer for US Deloitte, and **Cathy Warner**, Marketplace Leader for Deloitte in Saskatchewan, outlined the six Cs of inclusion: commitment, courage, cognitive of bias, curiosity, cultural intelligence, and collaboration. These six Cs depend on each other and are interconnected.

The presenters said personal commitment to inclusiveness must be present within all aspects of a person's life. For example, they asked the audience if someone is speaking over a woman would they speak up and say that's not okay. "We need to be able to be ourselves and we need to model that authentic behaviour," they added.

In terms of courage, they noted that one study has demonstrated that 99 per cent of individuals believe they are allies for others, but only about 25 per cent of people will actually speak up and challenge a behaviour that discriminates against another group.

Everyone has both conscious and unconscious bias, they explained. Recognizing this fact and thinking about it will help a person be more aware of how to prevent their bias from limiting opportunities for inclusion.

Being inclusive also means being curious about a person as an individual. The presenters encouraged attendees to ask questions about each other: what makes them tick? What makes them excited? What are their hobbies?

Ms. Cooper and Ms. Warner added that developing cultural intelligence is essential to being inclusive. There are significant cultural differences between us even if we speak the same language. They encouraged attendees to embrace differences and allow space for them to benefit everyone.

Finally, they said collaboration, rather than simply providing representation must be at the heart of an inclusive environment. "Diversity is being invited to the party," they stated. "Inclusion is being asked to dance." A workshop followed the presentation in which attendees broke into six groups. Each group focused on one trait and worked on suggestions for helping future leaders.

A session on "Inclusive Workplace and Hiring Practices" brought together a panel of women who work in a variety of fields. Presenters **Mary Bluehardt**, president and vice-chancellor at Mount Saint Vincent University, **Bethany Moffatt**, vice president and head of commercial banking for the Atlantic Region at Scotiabank, **Tanya Priske**, Executive Director of the Centre for Women in Business, **Jill Provoe**, the senior advisor for educational equity at Nova Scotia Community College, **Sarah Reddington**, assistant professor of child and youth study and chair of the Pride Committee at Mount Saint Vincent University, and **Diana Whalen**, former Deputy Premier and former Minister of Justice and Attorney General of Nova Scotia all noted that inclusion is not a destination, it's a life-long process. They outlined ways various institutions have developed strategies to promote inclusion, while understanding that progress can be uneven and sometimes slow. Creating a dialogue of change among women is one way they can support each other on this journey.



Kelly Clark – Communications Nova Scotia

The Commonwealth Women Parliamentarians (CWP) meeting.

A final session titled “Ready-Set-Action: Next Practices in Inclusion,” featured presenter **Tova Sherman**, of an organization called reachability. Ms. Sherman grew up in a family of five children where all children had some form of disability – it wasn’t stigmatized within her family. But she notes that school was tough and so was the workplace. She started her own organization that is committed to sustainable employment. By finding the right fit to ensure people don’t keep having to come back, reachability is designed to give many services to the few rather than spreading resources too thinly.

Ms. Sherman said that in order to move forward in terms of being inclusive she doesn’t look for How to best practices, but next practices. She outlined five key steps from a leadership perspective to creating an inclusive work culture. 1. Leadership preparation means all levels of management have to buy in and

understand that inclusion is truly win-win-win (the client, the employer, and the community). 2. Prepare the workplace, not just architecturally but attitudinally. 3. Curiosity – A person is a person first. Don’t define them by their disability. 4. Education and Osmosis – working with someone with a disability helps remove mysteries. 5. Dignity – do the right thing and find out what they want, not what you would want in that situation.

CPA Conference

On July 16 MLA **Lisa Roberts**, the Master of Ceremonies, welcomed participants to the first session of full conference. Following a smudging ceremony by elder **Marlene Companion**, attendees watched a performance by the MacInnis Highland Dancers Remarks. Nova Scotia Speaker **Kevin Murphy** also provided welcoming remarks.

