

# Canadian Parliamentary Review



Volume 43, No. 3

***Parliaments in a Pandemic***

# *Family Ties in the Saskatchewan Legislature*

Since the establishment of the Province of Saskatchewan in 1905, there have been 20 known instances of familial relationships among Members of the Legislative Assembly of Saskatchewan. Table 1 presents a full list of kinship ties. Types of kinship have included: fathers and sons, a mother and son, husbands and wives, brothers, a father and daughter, a brother and sister, a grandmother and grandson, a grandfather and grandson, and an uncle and nephew. Other interesting observations of the kinship ties include:

- In 1919 Sarah K. Ramsland not only became the first female to be elected to the Legislative Assembly, but she also became the first and only wife to immediately succeed her husband, as her husband Magnus died in office as the Member for Pelly and she won the subsequent by-election in that constituency. Though re-elected in the General Election of 1921, she was defeated in her bid for re-election in 1925.
- The Ramslands do not represent the only occasion of one family member immediately succeeding another. Benjamin Heppner was elected to the constituency of Rosthern in 1995 and 1999, and then to the new constituency of Martensville in 2003. After his death in September 2006, his daughter Nancy ran in and won the subsequent Martensville by-election in March 2007. She was re-elected in the following three General Elections.
- On three separate occasions family members have served concurrently in the Legislative Assembly. Fathers and sons Oakland W. Valleau and Delmar S. Valleau served together as MLAs from 1944-48; John H. Brockelbank and John E. Brockelbank from 1964-67, and brothers Edward H. Walker and Robert A. Walker from 1951-56.
- The political leanings of related members have differed only three times. Dennis M. Ham was elected in 1975 as a Progressive Conservative while his sister Lynda M. Haverstock was elected 1991 as a Liberal, later sitting as an Independent. William M. Martin was elected in 1916 as a Liberal while his nephew Gordon B. Martin (1986) was Progressive Conservative. Finally, W. Ross Thatcher was elected as a Liberal in 1960 as was his son Colin in 1975, though Colin was re-elected in 1977 as a Progressive Conservative.
- There has been one known instance of three generations of a family serving in the Legislative Assembly. Tony Merchant was an MLA from 1975-1978, his mother Sally Merchant from 1964-1967, and his grandfather Vincent Smith from 1934-1938.

In addition to kinship relationships in the Saskatchewan Legislature, there are also cases of kinship between elected officials at the provincial level and the federal level, as outlined in Table 2.

- Joseph W. Burton was elected as the MLA for Humboldt in 1938-1943, then as the Member of Parliament for Humboldt from 1943-1949 (returning to provincial politics as the representative for the same constituency from 1952-1956). His son John S. Burton was elected to the House of Commons as the member for the Regina East electoral district in 1968 and served as such until his defeat in the 1972 federal election.
- Pana P. Merchant was the second woman to represent Saskatchewan in the Senate, serving from 2002-2017; her husband is Tony Merchant, the member for the provincial constituency of Regina Wascana from 1975-1978.

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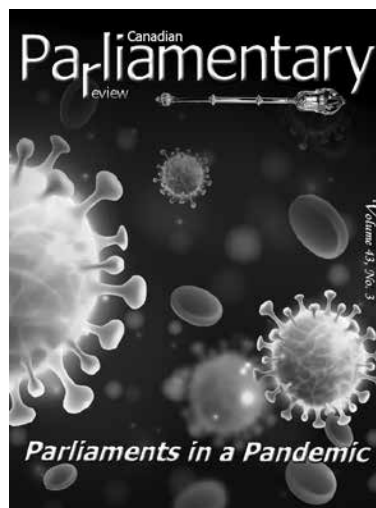
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# Parliaments In A Pandemic

Did anyone have worldwide pandemic on their 2020 Bingo card? Yet here we are, months into an event that has profoundly affected our personal and professional lives.

Many non-essential workers were sent home to help limit the spread of COVID-19 – some were laid off completely while others transitioned into working from home. Schools were shut down and many students experienced what has probably been the longest March Break ever. And our institutions, including our parliaments, adapted to a world where public health requirements for physical distancing changed everything from seating arrangements in chambers to videoconferencing proceedings to opposition members being sworn in to cabinet committees.

In this issue, we review some aspects of how parliaments and parliamentary staff have responded to working through a pandemic. Samara Canada's Mike Morden summarizes the results of a survey the *Canadian Parliamentary Review* distributed to the table clerks on how parliamentary sittings and proceedings have changed. Examining Canadian and international examples of parliamentary modifications, Steven Chaplin suggests that hybrid sittings (a mix of in-person and virtual participation) combined with

a greater role for committee work could become a workable medium-term solution for parliaments during a pandemic.

Elsewhere in the issue, authors explore how the pandemic has affected parliamentarians who are parents (Bittner and Thomas), parliamentary staffers (Wilson), institutions such as libraries and Assemblies themselves (Lank and Dewetering, Paradis and McGreechan), and interesting arrangements among governments and oppositions (Lewis and Burroughs). We held a roundtable discussion with some parliamentarians and committee clerks to ask how virtual participation has been working. Our Legislative Reports also contain significant information on how individual jurisdictions have met the challenges posed by COVID-19. We conclude with a Sketches column about Alberta's first Speaker who suffered an untimely death from the Spanish Influenza pandemic that occurred 100 years ago.

At the time of publication, we are only six months into this pandemic. The full extent of the changes it has wrought, and their potential for permanency, remain unknown. In future issues, the *Canadian Parliamentary Review* will endeavour to keep track of the effects of this pandemic on parliaments in both our legislative reports and feature articles.

Will Stos  
Editor





# Canadian Parliaments Respond to COVID-19

In May 2020, the *Canadian Parliamentary Review* surveyed table clerks at all Canadian legislatures, with support from the Samara Centre for Democracy. In this article, the author summarizes the responses (and adds updates) to provide a rich account of the state of parliamentary democracy in Canada during the early pandemic and into the late spring and early summer. The picture that emerges is one of rapid adaptation in some cases, stasis in others, and legislative staff everywhere working hard to accommodate a new logistical and political reality. Most striking is the deep variance between legislatures in Canada—from those that have not met at all since the pandemic arrived, to those that have carried on with only minimal changes, to those that have radically adapted to incorporate remote and virtual proceedings.

**Mike Morden**

## Introduction

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When the pandemic arrived in Canada, in the first weeks of March, thousands of workplaces across the country underwent radical, almost instantaneous change. Parliament and the legislatures were no different.

But legislatures are not like other workplaces. They are centres of political deliberation and decision-making, which grow rather than diminish in importance in the face of crises. Rapid change is also harder, both practically and philosophically. Legislatures carry the weight of centuries of custom, convention, and tradition. The rules are meant to be enduring, so they can't be gamed for short-term benefit. The pandemic is not totally unprecedented—the Spanish Influenza closed Canadian legislatures for prolonged periods in 1918-19—but unusual enough that governments, speakers, clerks, and members were operating wholly without guidance from experience.

In short, the very crisis that made public decision-making so uniquely consequential, made legislative life nearly impossible at the same time.

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How did Canadian institutions respond? In May 2020, the *Canadian Parliamentary Review* surveyed table clerks at all Canadian legislatures, with support from the Samara Centre for Democracy. The responses provide a rich account of the state of parliamentary democracy in Canada during the early pandemic. These responses have been updated to reflect changes that took place in the late spring and early summer. The picture that emerges is one of rapid adaptation in some cases, stasis in others, and legislative staff everywhere working hard to accommodate a new logistical and political reality.

Most striking is the deep variance between legislatures in Canada—from those that have not met at all since the pandemic arrived, to those that have carried on with only minimal changes, to those that have radically adapted to incorporate remote and virtual proceedings.

## Locking Down: Responding to the pandemic's arrival

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On March 11, the World Health Organization declared a global pandemic. Over the course of that week, COVID-19 infections began to accumulate in North America and schools and businesses began to close. By the week of March 16, many parts of the country had instituted or were moving toward public health orders, which dramatically curtailed movement and contact between Canadians. The lockdown caught the legislatures under different circumstances, which were reflected in subsequent decisions about how to proceed.

Nova Scotia, Prince Edward Island, and Nunavut were not sitting in mid-March; Nova Scotia and Nunavut had recently completed sittings and passed budgets, and Prince Edward Island had not sat yet in 2020. All three extended their existing hiatuses indefinitely.

Most of the other legislatures suspended or rapidly brought to a close their spring sittings. Some—Ontario, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, the House of Commons and Senate—returned for one-day emergency sittings later in March and again in April. The Alberta legislature maintained the most typical proceedings, continuing to meet, albeit with limitations on how many Members were present, and a modified schedule.

## Sitting Days and Proceedings

There has been deep diversity in how often Canadian legislatures have convened for Chamber business since the pandemic arrived. Alberta sat the most in the spring and summer by a wide margin. The legislatures of Nova Scotia and Nunavut did not sit in the five months following the pandemic declaration. Many legislatures held one or more single-day sittings through March and April, in order to pass relief and emergency measures. Several of the provincial legislatures, as well as the legislature of the Northwest Territories, began sitting somewhat more regularly for a period beginning in May or June.

Along with the initially episodic and irregular Chamber sittings, nearly all legislatures have seen at

# of sitting days, March 16-September 1, 2020		
House of Commons	14	Episodic short-term sittings of 1-3 days.
Senate	12	1-day sittings, 2-week sitting in June.
British Columbia	21	1-day sitting in March, semi-regular sittings June-August.
Alberta	58	Semi-regular sittings March-August.
Saskatchewan	17	Adjourned March 18, semi-regular sittings mid-June to early July.
Manitoba	9	1-day sitting in April, 1 sitting day per week in May.
Ontario	23	1-day sittings in March and April, 2 days per week mid-May to June, 3 days per week in July.
Quebec	13	3 days per week in late May to mid-June.
New Brunswick	11	3 days per week in late May to June.
Nova Scotia	0	
Prince Edward Island	28	Regular sittings from late May to early July.
Newfoundland and Labrador	9	1-day sittings in March and May, 2-week sitting in June.
Yukon	4	No sittings after March 19.
Northwest Territories	15	Semi-regular sittings late May to mid-June.
Nunavut	0	

least some committee business continue throughout the pandemic period or re-start in the late spring and early summer. The range of committee business that was permitted to carry on varies from jurisdiction to jurisdiction, and generally increased into the late spring. In the House of Commons, for example, the Finance and Health committees were first authorized to meet remotely in late March. In April, four more committees were empowered to resume meeting remotely, and the scope of committee work was broadened again in late May. Nova Scotia is again a notable case here, where only the Human Resources committee, which is statutorily required to convene monthly, met in the five plus months after the pandemic began.

In some cases, special committees were also introduced either to provide additional opportunities for scrutiny of government or to permit some measure of participation for opposition parties in government decision-making. In the latter category, both New Brunswick and Newfoundland and Labrador saw the creation of special committees outside the legislature, which included leaders of opposition parties. In the House of Commons, a Special Committee on the COVID-19 Pandemic was created in late April, which simulated Question Period-like exchanges both virtually and in person. Similarly, in Quebec the National Assembly first authorized virtual committee meetings to allow MNAs to ask questions of ministers.

Parliamentary ceremony has been largely upheld, with some tweaks. All legislatures that sat in the early pandemic period did so with the mace in its usual place. The Speaker's Procession has mostly taken place, though it was skipped in Ontario in the first couple of emergency sittings before being reinstated and it has been simplified elsewhere. Some other ceremonial tweaks have also taken place. For example, in Yukon the Commissioner granted assent to bills in the Chamber without her customary aides-de-camp.

The pandemic's disruption ranges from the profound to the banal. For example, legislatures have re-examined how to distribute documents like bills, motions, order and notice papers to Members. Some legislatures have simply discontinued the practice of distributing documents directly to Members at their desks or have required Members themselves to provide a limited number of hard copies to the Table. In New Brunswick, paper documents have been prohibited; all documents are distributed electronically. The National Assembly in Quebec launched an electronic document filing system in late May, when it began sitting more regularly.

## Balancing safety and participation: the problem of physical distance

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In the final moments of the regular sittings and in the pandemic-accommodation sittings that followed, a fundamental logistical problem had to be contended with: most legislative assemblies are not big enough to permit enough distance between members to satisfy public health guidelines. The legislatures themselves had to pare down their own staff teams. In some cases, the changes were dramatic; for example, legislatures opted to remove pages, and operated with fewer clerks and Hansard reporters than conventional. But managing the physical distancing of members is a fundamentally pricklier problem.

*“The pandemic’s disruption ranges from the profound to the banal. For example, legislatures have re-examined how to distribute documents like bills, motions, order and notice papers to Members. Some legislatures have simply discontinued the practice of distributing documents directly to Members at their desks or have required Members themselves to provide a limited number of hard copies to the Table.”*

In order to meet physical distancing guidelines, on the final day of the shortened spring sitting, Yukon instituted a new seating plan that included placing some Members in the public gallery (which had been closed to the public). The PEI legislature was also able

to accommodate all members under a revised seating plan. But most legislatures that operated during this time instituted limits on how many Members could attend. Decisions about how many members could sit fell mostly to the House leaders, though they also consulted with public health officials about how many could safely be seated at a time.

Limiting access to the legislature for Members, all duly elected to act as the sole representative for their community and constituents, was among the more controversial adaptations that legislatures were forced to make. The smaller number of filled seats had to be shared among the parties, and this required negotiation between the house leaders. For the most part, a working consensus was achieved about how to accomplish this, with the reduced legislatures roughly

sat with a symbolic majority of one more member than the combined opposition parties for the first several one-day emergency sittings, compared with holding roughly 6 in 10 seats in the legislature. In Saskatchewan, the Government sat with a large outright majority—10 seats to the opposition’s 5—but still smaller than the majority it holds of seats in the legislature. Some arrangements were more intricate. In the National Assembly of Quebec, for example, a motion was passed which established one proportionate distribution of MNAs for most chamber proceedings, and a second arrangement for Question Period, when the opposition parties would gain members at the Government’s expense.

Who got to attend was left to caucuses and/or the party leadership. Like most decisions internal to caucus, the basis for choosing which members would be present is, for the most part, a carefully guarded secret. But the *Canadian Parliamentary Review* survey shines some light. For example, in Ontario parties chose who to include against a range of considerations. They included who was relevant to the proceedings (e.g. ministers, parliamentary assistants, critics), regional considerations (one party chose specifically to ensure representation from each region, while another opted to primarily include members who could more easily travel to Toronto), health conditions of the members themselves, and their family responsibilities. This description suggests that in some parties, there was a measure of consensus, or at least accepted criteria for selecting between members.

In contrast, internal decision-making about who would attend the House of Commons became a matter of some controversy when Conservative MP Scott Reid complained publicly of being excluded and therefore experiencing interference in his ability to exercise his rights and uphold his responsibilities as a Parliamentarian. He took his seat in a one-day emergency sitting, in defiance of the party’s instruction.

The uncomfortable outcome, in any case, is that the overwhelming majority of legislators have not been counted in most of the votes that have taken place during the pandemic. BC is one exception explored below—the only legislature to authorize remote voting for Chamber business. The National Assembly in Quebec offers another unique model. A special order passed in early May established a block proxy vote process, in which the party leaders cast their votes on behalf of the full membership of their caucuses. All MNAs in those parliamentary groups, including those not present, are therefore recorded as having voted.

*“Limiting access to the legislature for Members, all duly elected to act as the sole representative for their community and constituents, was among the more controversial adaptations that legislatures were forced to make. The smaller number of filled seats had to be shared among the parties, and this required negotiation between the house leaders.”*

mirroring the proportionate distribution of seats. This was not universally true, though.

In some reduced sittings the Opposition was, through agreement, slightly overrepresented, though without altering the likelihood of business being impacted. In Ontario, for example, the Government



## Going Virtual?: Technology in the pandemic parliaments

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If public health orders and a lack of physical space limited participation, technology provided opportunities to broaden it again. Canada's legislatures have taken advantage of technology, again, to highly varying degrees.

The closest thing to a pandemic virtual parliament in Canada is in British Columbia. Hybrid virtual chamber proceedings were launched in late June, featuring up to 25 MLAs in-person in the legislature, with the rest participating by video conference. By sessional orders, originally set to expire at the end of August, members joining virtually are counted toward quorum, and can cast their votes by roll call. The voting procedure and timing was amended to enable members participating both online and in-person. The hybrid virtual chamber has sat on Mondays, Tuesdays, and Wednesdays, with a virtual-only Committee of Supply meeting all day Thursdays and Fridays. Virtual chambers with remote voting have been under contemplation in other legislatures for the fall and winter—the House of Commons Procedure and House Affairs committee has called for its implementation, for example—but at the time of writing, they have not yet been introduced elsewhere.

But several legislatures have authorized remote participation for the members in committees. British Columbia, Quebec, and the Northwest Territories led the way, transitioning more quickly to remote meetings in late March and April. Other legislatures have subsequently authorized their committees to do the same—operating either wholly virtually, or on a hybrid basis with members both in-person and video-conferencing in. The House of Commons Special Committee on the COVID-19 Pandemic, to which all MPs belong, has conducted its business—including a Question Period-like proceeding in which members can ask questions of ministers—both in-person and virtually. Remote participation was also permitted when the Commons met on several occasions during the summer, after it had been resolved into a committee of the whole.

The clerks report few major logistical barriers. Both the Commons and Senate adapted existing tech tools into a subscriber version of Zoom, which enables simultaneous interpretation, as well as enhanced security and control for the House and Senate administration. Connection tests are run for

members, senators, and witnesses immediately before committees meet. Some safeguards and supports have been put in place for the inevitable glitches; for example, in Yukon, if an MLA is experiencing problems with their video connection, the committee clerk immediately dials them into proceedings via teleconference. Legislative services, like library and research support, were largely transitioned to remote work, but are still available to the members without exception.

Technological adaptation has been necessary at the level of constituency work as well. Indeed, the arrival of the pandemic brought a huge surge in demand from constituents for help — first repatriating stranded family members, then navigating massive new programs and relief measures. Most members and their constituency staff have had to meet this demand from home, and without immediate access to their typical office resources. New Brunswick, Newfoundland and Labrador, Saskatchewan, and the House of Commons report having developed guidelines for safe work practices, as well as for shifting constituency service work online. Several legislatures have also licensed video conferencing platforms for use in the constituency. But Members, ultimately, have wide latitude (and heavy responsibility) to manage their own constituency service.

Is a further evolution toward virtual proceedings imminent? It is difficult to predict. The various legislatures seem to read the possible logistical and constitutional challenges differently. For example, clerks from Ontario flag possible constitutional obstacles, including the quorum requirement for the federal House of Commons that requires the “presence” of a set number of Members. The BC Assembly exercised autonomy over its internal proceedings and unanimously determined what and how it considers its Members to be present for its proceedings. And the Commons Committee on Procedure and House Affairs has advised the House of Commons to do the same. Several legislatures report that members have raised concerns about equitable broadband access in rural and remote areas, and differential access to technology between the members. But the two legislatures that have facilitated the most remote participation—BC and the House of Commons—have had considerable success managing those challenges thus far. Another concern raised by members is that moving to remote participation even during a pandemic might erode a mutual commitment to convene in person under normal circumstances.

But there is consensus among the clerks surveyed that whatever happens next, decisions regarding virtual proceedings belong to the members themselves — and these decisions may be driven by events. If the widely forecast subsequent waves of infection occur — and indeed, at the time of writing, some such waves have already appeared regionally—legislatures may return to the question of remote participation with renewed interest.

### **Conclusion: History in real time**

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Half a year into this once-in-a-century pandemic, the legislatures of Canada present a muddled picture. Tackling fundamentally the same set of challenges, they have arrived at — in some dimensions — strikingly different responses. Having instituted the most extensive virtual proceedings, British Columbia is at one far end of the innovation spectrum (at least in the Canadian context — numerous other international legislatures had instituted similar arrangements. On the other end is Alberta, which has stuck most closely to business as usual throughout, and has been considerably more active than every other legislature in the country. Finally, legislatures like Nova Scotia have stayed largely on hiatus. But this strategy cannot possibly outlast the pandemic.

In any case, the full story has not yet been told. The pandemic is with us, and its course, trajectory, and longevity are unknown. Legislatures that avoided spring sittings must now confront roughly the same issues in the fall and winter. More innovation, of one kind or another, is highly possible as the pandemic drags on. But this is complicated somewhat by the fact that the question of how to operate has become polarized in some places. For example, in the House of Commons, the Government and Official Opposition appeared for the moment at an impasse, with the Liberals pushing for more extensive virtual proceedings, and the Conservatives insisting on changes that would make in-person sittings with broader participation by MPs feasible.

Legislatures are rich with practice, custom, and convention; still, there is no manual for navigating a crisis of these proportions and the particular obstacles it manifests. These particular assemblies will stand out oddly on the page of parliamentary history in Canada. But, while they cannot operate as they normally would, they can continue to uphold their vital responsibilities at the centre of public leadership. In the decisions taken so far, and those to come, leaders and legislative staff are forced to contemplate what is amendable, what can be adapted to unique times, and what is simply sacrosanct.

# *Fashioning a Pandemic Parliament: Getting On with Getting On*

Following the initial flurry of activity and uncertainty, as institutions responded to the COVID-19 pandemic, much of the world has settled into a new normal in which the disease – and actions to prevent its spread such as travel restrictions and physical/social distancing – will remain part of life for the foreseeable future. Building on a previous article that examined the early actions of Canada’s federal parliament as the world confronted outbreaks of this novel coronavirus, the author now explores how to identify best practices that ensure the health and safety of parliamentarians and parliamentary staff while respecting parliamentary privilege and constitutional requirements. The author suggests that hybrid sittings (a mix of in-person and virtual participation) combined with a greater role for committee work could become a workable medium-term solution for parliaments during a pandemic. He cautions, however, that it must be parliament and not the government that decides how to fulfill the functions that underpin the Westminster system, maintain notions of parliamentary confidence in government and ensure adequate opportunity for opposition review to ensure accountability. Moreover, he notes that any additional authority granted by parliament to the government or self-restrictions imposed in light of pandemic conditions must be temporary and limited to the duration of the pandemic.

**Steven Chaplin**

At the time of writing, it has been six months since the first cases of COVID-19 were diagnosed in North America. Since then, COVID-19 has been declared a pandemic, the number of cases has waxed and waned, and there appears to be no natural end to it. Until a treatment and vaccine are developed and deployed, this disease will remain a part of life for the foreseeable and indeterminate future. As a result, institutions, including Parliament, must develop a modified *modus operandi* to carry out their constitutional functions based on a “new normal” over the medium to long term.