Session 1: Children in Care

Chaired by Manitoba Speaker **Myrna Driedger**, presenters **R.J. Simpson**, an MLA in the Northwest Territories, **Lisa Dempster**, a Newfoundland and Labrador MHA, and Senator **Marilou McPhedran** spoke about the challenges in protecting children in care and the uneasy history of forced family separations and colonialist attitudes which have led to a vast over-representation of Indigenous families within the system.

Mr. Simpson said this issue only seems to become a flashpoint at the time of government audits or when there is a sensational case of abuse or death of a child in care. He contended this issue is so easily forgotten because First Nations children comprise a significant portion of children in care; colonial institutions are still operating despite reconciliation efforts. Mr. Simpson noted that there are more Indigenous children in care in Canada right now than at the height of Residential Schools and that they are grossly over-represented among children in care. He told the audience that he's heard it described as the Millennial Scoop (a nod to the Sixties Scoop), because so many Indigenous families are been torn apart. Mr. Simpson said almost 1 in 10 children in NWT is involved in some way in child protection services. Although 95 per cent of these children are First Nations, only 60 per cent of youth in the territory are Indigenous. He concluded by stating that the child welfare system is a state-created crisis following centuries of racism.

Ms. Dempster, who is Minister of Children, Seniors and Social Development for Newfoundland and Labrador spoke about a substantive new Act she worked on covering children in care. She stated that all children in care need safe and supportive placements, yet there has been significant pressure on the system. Kin placements and placements with siblings are always the first line choice where possible. Foster care within the community is the next option. Removing children from the community is a last resort. Ms. Dempster spoke of the five levels of care in the system and noted that 80 per cent of children in the system are in care of kin (level one care). She also touched on talks about collaboration with Innu to establish Innu-led group home. Ms. Dempster said the new Act she worked on focuses on prevention to help parents keep kids at home.

Senator McPhedran spoke about the review of Bill C-92 (*An Act respecting First Nations, Inuit and Metis children, youth and families*) which moved rapidly through Parliament. She said the impact of this

legislation will be substantial and long term. Referring to the Sixties Scoop, she explained how child welfare system replaced residential schools as a tool of assimilation. Senator McPhedran said that Bill C-92 creates co-ordination agreements to allow Indigenous communities to exercise their inherent jurisdictions over family welfare services. While Bill C-92 is only a framework, she said it gives different communities the ability to adapt it to their needs.

Session 2: Carbon Tax/Climate Change

François Paradis, the President of Québec's National Assembly, chaired this session which addressed different ways provinces were responding to climate change. **Everett Hindley**, an MLA from Saskatchewan, spoke about the province's "Prairie Resilience Plan." He stated that this is a made-in-Saskatchewan plan for climate change and suggested that the province's opposition to the carbon tax should not be seen as a reluctance to act – rather, a disagreement of how to act. Explaining the principles of responsible development and stewardship of natural resources, the province's plan provides an analysis of cumulative impacts, wetlands management, enhancing biodiversity, etc. He concluded by explaining how emissions intensity reductions would allow the economy to grow while still reducing effects of emissions.

Sonia Furstenau, a British Columbia MLA, began by asking attendees what two things they value most. Answers from the audience included family, health, future, leaving a good earth, public safety, and food. She noted a certain divisiveness has crept into the debate over how to address climate change. Rather than concentrating on division, Ms. Furstenau encouraged attendees to start by acknowledging that we all generally agree on what we value and then look at how climate change affects these things. For example, climate change affects the family when flooding destroys family homes. Ms. Furstenau stated that we must build an economy that is good for us and our environment. "Are those things that we value most being protected by our economy?" she asked. "How can we shift to economies that are less carbon intensive?" She concluded that she believes a carbon tax is one of the tools that can help us get there because it sends a signal to the market that it's time to innovate.

Session 3: Listening to the Forest – Forestry Practices for the Twenty-first Century and Beyond

Chaired by Nova Scotia MLA **Lisa Roberts**, in this session presenter **William Lahey**, President and Vice-

Chancellor of University of King's College and a former Deputy Minister in the province's Department of Environment and Labour spoke of how forests are managed. Noting his involvement in reviewing forestry practices in Nova Scotia, he began by asking how could the province could integrate Micmac wisdom with modern scientific techniques. Mr. Lahey stated that we need to do a better job protecting and honouring biodiversity. He noted that in Nova Scotia, the majority of forests is privately owned woodlots, while the rest is crown land. On the private lots, 90 per cent of harvesting is clear cutting, while 65 per cent of forests are clearcut on crown land. In mixed forestry, select cutting is preferred to protect forest structures. But in single species forests, clearcutting is an acceptable practice. He concluded by discussing debates about how to classify forests and calling for a new paradigm in forestry – a new way to think about forestry.

Session 4: Representation: Identities, Equalities, and Pluralities

Nova Scotia MLA **Barbara Adams** introduced consultant **Douglas J. Keefe**, a former Deputy Minister Department of Justice and Deputy Attorney General in the province, to discuss his role in an electoral boundary commission tasked with ensuring effective representation of some of the province's minority communities of interest – particularly Acadians and African Nova Scotians. Mr. Keefe outlined early 1990s reforms which set up exceptional boundaries in the province for the Micmac (they opted not to take it), and for other groups. The commission he worked on to revise boundaries was set up in 2017.

In thinking about how to accomplish their mandate, commissioners asked, "How well can a person represent another person's interest if they come from different backgrounds and experiences?" Mr. Keefe contended that "mirror representation" is difficult to put into practice since identities are fluid and the context of a debate will bring some aspects for identity to the fore while others are less important. He explained that we all manage multiple identities.

Since Acadians and African Nova Scotians are dispersed throughout the province, can a geographic-based constituency work? The Supreme Court's Carter ruling has been used to draw boundaries based on social experience; however, parity can sacrificed as a result. Is this fair to other portions of the electorate? If so, how much can parity be stretched to accommodate significant communities of interest? These are

questioned that are difficult to answer. He concluded by relating the story of an African Nova Scotian man who attended a commission meeting. The man noted that Nova Scotia has only had an African Nova Scotian representative in the legislature since 1992 when exceptional ridings were introduced, and there has only been one MLA continuously since. He said we should not leave it to chance that such representation continues.

Session 5: The Notwithstanding Clause

Chaired by Saskatchewan MLA **Randy Weekes**, this panel brought together four parliamentarians to discuss how the notwithstanding clause has been used or how it is viewed in two provincial contexts.

Ontario MPP **Christine Hogarth** spoke of the province's decision to use the notwithstanding clause to alter the size of Toronto's municipal council and change some other elected positions in municipalities prior to an approaching election shortly after her party formed a government. She said although the press made it seem as though this was a significant issue for many voters – especially in the provincial capital –, as a Toronto MPP she noted she hasn't heard a peep about it since. Ms. Hogarth called the notwithstanding clause a safety valve put in place to give parliament the final say and limit the powers of the courts. Although a lower court found the government's legislation violated the Charter of Rights and Freedoms, an appeal court found the initial ruling was "dubious" and likely erred in law. Nevertheless, the notwithstanding clause was used while the government appealed to ensure the changes would be in place in time for the municipal elections. Ms. Hogarth said this was the first time the clause was used in Ontario, but certainly not the last time it will be used in the province or in Canada.

Ontario MPP **Catherine Fife** explained that the context behind the decision to use the notwithstanding clause is important. She noted that Toronto's municipal boundaries had been firmed up in 2014, there was much consultation and support for the new structure within the community, campaigns were underway and nominations were closed. In short, when the government announced its proposed changes shortly before votes were due to be cast, she said citizens felt marginalized and reacted strongly. Ms. Fife noted that the Ontario Municipal Board had upheld the new ward structure and even sitting government MPPs had voted in favour of proceeding with municipal elections using these boundaries shortly before the recent election. She stated the very clear about-face



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“seemed to come out of no where.” Ms. Fife added that the authors of the notwithstanding clause weighed in on its use and disagreed about whether this was an appropriate use of the clause. She concluded by stating the Charter is meant to protect against the tranny of the majority, and the notwithstanding clause requires a high threshold to use.