At the onset of the pandemic, the severity and transmission of the disease were unknown. Fearing the worst, it was prudent for governments to act swiftly and decisively. To do so, they needed to obtain funding, and exercise emergency powers and spending authority. Because the disease was communicable, restrictions were placed on travel, and “social distancing” was immediately put in place. Parliaments and legislatures were not able to meet in the usual

fashion. They were adjourned and temporarily recalled only to address the COVID-19 emergency. As a result, parliaments came to play a secondary role, with most of their functions limited to what was required to support the government’s initial and urgent responses. Given the exigencies of a Westminster system of government, Parliament was still required to pass the necessary legislation to grant the powers and spending authorities needed to address the emergency. The social distancing requirements and the restrictions on travel were met, in various Commonwealth countries, by differing emergency parliamentary processes that ranged from suspending parliamentary proceedings, hybrid parliamentary sittings, smaller representative sittings, specialized COVID-19 committees sitting as a smaller committee or as committee of the whole, and *ad hoc* plenary sittings<sup>1</sup>. In addition, various voting systems were used, including in-person with social distancing, remote electronic voting, proxy voting, voting by party blocks, and hybrid combinations of these. Most significantly, parliamentary business was generally restricted. Parliamentary agendas and processes were stripped back to focus on the pandemic, leaving other government business and opposition initiatives sidelined or severely curtailed.

In the beginning, it was not known how to meet the needs imposed by social distancing. Was it even technologically possible to have an electronic

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meeting of upwards of 650 people? Could chambers be reconfigured to meet the needs? Could votes be held remotely and securely? Could any of these technologies and solutions be considered and still meet all constitutional requirements including quorum and ensuring that parliamentary privilege was protected?

Although the pandemic continues, the urgency that led to emergency legislation and stripped-down proceedings to address the immediate response has abated somewhat. It is now evident that the pandemic will last for some time and that more “permanent” solutions that meet the ongoing needs of both the government and Parliament must be found. In a briefing paper to the UK Procedure Committee (House of Commons), the Hansard Society noted that in the urgent stage of the pandemic and in the slow return to “normal” the focus has been on the business of government. The needs and the importance of the opposition were being ignored or curtailed. Any consideration of a return to a Parliament that is able to hold the government to account must ensure that not only government, but opposition business is promoted<sup>2</sup>.

In Canada, at the federal level, full sittings were suspended and replaced by the COVID-19 Committee (essentially a committee of the whole) punctuated with single day sittings to pass urgent government legislation. There was no parliamentary time allocated to the opposition. Full parliamentary sitting days would normally include various opportunities for the opposition to put its concerns forward through designated days for debate on the Budget (which, to date, the federal government has yet to present), opposition days in which the opposition sets the agenda, private members business, and, adjournment and emergency debates often on topics pressed by the opposition. There were few available means for the opposition to test and vote on confidence in the government which is a hallmark of the Westminster system and required to give the government legitimacy. At a time when there is a minority parliament, when the opposition usually has a greater presence and “power”, a balance between the government and the opposition is even more evident and essential. While all mechanisms may not be feasible on the same timetable as pre-pandemic, each opposition tool serves a valuable function and ways to integrate the purposes for each into a revised parliamentary routine need to be found. The Westminster model is contingent on governing within a parliament infused with opposition. This is particularly true in a minority parliament.

In order to re-establish the balance between government and opposition, parliamentary committees<sup>3</sup>, academics, study groups<sup>4</sup>, and commentators have examined the various approaches used initially throughout the Commonwealth and considered what has or has not worked, what was sidelined, and possible ways forward for the remainder of the pandemic.

What is evident from these reviews, and from observed experience, is that it is not possible to return to “normal”, full attendance proceedings. Where legislatures have tried to fully return, the result has been numerous infected members and the need to shut the legislature down<sup>5</sup>. The related extreme of adjourning Parliament indefinitely, on the excuse that health officials have indicated that meeting would exceed permissible numbers of people in a group<sup>6</sup> is just a pre-emptive way to the same result. In either case, the legislature does not sit, with the resulting lack of opposition and therefore accountability, legitimacy and legislative underpinning for government action.

At the other end of the spectrum, full parliamentary proceedings that only take place by virtual means or by reconfiguring the legislature seem to only have worked in settings that are small enough to manage through technology<sup>7</sup> or by virtue of small numbers in a large enough space<sup>8</sup>. When full in-person plenary sittings are tried for a larger Parliament the result less than successful. In Ireland, the legal advice received by the Oireachtas was that the constitutional meaning of “sit” meant physically sitting in one place at the same time (a view not shared in most other countries). As a result, the assembly meets, for constitutionally necessary business, such as votes, in a convention centre that allows social distancing. The centre is located away from where the legislative building and its offices are located, committees meet (virtually or in a hybrid fashion) and some plenary meetings are conducted with limited numbers present. The result is a logistical and procedural nightmare.<sup>9</sup> It is evident that neither extreme, fully in-person or fully virtual proceedings has been attractive for moderate-sized Parliaments, most of which adopted some form of a “hybrid” system of in-person and virtual attendance that allows all members to participate.

Except for the smallest legislatures, various studies and experiences point to some form of hybrid system as the only way forward. The question to now address is what processes should be adopted or adapted and how they should be expanded to include more House business.

At the beginning of the pandemic, there were both technological and security concerns that presented challenges to virtual proceedings and electronic votes. Over the last six months, these issues have been addressed and there now appears to be no technological impediments<sup>10</sup> or electronic security concerns to holding virtual meetings of Parliament or electronic, remote voting.<sup>11</sup> More robust digital systems for multiple attendees and multiple meetings (e.g., chamber plus committees) have been developed and fine-tuned. As a result, technological reasons for not moving to include full or partial virtual attendance do not exist. There may, however, be minor impacts on some proceedings and practices. For example, there may be a need for more translators<sup>12</sup>, it may take a bit longer to verify votes, speaking will likely be from pre-determined lists, and ways to electronically signal the chair may need to be developed.

How any particular proceeding will be conducted may be dependent on various factors and may vary between types of proceedings. Chamber business and committee business may need to be conducted differently; and, studies of legislation as opposed to inquiries by committees might also require different tools and practices. In addition, where physical presence is required, the size and configuration of the meeting space can also have an impact on the size of the meeting or the maximum number of people physically allowed for a hybrid proceeding.<sup>13</sup> In some cases, it may be that meetings can, and therefore should, be conducted entirely virtually in order to eliminate risk.

At the federal level in Canada, Chamber (plenary) proceedings should be conducted in a hybrid fashion. The chamber is too confined to allow all members to attend and meet social distancing requirements. And, given the numbers (338 in the House of Commons), a full virtual attendance might cause technological challenges including the inability to view all members attending at the same time making it difficult for the chair to keep track of proceedings. Such a hybrid model has been successfully piloted through the COVID-19 Committee (a committee of the whole) for the last number of months. Although at times challenging, it should be remembered that except for significant speeches, (for example leaders' remarks and budget presentation), question period, and votes, the overall attendance is short of a full House and more routine proceedings should not pose many issues.

There will, however, need to be various rules or practice changes to ensure that no more Members are physically present than the space will permit. Seating

will have to be assigned and the rotation of Members on a single day should be kept to a minimum<sup>14</sup>. This is not to suggest that there can be any restriction on a Member attending the proceeding. The practice will only affect how Members will attend. Although likely left up to the various party Whips to determine, one hopes that principles of equity will guide a rotation of Members who wish to attend in person. Knowing who is in the Chamber will also assist when votes are taken, particularly if the voting process will involve some combination of in-person as well as electronic distance voting. Instead of having spontaneous speaking by "catching the Speaker's eye," speaking order will have to be organized by list. Lists of those who will be speaking, or posing questions, would include those present in person and those attending virtually. A means to allow certain interjections (such as points of order, indicating non-consent when unanimous consent is sought, and posing questions in debate) by way of electronic signalling will also need to be developed.

Ultimately it is the formation and recording of decisions of the entire House that have normative effect. The passing of legislation, amendments, and resolutions are what have a real legal impact on the country and processes for these functions must therefore be most rigorously designed and implemented. The usual form of determinations (consent or vote) must be retained but, given the circumstances, modified. A voting system that allows for all Members to participate, whether in person or remotely, needs to be designed, tested, and implemented. Any system must be transparent, accurate, secure, and verifiable, and will likely need to include certain redundancies. While it is probably best that only one system be used, either in-person voting (including block voting, pairing or proxy) or electronic voting, including for those in physical attendance, it is most likely that Members will prefer that those in physical attendance vote in a traditional manner with those virtually attending being seen as being accommodated. As such, a mixture of various methods will be required for each vote. Given the number of time zones in Canada, and the varying degree of robustness of internet connectivity across the country, fairness for those voting electronically and remotely must be hallmarks of the system. Except for extraordinary votes that must be immediately taken, all votes should be on notice that includes precise language of the question; votes should be held at a set time that is convenient to all time zones; a longer period for casting votes may be required; a means for those voting remotely to be able to see and verify how their vote has been recorded



will need to be established; and, redundancies (such a phone voting) for failures or lack of connectivity built into the system. One concern that has been raised is verification of the user of any remote voting apparatus. Various security and application development experts have indicated that systems including PINs, security questions, and biometrics could be integrated into the system. And for those Members still tempted to allow another person vote on their device, the Speaker and others have indicated that such a misuse would be a serious contempt subject to severe discipline.

These measures would allow a substantially complete agenda to be developed for the House that allows for both government and opposition business to be conducted. However, given that any contact in a group setting poses a risk for Members and staff, however much it is mitigated, consideration might be given to having certain aspects of proceedings take place only electronically, such as filing of petitions, reports, motions, government responses and documents, which could be deemed to be received and presented.

Notwithstanding the need to expand the work of the Chamber to allow for opposition business, more work could take place in committees that can more easily conduct their business virtually, thus mitigating personal contact. Committees are of a size that is more conducive to virtual meetings,<sup>15</sup> and their votes do not have the same normative or legal effect. Their work is geared toward reporting to the whole House that has the final say. By meeting virtually, Committees are not susceptible to the physical distancing requirements of the pandemic. It is also easier to secure the attendance of witnesses and to avoid any travel or other virus-related restrictions.

The more “complete” the work of a committee when presented to the House, the less time that the House needs to spend perfecting it and bringing the matter to a vote. Depending on the completeness, an agreement or revised procedures may allow for consent adoption (or consent on division) on tabling (electronically) which limits or eliminates the time required in the whole House.

By using procedures modelled on “green”<sup>16</sup> and “white”<sup>17</sup> papers and Standing Orders that allow Ministers to ask a Committee to assist in the preparation of a Bill before introduction on a first reading<sup>18</sup>, more effective advanced study can be carried out in Committee and any resulting Bill can pass through the House more quickly, having already received

appropriate scrutiny. Finally, each Committee, being masters of their own proceedings, also have the necessary flexibility and agility to quickly, and more easily than the House, adapt to any circumstances or needs.

These suggestions and considerations are based on both the present state of the pandemic and various proposals being considered around the world for allowing for both government action and parliamentary scrutiny as required in the Westminster system of Parliament. Whether they are the only ones to be considered, will work, or will require to be modified, is as unknown as the course that the virus may take.

In an earlier paper<sup>19</sup>, written as some of these questions were initially being considered, I contended that parliamentary privileges over internal processes and proceedings, combined with Article 9 of the *Bill of Rights, 1689*, precludes judicial interference in proceedings, and would allow for almost any form of physical, virtual or hybrid proceeding so long as the following factors were taken into account and respected:

- A recognition of the constitutional centrality of Parliament even, or particularly, in times of crisis, and that the Government’s authority to act is still subject to parliament’s approbation.
- The parliamentary functions of approving taxes and spending, legislating, and the holding of government to account must be recognized and processes for their continued exercise be developed and implemented.
- Oversight and accountability of the Government’s management of the crisis is central to the legitimacy of the Government’s actions.
- Each member of parliament has the same rights and privileges as all other members to participate and vote in any proceedings established, and that only the House of which the individual is a member can regulate such involvement. Care must be taken not to disenfranchise any member or their constituents unnecessarily.
- Any changes to parliamentary proceedings, practices or rules are for Parliament, not the Government, to make.
- Technology should be leveraged to allow for virtual participation and voting, recognizing the limits of technology but working for solutions.
- Recognizing and insisting that whatever form the work of parliament takes, the result is a proceeding and parliamentary privilege attached

to it. As necessary, the Houses of Parliament and their Speakers must be prepared to assert and defend the principle that parliamentary privilege attaches to the functions being carried out, not the form that that work might take.

- Recognize that any self-imposed restrictions that compromise the full range of the functions of Parliament, particularly the protection of the rights of all members, are temporary and last only for the duration of the pandemic, or as Parliament itself decides. Once the reasons for the changes subsides, any such modifications must end. It is important that any increased authority granted to the Government that might otherwise have required greater scrutiny of Parliament must also be limited by the duration of the pandemic.

These factors must remain the foundation for any evolution of a fully functioning Parliament. It is time to accept that COVID-19 will be with us for the foreseeable future. We must, and can, move towards a Parliament that is able to address government initiatives and responsibilities beyond the pandemic and that allows for fuller involvement of opposition members in their traditional roles and responsibilities. We may not be able to “return to normal” – that is, back to exactly where we were – but we can move forward to meet the challenges we face with a revised, robust, and fully functioning Parliament.

## Notes

- 1 For the initial Commonwealth experience see “Protecting parliamentary democracy in “plague” times: Accountability and democratic institutions during the pandemic,” Steven Chaplin, *Commonwealth Law Bulletin*, (2020) 46:1, 110-123. For an examination of other countries experiences see “Covid-19 meets politics: the novel coronavirus as a novel challenge for legislatures”, Ittai Bar-Siman-Tov, (2020) *Theory and Practice of Legislation* <https://www.tandfonline.com/doi/full/10.1080/20508840.2020.1800250>
- 2 Hansard Society submission to House of Commons Procedure Committee, June 5, 2020. [https://committees.parliament.uk/writtenevidence/6374/html?utm\\_source=hansardsociety.org.uk](https://committees.parliament.uk/writtenevidence/6374/html?utm_source=hansardsociety.org.uk) . The submission addresses many concerns related to Covid-19 and the way the government has attempted to curtail the opposition, including prematurely abandoning the hybrid model for a full parliament and failing to address how committees should function during the pandemic.
- 3 Primarily the Standing Committee on Procedure and House Affairs (Canada) and Procedure Committee (UK House of Commons).
- 4 For example, the Constitution Unit and the Hansard Society.

- 5 For example, in Mississippi both presiding officers in their bicameral State Legislature and 12 other members were infected leading to an indefinite shutdown (*Mississippi Today*, July 7, 2020). Similarly, in California when a legislator become so ill that he required hospitalization, the decision was made to suspend the re-opening of the legislature (*Los Angeles Times*, July 9, 2020). In the US Senate a sufficient number of Senators have contracted COVID-19 to possibly affect the nomination of a US Supreme Justice.
- 6 This is the situation in Australia (“Australian Prime Minister delays Parliament as COVID spreads” *Reuters* July 7, 2020).
- 7 States Assembly Jersey, <https://www.hansardsociety.org.uk/blog/how-jerseys-legislature-has-risen-to-the-covid-19-challenge> .
- 8 In Prince Edward Island arrangements have been made for social distancing by having some members sit in public galleries. In Israel, the Knesset now sits spread out over three levels (Bar-Simon-Tov Note 1.)
- 9 Ireland’s New Parliament: Political and physical Change. Mary Murphy, Hansard Society Blog July 9, 2020 <https://www.hansardsociety.org.uk/blog/irelands-new-parliament-political-and-physical-change-coincide-amid-covid-19> .
- 10 While there may be some lingering connectivity issues for the most remote Members, these may be addressed with one off accommodation alternatives, for example by deploying more sophisticated technologies.
- 11 “Carrying Out Members’ Parliamentary Duties: The Challenges of Voting During the COVID-19 Pandemic”, Report of the Standing Committee on Procedure and House Affairs, Canada, House of Commons, July 2020, 43<sup>rd</sup> Parliament, First Session.
- 12 *Ibid.* pp 33-35, 53.
- 13 This issue is a more serious one in the United Kingdom where hybrid proceedings in the chamber were discontinued in June in favour of in-person presence, and the fact that meeting rooms for committees are of varying sizes. This poses particular problems to meet social distancing requirements- See evidence of Procedure Committee (UK HoC) July 1, 2020 <https://committees.parliament.uk/oralevidence/634/html/>. The limit on room size would also be a factor in determining configuration for hybrid proceedings.
- 14 This will eliminate the need for cleaning between Member attendance. Cleaners would be strangers to the House and would not normally be allowed into the chamber during proceedings, and a full cleaning could take considerable time.
- 15 The Jersey Parliament has 24 members and it only meets virtually.
- 16 Draft legislative proposals.
- 17 Written policy papers for public and parliamentary comment.
- 18 House of Commons (Canada) *Standing Orders* S.O. 68(4),(5),(6).
- 19 Chaplin, Note 1.

# *Making a Bad Thing Worse: Parenting MPs and the Pandemic*

Canadian MPs have only very recently had access to paid maternity and parental leave. Yet there is an absence in related rules and arrangements that would allow them to continue representing constituents while being granted leave from the House of Commons. In this article, the authors contrast parenting leave in the Canadian House of Commons with the arrangements now permitted in the United Kingdom's House of Commons. In light of the experiments with virtual proceedings during the COVID-19 pandemic, the authors suggest a future where a hybrid parliament that combines in-person and virtual participation or one that permits features like proxy voting would be desirable for not only MPs on parenting leave, but also for any MP who could not be present during a sitting for medical necessity, bereavement, inclement weather, geographic distance, or many other reasons.

**Amanda Bittner and Melanee Thomas**

The COVID-19 pandemic has laid bare a number of issues, concerns, and constraints for parents. Unprecedented numbers have lost their jobs entirely; those still employed struggle to balance work with childcare and other caring responsibilities. With COVID shutdowns, essential workers can be left without anyone to care for their children. For parents whose work duties are now entirely completed from home, the reality is that they can work, or they can parent, but they rarely can do both.

All of this is exacerbated for women. Even though men do more in the home now than in the past, women still do the lion's share of unpaid household labour. This is especially acute when it comes to childcare. Add to this the fact that over four in five lone parents are women, and that women have suffered the brunt of the COVID job losses, and it's fair to say the harshest economic consequences are falling on mothers.

This tension between work and care is not new – scholarship on the welfare state argues we simply cannot understand the economy or social programs without understanding the dynamics of this unpaid care women disproportionately provide.<sup>1</sup> The pandemic has simply highlighted that how we think about gender, work, and care responsibilities remain very outdated.

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The tension in the work-care balance is especially clear for Canadian Members of Parliament (MPs). Existing maternity and parental leave provisions for our representatives are both new and inadequate. Where other Westminster parliaments, especially Britain, have meaningfully discussed and addressed how to best to allow parenting MPs to balance commitments with parliamentary work, Canada has not. We argue in this paper that the sequence of events in Canada is key to the future of policies on this issue: by failing to introduce adequate measures to accommodate parenting MPs' absence from the House when they introduced parental leave policies, those mechanisms are now tainted in Canada by partisan bickering about how to address COVID-19. This renders their introduction and use for parenting leave more difficult than it would have been, had more serious and appropriate consideration of how best to address parenting leave and parliamentary work for MPs been done in the first place.

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## **Workplace equity, parental leave, and the Canadian House of Commons**

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For most workplaces outside politics, governments around the world have regulated maternity and parental leaves, taken childcare and early childhood education seriously, and enacted laws that support children and families, allowing for substantial increases in the proportion of women present in the workforce. Yet, as a workplace, legislatures in general, and the Canadian House of Commons in particular, lag woefully behind.

Canadian Members of Parliament (MPs) have only had access to parental leave for about a year. In June 2019, the Canadian House of Commons unanimously adopted a policy that would allow Members of Parliament (MPs) to take paid maternity and parental leave.<sup>2</sup> Prior to this, MPs absent for more than 21 days for anything other than illness or official business would be docked \$120 a day. The new policy is a necessary first step.

However, unlike in other jurisdictions, no other formal rules or arrangements changed alongside this parental leave. For Canada's MPs, taking maternity and parental leave simply removes them from the House. Tasks and duties associated with constituency representation are clearly intended to continue as normal during an MP's parenting leave.<sup>3</sup>

In practice, this means a process called pairing is used, not only for any MP on parenting leave but also for any MP who cannot be in the House for a protracted period of time. Pairing matches the MP on leave with an MP on the other side of the House of Commons to ensure that partisan balances remain intact across the government and opposition parties, for any votes taking place in the legislature.<sup>4</sup>

There are at least two problems with this situation. First, pairing renders the voice of the MP on parenting leave completely silent in the House. This ensures parenting leave is unappealing for MPs committed to parliamentary work and doubles as an effective attack against an MP who may wish to spend dedicated time with a new child. Research highlights how taking voices out of the legislative debate is problematic, especially when those voices are from underrepresented or marginalized groups. Their experiences are relevant to policy, and their ability to participate in legislative debate and process helps ensure information derived from those experiences is integrated, at least in part, into the process.<sup>5</sup> Most Canadian MPs are men, and their average age is consistently above 50.<sup>6</sup> Parenting leave, as it currently exists for Canadian MPs, ensures that new parents, especially mothers, and the policy-relevant information they would bring to parliamentary debate, are absent.

Second, the logic behind pairing suggests MPs' work is best understood as a partisan activity that can only occur when they are physically present in the House. Opposition to alternative measures to accommodate MPs on parenting leave are often, if not always, located here on this issue, as opponents believe that MPs not physically situated in the House cannot meaningfully engage with their work.

Parenting MPs in Canada are thus in a lose-lose scenario. They are not, in fact, free from work to parent in their early days with their child. Instead, MPs on parenting leave are still expected to work full-time in the constituency as if they were *not* on leave, while also being forced to abandon all work associated with the House, unable to make the constituents they're still working for full-time present<sup>7</sup> in our institutions of government.

### **A Better Way: Parental Leave and Proxy Voting in Britain**

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Like Canada, parenting leave for parliamentarians in Britain is still relatively new. In January 2019, a trial scheme allowed MPs who are new parents to apply to the Speaker to designate a proxy.<sup>8</sup> This allows MPs on parenting leave to participate in parliamentary votes.

The origins of the proxy voting trial highlight the shortcomings of procedures like pairing. In July 2018, Jo Swinson, a Liberal Democrat MP on maternity leave was paired with Brandon Lewis, a senior Tory MP and party chairperson. Instead of abstaining on all votes as he was required to do by the pairing mechanism, Lewis voted on a key Brexit vote even though he had abstained from other votes.<sup>9</sup> As a result of this pairing failure, Labour MP Tulip Siddiq delayed a scheduled caesarean section to vote on another key Brexit bill in January 2019, for fear that the pairing agreement would not be honoured. In Siddiq's case, the Speaker indicated they would prefer a proxy vote, but it was not yet in their power to grant it.<sup>10</sup> Out of this sequence of events, a pairing failure for one mother in parliament and a delayed birth for another, proxy voting was extended to British MPs on parenting leave.