Québec MNA **Marilyne Picard** provided an historical look at the use of the clause in the province. She noted the possibility of using the clause exists in both the Canadian Charter and Québec’s Charter. Ms. Picard offered a number of examples of how the clause can be applied to fundamental liberties, but not to minority language rights, in the Canadian Charter. Individual civil rights can be affected in Québec’s Charter; for example, closed hearings in court to protect youth (contrary to the right to a public hearing), providing Indigenous presence or language fluency restrictions in juries, and the issue of commercial signage.

Finally, Québec MNA **Lise Thériault** provided arguments in favour of using the notwithstanding clause and arguments of limiting its use. Proponents of using the clause note that it allows Québec to protect its language rights and culture, it assures parliamentary sovereignty and reserves parliament’s right to make final decisions on question of law. People who favour limiting its use suggest that it should only be used in cases invalidated by the court in a corrective sense, that it should be used to protect recognized rights rather than to suspend them, that when used in a preventative sense it should adhere to the principles of respecting the will of the majority and avoiding long legal disputes, and that it should be reserved for only the most serious matters.

Session 6: Cannabis Legislation and Administration

Alberta Speaker **Nathan Cooper** chaired this session which examined how the country has addressed cannabis legalization and regulation. New Brunswick

Speaker **Daniel Guitard** explained how the debate in his province concerned how to protect public health and safety while regulating cannabis production and sales. The province created a Crown corporation to control distribution and suffered a fairly significant loss because less cannabis was sold than anticipated. A shortage of supply and delayed start meant less sales. However, he suggests that New Brunswick's Crown corporation was initially better equipped to meet social policy needs than business needs, and that it will work to change its business model over time.

Ontario MP **Yasmin Ratansi** provided the federal perspective on legalisation and noted that the provinces and territories determine how it is produced and sold. She provided a history of prohibition of drugs in Canada dating back to the early 20th century. Ms. Ratansi described the consultation process and how the legislation was introduced to establish a legal and regulatory framework.

Session 7: The Advent and Impact of Negative Campaigning

Chaired by British Columbia MLA **Raj Chouhan**, this session featured two presenters to define and discuss negative campaigning.

Senator **Salma Atallahjan** stated that negative campaigning involves criticizing competitors rather than promoting yourself. She said there is debate over whether it's an acceptable tactic. Some people suggest candidates aren't campaigning in a vacuum and most respond to each other. However, others say the focus on poor aspects of an opponent's qualities and platform increases cynicism among the electorate. Negative campaigning is often described as "American-style campaigning," but Senator Atallahjan said it's probably in every democratic system and not unique.

New Brunswick MLA **Megan Mitton** said distinction should be drawn between critiques over issues versus attacks on character (ie. mudslinging). She noted that negativity is more likely to appear in competitive races. Proponents of negative campaigning argue that it can provide information that is necessary for policy debates – but she wondered if it also has the potential to distort facts? She also suggested that some positive ads may not be truthful. Ms. Mitton said negative campaigning leads to a constant campaign even if the intensity varies from moment to moment, it discourages possible candidates and citizens, and causes disillusionment amongst citizens. She contended that it gives permission for people to say hateful things and even act in a problematic

way. Ms. Mitton concluded by stating that she believes politicians should lead by example and show people how to disengage. Banning negative campaigning isn't a viable option, but certain statements shouldn't go unchallenged because that suggests agreement.

Session 8: Dress Code in Parliament

Saskatchewan MLA **Nadine Wilson** chaired the conference's final session on dress code in parliament. British Columbia MLA **Janet Routledge** outlined the "right to bare arms" saga in her province. Previously, she had only heard rumours about what she could and couldn't wear and hadn't known about Standing Order 36 which requires men to wear jackets and ties and stipulates that clothing should reflect conservative standards. It was the job of the Sergeant of Arms staff to interpret the statement. The "Right to Bare Arms" controversy occurred when a staffer who was walking through Speaker's hallway wearing clothing that showed bare arms was told to put on a jacket or leave. A protest involving members of the press gallery and caucuses prompted multiple women to enter the Assembly with bare arms and numerous stories of staffers being told what to wear were reported. A review by the Acting Clerk encouraged members to exercise their own good judgment based on 14 general guidelines. Ms. Routledge concluded by stating this crisis allowed us to reassert that women could dress themselves without instruction.