Proxy voting in Britain was not without controversy, and the issues raised by opponents are likely to be issues for Canadian MPs as well. One key complaint was that anything that took MPs away from the business of Parliament was problematic, on the assumption that MPs simply could not do parliamentary work if they were not physically present in Parliament. The parenting proxy represented a thin edge of the wedge, as proxy votes for maternity and parental leave would open up the possibility that MPs could serve without ever setting foot in Westminster. Ultimately, many do not see legislatures as a "normal" workplace, where normal workplace accommodations can (and should) be made. We have argued in the past that "work is work," and that perceptions of the nature of political work as special and unique are problematic when it comes to considerations of equity in the workplace.<sup>11</sup>

Despite this, the presence of the proxy voting for MPs on parenting leave was crucial in addressing COVID-19. The British Parliament simply took the parenting leave proxy scheme and amended it to include anyone “unable to attend Westminster for medical or public health reasons related to the pandemic.”<sup>12</sup> At the time of writing, this accommodation is extended to September 28, 2020, though it is possible it could be extended further. Thus, the accommodation designed to ensure parenting MPs retained their voice in parliamentary business also ensured MPs who could not or should not travel due to COVID-19 or other medical risks were also able to keep working through the pandemic.

### **COVID-19, Parenting Leave, and Canada’s Missed Opportunity**

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As a result of the global COVID-19 pandemic, some changes were made to the operations of the Canadian Parliament, with technology facilitating virtual sittings of the House. While the decision to “go remote” was controversial and parties (still) do not agree on the best way to move forward, there has been some experimentation with virtual parliamentary meetings, including emergency sessions of the House, a special COVID-19 committee that met online, as well as virtual committee meetings. Throughout all of this, the normal business of the main chamber has been paused, with up to four meetings each week of a special committee of the whole in which MPs were permitted to participate either remotely or in person.<sup>13</sup>

Might this mark a moment where these COVID-19 accommodations may open space to offer Canada’s MPs on parenting leave better accommodations than simply being absent from all parliamentary business? Perhaps, although we are not terribly hopeful.

Much like the controversy that ensued in Britain over proxy voting, there is substantial disagreement about how the Canadian legislature ought to continue during COVID, which does not bode well for the possibility of remote participation for MPs in the future when the global pandemic is over. There seems to be some concern that anything that takes MPs away from the Chamber is uniformly bad, despite no clear explanation of why this is perceived to be problematic. Critics of the virtual committee meetings have called them “feeble” and a “fake Parliament.” And electronic voting that allows MPs far away from Ottawa to cast votes have been attacked on the grounds of privacy, security, and a “fallacious argument” is used to “silence Parliament.”<sup>14</sup>

Given the disagreement over a temporary change with Commons procedure to adhere to public health requirements, it seems likely that any proposal to allow for electronic votes for MPs on parenting leave would be met with comparable levels of (ideological) resistance. It also seems reasonable to expect that proposals advocating for proxy voting for MPs on parenting leave would be met with comparable resistance. Unlike Britain, Canada’s lack of experience with reasonable accommodation for MPs unable to be in the House beyond pairing ensures any path forward would likely be seen as controversial.

### **Party Discipline Will Probably Stymie the Path Forward**

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Parties disagree on these issues. It is difficult to ascertain whether criticisms over remote or proxy voting are about principled concerns about technology or appropriate parliamentary procedure or, conversely, whether it is simply that the opposition parties are taking issue with the government itself. Given the tone of the debate that has taken place, it is difficult to dismiss the idea that party discipline is entirely part of the problem here. This is especially the case when competing proposals would empower whips to vote in blocks for absent MPs.<sup>15</sup>

In many ways, the British experience is instructive. If pairing does not reliably work, especially on higher stakes, highly partisan votes, why do it at all? Proxy voting was justifiably seen there to be a means to ensure that MP’s voices are not silenced. Remote voting could be viewed similarly, particularly in a context with immense geographical distances such as Canada’s.

The crux of the debate about the value of remote work and proxy voting for parliamentarians centres around the concept of “scrutiny” and debate. Does “proper” parliamentary scrutiny require physical presence? We don’t think so. Some features of parliament, such as heckling, are certainly made more difficult, if not rendered obsolete, by virtual legislative sittings.<sup>16</sup> But what matters most for scrutiny is the process associated with debate and investigations that often occur in parliamentary committees. The argument that committee work can only happen face to face on Parliament Hill requires evidence that some work simply cannot happen with MPs working remotely. While this might be true of informal networking or negotiations, British MPs report that they are able to complete this work adequately without being physically present in Parliament.<sup>17</sup> This strongly suggests adequate scrutiny could also exist in Canada via remote or proxy voting, or a hybrid parliament.



We suspect objections to proxy or remote voting in Canada are primarily about party management. Party whips have tools they can use to control MPs—and historically they have used them to achieve certain partisan aims. Disliking proxy voting (and remote parliament more generally) is likely about maintaining power and control over backbenchers. Whips may be concerned that rebellion and defections will grow if MPs are talking remotely via text messages rather than in person under the watchful eye of party whips. While we acknowledge and do not wish to debate the merits of some party discipline, we also observe that heated partisan opposition can lead to institutional and process-related change for no principled reason beyond general opposition to a partisan opponent. This is highly problematic if it creates a barrier for much-needed adaptation to social circumstances relating to MPs' pregnancies and caring responsibilities, or to global health crises such as COVID-19.

On a more theoretical level, we challenge a narrow understanding of the concept of "scrutiny." The question we need to ask ourselves (and this is inherently linked to remote parliament in COVID times) is: *if the theatre of parliament isn't happening, is scrutiny really happening?* If MPs are not present in the legislature to heckle each other, does this count as a debate? We think the answer is yes; we anticipate many may think the answer is no. Some observers might argue that something is lost if MPs aren't physically in the house, where things may happen spontaneously; hybrid/remote parliaments eliminate this spontaneity. In this view, something like proxy voting would be seen as anemic and, potentially, an anathema to the spirit of Parliament itself, as a "good" parliamentarian could only, for some people, be a present parliamentarian.

While spontaneity might be useful in some situations, forcing MPs to participate in person or not at all will lead to some MPs and their constituents being stifled; some parliamentarians will inevitably opt for "not at all" in certain circumstances. Take, for example, the case of Robert Halfon, a UK Conservative MP who has spastic diplegia, a form of cerebral palsy. In early June, he publicly denounced the UK government's decision to end hybrid parliament in the middle of the ongoing global COVID-19 pandemic, because his physician had directed him, on medical grounds, not to attend. He suggested that the government was making MPs "parliamentary eunuchs" with this decision, effectively castrating him and preventing him from fully participating and doing his job as a representative of his constituents.<sup>18</sup>

Halfon's statement points to two important considerations. First, as the extraordinarily gendered language of his statement shows, accommodations designed primarily for mothers often greatly benefit any number of other groups. This challenges any argument that would deny proxy or remote voting for parenting MPs on the grounds that it is too niche or atypical to merit much consideration. Second, there are plenty of legitimate reasons (outside of a pandemic and outside of childbearing) that might prevent MPs from being able to be present in parliament for all legislative debate and votes. The loss of voice of a Member of Parliament who has a disability is a deep loss for the robustness of scrutiny, as the presence of diverse voices bring policy-relevant information. It is reasonable to demand that deliberative and decision-making institutions work hard to maximize access to legislative debate for as many as possible. Indeed, the loss of diverse voices due to requirements of physical presence is a greater loss for scrutiny than the loss of any spontaneity that comes from in-person presence in the legislature.

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### Beyond Parenting Leaves

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Remote work, proxy voting, and creative thinking about how to include voices in parliamentary debate and deliberation have the potential to provide the key to both a healthier democracy as well as a more equitable and open workplace. One major barrier for many women, for example, who might otherwise be interested in a career in politics, is geographical distance from the capital city where the legislature is located. Women with children may be unwilling to commute back and forth from their home district to the legislature, and may therefore remove themselves from the pool of potential candidates. This means that legislatures are likely to miss the voices from this important demographic of citizens, with important knowledge and expertise that would benefit policy making for the country as a whole.

Geography is a key consideration in Canadian politics and many electoral systems allocate legislative seats based on geographic considerations. This means that for some MPs, commutes are short and simple, while for others, commutes are long; for many individuals this travel is completely prohibitive. A hybrid parliament that allows for at least some remote participation would make participation easier (and safer) for many. This is especially true in COVID times, but remains true for many groups in Canadian society even when this global pandemic no longer constrains public life. Is it really fair for representatives from

Yellowknife or northern/rural BC to have exceedingly long commutes to Ottawa while their colleagues from Kingston or Montreal can easily hop on a quick train ride and seamlessly arrive in the capital city? A routinely hybrid parliament would allow for greater equity of access to the legislature across all MPs (and, by extension, all constituents) in Canada.

The COVID-19 pandemic has taught us all that working remotely is not only possible but also beneficial for many careers in Canada. Many companies are permanently downsizing their physical office space on a go-forward basis as they have come to realize that many of their employees do not actually need to be physically present in order to effectively do their jobs. Many employers are creating shared space for their employees to use when they do come into the physical office and allowing for greater flex-time and hybrid models of remote working and in-person working.

The pandemic has laid bare many things that have been true for a long time: there are substantial inequities when it comes to work distribution in the home, and while not a solution to gendered home/care responsibilities, employees benefit from flexible employers who provide them with autonomy (when possible) in terms of both schedules as well as working from home provided they are able to achieve their goals and meet expectations.

Employers across the country have watched their employees work from home during a pandemic, have tracked what works well and what does not, and are doing what they can to carry forward some of the best practices from this world of remote working. Perhaps this lesson can be carried into the House of Commons as well: we ought to track how remote parliament is working, what works and what doesn't, and carry forward the best lessons into the future operation of Parliament, and we might realize that debate and deliberation are working fairly well (and if you count the lack of heckling, perhaps better), and that the distaste for remote parliament and proxy voting is not about whether or not this actually works, but is about preferences for a particular type of legislature, one that actually serves to silence voices on a regular (and not random) basis.

The UK's proxy voting pilot was created very narrowly to extend only to parental leaves. There is some debate now about extending this provision to illness and bereavement as well. We think this makes sense, and we think that this would make sense in

the Canadian context as well. Indeed, we think that a permanent hybrid model might actually be ideal as a workspace, allowing MPs to be physically present when possible, but to work remotely when they cannot be present, regardless of the reason. Work is work. And if an MP can work remotely from their dining room table during a major snowstorm and still have their voice echo through the Chamber in the House of Commons, why is this a problem?

In the same way as connecting with our colleagues for a department meeting via Zoom while we work from home and care for our children and loved ones does not prohibit engagement with and scrutiny of administrative policy documents, MPs connecting remotely to the legislature to engage with their colleagues and to debate and scrutinize proposed legislation is not "less than" in-person debate. Furthermore, it is substantially "more than" would be possible if those same MPs were not able to engage in a debate because they were not able to be physically present, regardless of the reason for their lack of presence.

## Conclusions

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A hybrid model—partially remote, partially physically present—is the optimal model for the future of parliament, to ensure that MPs are regularly able to be present and to represent their constituents. There is now precedent for this in Canada due to COVID, and MPs have gained familiarity with the technology that makes it possible to work remotely and to engage with each other in a formal discussion even if they are not physically present in the House together. This model, if it was extended into the future, would allow for the better "workplace accommodation" of MPs who have special circumstances that prevent them from being able to be in the House, including maternity leaves, other care responsibilities, illnesses, natural disasters, major snowstorms, and so on.

All of these legitimate reasons for MPs' absence should not prevent their voices from being heard in the legislature, and if legislative procedure prohibits their participation completely, then we have a situation in which the voices of some constituencies are (potentially systematically) left out of the House of Commons debate. Effectively, this creates a two-tiered system of MPs in Canada: by requiring all MPs to be present, some might argue that we create equality between them, as they are all present. But, in reality, they are not all present. They cannot necessarily always be present, for a diverse

set of reasons. Requiring their presence actually discriminates against them and prevents them from being able to do their jobs to the fullest, which they would be able to do if they were able to connect to the House of Commons remotely.

The challenge is that, unlike Britain, Canada had no experience with workplace accommodations for MPs beyond pairing, rendering reasonable options, including proxy voting, more controversial than they should be. The difficulty is that Canadian democracy is weaker because of parliamentary procedures that make it more difficult for some MPs to do their jobs compared to others. We have had the opportunity to learn many lessons throughout the pandemic, and if we can carry those lessons into the future to improve life and work for all Canadians, then we should. The lesson of the potential for remote work, remote deliberation and remote debate is one that can (and should) be carried over and applied to MPs at least, at a minimum, when they're on parenting leave.

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# *The Impact of the COVID-19 Pandemic on Canadian Parliamentary Political Staffers*

Like so many other Canadians, political staffers working for MPs and Senators on Parliament Hill and in constituency offices navigated some dramatic changes in their jobs in the early months of the global pandemic. In this article, the author reports on survey responses from 175 of these staffers and individual interviews with 10 MP staffers (representing all officially recognized parties in the House of Commons) and one Senate assistant. He notes that many staffers reported working longer hours and experiencing challenging work-life balance when working from home, frustration from the lack of information they received about government programs relating to the pandemic, and stress from the effects of isolation and fears about their health and safety when working from their offices. He concludes first by reiterating the important role political staffers, and particular frontline constituency office staff, play in assisting Canadians navigate the federal bureaucracy and, second, by cautioning parties and the parliamentary administration that counselling and services for staffers may be needed to minimize the harmful effects of this unprecedented period.

**R. Paul Wilson**

## **Introduction**

In the middle of March 2020, the emerging COVID-19 global pandemic dramatically altered the work of Canadian parliamentarians both on Parliament Hill and in their ridings. From then until the September Speech from the Throne, the House of Commons has convened only occasionally and, by agreement of the parties, with reduced numbers of MPs; the government's normal legislative agenda ground to a halt; standing committees were held online, if they have met at all; and travel restrictions, stay-at-home orders and social distancing measures have significantly curtailed MPs' presence in Ottawa and any face-to-face engagement with their constituents. In short, the normal parliamentary world has all but turned upside down.

This was equally true for the political staffers in the offices of MPs and Senators. These staffers support

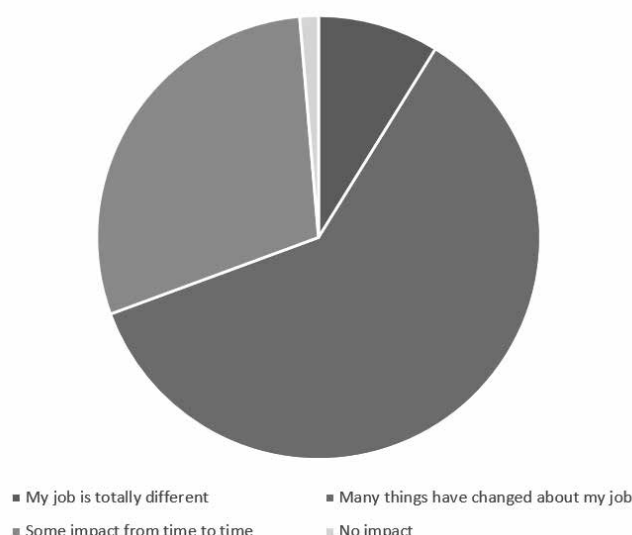
every aspect of their principals' activities, whether they work out of their MP's constituency office or on Parliament Hill. As shown in Figure 1, 61 per cent of MP and Senate staffers who responded to a survey said that "many things have changed about my job" since the start of the pandemic, and a further 9 per cent said "my job is totally different." Given the dramatic changes that took place as Canadians responded to the pandemic, this is not a surprise. But how exactly did their work change? Using interviews as well as survey data from the summer of 2020<sup>1</sup>, this paper explores how the pandemic impacted the work environment and duties of parliamentary political staffers in the spring and summer of 2020. It finds that, overall, staffers experienced an increase in their hours and anxiety as they struggled to respond to the increased requests for information and assistance from constituents, although this was more true for those employed in the offices of MPs than Senators. While many staffers adjusted to working from home, many continued to work in their usual offices, not all of whom chose or even felt safe doing so. This highlights the different working conditions staffers experience and also points to the need for continuing attention to the parliamentary staff culture, including its impact on mental well-being.

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**Figure 1**  
**MP Hill, Constituency and Senate Staffers (n=147)**

Impact of COVID-19 on Political Staff Jobs



### The Parliamentary Political Staff Community in a Normal World: An Overview

In contrast with the growing scholarship paid to ministerial political advisors<sup>2</sup>, political staffers who are employed in the parliamentary context and work in the offices of Members of Parliament and Senators seldom receive focused study, although there are exceptions. Daniel Dickin, a political staffer himself, provides useful observations about the role of MP assistants on the Hill, while Peter MacLeod explores the work of staffers in constituency offices. Royce Koop, Heather Bastedo and Kelly Blidook's study of Canadian MPs in their constituencies considers staffers only obliquely but points to their role as facilitators and even delegates for their MPs.<sup>4</sup> Finally, some research has begun to examine the profile and work of parliamentary staffers through a gender lens.<sup>4</sup>

This paucity of research attention is surprising because parliamentary assistants are, by a wide margin, the most numerous species of political staffer in Ottawa. As table 1 shows, nearly 2,000 political staffers are paid by taxpayers to work in the offices of Canada's 338 MPs and 105 Senators in order to support the political (though not the direct party or electoral work) of parliamentarians. Altogether, also including political staffers employed in the offices of opposition party leaders and caucus research bureaus,<sup>5</sup> there are three times as many parliamentary political staffers as there are political advisors who work with ministers, including in the Prime Minister's Office.<sup>6</sup>

**Table 1**  
**MP and Senate Political Staffers: Summer 2020**

MP Parliament Hill Office	546
MP Constituency Office	1201
Senate Office	219

Source: House of Commons staff information obtained from GEDS, June 18, 2020. Senate staff information obtained from the "Senate Contact List" at [www.sencanada.ca/en/contact-information](http://www.sencanada.ca/en/contact-information), July 15, 2020.

MPs pay for their staff out of their office budget which, for the 2020-21 fiscal year, is set at \$370,500 per MP,<sup>7</sup> with some MPs eligible for supplementary allowances based on riding size and number of voters. This budget must cover not only staff costs but most office expenses including rent, hospitality and some (though not all) travel. Within these budgetary limits, MPs have almost complete discretion to hire staff based on their best judgement for fulfilling their parliamentary duties, save that the maximum annual salary for any one employee is set at \$89,700.<sup>8</sup> NDP MPs agree to hire staffers belonging to the United Food and Commercial Workers Local 232,<sup>9</sup> and so their terms of employment are subject to the negotiated collective agreement as well as the House of Commons budget rules.

MPs' main strategic choice is how to allocate between their Parliament Hill office in Ottawa and the constituency (or riding) offices located in their own electoral district. Almost invariably, MPs hire permanent staff in both the constituency and Hill offices. Typically, staff on the Hill deal with work related to legislation and lobbyists, committees, budgets and scheduling, though the latter can also be done in the riding. Dealing with constituent inquiries as well as supporting the MP with local events is usually handled by riding staff. Communications tasks, especially speechwriting, web site and social media management, drafting products such as householders and ten percenters, and media relations can be done out of either office, though working with the national media is often handled in the Ottawa office and local media from the constituency. However, strict categorization is impossible since MPs have different priorities and therefore allocate resources differently between their offices.



**Table 2:  
MP Staff Allocation by Office Type and Recognized Political Party: June 2020<sup>10</sup>**

		All MPs	LIB	CPC	NDP	BQ
All MP Offices	Total Staff	1747	814	624	126	154
	Staff / MP	5.2	5.2	5.2	5.3	4.8
	Male %	41%	38%	41%	42%	51%
	Female %	59%	62%	59%	58%	49%
Hill Offices	Total Staff	546	201	260	43	30
	Staff / MP	1.6	1.3	2.2	1.8	0.9
	Male %	55%	52%	58%	53%	73%
	Female %	45%	48%	42%	47%	27%
Constituency Offices	Total Staff	1201	613	364	83	124
	Staff / MP	3.6	3.9	3.0	3.5	3.9
	Male %	34%	34%	30%	36%	46%
	Female %	66%	66%	70%	64%	54%

Source: GEDS, June 2020. The 29 staffers employed by MPs who are not part of officially recognized parties (that is, 12 or more MPs) are included in the “All MPs” column.

Table 2 shows the aggregate distribution of political staff by office and party based on the GEDS listing of staffers employed in MP offices in June 2020. On average, each MP employs a total of 5.2 staffers overall, with over twice as many in each constituency office (3.6) as on the Hill (1.6). Conservative MPs allocate somewhat more staff on the Hill (2.2 per office) than do the other parties, whereas Liberal and Bloc Québécois MPs on average employ more staff in each constituency office.

Gender differences in how staff are allocated between ridings and the Hill are well established.<sup>11</sup> In June 2020 almost two-thirds of constituency staff (66 per cent) were female, including 70 per cent of CPC constituency staff, though only 56 per cent for the BQ. By contrast, over half of Hill staffers were

male (55 per cent), ranging from 52 per cent male Hill staffers working for Liberal MPs and 79 per cent male Hill staffers with BQ MPs. These gender differences, especially the fact that constituency offices are heavily staffed with women, proved significant during the pandemic.

Senators also employ political staffers in their offices. Even in the new (mostly) nonpartisan chamber, senators still require staff to provide more or less the same range of services as MPs, though without direct constituency work. Altogether, as of June 24, 2020, there were 219 staffers listed on the Senate contacts web page. Most senators employ two or three staffers, though the Speaker, the government representative and other senators with leadership responsibilities usually employ more.

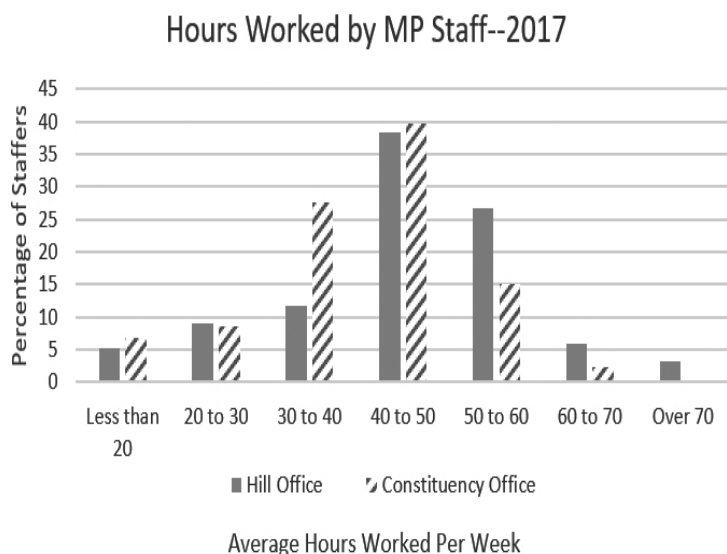
## Parliamentary Staffers: Pandemic Working Conditions

The workaholic culture on Parliament Hill, is normally characterized by long hours, lack of job security, frequent receptions and work-related social engagements. How has the pandemic affected this work environment? For most staffers parliamentary pressures and the demands of the packed social calendar have eased. However, the weight of work hours has increased for a majority of respondents. This heavier work load has also been complicated by the challenge of balancing work with domestic duties and, for many, feelings of isolation from colleagues.

### *Hours worked per Week*

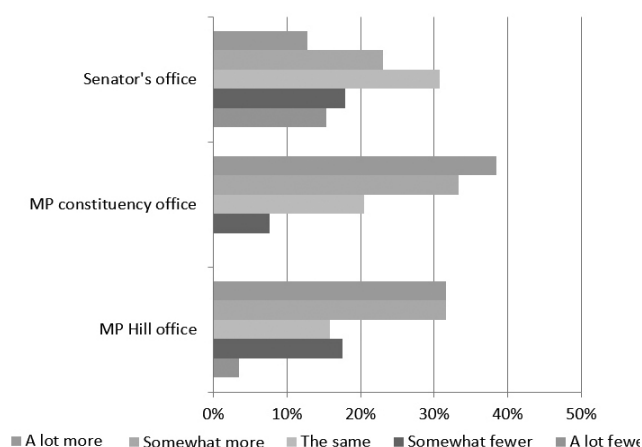
Normally, staffers on the Hill tend to work longer hours than those in riding offices. According to a 2017 survey (see Figure 2), 36 per cent of MP Hill staffers average 50 hours or more of work per week versus only 17 per cent of constituency staff. This top end range is similar to the experience of ministerial policy staffers who average just under 60 hours a week.<sup>12</sup> Even in normal times apart from a pandemic this is cause for concern. Paul Wernick, a Liberal MP staffer, revealed to *The Hill Times newspaper* that the pressures of 60 to 70 hour work weeks led to “deep depression” and two suicide attempts. He said, “The unwritten rule is that, “You need to work whenever I [the MP] tell you that you need to work.””<sup>13</sup>

**Figure 2**  
Hours worked by MP Hill and Constituency Staff,  
2017 Survey (n=396)<sup>14</sup>



Parliamentary staff working for MPs saw their hours increase during the pandemic. Overall, 58 per cent of survey respondents reported that they were working either somewhat more (30 per cent) or a lot more (28 per cent) hours a week during the pandemic than previously. Staffers in both Hill and constituency offices are significantly more likely to say that they worked “a lot more” hours (32 per cent and 39 per cent respectively) than Senate staffers, only 13 per cent of whom worked a lot more (Figure 3).

**Figure 3**  
Parliamentary Staff Hours worked during  
pandemic compared to before (n=136)

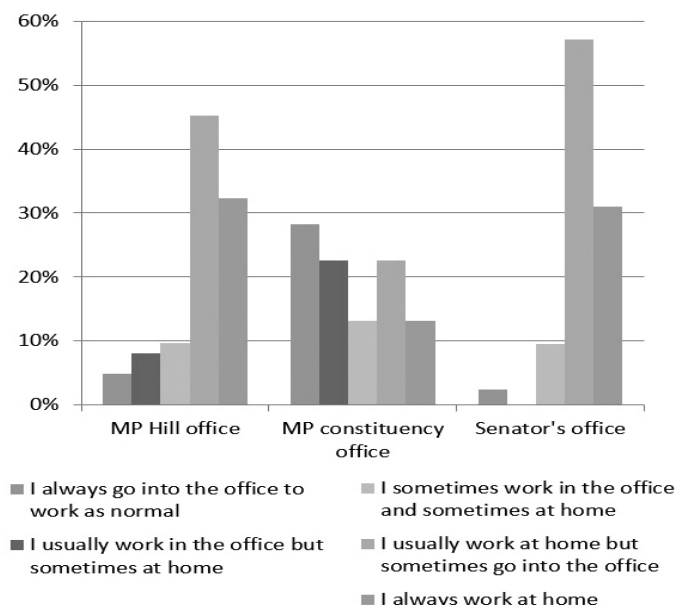


### *Home or Office?*

According to *The Hill Times*, Liberal Whip Mark Holland had said that the “vast majority” of MP in March staff were working remotely “unless there’s an absolute necessity.”<sup>15</sup> But each MP judges necessity for themselves. Some required their staff to continue working from the office; others permitted employees latitude to make their own decisions.

Overall, two thirds of all staffers said that after March they usually (41 per cent) or always (25 per cent) worked from home, while only one third usually (12 per cent) or always (11 per cent) worked from the office. However, this varies by office. As Figure 4 shows, constituency staffers were significantly more likely to say that they always (28 per cent) or usually (23 per cent) went into the office to work than were Hill (always - five per cent, usually - eight per cent) or Senate (always - two per cent, usually - zero 0 per cent) staffers. Conversely, constituency staffers were significantly less likely to work at home. Just over a third of them said that they usually or always worked from home, whereas 77 per cent of MP Hill staffers and 88 per cent of Senate staffers say that they did so.

**Figure 4**  
Frequency of Working at Home and at the Office since March  
Hill, Constituency and Senate offices (n=136)

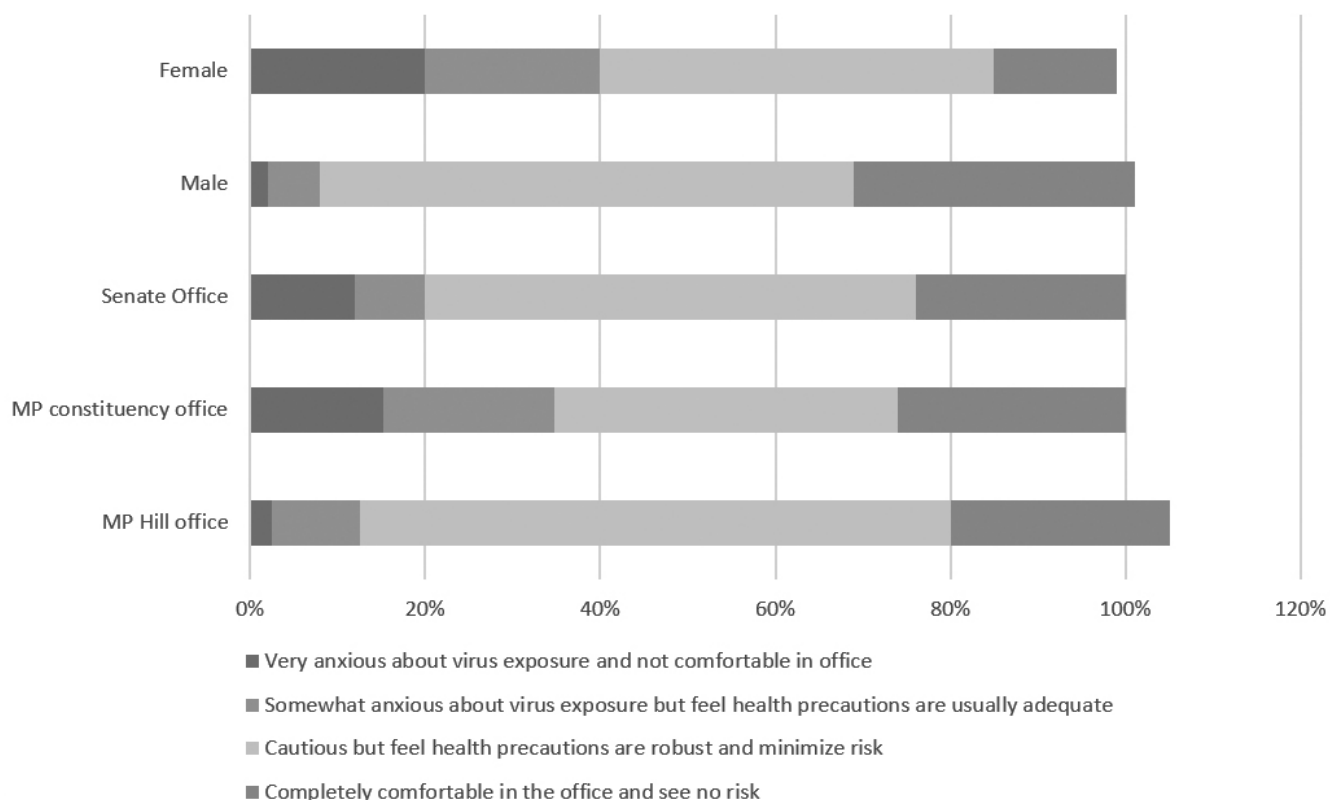


How much choice did staffers have in where to work? Overall, out of all the staffers who said that they at least sometimes went into the office, 69 per cent said that they choose to do so, and only 31 per cent say they were required to. But again, constituency staffers stand out here. While 83 per cent of Hill staffers said that they were able to choose whether to work at the office instead of at home (versus 61 per cent of riding staff), constituency staff (39 per cent) were significantly more likely than Hill staff (17 per cent) to say that they were required to work in the office.

#### *Perception of Risk*

Nearly three quarters of all staffers who at least sometimes went into the office were generally comfortable with the level of risk. A majority agreed that they were “somewhat anxious about being exposed to the virus but feel that health precautions are usually adequate” (52 per cent). An additional 25 per cent said that they were “completely comfortable working in the office and see no risk.”

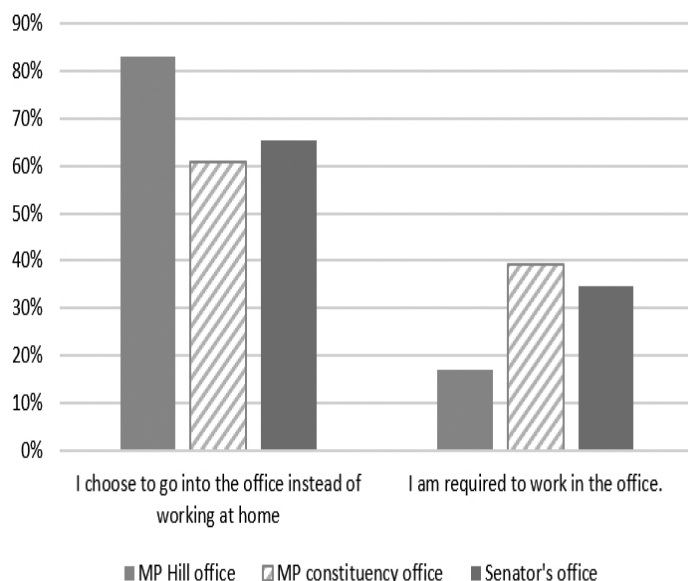
**Figure 5**  
Perception of Risk Working in Office  
MP Hill, MP Constituency and Senate Staffers (n=113)



However, there were significant differences between groups based on location and gender. As shown in Figure 5, men (32 per cent) were significantly more likely to be “completely comfortable and see no risks” than women (14 per cent). On the other hand, women (20 per cent) were significantly more likely than men (two per cent) to admit that they were “very anxious about the virus” and were “not comfortable going to the office. This was also true of constituency staffers generally: 15 per cent of them said that they were very anxious and not comfortable in the office as opposed to three per cent of Hill staff.

It is concerning that some staffers were required to go to the office even when they were clearly uncomfortable doing so. Figure 6 shows whether staffers who sometimes or always worked at the office had choice in doing so. Constituency staffers were significantly more likely than MP Hill staffers to say that they were “required” to work at the office (39 per cent versus 17 per cent) and significantly less likely than their Hill colleagues to say that they had choice (61 per cent versus 83 per cent). This is a concern. As a female Liberal constituency staffer wrote: “I did not want to continue working in office but was given no choice. I felt like the tasks I was doing in office would have been easy to do from home. My safety is at risk every day” (respondent 73). Surely the important work of dealing with constituents can be done without putting staffers in this position.

**Figure 6**  
**Choice in Working at Home versus Office**  
**MP Hill, MP Constituency and Senate Offices**  
(n=113)



### *Working at Home: Impact on Effectiveness*

Parliamentary staffers faced the same challenges in transitioning to working at home as many other Canadians. Some welcomed the change because they did away with their daily commute. Others mentioned the temptation to procrastinate or the difficulty of working on the kitchen counter. Overall, staffers were generally positive about their experience, but many expressed concern about work-life balance, isolation and access to required technology.

Respondents who had worked from home at least sometimes believe that they were effective in doing so. Nearly 60 per cent of them agreed either somewhat (32 per cent) or strongly (27 per cent) that they were just as effective working from home as they were at the office. But this sentiment is not universal since a substantial minority of respondents disagreed either somewhat (28 per cent) or strongly (14 per cent).

The increase in hours worked and stress put extra strain on staffers’ ability to balance their office duties with personal life. Numerous people mentioned the challenge of maintaining proper boundaries since these get “very blurred” (respondent 26). “You can never get away from your work” and “there is less respect of ‘work hours’ since we are all at home anyways” (respondent 124). One person “enjoyed the freedom of working from home” but “found I was tuned in to work matters all day and was increasingly tired,” mentioning “Zoom exhaustion” as a particular cause of this. (respondent 125).

Staffers with families felt this concern especially. “For those of us with young children, it has not been an easy experience,” wrote respondent 137. A CPC Hill staffer observed in an email that “my riding colleagues were working full-time hours as well as into the evening and night on many days, including weekends.” Married with children at home, he found that, while he worked as many hours as he could during the day, he ended up working “past 1 am three or four times a week” because this was the only time he could find to do concentrated work without interruption (CPC 2).

### *Access to Technology*

Having access to the proper technology is vital for working at home, and about 78 per cent of respondents either somewhat agree (34 per cent) or strongly agreed (44%) that they had the necessary tools (such as computer and high-speed internet)

to work from home properly. Generally, staffers appreciate the responsiveness shown by the House of Commons and Senate administration in assisting with these unprecedented circumstances: 86 per cent of respondents either somewhat agreed (45 per cent) or strongly agreed (41 per cent) that they had received the support they needed from the House or Senate administration. In particular, some respondents praised rule changes providing new flexibility to accept electronic documents and signatures in support of expense claims rather than only hard copies, answering a long-standing frustration for some offices. As a senior Liberal staffer noted in an interview, this flexibility was especially important since the pandemic took hold at the end of the fiscal year and many office managers were struggling to deal with the process while working remotely (LIB 1).

Not everyone's experience was positive. Some offices lacked enough recognized devices to transition to online work from home, and access to high speed internet was a problem, especially outside of major urban centres. One constituency staffer observed: "I don't have access to high speed internet and the constituency team has to split one [Microsoft] Surface book between three staffers unless we go into the office" (respondent 154). Some offices said that this was a problem until well into May (CPC 1). Another staffer reported the same problem and its eventual resolution. "We have since gotten computers for everyone," she said, "which has made things much easier. With the House computer, I can do absolutely everything from home that I can do from the office so I don't see a need to physically go to the office anymore" (respondent 76).

#### *Isolation and Mental Health*

Even though staffers generally believed that they were effective during the pandemic, over two-thirds of respondents somewhat agreed (47 per cent) or strongly agreed (21 per cent) that working from home made them feel isolated and out of touch with colleagues. "I feel lonely and isolated" and this makes it harder to be motivated, wrote one. Another observed that "in-person conversations and socializing events or moments during the day are essential to the job" (respondent 6). "A person is a social animal and work is a big part of sociability," wrote respondent 27, adding "some folks might crash and one wonders what the state of staffers will be like post-pandemic."

A senior Liberal staffer also worries about the mental health implications for staff. "It was a tough

slog," she said. "Staff were hearing sad stories at the same time they were worried about their own health and the health of family and social dislocation." Also, she observed that "a lot of staff on the Hill live in small downtown apartments and are isolated from their family and usual networks" (LIB 1). She thinks, given the many contributing factors, it is incumbent on parties and the House of Commons to monitor the long-term impact of the pandemic on staffers.

#### **Political Staff Duties During the Pandemic**

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How exactly did political staff duties change during the pandemic? In large part, this depends on office location, whether on Parliament Hill (working for an MP or a senator) or in a local riding.

##### *Work in the Constituency Office*

Constituency offices represent a physical presence for Members of Parliament within their ridings and allow a personal connection with voters. This is crucial because MPs (usually) intend to contest the next election, and constituency offices, although not involved in partisan activities, help to build or maintain their profile and develop a reputation for responsiveness. Apart from personal political advantage, however, many MPs derive satisfaction from their role serving their community<sup>16</sup> and take pride in providing open-door service to constituents regardless of partisan considerations.

Staff assist MPs to reach out into the community in different ways. MPs are local dignitaries and receive invitations to far more events than they can personally attend. Staff will identify events, triage invitations and, increasingly, represent MPs at events when the MP is in Ottawa or is double-booked. The most substantial effort within constituency offices, however, relates to casework: helping constituents navigate the federal government and assisting them in resolving problems. The volume of casework can be high—MPs report that their offices open hundreds of new files each year—and time consuming since complex files can take years to resolve.<sup>17</sup>

##### *Frequency and Type of Public Contacts*

During the pandemic, constituency offices were usually closed to the public, even when staffers were still at their desks. This all but eliminated walk-in visits. Yet, almost entirely relying on telephone and email, offices maintained service to the public, and, overall, staffers reported an increase in inquiries from



**Table 3**  
**Frequency of Contact from Members of the Public Since March**  
**Responses from MP Hill and Constituency Staffers (n=106)**

Subject Matter of Inquiry	Never %	Rarely %	Occasionally %	Frequently %	Very frequently %
Advice from Chief Public Health Officer of Canada	5	14	35	32	13
Federal government pandemic support programs	0	0	1	22	77
Federal regulations related to COVID-19	0	4	8	36	52
Consular support for Canadians abroad	2	4	15	44	35
Advice from provincial or municipal medical officers	6	17	31	30	16
Provincial or municipal orders regarding COVID-19	5	11	24	40	20

the public during the pandemic. Almost half of all staffers (48 per cent) said that the public contacted their office “much more than before,” and a further 14 per cent agreed that public contacts were “somewhat more than before.”

Staffers reported that the normal sorts of questions kept coming about ongoing government programs such as immigration, EI and pensions. In fact, well over two-thirds of both constituency and Hill staffers thought that these bread-and-butter questions were either somewhat more (21 per cent) or much more (51 per cent) than usual.

The big change was the volume of inquiries related to the pandemic. Table 3 shows the frequency of public communications as reported by staffers working in MP Hill and constituency offices. Nearly all MP staffers said that they either frequently (22 per cent) or very frequently (77 per cent) received questions related to federal government pandemic support

programs for individuals and businesses, and almost 90 per cent said that they frequently (36 per cent) or very frequently (52 per cent) answered questions about federal regulations related to COVID-19 such as international border or air travel restrictions.

Not only was volume of inquiries up, but, as one staffer noted, inquiries tended to come “in large waves, depending on the news cycle and issues.” This was problematic because, given the emergency context and how quickly decisions were being taken by all levels of government, information lagged behind questions. “We had no special access,” explained one Conservative constituency staffer, “and the government did not communicate with constituency offices at all” (CPC 1). Many staffers felt that this put them in a bad position. “It was difficult to provide information to constituents because it changed so rapidly and we learned about programs the same time as the public did on the news,” one constituency assistant wrote. “People were frustrated

by our lack of knowledge" (respondent 107). Another staffer wrote: "What was most frustrating was how little the government communicated with us about its programs. Everything I knew about [pandemic emergency] programs I learned from Trudeau's press conferences on TV. Our constituents were looking to us for more detail and information and we just didn't have it" (respondent 34).

More than a few staffers had harsh words for government agencies, Service Canada in particular. On March 26 all Service Canada offices were closed with assistance only available by phone or online.<sup>18</sup> MP constituency staff clearly felt that consequently they were forced to deal with desperate people who could not get assistance elsewhere, especially those who lacked either computer access or computer savvy. "The telephone has become an obsolete device, and moving everything online left people behind," one staffer commented in an interview (CPC 1). "Our office had to do the job of front-line Service Canada employees," wrote another. "There are people in this country without access to computers and there was no one to assist with a paper copy of forms. Our office was constantly providing downloaded forms and had to meet with constituents....We are exhausted trying to keep all the cases going!!!" (respondent 156).

Assisting constituents who were stuck in other countries due to pandemic travel restrictions was also something that MP Hill and riding staffers reported dealing with frequently (44 per cent) or very frequently (35 per cent), though constituency staffers (45 per cent) were significantly more likely to deal with these questions very frequently than were staffers in Hill offices (25 per cent). One Liberal riding staffer said that during the first month of the pandemic, his office dealt with 70 cases of stranded constituents (respondent 67). Bloc Québécois staffer Charles Gascon said that his MP's riding office provided "nonstop 24-hour service to people who were stuck everywhere." He explained how he and his colleagues acted as an office of "last resort" for people who could not find help elsewhere and kept in close contact with citizens abroad, providing them with information about Canadian government services and asking questions about their personal safety and arrangements. Ultimately, all they could do was exchange information and, if necessary, contact the Minister of Foreign Affairs' office on their behalf. But he felt that they were providing an essential service. In the end, he estimated that his office helped to "repatriate" 36 constituents; and that all BQ offices together repatriated over 2,000.

### *Stress and anxiety*

Even in normal times constituency staffers are front-line workers serving the public and are therefore exposed to the risk of political or personal abuse in a way not experienced by their colleagues working in the security of the parliamentary precinct.<sup>19</sup> An incident in early August 2020, where a female staffer in MP Catherine McKenna's riding office endured a hate-filled, misogynistic tirade from a member of the public,<sup>20</sup> demonstrates the potential for violence which politicians, especially female politicians, and their staff are subject to. While behaviour like this cannot be blamed on the virus, the pandemic has increased anxiety and frustration for many people and this has led to tension in dealings with MP staff, especially (though not exclusively) in riding offices.

"COVID-19 has added a lot of stress to the public, to individuals, to groups and organizations and to businesses," wrote one constituency staffer (respondent 121). Another constituency staffer said much the same: "That stress has come across in their communications with our office and has affected me and other staff. It has been a difficult time" (respondent 115).

Sometimes staffers excused constituents' reactions. A constituency staffer explained how people calling in were "more angry and more abusive" than usual, but attributed this to the fact that callers were often afraid of losing their jobs or businesses, or were afraid for their own health or their family's health. Moreover, they were frustrated by their inability to get through to Service Canada or CRA. "Once they had a live, breathing person [on the phone] who couldn't answer their questions, it all came dumping out" (CPC 1).