Québec MP **Alexandra Mendès** stated that rules followed in House of Commons are based on Arthur Beauchesne's Parliamentary Rules and Forms of the House of Commons of Canada first published in 1916. In the 6th and final edition, it said nothing in the standing orders, but noted that it was up to the Speaker to determine what is appropriate in terms of 'conservative contemporary standards.' Ms. Mendès noted the degree of tolerance over clothing can vary over time and from Speaker to Speaker. Currently there is no dress code in the House of Commons, only tradition. However, some Speakers have ruled that in order to be recognized men must wear a tie. She explained how dress standards were relaxed when the air conditioning system was broken, however. Looking elsewhere, she noted that some territories and provinces have codified rules, while in Westminster, people used to wear wigs and top hats. Now members in the Mother of Parliaments must dress as if they were attending "a fairly formal business transaction." She concluded by noting although there is no formal dress code, men have been much more prescribed in what they must wear in the chamber than women.

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Simeon Mikkungwak, Speaker

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YUKON

Nils Clarke, Speaker

Dan Cable, Secretary



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Canadian Region
Commonwealth Parliamentary Association

Alberta

Office of the Clerk
3rd Floor, 9820-107 Street
Edmonton, Alberta T5K 1E7
780 427-2478 (tel)
780 427-5688 (fax)
clerk@assembly.ab.ca

Newfoundland & Labrador

Office of the Clerk
Confederation Building
P.O. Box 8700
St John's, NL A1B 4J6
709 729-3405 (tel)
709 729-4820 (fax)
sbarnes@gov.nl.ca

Ontario

Office of the Clerk
Room 104,
Legislative Bldg.
Toronto, ON M7A 1A2
416 325-7341 (tel)
416 325-7344 (fax)
clerks-office@ola.org

British Columbia

Office of the Clerk
Parliament Buildings
Room 221
Victoria, BC V8V 1X4
250 387-3785 (tel)
250 387-0942 (fax)
ClerkHouse@leg.bc.ca

Northwest Territories

Office of the Clerk
P.O. Box 1320
Yellowknife, NT X1A 2L9
867 669-2299 (tel)
867 873-0432 (fax)
tim_mercer@gov.nt.ca

Prince Edward Island

Office of the Clerk
Province House
P.O. Box 2000
Charlottetown, PE C1A 7N8
902 368-5970 (tel)
902 368-5175 (fax)
jajeffrey@assembly.pe.ca

Federal Branch

Executive Secretary
131 Queen Street, 5th Floor
House of Commons
Ottawa, ON K1A 0A6
613 992-2093 (tel)
613 995-0212 (fax)
cpa@parl.gc.ca



Québec

Direction des relations inter-
parlementaires
Assemblée nationale
Québec, QC G1A 1A3
418 643-7391 (tel)
418 643-1865 (fax)
simonb@assnat.qc.ca

Manitoba

Office of the Clerk
Legislative Building
Room 237
Winnipeg, MB R3C 0V8
204 945-3636 (tel)
204 948-2507 (fax)
patricia.chaychuk@leg.gov.mb.ca

Nova Scotia

Office of the Clerk
Province House
P.O. Box 1617
Halifax, NS B3J 2Y3
902 424-5707 (tel)
902 424-0526 (fax)
fergusnr@gov.ns.ca

Saskatchewan

Office of the Clerk
Legislative Building
Room 239
Regina, SK S4S 0B3
306 787-2377 (tel)
306 787-0408 (fax)
cpa@legassembly.sk.ca

New Brunswick

Office of the Clerk
Legislative Building
P.O. Box 6000
Fredericton, NB E3B 5H1
506 453-2506 (tel)
506 453-7154 (fax)
don.forestell@gnb.ca

Nunavut

Office of the Clerk
Legislative Assembly of Nunavut
P.O. Box 1200
Iqaluit, NU X0A 0H0
867 975-5100 (tel)
867 975-5190 (fax)

Yukon

Office of the Clerk
Legislative Building
P.O. Box 2703
Whitehorse, YT Y1A 2C6
867 667-5494 (tel)
867 393-6280 (fax)
clerk@gov.yk.ca