### *Access to Government Information*

The Samara Centre for Democracy has argued that, by providing assistance with casework to constituents, MP offices are helping to absolve the government from properly staffing and help to "paper over a broken bureaucracy."<sup>21</sup> This may be true, but it is hard to imagine that local constituents will stop calling MP offices for help. Some people fall through the bureaucratic cracks, especially those uncomfortable navigating the online world, and MPs have strong incentives to respond to people's needs. It would be helpful if government departments and ministerial offices recognized this by providing more information to constituency offices, including direct access points such as "hot lines." Some departments have done this previously. But some staffers noted that during

the pandemic even their usual lines of communication into government were not working. “We had no special access,” one staffer said. “The regional offices we’d [usually] contact were closed” (CPC 1). A crisis is no time to cut off information and more should be done to keep communication open.

### **Work in Parliamentary Offices**

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While constituency staffers predominantly provide services to the public, staffers in parliamentary offices support MPs and Senators in their role as legislators and in scrutinizing the executive and holding it accountable. Normally this involves activities that revolve around the MP personally and around the MP’s work in the chamber, in committee, and in caucus. And normally, when parliament is sitting, MP and Senate staffers work long, intense days. But what does their job look like when the boss comes to Ottawa only seldom, if at all? What happens when there are no speeches to give, few votes to attend, and when committees are online or on hold?

#### *Hill staffers shift to support constituency staff:*

Overall, 58 per cent of MP Hill staffers agreed that the public contacted them during the pandemic “much more than before.” This heavy volume of public inquiries more than made up for the evaporation of normal parliamentary work, as they shifted to provided support to their constituency office colleagues. “Mid-March to the end of May was consistently much busier than usual, even compared to a sitting schedule week,” said one Conservative Hill staffer. “As a leg[islature]-focused staffer I had to significantly retool and supplement colleagues who were more typically front-line staff” (respondent 93). A Liberal Hill staffer said that the volume of work in the pandemic was “unlike anything I’ve ever experienced in six years of working for this MP. Woke up every day to hundreds of unread emails. Phones rang nonstop. Completely unprecedented. We became essentially full-time front-line staff.” (Respondent 15).

Senate staffers did not have the same opportunity to make this shift because they have no constituency counterparts. This explains why half of Senate staffers report that public contacts to their office were either the same as before (21 per cent), somewhat less frequent (21 per cent) or much less frequent (eight per cent). Indeed, a plurality of Senate respondents (31 per cent) said that they had no opportunity to observe the frequency of public contacts, which suggests it was not a big part of their work.

Some MP staffers, however, especially those working with caucus officers and with opposition critics, were busy with parliamentary duties, although much changed from usual by the COVID-19 context.

#### *House Negotiation and Coordination*

Normally each party’s house leader and whip coordinate and manage the work of their own party’s MPs in the Commons chamber and in committee, and they coordinate with other parties to ensure (so much as possible) the smooth functioning of the House.<sup>22</sup> Day to day, this is often done by their staff. However, during the pandemic this work was “drastically different,” as one NDP staffer said, because of the suspension of the Standing Orders. In effect, all parties had to agree to all measures, and so negotiation became much more complex in an environment where the usual rules were out the window. “We have to start from scratch every time” and so “there are a lot more behind the scenes discussions” and negotiation than usual (NDP 1).

For example, parties had to reach agreement on reduced attendance in the House, proportional to each party’s overall seat count—a “collegial process,” according to Conservative Whip’s assistant Sebastien Togneri. Staff then had to negotiate with MPs to establish what the NDP staffer called “draft line ups” for who was going to attend. This was tricky, he explained, because “there’s pressure from constituents for MPs to be here” in Ottawa, yet some MPs were not comfortable doing so and, especially for MPs who lived a long way from Ottawa, travel was not convenient or, sometimes, safe. So staff needed to take these considerations into account and assess who had a good argument for attending (NDP 1).

Staff from the office of each party whip customarily work to assist and coordinate their MPs in the lobby adjacent to the Commons chamber. Social distancing during COVID meant fewer staff just as it meant fewer MPs, but staff for party whips continued to manage the lobby. They were augmented by communications staffers, from minister’s offices or from opposition leaders’ offices, as well as staffers from opposition critics’ offices brought in for communications support or policy expertise on specific issues such as bills or Estimates. Togneri noted that, since the pages were excused from their duties during the pandemic, their usual chore of delivering messages to and from MPs fell to the whip’s office staffers running each party’s lobby desk.

### *Research and Communications*

Some staff work during the pandemic resembled normal activity. Communications staffers prepared press releases, maintained websites and managed social media accounts. Policy and political research continued, whether on key issues, filing Access to Information requests or working with MPs to submit Order Paper questions (NDP 2).

However, the unprecedented suspension of Parliament as well as the urgency and high stakes of the government's pandemic response measures created intense pressure on MPs and staff alike for all parties, but especially for the opposition. As Ian Brodie, special advisor to Conservative Leader Andrew Scheer and former chief of staff to Prime Minister Stephen Harper, pointed out in an interview, even if the government provided an embargoed copy of a bill to the opposition before tabling, the embargo did not permit consulting outside experts, so opposition party staffers, either in the office of the relevant critic, or in the leader's office or party research bureau, had to analyse the bill on their own in the limited time provided. Once the bill was tabled, staffers had to quickly verify that it matched the embargoed copy and be ready to advise MPs about the legislation.

### *Providing Information to caucus*

As noted above, MP offices were frustrated by the lack of timely information available on government initiatives. Perhaps understandable since policies were being developed so quickly, this necessitated parliamentary staffers obtaining and disseminating information as quickly as they could to their colleagues on the front lines.

For opposition parties, much of their knowledge of government programs resided in the offices of shadow ministers and, according to one Conservative constituency advisor, staff in these critics' offices "were heavily leaned on" to flow information to their caucus's constituency offices. Information was also disseminated by staff working for each party's caucus officers. The BQ whip's office, for example, prepared daily messages to brief all their MPs on what the prime minister and provincial governments were saying as well as information on new pandemic programs as soon as it was available (Gascon). The Liberal Research Bureau (LRB) conducted briefings for Liberal MPs where ministers attended and answered questions. These briefings had been done

in the past with big files on a one-off basis, a senior Liberal staffer reported. But during the pandemic they were provided on a daily basis and were well received by MPs. LRB also conducted conference calls and digital webinars for Liberal office staff across the country several times a week in order to "put all staff on an equal footing" (LIB 1). Information dealt not only with the substance of files and best practices in terms of process but also information relating to mental health supports available to staffers.

### *Supporting MPs in Committee*

Normally parliamentary staffers spend significant time and effort supporting MPs and Senators with their committee responsibilities. This can include tasks such as researching subject material and potential witnesses, reading witness briefs and preparing questions, advising on tactics at committee meetings, negotiating with other offices – whether their own party or another party – about committee business, helping to research and draft reports (especially for opposition staffers) and, of course, staffing MPs and Senators during actual committee meetings.

Like many other things, this changed during the pandemic. From March 24 to the end of July, nine out of the 27 House of Commons standing committees did not meet at all, and an additional five committees met only once. Only six out of 18 Senate standing committees had been constituted since the October 2019 federal election, and only five of these held meetings between mid-March and the end of July.<sup>23</sup> However, some committees met frequently. On the Commons side, the Finance committee met 35 times, the Health committee 26 times, and Procedure and House Affairs 24 times. On the Senate side, the National Finance committee met 10 times and Social Affairs met eight times.

All committees except one met virtually online and not in person. The exception was the House of Commons Special Committee on the COVID-19 Pandemic which, although consisting of all MPs, met in a hybrid form 25 times, with most members participating remotely via the internet but some, under the social distancing agreement negotiated amongst the parties, attending in person.

Virtual committees posed a challenge for staffers. For one thing, the burden was not evenly distributed. Since a few committees met very often and most committees seldom or not at all, most staffers had little

to no committee work on their plates. These staffers were free to focus on other tasks, such as supporting their constituency offices with public inquiries.

But for staffers supporting MPs on the busy committees, the work was substantial and challenging without face to face contact with one's member. Being present online made it impossible to have a quick side conversation with the MP or discretely slip them notes during the meeting, which is often how staffers pass on salient information or advice, either proactively or in response to an MP's request. Of course, staffers can send a text or an email. But this may well get lost. One NDP staffer said that some MPs complained about getting too many emails from people during committee, so staffers had to compete for attention with everyone else who has the MP's phone number.

## Conclusion

Examining the work of parliamentary political staffers during the pandemic draws attention to the vital but often unrecognized role that they play behind the scenes in supporting Members of Parliament and Senators with their entire range of responsibilities.

In particular, the pandemic has shown the importance that MP offices can play in providing services to Canadians, especially last resort services to people without the resources or ability to navigate online government. Departments and minister's offices should recognize this role and do their best to ensure that lines of communication are kept open.

It's common knowledge within the Hill community that MPs differ widely in their employment practices; for example, in how much they pay and what work they require. The survey of staffers clearly shows that working conditions were also highly variable during the pandemic. Despite the public story line that MP offices were closed and everyone was working at home, substantial numbers of staffers were still going into the office at least some of the time; and some of them were required to do so, no matter how reluctantly. Of course, some staffers needed to be present in person, especially those supporting MPs physically present during socially-distanced sittings of the House. However, available technology means that for most offices and most staffers, working entirely at home was a practical, if not perfect, solution. House of Commons personnel should ensure that all MP offices have the technology, including computers and internet access, needed to work seamlessly from

home, and parties should strongly encourage their MPs to respect their employees' sensitivities in terms of safety and risk.

Like so many Canadians, political staffers carried personal anxieties about their own and their families' health and well-being, adjusted to working from home and struggled to balance work with household responsibilities. However, staffers also bore significant pressure in helping to respond to their constituents' urgent needs, and were on the receiving end of a great deal of frustration and anger. Even in normal times, parliamentary staff culture can be toxic for staffers' mental health. The longer term impact of the pandemic is not yet apparent, but it has the potential to increase these challenges. It is therefore important for the House of Commons and for parties to continue to provide counselling and services to staffers to minimize harmful consequences.

## Notes

- 1 Interviews were conducted with 10 current MP staffers representing all four officially recognized political parties, and with one Senator's assistant. Some, with their consent, are named; others are identified with a party abbreviation, e.g. LIB 1, NDP 2. A bilingual survey was distributed in July 2020 to all MP and Senate staffers. In total, 175 responses were received from either MP Hill (73), MP constituency (55), or Senate (47) offices. The exact number of survey recipients is unknown since distribution was by group email addresses. While this worked smoothly for Senate offices, the first email to House of Commons offices was entirely blocked by the firewall. Two subsequent attempts to differently configured address lists resulted in a high number of undeliverable responses, as well as auto-generated messages that the inbox was not being monitored. Based on the overall number of staffers (see table 1), the overall minimum response rate is 9%, with different minimum response rates for MP Hill (13%), MP constituency (5%) and Senate (21%) offices. For further explanation of methodology, please contact the author at paul.wilson@carleton.ca.
- 2 For example, see Jonathan Craft, *Backrooms and Beyond: Partisan Advisors and the Politics of Policy Work in Canada*. Toronto: University of Toronto Press.
- 3 Daniel Dickin, "Organizing the Halls of Power: Federal Parliamentary Staffers and Members of Parliament's Offices," *Canadian Parliamentary Review*, 39 (2), 2016, pp. 8-16; Peter MacLeod, *The Low Road to Democratic Reform: Constituency Offices, Public Service Provision and Citizen Engagement*, 2005. <http://www.theplanningdesk.com/lowroadreport.pdf>; Peter MacLeod, "How to Organize an Effective Constituency Office," *Canadian Parliamentary Review*, 2 (1), 2006, pp. 9-12; Royce Koop, Heather Bastedo and Kelly Blidook, *Representation in Action: Canadian MPs in the Constituencies*, Vancouver: UBC Press, 2018.

- 4 Feodor Snagovsky and Matthew Kerby, "Political Staff and the Gendered Division of Political Labour in Canada," *Parliamentary Affairs*, 72 (3), 2019, pp. 616-637. Meagan Cloutier and Melanee Thomas, "Representation on the Front Line: Gender and MP Staff in Canadian Politics," Paper presented to the Canadian Political Science Association annual conference, Vancouver, BC, June 2019.
- 5 R. Paul Wilson, "The work of Canadian political staffers in parliamentary caucus research offices," *Canadian Public Administration* 63 (3): 2020.
- 6 As of March 31, 2020, there were 669 full time ministerial staffers working in the Canadian government. Mario Dion, *Annual Report in Respect of the Conflict of Interest Act 2019-2020*, Ottawa: Office of the Conflict of Interest and Ethics Commissioner, Parliament of Canada, 2020, p. 3.
- 7 House of Commons, *Members' Allowances and Services Manual*, Chapter 4: Budgets, April 1, 2020, p. 4-3.
- 8 House of Commons, *Members' Allowances and Services Manual*, Chapter 4: Budgets (Appendix), July 1, 2020, p. 4-13.
- 9 United Food and Commercial Workers Canada, "Staff of the Federal NDP Achieve New Contract—UFCW 232," [http://www.ufcw.ca/index.php?option=com\\_content&view=article&id=31224:staff-of-the-federal-ndp-achieve-new-contract-ufcw-232&catid=9777&Itemid=6&lang=en](http://www.ufcw.ca/index.php?option=com_content&view=article&id=31224:staff-of-the-federal-ndp-achieve-new-contract-ufcw-232&catid=9777&Itemid=6&lang=en)
- 10 With very rare exceptions, GEDS lists staffers under the titles of constituency assistant, member's assistant, parliamentary assistant and special assistant. The calculation in table 2 assumes that constituency assistants are based in the riding office, while other staffers are based in the Hill office.
- 11 See MacLeod, *The Low Road to Democratic Reform*, 2005, p. 11; Cloutier and Thomas, "Representation on the Front Line," 2019, p. 6.
- 12 R. Paul Wilson, "Research Note: A Profile of Ministerial Policy Staff in the Government of Canada," *Canadian Journal of Political Science*, 48 (2) June, 2015: 462.
- 13 Abbas Rana, "Liberal staffer urges all political parties to address mental health challenges, after his attempted suicide on the Hill," *The Hill Times*, June 25<sup>th</sup>, 2018, pp. 1, 12.
- 14 R. Paul Wilson, "Political Staff Support to Canadian MPs," paper presented at the International Political Science Association World Congress, Brisbane, 2018.
- 15 Laura Ryckewaert, "It's a different world we're all living in': Vast majority of staff working remotely, focused on COVID-19 response," *The Hill Times*, March 25, 2020, p. 6.
- 16 Terhas Ghebretacle, Michael Morden, Jane Hilderman and Kendall Anderson, *Beyond the Barbeque: Reimagining Constituency Work for Local Democratic Engagement*, Toronto: The Samara Centre for Democracy, 2018.
- 17 See Laura Ryckewaert's series of stories in *The Hill Times*: "On the Front Lines: Constituency Aides are an MP's 'Eyes and Ears,' Says NDP MP Kwan, and Her Team is a Busy One," Feb. 5, 2018, p. 6; "'It's Really a Window to the World': Immigration Cases Front-And-Centre for Liberal MP Alghabra's Busy Mississauga Centre Riding Team," Feb. 12, 2018, p. 23; "On The Road Again: How Rookie Liberal MP Hutchings Tackles Riding Bigger than Switzerland," March 19, 2018, p. 32.
- 18 Employment and Social Development Canada, "COVID-19: In Person Service Canada Centres to be Closed," March 26, 2020. <https://www.canada.ca/en/employment-social-development/news/2020/03/covid-19-in-person-service-canada-centres-to-be-closed.html>
- 19 Cloutier and Thomas, "Representation on the Front Line," 2019, pp. 13-16.
- 20 Aedan Helmer and Bruce Deachman, "Police Investigating Verbal Tirade Against MP McKenna and Staffers," *The Ottawa Citizen*, August 11, 2020, p. A.2.
- 21 Alison Loat and Michael MacMillan, *Tragedy in the Commons: Former Members of Parliament Speak Out about Canada's Failing Democracy*, Toronto: Random House, 2014, p. 110.
- 22 Alex Marland, *Whipped: Party Discipline in Canada*. Vancouver: UBC Press, 2020.
- 23 Statistics for House of Commons committees are taken from <https://www.ourcommons.ca/Committees/en/Home> on August 7, 2020, and for Senate committees from <https://sencanada.ca/en/Committees> as of August 18, 2020.

# *New Frontiers in Committees – Using Videoconferencing Technology*

When the COVID-19 pandemic began, many workplaces shut down. Some parliamentary committees didn't or couldn't. With physical distancing measures in place, some committees opted to use videoconferencing platforms to help continue operations. In this roundtable discussion, parliamentarians and committee clerks explain how the system has worked, where there have been issues that needed to be addressed, and what this technology may mean for the future of their work.

**Participants:** Richard Gottfried, MLA, Laura Mae Lindo, MPP, Valerie Quioc Lim, Shannon Philips, MLA, Aaron Roth

**CPR:** Had you ever used a virtual video conferencing platform prior to using it for proceedings/committee work prior to the special measures for COVID-19? If so, how frequently?

**Shannon Philips:** You mean in the 'before times'?  
(Laughs)

**Richard Gottfried:** I guess it's BC – Before COVID-19.  
(Laughs)

**SP:** I'd have to defer to Aaron, but I don't recall using it before for committee work. I remember bringing up the idea of using videoconferencing and being told that staff were investigating how it could work. We had used the telephone option before, but coming from our cabinet situation, we had often used videoconferencing in the last few years for some of our meetings. But we knew we'd have to figure out the Hansard pieces of using it and how to make it public. It's one thing to use it for a meeting and quite another to use it for legislative proceedings.

**Aaron Roth:** Committees at the Assembly had previously had situations where arrangements were made for a presenter to appear by videoconference, but it was nothing quite like this. Members had never



**Richard Gottfried**

videoconferenced into meetings before. The telephone conference option had been around for a while, though. I think it was in the 80s or 90s when the *Legislative Assembly Act* started permitting telephone conference options for committees if there was unanimous consent. A number of committees had definitely made use of the teleconference option, but this has been the first time videoconferencing has been used.

**RG:** Aaron, we had the capability to use it prior to this, right? It was more a case of not having pulled the trigger to use it. We had used it for one off presentations, but this was the first time we used it for voting for public accounts.

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**Laura Mae Lindo**

**AR:** All the committees, at the start of a session, decided whether to use the teleconference option. This was the first time videoconferencing was an option that had to be authorized as well.

**Valerie Quioc Lim:** In Ontario, witnesses were previously permitted to appear by teleconference or videoconference, while MPPs were required to participate in person. This was the first time Members could participate in committees remotely.

The House passed a motion on May 12, 2020, that allowed committees to use electronic means of communication when meeting according to the following guidelines: the electronic means of communication is approved by the Speaker; the meeting is held in the Legislative Building and the Chair/Acting Chair and Clerk must be present physically; other Members participating remotely whose identity and location within Ontario has been verified by the Chair, are deemed present and included in quorum; and the Chair shall ensure that the Standing Orders and committee practices are observed to the greatest extent possible, making adjustments when necessary to facilitate physical distancing and electronic participation of Members and staff.

**Laura Mae Lindo:** I've had to use video conferencing and other interesting technologies like this prior to being elected. I used to teach technology integration as a part of teacher training. When post-secondary institutions started to promote more online courses, I

used similar platforms to teach those courses. Some of them were blended, some were not. So, I had a little bit of experience, but not with proceedings. I think what was difficult was that you have different expectations for proceedings at work than in a classroom. But at least it gave me a background to draw from. I think it might have scared some of the other folks.

**CPR:** Can you describe how your first use of the technology for parliamentary purposes went? Were there any technical problems? Was it difficult to use for discussion purposes?

**LL:** It was challenging at first. You don't realize how accustomed you are to where you're seated, who you can see, who you can't see. And also the way that you engage with people that you, to be honest, are engaging in pretty awkward ways. When somebody comes to depute at a hearing it's already a pretty awkward experience, but now to throw them into this online world where sometimes they were only able to call in – not everyone was able to do the video. That piece made it interesting for us to find our footing in the finance committee, which has been running throughout this whole time. But we've gotten better at it. The explanations at the beginning are shorter, the transitions are getting better. And it wasn't all bad. For example, I'm out in Kitchener-Waterloo. A lot of people out here can't drive into Toronto to speak to the committee for seven minutes, especially if they're working. Now, suddenly, the opportunity is there to be able to fully participate. It's worth the awkwardness to be able to open up these opportunities to more people.

**SP:** It was actually pretty seamless from my perspective. I didn't find it difficult at all. And even during the crazy times of March and April, there were always still members in the room. It was a combination of an in-person meeting and videoconferencing. I think for every meeting there has been a mix of people in the room, on the phone and on-screen, including the support staff at the Assembly. Given all of those dynamics, it's all gone very smoothly. We've only ever had one hiccup on the tech end that lasted for about 20 minutes. Over the course of time we've figured out how to handle points of order, how to be a bit more preemptive and orderly with the speaker lists, and just generally more organized with time.

**RG:** It was interesting to consider some of the options available. For example, the 'chat' function that was available was very useful, but not for things like points of order. Ironically, when you're getting just one person's face on the screen who is speaking, it is a better visual experience for the public compared to what it's like in the room. Where we did run into some problems

was that some people are not comfortable with the technology. They went back to the telephone option, but as a result, they weren't able to get the functionality of the chat available on the videoconference platform. I think if there is anything to be learned from this it's to have some sort of tutorial so that the less technologically proficient MLAs can get onto it without feeling awkward about it when participating in a meeting. They just reverted back to the telephone and lost the ability to use the extra features.

**CPR:** Have MPPs/witnesses had any issues with disruptions while they were using these platforms (ie. family members/pets disrupting them)? Have there been any questionable choices for backgrounds or props/displays that would not have been possible during in-person meetings?

**SP:** During COVID times, if you're at home, a Member won't have staff with them to show them how not to have their face on screen when they're not talking. So, there have been a few of those limitations.

**VL:** We provided MPPs and witnesses with guidelines on how to participate remotely. These two-page documents give information on how to get the floor to speak, how to use the chat function, how to access interpretation and a reminder that they could be on camera at any time. We also hold a pre-meeting with Committee Members 15 minutes before each committee meeting, where the Chair goes over the participation guidelines and confirms each Member's attendance. Witnesses also first join a Zoom meeting with one of our staff to confirm attendance before they are given the link to the main committee meeting.

**LL:** There have been some issues for Members who don't have good Internet access or bandwidth where they live. A lot of them have been advocating for broadband and improvements in that area. They would sometimes get booted out of the system. If they're calling from home, you're actually seeing which areas have access to high-quality Internet, and which don't. And we're seeing this from Members. Sometimes if they can go to their offices it's a little better. I'm thinking, for instance, of (Nickelbelt MPP) France G  linas (in Northern Ontario). She called in one time from her house and one time from her office and at one of those locations the Internet signal and bandwidth weren't strong enough to keep her in the meeting. The same thing happened to Sudbury MPP Jamie West. There's a whole equity component to this. Some people think technology is a great equalizer, but it's not necessarily.

We've had a situation where people have had to send notes to the clerks saying they've been kicked out

of a videoconference and they can't participate, so it has been raised. Usually, they are able to get someone else to jump in to ask their questions. But in terms of a larger discussion about it... I don't know if this would be fair to say, but it feels like there has not been enough time to have it yet. It's interesting that in the finance and economic recovery hearings, we're talking about moving to a more digital world and the need to invest in such a shift, so it is happening in our committee in a different context. But we haven't had the opportunity to really reflect on our own situation yet. And there is a lot to talk about. For instance, the virtual meetings are giving people who may have never expected to be able to speak to the government the ability to appear. But we can't provide that to them if, at the end of the day, we're not willing to invest in it.

We also don't know if this will be something we continue. Part of that discussion will be about this technology allowing more people to participate, while acknowledging that if we want this to happen we will have to invest in infrastructure so that people will have access to it.

To go back to the first part of the question, in terms of things that should or should be in view when you're having a committee meeting, I think one of the things that's interesting is that some of us have no option but to call in from an office because it's a matter of where you have Internet access. So some people do have their names and banners behind them. It's not been a full discussion among Members yet because I think there's been an allowance that we're all just trying to do the work. It just may not be possible for us to take care of the other things.

The other thing that's happened to so many of us is kids (*Laughs*). They do run in. I know I've had little people's fingers appear during calls, which is probably inappropriate for a hearing, but it happens sometimes when I'm home. It doesn't happen from an office, but it depends on when the call is happening. Those kinds of things can make participating in a call a little more challenging.

**AR:** We've just asked people to remember that this is being broadcast. I know other jurisdictions have had some interesting visuals appear, but there's been nothing major here to my knowledge.

**SP:** The women in our caucus have no objection telling the men how they look on camera, and I know we asked (Edmonton-McClung MLA) Lorne (Dach) to change his configuration because we were looking straight up his nose (*Laughs*). And when I'm home with my kids, the night before a meeting I put the fear of God



**Shannon Phillips**

into them that they are not to be running around while I'm chairing a meeting. So we get them organized so they're doing something while I'm chairing the meeting.

**CPR:** Has poor Internet service and lack of bandwidth been an issue in Alberta?

**SP:** We have pretty good Internet access for most of our MLAs; it's not the same level of remoteness that you might find in some places in Northern Ontario, for instance. There are lots of places in Alberta where you do not have the greatest connectivity, but if you're in the towns you do, and most of our Members from rural or northern areas are based in these towns.

**RG:** Even if someone did have problems with connectivity issues, you could remove the video option from video conferencing and just show a photo and still have access to all the other options, like chat.

**CPR:** How have witnesses responded to using this technology?

**AR:** Where we've had people video conferencing in we've tried to do a test a day or two before to make sure everything is working properly. There were one or two cases where we couldn't get it to work due to hardware issues.

**CPR:** Now that this technology has been used, do you believe it will become 'the new normal' even once public health issues such as COVID-19 no longer require this kind of physical distancing?

**SP:** There are some substantive issues about how we act and act toward others when on a videoconference versus when you're physically present in a meeting space. I think it's great that we are all learning about these issues together in terms of interaction, decision-making, and everything else. But I think the videoconference option will continue and be used especially by MLAs with riding outside of the capital area. Richard lives three hours from Edmonton. I live five hours away. Time and expense for us alone in terms of getting to the capital, being stuck in traffic, when we could otherwise be working. And then there are the health and safety aspects. Richard's colleague (Calgary-Greenway MLA) Manmeet Bhuller passed away in 2016 on Highway 2. I won't speak for Richard, because I know he was close friends with Manmeet, but when that happened it affected me greatly too. I spend a lot of time on highways as a part of my job. It made me think of all the times I've been going up and down Highway 2 in a snowstorm, and for what? For a brief meeting? I think if we learn how to use these tools for the betterment of our jobs it will give us the ability to work more. We can focus on what's important: not driving 1,000 kilometres for committee meeting, but reading materials for the meeting. It makes us safer, it makes us less tired, it makes us more 'present' in these meetings. But there are ways we have to learn to interact with each other in the meetings in order to be effective. Now, with COVID, we've almost been given a gift, because we're all learning that together.

**RG:** I agree with you Shannon. How many times were we driving to Edmonton for a three-hour meeting in the middle of a snowstorm asking ourselves: "Should I turn around?" and "Is this safe?" And to your point on Manmeet, he called us and said "I'll be there by 3 o'clock." He had a presentation to make. We said, "don't worry about it." But he insisted he needed to come up to do it.

And you're right, it's a great way to leverage more time in our constituencies and spend time saved meeting with people there. I mean it's bad enough to do a same-day turnaround for me for a meeting in Edmonton, but Shannon, for you it's a killer. I think people are getting more conversant with technology. I hope it's the wave of the future. But we do need to take those people who are a little bit more awkward with it and help them to get more comfortable.

One of the things I wanted to mention was that Aaron helped us set up a text option outside of the system so we could do the 'behind-the-scenes' work involved in committee proceedings and not have to use the chat line. It gave us a backchannel to do some of the organization so that we didn't have to bombard the rest of the group.

**LL:** I think it's a great idea to leverage some of the digital connections we can make. It's not just because of COVID-19. The system we're talking about, as I said earlier, is an awkward way to participate. When you walk into a Queen's Park committee room and see this U-shape group of people in suits and ties staring at you during the two minutes you have to make a point – it's awkward. But if you can be in your studio when you're calling in to talk about the arts or your office when you're calling in to talk about business, there's a level of comfort for you to start engaging and make better use of your time.

The other thing about committee meetings using this technology is whether people were given extra time if there was a technical problem. I don't know whether this is the case because things are so tightly scheduled that you have other people coming in right afterwards. You should not be penalized if there are technical issues due to the bandwidth in your area. Nor should you be penalized if we, the Members, are delayed. I remember there was one meeting where the sound wasn't working properly for everyone and everything was delayed for 30 minutes.

All this is to say that people coming to talk to the government should have a level of comfort. If this platform can help people start from a place of comfort, then it's worth a discussion and investment. And I do believe we should have a broader discussion about the pros and cons of doing this.

**CPR:** Is there any angle that I've missed or something you'd like to add to this discussion that we haven't touched on yet?

**RG:** We discovered that numerous ministries were using various platforms and they were used to different features and ways of doing things when we started, so that was one thing we needed to look into. I now have five different videoconferencing apps. And, sometimes people didn't have the app loaded onto their computer and were used to using the phone version, or vice versa and that took a bit of time to get used to.

Also, I wanted to say that I think this technology opens up possibilities for future discussion on voting remotely that could be helpful in allowing us to stay in our constituencies more often or ensure that we have quorum to vote on items.

**SP:** There are often many benefits to being in the same room and that should remain the foundation of our work as parliamentarians. Having said that, video conferencing opens up possibilities that we've never



**Aaron Roth**

had before, and I think it's a good thing because it allows us to potentially balance our jobs with our other responsibilities in ways we could not more.

The other thing to add is that I think video conferencing is easier in places like Alberta because we haven't had to do the simultaneous translation they've had to do in other places. That is a challenge we've luckily avoided. And also, I think in general, we started from a better place because the Legislative Assembly Office infrastructure and staffing complement that we inherited was really good.

**LL:** Not so much to add, but I think it's important to emphasize the equity issue in this discussion. Who is having difficulty going digital and where are they having difficulty in going digital. If Members are having issues trying to figure out how to get a good signal, and we're in a place of privilege, then what's happening for others? I don't want us to move into a position where we pretend we've created more engagement with the public – we need to go in with our eyes open and with clarity that unless certain investments happen, this may not work. For example, when the pandemic hit many community centres, libraries and malls shut down. These are often some of the only spots in a community where some people can get Internet access. We can't put the cart before the horse and think that by putting these meetings online we create greater access when access may be very limited for some people.

# *External Shocks and Westminster Executive Governance: New Brunswick's All-Party Cabinet Committee on COVID-19*

This research note compares the responses of Canadian provincial cabinet governments to the 2020 COVID-19 pandemic health crisis with a focus on New Brunswick's unique and somewhat exceptional formation of an all-party cabinet committee on COVID-19 in March 2020. The article reviews the responses of provincial cabinets to the pandemic with special attention to their relationship to opposition parties and leaders. While the Savoie thesis has dominated Canadian understanding of cabinet governance, we suggest that centralization of power is only one likely feature and not the dominant feature of cabinet government. With our findings of the current cases, we argue that the defining characteristic of cabinet government in Westminster systems is its "flexibility of method"<sup>1</sup> and "capacity for change".<sup>2</sup> The article concludes that the New Brunswick response, without further qualitative study, remains a mystery, as the political climate in the province leading up to the pandemic possessed all the traits of a highly partisan, electorally volatile institutional environment.

**J.P. Lewis and Robert Burroughs**

## **Background**

The idea of a dynamic and flexible Westminster-style cabinet is not a new observation; depictions of the institution as defined by these characteristics are found in early Canadian cabinet research. Bill Matheson, in his noted 1976 book *The Prime Minister and Cabinet*, argued that the cabinet system had a "capacity for change".<sup>3</sup> Decades before him, in 1946, former Clerk of the Privy Council Arnold Heeney observed that Canadian cabinet had a "flexibility of method".<sup>4</sup> This perception of cabinet as a dynamic political decision-making body has been lost to the focus on centralization as the defining institutional feature. Cabinet is a highly malleable and fluid institution; the evolution of cabinet governance is a

collision of institutional path dependency, personal political style, and unavoidable external shocks. Any pattern or trend of centralization or decentralization of power and decision-making can be accelerated, reduced or paused. Yes, first ministers as political actors are unrivaled in power within the Westminster system. Still, the possibility of institutional reform is the attraction of cabinet to first ministers.

While academics have routinely focused on first ministers' style and approach to cabinet governance,<sup>5</sup> there is a notable gap to further pursue the late Christopher Dunn's work<sup>6</sup> on the institutionalized cabinet and the ever-evolving processes and structures of cabinet committee arrangements. As federal and provincial cabinets have increased in size, cabinet committees have become the core decision-making bodies in our system and require more study.<sup>7</sup> Powerful standing central cabinet committees modeled after Pierre Trudeau's Priorities and Planning Committee are normally the focus of research on cabinet committees. Yet, ad-hoc, issue-based, and consequential cabinet committees modelled after Robert Borden's War Cabinet Committee have become a common coordinating tool for first ministers. Some notable contemporary federal

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examples include Brian Mulroney's Canadian Unity and Constitutional Negotiations committee (1991-1993), Jean Chretien's National Unity committee (1995) and more recently, Justin Trudeau's committee on Canada-United States relations. An obvious feature within these cabinet committees is that they are composed of members from a sole party. Coalition cabinets or cabinet committees that include opposition members are of the rarest kind in Canadian politics. Confederation and World War I were two notable times that opposition members were sworn into the Privy Council to serve in the government. In both cases, transformative events brought about dramatic institutional design change. The COVID-19 crisis has brought one Canadian province, New Brunswick, to this new and historic governing bargain. The following section will briefly review other provincial

responses across Canada before moving to the New Brunswick case in more detail.

### How Canadian provincial cabinets responded to the COVID-19

The first days of COVID-19 reaching Canada collided with provincial budget season and quickly turned to most legislatures suspending sittings. Provincial legislatures and governments navigated these developments in varying ways. Most provincial cabinets maintained a routine cabinet government during the COVID-19 crisis. Some have invited opposition members to all-party legislative or cabinet level committees but only New Brunswick has sworn the opposition members into their COVID-19 cabinet committee.

**Table 1**

<i>Province</i>	<i>Legislative Arrangement</i>	<i>Election Speculation/ Timing before Pandemic</i>	<i>Formal Response</i>
British Columbia	Supply and confidence	High(-ish) <sup>10</sup>	None
New Brunswick	Supply and confidence	Very High	All-party cabinet committee (sworn-in) <i>March 12 – August 17 (dissolution of legislature)</i>
Prince Edward Island	None	Low	All-party cabinet committee (not sworn-in) <i>March 15 – June 15</i>
Newfoundland and Labrador	None	High <sup>11</sup>	All-party legislative committee <i>March 16 – active as of September 1, 2020</i>

Quebec, Saskatchewan, Ontario, and Nova Scotia have demonstrated a more congenial path, at least in the early days of the crisis<sup>8</sup>. In both Alberta and Manitoba, the opposition was less than cooperative in supporting the budget and the governments were less than collegial in their legislative truce<sup>9</sup>. For the purposes of this article, we will be more closely examining the responses of British Columbia, New Brunswick, Newfoundland and Labrador, and Prince Edward Island—all of which have minority governments and each of which produced a different governing arrangement, indicating a flexibility of the cabinet system. The table below outlines the legislative and electoral situation in each of these provinces:

The degree of cooperation in each of these provinces has been just as unpredictable as the pandemic, in part due to the high election speculation on both coasts in the lead-up to the COVID-19 crisis. On the east coast, the survival of the governments in New Brunswick and Newfoundland and Labrador were particularly threatened. In all these cases, the necessity to manage the COVID-19 crisis allowed the government to avoid spring elections. The supply and confidence agreement in British Columbia and agreement between the governing Progressive Conservatives and the People's Alliance in New Brunswick both ended by late summer as the respective premiers went to lieutenant-governors to ask for elections. However, the latter province's all-party cabinet committee arguably negated the need for such an agreement. General public satisfaction with government responses to COVID-19 suggested that elections in the short-term were unlikely.<sup>12</sup>

In British Columbia, the party leaders issued a joint statement on a financial aid package. Liberal (and opposition) leader Andrew Wilkinson said, "this is no time for political bickering and attacks".<sup>13</sup> In terms of formal legislative or cabinet responses, only Newfoundland and Labrador, Prince Edward Island, and New Brunswick formed new all-party legislative or executive bodies. Newfoundland and Labrador's Dwight Ball-led government created an all-party committee that includes the Liberal premier, Official Opposition Progressive Conservative leader Ches Crosbie, and New Democratic leader Alison Coffin.<sup>14</sup> On Prince Edward Island, Official Opposition Green Party Leader Peter Bevan-Baker and Liberal Leader Sonny Gallant were included in the government's "COVID-19 response table"; as well, each leader has been included in cabinet committee working groups as the legislature has been suspended.<sup>15</sup>

Notably compared to New Brunswick, on P.E.I., the opposition members were not sworn-in as they were in New Brunswick.

Not surprisingly, as time passed and the management requirements of the pandemic evolved from containment/elimination to recovery efforts, the need for each of these special legislative arrangements shifted and the politics followed. On Prince Edward Island, the relative legislative truce ended over allowing seasonal residents into the province at the beginning of June.<sup>16</sup> In Nova Scotia, the premier rejected the opposition's request for an all-party committee; in its place, the government maintained that opposition leaders were being kept in the loop, but Progressive Conservative leader Tim Houston described the meetings as "staff level...one-way discussions".<sup>17</sup> The Newfoundland and Labrador Liberal party delayed their leadership contest to August 3, 2020, meaning that the province has a new (and extraparliamentary) premier in the midst of the pandemic. This situation could change the dynamics of any legislative arrangement currently in place.

Elsewhere in the country, provincial executive and legislative bodies were also adapting: in Quebec, the premier completed a major cabinet shuffle including moving his health minister, a reflection of the province's struggles with the outbreak compared to the rest of Canada. In Saskatchewan, congeniality appeared to evaporate as NDP Leader of the Opposition Ryan Meili accused the government of running a "one-party state" and in another setting Meili had to apologize after making an obscene gesture in the legislature.<sup>18</sup> By early May, provincial legislatures began to sit again starting with Manitoba, Ontario, and Quebec. Yet, the sittings were anything but normal and included social distancing within the chambers or remote online workarounds.

While New Brunswick was mostly ahead of the provincial pack in terms of managing the pandemic and moving through health restriction phases back to normal, the legislative session was anything but regular. After the pandemic hit in mid-March, the New Brunswick legislature rose on April 17 to return on May 5 with "double-decker" sittings for social distancing; a normal return was attempted on May 26 only to be abruptly halted by an outbreak of COVID-19 in the northern Campbellton region of the province. After sitting again after the outbreak subsided, the legislature adjourned for the summer on June 18<sup>th</sup> but the all-party COVID-19 committee continued to meet.<sup>19</sup>



## New Brunswick's All-Party Cabinet Committee on COVID-19

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On March 12, 2020, one day after the first presumptive case of COVID-19 in New Brunswick was announced, Progressive Conservative Premier Blaine Higgs formed the all-party cabinet committee on COVID-19.<sup>20</sup> The committee's membership included the premier, Public Safety Minister Carl Urquhart, Health Minister Ted Flemming, Social Development Minister Dorothy Shephard, education minister Dominic Cardy, and the leaders of the Liberal, Green, and People's Alliance parties: Kevin Vickers, David Coon, and Kris Austin. The committee's mandate was to "meet regularly to ensure members are involved in providing ongoing leadership, co-ordination and preparedness in responding to the health and economic impact of the novel coronavirus (COVID-19)".<sup>21</sup>

While unanticipated crises and external shocks can produce unexpected and unusual institutional arrangements, the political scene of New Brunswick in early 2020 gave no sign of this level of collaboration.<sup>22</sup> Just two days earlier, Vickers and the majority of opposition MLAs were intent on rejecting the budget and promised to "defeat this government at the earliest opportunity".<sup>23</sup> By the end of that week, the opposition party leaders were sworn into cabinet and the Legislative Assembly completed the normally-months long estimates process in an extraordinary 17 minutes of parliamentary theatre before recessing "until further notice".<sup>24</sup>

Green Leader David Coon, who posted the video of his swearing-in on his Facebook page gave the first indication of how the committee functioned:

On Friday evening I was sworn into the Cabinet Committee on COVID-19 and we immediately got down to work over three hours. I was part of the decision to close schools for at least the next two weeks, and was actively engaged on all the agenda items with question and suggestions. The atmosphere was serious but collegial. We will meet at least weekly.

By mid-March, the all-party cabinet committee was meeting almost daily for hour-and-a-half meetings.<sup>25</sup> All three opposition leaders have publicly praised the process. People's Alliance Leader Kris Austin noted, "On the one hand we can easily criticize, but on the other hand when we're sitting at the table, helping make these decisions, it kind of takes away from the criticism".<sup>26</sup> Austin observing, "Our opinions

are changing the course of decisions. When we raise issues, we're not being blown off".<sup>27</sup> Vickers said, "It's been very collaborative, it's been very constructive and I think it serves New Brunswick well"<sup>28</sup> even though he also remained committed to defeating the government.<sup>29</sup> Green Leader David Coon said: "I clearly see things that have been brought to me that I've brought forward, that are being addressed. I'm seeing things that I'm proposing being taken on board. I see results. I see all of my questions being answered honestly".<sup>30</sup> Premier Blaine Higgs noted the all-party cabinet committee is "amazing, gratifying... that's inspiring in its own right...the guns are really down, politically".<sup>31</sup> The committee approved school closures, postponed municipal elections (and the byelection in which Vickers was expected to participate), and endorsed an emergency declaration.<sup>32</sup> Notably, this was not a simple consultative group; Coon, Higgs and Vickers (who notably does not have a seat in the legislature) were sworn into the provincial equivalent of the Privy Council and were bound by those confidences. Resultingly, their deliberations were entirely confidential, even from their own caucus mates. New Brunswick's go-to political expert – renowned political scientist and cabinet expert Donald Savoie – supported the all-party cabinet committee as a response to the COVID crisis. "Nobody could point fingers because they were all on the same committee, sworn to secrecy, and they became part of the process, he commented."<sup>33</sup>

As New Brunswick's situation remained stable compared to other jurisdictions and the province moved through various stages of public health restrictions, new challenges emerged for the government and COVID cabinet committee. In late April, David Coon called for a discussion on reinstating "a more or less fully functioning legislature"<sup>34</sup> and weeks later Kevin Vickers expressed the limitations of the arrangement:

The four political leaders on the COVID-19 cabinet committee have been for the most part very much on the same page on the steps that have been taken to protect public health. However, the committee cannot serve as a replacement for the legislature, or the role our elected officials must play moving forward in discussing the best path forward to recovery...The COVID committee can't be used as a place where good ideas go to die. We need to have a frank and open discussion about how to help our economy. It should be a public discussion and exchange of ideas, not four men operating under a cloak of secrecy on a committee that ultimately has no decision-making authority.<sup>35</sup>

Similar to the experience on Prince Edward Island, one of the first major issues to break the relative peace in New Brunswick's legislature was the pending arrival of temporary foreign workers—central to the food processing and farm industry in the province. The government initially banned the entrance of temporary foreign workers. To complicate matters, and indeed the basic tenets of constitutional conventions such as ministerial responsibility, the Minister of Agriculture and Fisheries absolved himself from the decision, claiming that it was made “not by me, not by our government, but a committee, a COVID-19 cabinet committee”.<sup>36</sup> He even went on, in response to questions from opposition legislators, to argue that they ought to speak with their own party leaders instead. The ban was eventually reversed and while the decision-making discussions are protected by cabinet confidentiality, both Kevin Vickers and David Coon challenged the idea that there was a consensus on the decision.

Further evidence that the committee's own workings were becoming increasingly problematic, both from an operational and oversight perspective, is found in Vickers's criticism of the development of the Atlantic travel bubble<sup>37</sup> on July 11. In response, the Premier simply stated that, “He [Vickers] wasn't at the [COVID-19 cabinet] meeting on June 25”.<sup>38</sup> Higgs also added that, “in all fairness, [Vickers is] finding it difficult. He's probably getting a lot of grief from his colleagues. I think this process has worked well, I think it has been a key to our success in the COVID crisis. But...you see the signs of the cracks in the wall, and I think he's getting a lot of pressure from his members to break out and try to find fault.”<sup>39</sup>

By mid-summer, with the prospect of three by-elections in the fall and the balance of power at stake (20 PCs, 20 Liberals, 3 PA, 3 Green, 1 Independent) election speculation heated up. After failed all-party negotiations on a supply and confidence agreement that could have lasted well into 2022, Blaine Higgs called a snap election on August 17. The all-party cabinet committee was no more.

## Conclusion

The COVID-19 pandemic resulted in a health and economic crisis with no precedent in the 21<sup>st</sup> century. It has placed spotlights on provincial governments as laboratories of institutional innovation and change. While the majority of provinces have maintained legislative and executive business as relatively usual (outside of the suspension of legislative sessions),

three provinces (NB, NL, PEI) have pursued exceptional changes of all-party coordination with one province (NB) partaking in extraordinary change. When New Brunswick's legislature adjourned for the summer, it left limited means for its members to hold the decisions of the all-party cabinet committee to account. As mentioned earlier, even members of the committee, notably Coon and Vickers, raised concern of the oversight and accountability for this unique executive-legislative arrangement. While exceptional circumstances can bring exceptional changes to institutions, normative questions on these cases requires further exploration. While the changes explored by provinces to manage the initial containment of the COVID-19 pandemic will not be permanent, the variance in governance responses reflect the fundamental element of cabinet government in Canada—its “capacity for change” and “flexibility of method”.

## Notes

- 1 A.D.P. Heeney. “Cabinet Government in Canada: Some Recent Developments in the Machinery of the Central Executive.” *Canadian Journal of Economics and Political Science*, 12 (1946): 282-301.
- 2 W.A. Matheson, *The Prime Minister and the Cabinet*, Methuen: Toronto, 1976.
- 3 Ibid., 84.
- 4 Ibid., 282
- 5 Donald Savoie. *Governing from the centre: The Concentration of Power in Canadian Politics*. University of Toronto Press: Toronto, 1999; Patrice Dutil. *Prime Ministerial Power in Canada: Its Origins under Macdonald, Laurier, and Borden*. UBC Press: Vancouver, 2017; Ian Brodie. *At the Centre of Government: The Prime Minister and the Limits on Political Power*. McGill-Queen's University Press: Montreal: 2018.
- 6 Christopher Dunn. *The Institutionalized Cabinet: Governing the Western Provinces*. McGill-Queen's University Press: Montreal, 1995.
- 7 Luc Bernier, Keith Brownsey and Michael Howlett. “Conclusion: Executive Institutional Development in Canada's Provinces.” *Executive Styles in Canada: Cabinet Structures and Leadership Practices in Canadian Government* edited by L. Bernier, K. Brownsey & M. Howlett. University of Toronto Press Toronto, 245-250; Colin Campbell. “Cabinet committees in Canada: pressures and dysfunctions stemming from the representational imperative.” In Mackie, T. and Hogwood, B. (eds) *Unlocking the Cabinet: Cabinet Structures in Comparative Perspective* edited by T. Mackie & B. Hogwood. Sage: London, 1985. 61-85.
- 8 In Saskatchewan, Official Opposition leader Ryan Meili noted, “We have a common enemy and that's the virus.” (Murray Mandryk. “Our politicians have

- chosen to be better in crisis.” *Regina Leader Post*, March 18, 2020. A7). The Ontario government engaged in “unusual” lengthy briefings for the opposition on emergency legislation to protect frontline workers (*CBC News*. “COVID-19 in Ontario: 43 new cases, 2nd coronavirus-linked death reported in Halton Region.” March 19, 2020 Accessed at <https://www.cbc.ca/news/canada/toronto/coronavirus-covid-19-ontario-thursday-emergency-bill-1.5502527>). Nova Scotia’s Progressive Conservative Opposition Leader tweeted that the party would stop “the production and release of all original content to avoid complicating public discourse” (Eric Grenier. “As governments grapple with COVID-19, what’s the role for the opposition?” *CBC News*. March 21, 2020. Accessed at <https://www.cbc.ca/news/politics/grenier-covid19-opposition-parties-1.5503455>). After early signs of non-partisanship, by mid-April the Quebec Liberals were more critical of the Francois Legault government in response to the “horror” at long-term care facilities. Liberal interim-leader Pierre Arcand wrote an open letter on mounting deaths in the homes (Canadian Press. “Liberals say Legault must give a full account of situation in long-term care centres.” *Montreal Gazette*. April 13, 2020. Accessed at <https://montrealgazette.com/news/quebec/liberals-say-legault-must-give-a-full-account-of-situation-in-long-term-care-centres/>).
- 9 After a very brief truce and cooperation over the Alberta government’s financial aid package Premier Jason Kenney complained, “Given the crisis with which we are dealing, which is deteriorating seriously by the hour today, I will no longer tolerate that kind of divisive and dishonest rhetoric from the leader of the opposition...It’s like they’re living on a different planet than most Albertans, Mr. Speaker. Listen to that: the heckling, the division, the derision...To the NDP: please stop trying to scare people in the midst of a crisis” (Graham Thomson. “Alberta’s partisan politics immune to the COVID-19 pandemic,” *iPolitics*. March 19, 2020. Accessed at <https://ipolitics.ca/2020/03/19/albertas-partisan-politics-immune-to-the-covid-19-pandemic/>). In Manitoba, the NDP delayed the government’s budget for more than a week through legislative tactics (see Grenier).
  - 10 The resignation of Green Party leader Andrew Weaver in January 2020 prompted a leadership race, ahead of which the outgoing Weaver noted that, “In theory a new leader would not be bound by [confidence and supply agreement]” that he negotiated with the NDP in 2017 (Rob Shaw. “B.C. parties prep for possible 2020 election as Green leadership race ramps up instability.” *Vancouver Sun*. January 3, 2020. Accessed at <https://vancouver.sun.com/news/politics/parties-prepare-for-possibility-of-spring-election-as-green-leadership-changes/>). The interim party leader Adam Olsen pledged to maintain the agreement until a new leader is elected, which is not expected to be concluded until Summer 2020 at the earliest, indicating that an election would not be likely until late in the year (Shaw, 2020).
  - 11 In February Dwight Ball announced his intention to resign as premier, triggering not only a leadership race for his Liberal Party but discussion that a coalition of opposition, independent, and even Liberal members of the House of Assembly might attempt to unseat what was left of Ball’s government (Drew Brown, “Deflated but Unbroken, Dwight Ball Finally Bounces,” *The Independent*. February 21, 2020. Accessed at <https://theindependent.ca/2020/02/21/deflated-but-unbroken-dwight-ball-finally-bounces/>; Malone Mullin. “Dwight Ball stepping down as Newfoundland and Labrador premier,” *CBC News*. February 17, 2020. Accessed at <https://www.cbc.ca/news/canada/newfoundland-labrador/dwight-ball-steps-down-1.5466521>).
  - 12 Leger. “COVID-19 Tracking Survey Results.” April 13, 2020. Accessed at <https://leger360.com/wp-content/uploads/2020/04/COVID-19-Tracking-Study-April-14-2020.pdf>; Research Co. 2020 Public Approval for Handling of COVID-19 Improves in Canada. April 14, 2020. Accessed at [https://researchco.ca/wpcontent/uploads/2020/04/Release\\_Poli\\_COVID19\\_CAN\\_14Apr-020.pdf](https://researchco.ca/wpcontent/uploads/2020/04/Release_Poli_COVID19_CAN_14Apr-020.pdf))
  - 13 Mike Smyth, “Opposition politicians strive for relevance in the world of coronavirus,” *Global News*. April 2, 2020. Accessed at <https://globalnews.ca/news/6762217/coronavirus-opposition-politics-canada/>
  - 14 David Maher, “House of Assembly passes COVID-19 pandemic response bill.” *The Telegram*. March 26, 2020
  - 15 Kerry Campbell. Opposition says it’s still holding P.E.I. – you just can’t see it. *CBC News*. April 7, 2020 Accessed at <https://www.cbc.ca/news/canada/prince-edward-island/pei-legislature-covid-accountability-1.5524591>
  - 16 Nicole Williams. “Opposition hammers P.E.I. government on decision to let in seasonal residents.” *CBC News*. May 26, 2020.
  - 17 Jean Laroche. 2020. “Should Nova Scotia reopen the legislature during the COVID-19 pandemic?” *CBC News*, April 15, 2020. Accessed at <https://www.cbc.ca/news/canada/nova-scotia/nova-scotia-legislature-province-house-accountability-politics-1.5531447>
  - 18 Adam Hunter. “Saskatchewan NDP Leader apologizes for obscene gesture directed at government MLAs inside assembly.” *CBC News*. June 18, 2020; Adam Hunter. “Saskatchewan NDP leader asks Premier Moe to resume legislature so MLAs can ‘do our jobs’.” *CBC News*. May 11, 2020.
  - 19 Savannah Awde. “Legislature adjourns for the summer COVID-19 committee continues.” *Telegraph-Journal*. June 22, 2020, A1.
  - 20 Education Minister Dominic Cardy was identified as an early advocate for the all-party cabinet committee. Jacques Poitras. “Demographics, distancing and dumb luck: How N.B. avoided a worst case COVID-19 scenario.” *CBC New Brunswick*. April 27, 2020. Accessed at [cbc.ca/news/canada/new-brunswick/new-brunswick-covid-19-1.5545241](https://www.cbc.ca/news/canada/new-brunswick/new-brunswick-covid-19-1.5545241)
  - 21 Government of New Brunswick. “News Release: New cabinet committee on novel coronavirus appointed.” March 12, 2020. Accessed at [https://www2.gnb.ca/content/gnb/en/news/news\\_release.2020.03.0113.html](https://www2.gnb.ca/content/gnb/en/news/news_release.2020.03.0113.html)

- 22 Only a month earlier had Higgs's government been embroiled in a five-alarm political crisis after public protests and losing a cabinet minister, his deputy premier, (and only francophone caucus member who also held the party's sole northern riding) to proposed health reform to six small emergency departments across the province (Jacques Poitras. "How Friday's virus-accelerated budget may reshape the province's politics." *CBC New Brunswick*. March 17, 2020. Accessed at <https://www.cbc.ca/news/canada/newbrunswick/covid-19-budget-province-1.5499196>)
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# *The National Assembly in the Time of COVID-19*

The National Assembly of Quebec was one of many Canadian parliaments that had to confront the challenges presented by the COVID-19 pandemic. In this article, the author outlines the steps taken to ensure parliamentary activities could continue and what temporary – and longer-term – changes were made to respond to the directives of public health officials.

**François Paradis**

**T**he National Assembly of Québec was not spared the significant upheaval caused by the COVID19 pandemic in spring 2020. The exceptional circumstances we faced forced our parliamentarians to swiftly adapt their practices.

One of the difficulties confronting our elected representatives at this time was agreeing on how to adapt and modify our rules so that the National Assembly and its parliamentary committees could play their respective roles. For instance, we had no rules allowing sittings to be held remotely or with a reduced number of MNAs. Many important, even historic, decisions had to be made in negotiations held outside the usual framework governing parliamentary proceedings. Tantamount to parliamentary high-wire acrobatics, this exercise required a significant degree of trust between the different parliamentary groups and considerable flexibility on the part of both the Government and the Opposition parties.

On March 13, 2020, by virtue of the powers conferred on it by the *Public Health Act*, the Québec government issued an order in council declaring a public health emergency throughout Québec. At the time, the National Assembly was engaged in the budget process for fiscal 2020–2021. The Minister of Finance had delivered the budget speech on March 10 and, the next day, the parliamentary committees had begun examining the estimates of expenditure. The Assembly was also slated to examine the supplementary estimates requested by the Government for fiscal 2019–2020.

The onset of the state of emergency cut this process short. It soon became apparent, given the scope of the situation and the disruptions that were bound to follow, that it was unrealistic for the Assembly to continue its regular proceedings as we moved into what would become a near total lockdown of Québec society. The unusual nature of these events is reflected in the fact that the last time the Assembly had to suspend its proceedings for a similar reason dates back to 1852, when a cholera epidemic broke out in Québec City.

Already on March 12, together with the Premier and the leaders of the parliamentary groups, I announced that the Assembly's reception pavilion was closed and that visitor access to the Parliament Building was suspended. This preventive measure, aimed at limiting the number of people present at the Assembly, remained in force in the summer of 2020. In addition, all MNAs' international missions, and hosting of foreign delegations, were cancelled.

In the days that followed, the parliamentarians reached an agreement enabling the Assembly to adjourn its proceedings, while expediting certain urgent matters. At the beginning of the March 17 sitting, the Government House Leader moved a motion detailing the plan for adjourning the Assembly. The highlights follow.

To begin with, under this motion, several steps in the budget process were deemed completed. The Assembly considered the supplementary estimates for the fiscal year then ending examined and adopted. However, it mandated the Committee on Public Finance to debate them once the remainder of the main estimates had been adopted in order to allow the Opposition Members to question the Government on them. The debate on the budget speech was also deemed concluded, and the parliamentarians agreed to put the grievance motions

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*François Paradis is the President of Quebec's National Assembly. The author would like to thank Clovis Roussy, who contributed to the preparation of this article.*

moved during this debate as well as the Minister of Finances' motion that the Assembly approve the Government's budgetary policy to a vote immediately. The parliamentarians also agreed to hold a debate in the House and before the Committee on Public Finance if the Government decided to introduce an economic update before introducing the next budget, which it did on June 19. Finally, to be able to pass a number of key bills in that same sitting, the Assembly also agreed to consider several stages of the legislative process required in their regard to have been completed.

It goes without saying that these exceptional measures, which involved suspending many provisions of the National Assembly's Standing Orders, required the unanimous consent of the Members. In this respect, implementation of the adjournment plan reflects the Members' spirit of collaboration in this time of crisis. Under this motion, the Government also undertook to communicate frequently with the leaders of the Opposition groups to inform them of changes in the situation.

After the March 17 sitting, the Assembly adjourned until April 21, while providing for the possibility to defer resumption of its proceedings if in the public interest. On April 16, a new agreement was reached. Although the Opposition groups and independent Members acknowledged the need to extend the adjournment, they also felt it was their duty to question the Government with regard to the pandemic and the emergency response measures adopted to contain it.

It was, therefore, deemed appropriate to develop a parliamentary oversight mechanism allowing the Government to account for its actions while complying with the physical distancing directives in effect. As a result, the Assembly committees went virtual. On April 16, under the new agreement, the Assembly mandated several parliamentary committees to meet in order to allow exchanges between their Members and the Government's ministers on the subject of the COVID-19 pandemic. For these accountability meetings, it was decided that committee members would participate remotely via the Microsoft Teams videoconferencing platform. It was also decided to defer resumption of the Assembly to May 5 since the agreement reached by the parliamentarians had to be ratified by adopting a motion once the Members reconvened.

The first virtual sitting of a National Assembly parliamentary committee took place on April 24, 2020. Thanks to the work of the Assembly's technical teams,

this format proved very successful and was used again the following week for three other, similar sittings.

In the meantime, with the session scheduled to end on June 12, the window of time available to the Government for advancing its legislative program was shrinking. On May 4, an agreement for the gradual resumption of parliamentary proceedings was finally reached.

This agreement provided for a two-phase resumption plan. To begin with, the Members agreed to meet initially on May 13 to officially adopt the two agreements reached while the Assembly was adjourned and, exceptionally, to hold two consecutive Question Periods. At the end of this sitting, the Assembly adjourned until May 26, when regular proceedings resumed for three weeks.

The parliamentarians had planned beforehand to examine certain urgent matters, agreeing to introduce and pass three private bills and to finish examining a number of public bills by setting aside the Standing Orders so as to be able to carry out several stages in their consideration in the same sitting. In addition, the parliamentary committees were mandated to carry out certain specific orders of reference.

The May 4 agreement also provided for holding further accountability meetings using the virtual parliamentary committee format established on April 16.

At the same time, certain logistical arrangements were made to comply with public health directives. It was determined that a maximum of 36 Members, in addition to the President and the Assembly staff needed for parliamentary proceedings, could sit in the National Assembly Chamber at a time while maintaining a minimum two-metre distance between them. A seating chart was prepared and desks were either moved or removed from the Chamber as required. It was strongly suggested that masks be worn when circulating in the Parliament Building, and traffic corridors were defined to regulate travel in the hallways. The National Assembly's page service, ordinarily responsible for transmitting documents in the House, was suspended. Printed documents were replaced by implementing a digital document tabling platform allowing the Assembly Clerks to classify and publish tabled documents in real time during the sittings. Hand sanitizer gel was made available to all in many locations throughout the building and reusable water bottles were supplied to the parliamentarians

and House staff to replace the glasses of water formerly distributed by the pages. Finally, although the vast majority of Assembly employees were able to continue performing their duties remotely, those whose responsibilities required them to be on site were issued masks.

Given the maximum number of MNAs authorized to sit at one time, not all Members could be present simultaneously to participate in the Assembly's decisions. To sidestep this difficulty, the parliamentarians adopted an exceptional voting procedure, informally designated "recorded division." In keeping with this procedure, when the Assembly was asked to rule on a matter, the President called on the leaders of the parliamentary groups in turn to take a position on behalf of all of the Members of their respective groups. This way, all of the Members who belonged to a parliamentary group were able, through their parliamentary leader, to express their assent or opposition to the Assembly's decisions and, thus, have their name included in the *Votes and Proceedings*. It was agreed that the Government House Leader would be authorized to vote on behalf of the independent Members in their absence, in accordance with their instructions on each bill governed by the agreement.

The parliamentarians also took steps to finish examining and adopting the estimates of expenditure. On March 11, before proceedings were adjourned, the Assembly had already adopted the interim supply estimates, as permitted by the Standing Orders, to cover the Government's financial requirements for the first three months of the fiscal year, a period generally allowing the parliamentary committees to complete their examination of the main estimates. The Assembly then sent all of the main estimates to be examined in the standing committees.

When proceedings resumed, a new program was needed and the following procedure was agreed on. Under the motion carried on May 13, the Assembly rescinded the order it had referred to the standing committees and mandated the Committee of the Whole to examine another quarter of the estimates of expenditure, covering expenditures for the period July to September inclusively. The Committee of the Whole, in turn, was immediately deemed to have completed the examination, and its report was deemed concurred in. This way, when proceedings resumed on May 26, the Government was able to introduce Bill 62, Appropriation Act No. 2, 2020–21, which was passed straightaway under the motion.

Immediately thereafter and under the same motion, the Assembly mandated the Committee of the Whole to examine the 2020–2021 estimates of expenditure and deemed its examination completed and its report concurred in. To comply with the Standing Orders, the report was considered a report from a standing committee after completing its examination. The Government was, thus, able to introduce Bill 63, Appropriation Act No. 3, 2020–21, which was also passed straightaway.

Consequently, at the very outset of the May 26 sitting, all of the main estimates for fiscal 2020–2021 were adopted. However, to allow the Opposition groups to question the Government on them, the Assembly mandated the standing committees to examine the 2020–2021 estimates of expenditure for 100 hours, reserved exclusively for the Opposition Members. This examination, which occurred in August, was a departure from the normal stage of examining estimates of expenditure in committee. It constituted an *ad hoc* order referred to the committees to enable their *a posteriori* examination, without putting the question.

Although the COVID-19 pandemic caused many disruptions to which the Assembly had to adapt rapidly, it also precipitated certain changes, such as implementation of the electronic tabling procedure mentioned above, which were already on a long list of subjects being deliberated when the crisis struck. On May 26, 2020, I tabled a proposal for parliamentary reform entitled *Une Assemblée nationale dynamique, moderne et à l'écoute* (A National Assembly that is Dynamic, Modern and in Touch with Quebecers). This reform proposal, whose introduction was unfortunately delayed due to the pandemic, sets out four main objectives: establish better oversight and accountability processes, improve the organization and planning of parliamentary business, continue to integrate the use of technologies in parliamentary business and promote greater citizen involvement in parliamentary work and proceedings. It supplements a proposal paper for parliamentary reform tabled by the Government House Leader last February.

In the spring 2020 session, the National Assembly reacted quickly and capably to daunting, new challenges. Our parliamentarians showed an exemplary spirit of collaboration and the Assembly's administrative staff proved particularly effective in responding to the various adaptations required. When this major upheaval is over, given the outstanding work done at this time, I am fully convinced that the National Assembly of Québec will be able to make advantageous use of recent events to improve and modernize its practices.

# Canada's Library of Parliament: Serving Through the COVID-19 Pandemic

When the pandemic was declared, the Library of Parliament reacted quickly to identify ways to serve clients and contribute to parliamentary democracy, while respecting public health guidelines and safeguarding employees' health. With the strategic priorities of relevance, agility and a healthy workplace, and a strong foundation when the pandemic started, the Library launched new and enhanced products while continuing to deliver most existing services. In this article, the authors note the institution's success mainly reflects three factors: committed, adaptable and resilient employees; collaboration with Parliament Hill partners; and a workforce largely equipped to telework. They explain that the Library continues to evaluate what has worked well and what has not, and where additional investments would help ensure and enhance its ability to serve clients, regardless of their – or the Library staff's – work location or of public health or other conditions. They conclude that the Library is confident that the innovation, creativity and flexibility engendered by this crisis will be a lasting legacy.

**Heather P. Lank and June M. Dewetering**

When the novel coronavirus – or COVID-19 – pandemic was declared in Canada in mid-March 2020, the Library of Parliament was one of many employers that reacted quickly to determine ways to achieve twin goals concurrently: continue to provide clients with excellent products and services in a way that would meet emerging and changing public health guidelines, and safeguard employees' health.

Within the context of its three strategic priorities of relevance, agility and a healthy workplace, the Library's immediate focus was to identify the elements of its mandate that could be fulfilled with or without modification and those that had to be suspended temporarily. It was clear that service delivery would have to occur in a way that would help to protect employees and other members of the parliamentary community from the virus.

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## The Library's Mission

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The Library's mission is to contribute to Canadian parliamentary democracy by creating, managing and delivering authoritative, reliable and relevant information and knowledge for Parliament. In achieving our goals, we are guided by three foundational values: impartiality, trust and excellence.

Through the Library, parliamentarians and their staff can access customized research, curated information, a specialized collection of electronic and print resources, five branch libraries and a range of learning opportunities. As well, our public information services and public outreach efforts provide Canadians and others around the world with relevant information about Parliament. In making these products and services available to parliamentary clients and the public, necessary – but less visible – support is provided in such areas as information technology, finance and human resources, among others. Every Library employee is part of the team that helps us to meet our objectives.

The Library takes pride in having successfully delivered products and services, despite the challenges of the pandemic. This success mainly reflects three factors: the efforts of committed, adaptable and



resilient employees; collaboration with our Senate and House of Commons partners to meet the needs of parliamentarians; and a workforce that largely already had, or was quickly provided with, the equipment and other tools needed to work remotely.

Within days of the Library deciding to adopt teleworking for all employees able to do so, we identified the products and services that could continue to be provided seamlessly, and those that could be modified to meet the needs of parliamentarians and their staff, as well as the public. Fortunately, only a few of our services had to be temporarily suspended.

### **Seamless Delivery and New Products**

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Each year, the Library's analysts, research assistants and research librarians provide high-quality, evidence-based and objective research, analysis and information as they complete thousands of requests made by the Speakers of the Senate and House of Commons, other parliamentarians and their staff, and parliamentary committees and associations.

Throughout the pandemic, parliamentarians have relied on our research and information professionals to provide them with what they need to engage in parliamentary debates, participate in the work of committees, undertake a range of parliamentary diplomacy activities, and help serve their constituents.

We were extremely fortunate that a significant proportion of our employees providing such services already had mobile computers and other technologies before the pandemic started. The Library's information technology team worked quickly to provide them with external keyboards, mice and monitors, and the human resources team offered guidance about setting up a home workspace that is safe, secure and ergonomically sound. With these tools and other supports, a reliable parliamentary network, and assistance provided by both the Library's and the House of Commons' information technology teams, these employees were rapidly able to transition to telework, and to provide seamless services to their clients, whether parliamentarians and their staff or others.

In addition to continuing to provide customized responses to individual requests during the pandemic, the Library's analysts have been supporting – usually from their homes – the Senate and House committees meeting virtually or in person. As well, they have been assisting members of many of Parliament's

thirteen recognized parliamentary associations, which – throughout the pandemic – have been holding webinars, reviewing draft reports and undertaking other activities.

With the pandemic spreading across Canada and the world, the Library leveraged its subject-matter expertise to produce a series of timely COVID-19-related HillNotes. These publications are designed to provide parliamentarians and Canadians with succinct, accurate and non-partisan analyses relating to the virus and the pandemic from health, economic, social, environmental, international and other perspectives. More than 30 HillNotes have been published on the Library's blog, and they are updated, as required, to ensure ongoing accuracy and relevance. HillNotes on additional COVID-19-related topics are planned for the coming months. In addition, a subject-matter guide provides parliamentarians with a curated list of COVID-19-related links, and it too is updated regularly.

While creating new products during the pandemic, the Library has also released many previously planned research publications, as well as legislative summaries of key bills being considered by Parliament. Moreover, we have continued to be a reliable source of digital and print information of all types, providing access to digitized content, research databases, subject guides, the catalogue, and our media collection of audio, video and transcripts of media. In fact, the frequency of certain of our media monitoring services was increased for several months to help keep parliamentarians informed about the most important news of the day.

With the onset of the pandemic, the Library prioritized delivery of e-resources, including e-books, when possible. This transition from print to electronic options, which began well before the pandemic, is likely to continue into the future. Our e-platforms currently provide e-books and access to publications by university presses and think tanks. These include an ever-growing number of titles on a range of topics, including business, politics and history, as well as biographies and autobiographies.

Online information about how Parliament works and related educational resources have continued to be accessible at [learn.parl.ca](http://learn.parl.ca), although the distribution of print publications ordered on this site has been temporarily suspended. As always, the Parliament of Canada Facebook and YouTube accounts provide the public with information and resources concerning

Parliament, including high-definition video tours of the Senate of Canada Building and the West Block. Online access to these spaces is particularly important at a time when physical access by the general public is not possible.

One of the most exciting initiatives designed to provide insights into Parliament was very successfully launched during the pandemic: “Parliament: The Virtual Experience.” A co-production with the National Film Board of Canada, this award-winning initiative provides an innovative way for Canadians – and, indeed, others around the world – to experience, through magic realism, Parliament’s iconic Centre Block and parliamentary activities within its walls. It is available either in full virtual reality using Steam or in a 360° video on such platforms as Oculus, YouTube and Facebook. With millions of Canadians staying at home, it is perhaps not surprising that the reach of the virtual experience exceeded expectations, with more than 20,000 views of the 360° video in the first six weeks alone. The 2-D online experience was also very well received, with more than 12,000 views in the same time period. The Library is thrilled to be able to offer new ways for Canadians to connect to Parliament, including during this difficult time.

### **Modifications to Continue to Meet Needs**

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Despite the closure of the Library’s five branches in mid-March, parliamentarians and their staff have continued to be served through other means, without the benefit of in-person, on-site support. For example, with access to the Library’s print collection curtailed, efforts have been directed to ensuring that parliamentarians’ needs for print resources are met as they engage in parliamentary debates and committee hearings. Where e-resources are not available or copyright prohibits digitization, parliamentarians and their staff have had print copies of required documents delivered to them. The Library’s online request system that parliamentarians and their staff use to make requests has been available throughout the pandemic.

We have also found ways to continue to respond to information requests about Parliament from the public. At the beginning of the pandemic, the Library’s reference librarians and technicians could not access the call centre used by parliamentary clients and the public Infoline. The Library’s information technology team and those responsible for telecommunications in the House of Commons worked together on a temporary solution to enable the Library to receive

these calls. Fortunately, while telephone access was being re-established during the pandemic’s early stages, online access to our information services was uninterrupted.

The Library Ambassador program has also adapted to the telework context. The program provides briefings to Senators and Members of the House of Commons, and to their staff, about the Library’s products and services. In mid-March, the program transitioned to briefings being delivered solely through Skype or MS Teams. While ambassadors look forward to resuming face-to-face briefings when public health conditions permit, they have welcomed the opportunity to connect with parliamentarians and their staff remotely to discuss how we can provide services on an ongoing basis.

Similarly, we have been able to modify our delivery of the Library Seminar program and thereby continue providing learning opportunities to the parliamentary community. Since the beginning of the pandemic, seminars have been held using MS Teams. They have been well received, with attendance meeting or exceeding normal on-site levels. Additional seminars are being planned on relevant public policy, legislative and other issues.

### **Temporary Suspensions**

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Thankfully, the pandemic has resulted in only a very limited number of our services being unavailable. Access to our print collections has been suspended, except for Library staff fulfilling emergency requests while following public health protocols. Closure of the Library’s branches has had implications for speaking with our librarians in person and for accessing themed exhibits, the media walls and such amenities as client workstations. With inter-library loans suspended, most requests that would normally have given rise to such a loan have been satisfied through electronic alternatives or the purchase of the needed item.

The Library’s Preservation Lab was also closed in mid-March. For several months, it was unable to fulfill its three main roles: binding parliamentary and other government publications, engaging in preventive preservation of the Library’s collections, and conserving materials. Recognizing that the machinery, equipment and chemicals used for these activities do not lend themselves to teleworking, facilitating the safe return of the Library’s preservation team to the workplace has been one of many organizational priorities.

As well, although it is possible to purchase the Parliamentary Boutique's products by phone, email or online, in-person browsing has been unavailable since mid-March. Efforts are underway to ensure that the entire range of products will be available for online purchase in the coming months.

Furthermore, guided tours of the Senate of Canada Building and the West Block, in which the House of Commons is temporarily located, have been suspended until further notice. However, online resources provide pictures, videos and information about these and other buildings within the parliamentary precinct, as well as numerous educational resources about Canada's parliamentary system and the legislative process. The Library looks forward to welcoming visitors for parliamentary tours when conditions permit.

### **Lessons Learned and the Return to Work**

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Like other workplaces throughout Canada and the world, the Library has learned many lessons since the start of the pandemic. In our case, one of the most important is the tremendous value of having an agile organization with resilient and committed employees. Since March, the Library's employees have been remarkable in many ways, including in their embracing of new products, methods and technologies – Enhanced Skype for Business, MS Teams and Zoom, among others – to serve their clients, and in their desire to try innovative ways to remain in contact with their colleagues and to manage teams remotely. Communiqués and group emails – whether from the Parliamentary Librarian or other leaders in the organization – continue to be instrumental in supporting employees, providing them with needed information and contributing to their ongoing connection to the Library community.

We have also learned that, when faced with unexpected challenges, the Library – as an institution – is creative and adaptable. Service is almost always possible, even though it may be provided in a different way.

We have a variety of efforts underway to ensure that, if the same or a similar situation occurs in the future, we will be able to provide yet more services online. For example, we are exploring enhanced access to the Library's products, services and collections, improved educational tools, "chat reference," information and videoconference orientation sessions for parliamentarians and their staff, and a "virtual

library" with mini-exhibits that will supplement our current services. Our enhancements will allow us to serve our clients better, regardless of their work location or of public health or other conditions.

Finally, concerning a return to the workplace, an important consideration is the recent applicability of the *Canada Labour Code's* occupational health and safety provisions to the Library. Strict requirements must be met concerning workplace hazards, of which COVID-19 is one. The Library is assessing risks and implementing measures designed to ensure workplace health and safety. As well, the advice provided by public health authorities and the approach of our Parliament Hill partners and of the federal public service are important in this regard. Undoubtedly, these considerations will be paramount as the Library resumes suspended services, employees return to their workplace, and we continue to meet the needs of parliamentarians and other clients.

### **Conclusion**

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In the midst of a pandemic, it is very difficult – if not impossible – to know what the world will look like when the public health crisis has passed. But one thing is certain: the Library of Parliament will be permanently changed. We were very fortunate to have had a strong foundation when the crisis began, with well-equipped and engaged employees dedicated to serving Parliament. We shifted rapidly from on-site service delivery to telework and providing service from a distance. We created new products to meet changing needs. We worked collaboratively within the Library and with our Parliament Hill partners who – likewise – are focused on meeting the needs of Senators and Members of the House of Commons.

The adaptations to the Library's products, services and modes of delivery that were precipitated by COVID-19 are aligned with our commitment to relevance, agility and a healthy workplace, and we are a stronger institution because of the changes we have made. We continue to reflect on what has worked well and what has not, and where we need to make additional efforts and investments. While we welcome a return to offering on-site services, having enhanced online and telework capacity will allow us to improve our service to parliamentarians, their staff and the public, and to be well prepared for future challenges. The pandemic has led to innovation, and we have every confidence that the creativity and flexibility engendered by this crisis will be a lasting legacy.

# How the Legislative Assembly of Ontario Responded To The COVID-19 Pandemic

Unplanned business interruptions can occur at any time. Having a Continuity of Operations Plan (COOP) helped the Legislative Assembly of Ontario ensure that it had the resources and information required to mitigate and respond to the COVID-19 emergency and to enable resilience and resumption of on-site service delivery. In this article, the author(s) explain how the Assembly's business continuity planning helped staff navigate the challenging circumstances around the unfolding COVID-19 pandemic and how resumption planning is being used to return to more normal operations.

**Hugh McGreechan, William Short and Wendy Reynolds**

## What does the COOP do?

The COOP is designed to ensure that the Assembly, its Committees and business operations can continue to perform their functions and dispatch public business on an as needed basis, or during an internal or external crisis.

It provides guidance to allow decision-makers to:

- Assess a situation quickly and effectively.
- Notify stakeholders.
- Organize response activities, such as plan activation, alternate work locations/process implementation and coordinate efforts for business resumption/resilience.
- Provide staff with information on the status of the situation and communicate any required actions.
- Inform clients/stakeholders about the status of Assembly services.
- Reassure stakeholders of the Office of the Legislative Assembly's ability to recover and restore services.
- Ensure consistent and timely messaging and centrally coordinate all communications activities until services are fully restored; and
- Support business recovery efforts.

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## COVID-19 Mitigation and Response Planning

In the early months of 2020, it was clear that a global crisis was developing in the form of a worldwide pandemic. While the impact and scale of the emergency was not clear, steps were initiated to monitor and prepare for the emerging situation.

The following actions were taken as the crisis escalated:

**Initializing communication:** A bulletin issued by Health Services was sent to staff addressing the virus, indicating how to remain informed and recommending preventative measures. Posters on hand-washing, cough and sneezing etiquette, and hand sanitizer use were also issued and posted in washrooms and office areas.

**Installing hand sanitizer stations:** Ensuring dispensers were located at main entrances as well as other critical areas such as outside the Legislative Chamber.

**Initiating enhanced cleaning procedures:** Cleaning high contact areas on a more frequent basis.

**Testing Assembly continuity of operations:** A tabletop exercise was conducted with all primary and secondary leads.

**Providing communications updates:** Circulated as needed based on information from Ontario's Ministry of Health, Public Health Ontario and the World Health Organization (WHO).

**Tracking COVID-19:** Launching a reporting structure and tracking mechanism for COVID-19 related illness was established requiring Office of the Assembly Directors to report employee sick absences daily to Human Resources and directing Assembly staff to report any possible COVID-19 exposure to managers.

### **Additional Measures**

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Starting in March 2020, further steps were taken in response to expert opinion, such as:

**Activation of the service disruption planning team:** Composed of representatives of the Office of the Legislative Assembly and all key stakeholders within the Legislative Precinct.

**Restrictions on travel:** The Speaker and Clerk decided to restrict business travel for all Assembly staff, and for Members of Provincial Parliament (MPPs) with respect to inter-parliamentary activities.

**Workstation cleaning:** Assembly staff were advised to wipe their workstations with disinfectant wipes regularly.

**Daily update meetings:** Daily update meetings were organized for the Senior Management team as community spread of the virus started being reported in Toronto.

**Reporting concerns:** Legislative Building occupants (Office of the Lieutenant Governor, Press Gallery, Political Parties, cafeteria/dining room) were asked to report any concerns related to COVID-19 daily to the Business Continuity Office.

### **Community Spread of COVID-19 - Legislative Building Closure**

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As March 2020 began, it was clear that the virus had gained a foothold in Toronto with the first reported cases of its spread within the community. In response to this news, the Speaker and Clerk determined that public access to the Legislative Precinct would be suspended. This included the cancellation of all educational programs and tours and the closure of the dining room and cafeteria. Non-essential meetings were also suspended (for example, language classes, interviews, lobby group and/or constituent meetings) with the direction that these be shifted to video conference platforms. Communications via e-mail and the Internet/intranet were prepared in order to inform stakeholders of these changes.

On March 13, based on an Ontario wide direction from Government (both provincial and federal) on recommendations from Ontario Public Health, the Speaker and Clerk declared that only critical access would be permitted to the Legislative Building. Revised communications were issued, advising staff, the public and stakeholders of the following restrictions:

- Refusing entry of all non-essential/non-critical persons.
- Implementing COOP plans for all branches of the Office of the Legislative Assembly.
- Suspending the services of the Legislative Pages in the Chamber.
- Temporarily suspending construction work in and around the Legislative Building and Precinct.

### **Initiating Plans for the Resumption of Regular Business Practices – A Three-Stage Process**

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As the closures began, the Clerk established a Business Resumption Committee with a representative from each Assembly Division, the Clerk's Office and the Speaker's Office. The Committee was tasked with creating a plan for the Office of the Assembly to gradually and safely reopen our offices and workspaces.

This planning took into account that any return to work or resumption of business process would consider the safety and well-being of employees based on the advice and best practices of health officials while reinstating business practices as close to normal, or a "new normal", as possible, timely and prudently.

A three-stage response was proposed in order to achieve this.

#### **Stage 1**

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Stage 1 measures were implemented immediately following the declaration of a state of emergency at the provincial level. These were put in place to protect employee health and safety and ensure the continuation of essential Assembly operations:

**Determining essential staff and implementing remote work practices:** It was decided that only essential staff<sup>1</sup> would remain on site at the Legislative Building. At the same time, protocols for working remotely were implemented.

**Acquiring technology:** The Office of the Legislative Assembly made the acquisition of technology to support remote working.

**Reducing access points:** Controlled access points to the Legislative Building and Precinct were reduced.

**Scheduling of visits:** Access for people other than MPPs and staff was permitted “by appointment only”.

**Acquiring sanitizing supplies:** The Legislative Assembly acquired personal hand sanitizing supplies and specialized cleaning products to disinfect and protect against COVID-19.

**Obtaining PPE:** Plans were implemented to source, purchase, train in the use of and distribute personal protection equipment (PPE).

**COVID-19 expense tracking measures:** A financial code was established for tracking expenses related to COVID-19.

### **Additional Measures**

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**Screening protocol:** A COVID-19 Screening Protocol to access the Legislative Building and Precinct was developed in consultation with the Ontario Chief Medical Officer of Health and implemented on May 19, 2020. Every person, including MPPs, had to answer three questions about their current health and possible exposure to the virus before entry to the Legislative Precinct was permitted.

**Implementing new signage:** New signage was created and directional markings were applied to floors based on Ontario Public Health recommendations to follow a two metre physical distancing requirement. These were placed in all relevant areas (elevators, near water coolers, washrooms, hallways, entry points).

**Locating hand sanitization stations:** Hand sanitizer stations were placed throughout the Legislative Building, especially near high traffic areas such as elevator bays, and the Chamber.

**Physical distancing methods in dining and other areas:** Physical distancing practices were introduced, such as in the cafeteria where tables were spread apart and Plexiglas barriers were installed at cash stations along with enhanced food industry safety protocols. Plexiglas barriers were also installed at building entry points.

**Wearing PPE:** PPE equipment has been provided to essential staff that may be exposed to anyone entering the buildings. Masks may be worn by staff.

**Implementing new House and committee processes:** The Legislature implemented new operational processes and technology so that Legislative Committees could be conducted virtually, and participants could join meetings online. Physical distancing initiatives (including revised voting procedures) were introduced within the Chamber.

### **Stage 2**

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The Office of the Assembly took a careful, stage-by-stage approach for the gradual increase of staffing levels within the Legislative Building and Precinct.

Additional measures introduced for Stage 2 included:

**Discouraging in-person appointments:** Conducting business whenever possible by phone or video conference to limit face-to-face contact.

**Guidance for constituency offices:** MPPs were given a best-practices guidance document for re-opening their constituency offices, developed in consultation with the Ontario Chief Medical Officer of Health.

**Ensuring physical barriers:** Plexiglas shields were installed to protect employees and prevent people from walking directly to desks.

**Wearing face coverings:** As per the Chief Medical Officer of Health’s recommendations, where physical distancing is not possible, face coverings (non-medical masks) should be worn by anyone in the Legislative Precinct.

**Avoiding meetings in confined spaces:** Using boardrooms or large open spaces for all meetings. Reconfiguring rooms for physical distancing by limiting and spacing chairs.

**Tracking visitors:** Tracking of visitors to offices in order to facilitate contact tracing in the event of a case of COVID-19.

**Establishing protocols for external vendors:** Protocols were established for shredding vendors, water delivery and environmental cleaning services entering the Precinct.

- Developing “clean office” protocols:
- Having staff clean or wipe down their work surface at the start and end of their day.
- Operating a clean desk practice, by removing personal and excess items to assist in cleaning procedures.

- Wiping down multi-user photocopiers and printers after every use.
- Wiping down meeting rooms and other shared spaces after every use.
- Re-configuring kitchens and lunchrooms for physical distancing:
- Cleaning and wiping down all amenities after each use.
- Removing all shared cutlery and dishes.
- Configuring tables, chairs and occupancy numbers to maintain physical distancing.
- Encouraging staff to eat at their desk if sufficient space is not available.

### Stage 3

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In Stage 3, the Office of the Assembly will work towards a full return of staff and on-site delivery of the services of the Legislative Precinct. Public health and workplace safety will remain the top priority, while balancing the needs of the House and Committees.

As the loosening of public health measures at the provincial level continues successfully, the Assembly will consider how to safely:

***Re-open:*** Open the Legislative Precinct to the public.

***Relax restrictions:*** Relax the restrictions on public gatherings such as receptions, lobby days, public tours, demonstrations and attending the visitor's galleries in the Chamber.

***Continue protections:*** Continued protections for vulnerable populations and the continued practice of physical distancing, hand-washing and respiratory hygiene, and significant mitigation plans to limit health risks.

***Support concerns:*** The Assembly will continue to support the concerns of Members, staff and visitors through clear and consistent communications and messaging.

### Conclusion

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We are living in exceptional times. Organizations are striving to be resilient and manage operations (remotely as applicable or required) during the pandemic, while and working towards the resumption of regular on-site operations of their respective workplace and services.

The staff of the Office of the Legislative Assembly have exceeded the challenge of implementing new and innovative methods for the delivery of Assembly services in the face of this unprecedented situation. We acknowledge their efforts and thank them.

### Notes

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- 1 Initially, "essential staff" included security personnel, cleaners, Shipping/Receiving and occasional visits from staff in other business areas (such as Procedural Services, Hansard and Broadcast and Recording) on an as-needed basis.

## Regional Executive Committee, CPA\*

### **PRESIDENT**

Kevin Murphy, Nova Scotia

### **FIRST VICE-PRESIDENT**

Ted Arnott, Ontario

### **SECOND VICE-PRESIDENT**

Vacant, Québec

### **PAST PRESIDENT**

Yasmin Ratansi, Federal Branch

### **REGIONAL REPRESENTATIVES**

Alexandra Mendès, Federal Branch

Vacant, Québec

Kevin Murphy, Nova Scotia

### **CHAIR OF THE CWP, CANADIAN SECTION**

(Commonwealth Women Parliamentarians)

Laura Ross, Saskatchewan

### **EXECUTIVE SECRETARY-TREASURER**

Michel Patrice, House of Commons

## Members of the Regional Council\*

### **HOUSE OF COMMONS**

Anthony Rota, Speaker

Charles Robert, Clerk

### **SENATE**

George Furey, Speaker

Richard Denis, Clerk (Interim)

### **ALBERTA**

Nathan Cooper, Speaker

Shannon Dean, Secretary

### **NOVA SCOTIA**

Kevin Murphy, Speaker

Annette M. Boucher, Secretary (Interim)

### **BRITISH COLUMBIA**

Darryl Plecas, Speaker

Kate Ryan-Lloyd, Secretary

### **ONTARIO**

Ted Arnott, Speaker

Todd Decker, Secretary

### **CANADIAN FEDERAL BRANCH**

Yasmin Ratansi, Chair

Rémi Bourgault, Secretary

### **PRINCE EDWARD ISLAND**

Colin LaVie, Speaker

Joey Jeffrey, Secretary

### **MANITOBA**

Myrna Driedger, Speaker

Patricia Chaychuk, Secretary

### **QUÉBEC**

François Paradis, Speaker

Simon Bérubé, Secretary

### **NEW BRUNSWICK**

Daniel Guitard, Speaker

Donald Forestell, Secretary

### **SASKATCHEWAN**

Mark Docherty, Speaker

Gregory Putz, Secretary

### **NEWFOUNDLAND AND LABRADOR**

Scott Reid, Speaker

Sandra Barnes, Secretary

### **NORTHWEST TERRITORIES**

Frederick Blake Jr., Speaker

Tim Mercer, Secretary

### **NUNAVUT**

Paul Quassa, Speaker

John Quirke, Secretary

### **YUKON**

Nils Clarke, Speaker

Dan Cable, Secretary

\*As of September 30, 2020



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**Table 1: Familial Relationships in the Saskatchewan Legislature**

Family Members	First Elected	First Constituency Represented	Party
<b>Fathers and Sons</b>			
Brockelbank, John H.	1938	Tisdale	Cooperative Commonwealth Federation <sup>1</sup>
Brockelbank, John E.	1964	Saskatoon City	Cooperative Commonwealth Federation
Embury, Alan W.	1944	Area 2 (Mediterranean Sea)	Active Service Voters <sup>2</sup>
Embury, Timothy B.	1982	Regina Lakeview	Progressive Conservative
Gardiner, James G.	1914	North Qu'Appelle	Liberal
Gardiner, James W.	1956	Melville	Liberal
MacNutt, Thomas	1905	Saltcoats	Liberal
MacNutt, Thomas R.	1952	Nipawin	Liberal
Marion, A. Jules	1926	Île-à-la-Crosse	Liberal
Marion, Louis M.	1944	Athabasca	Liberal / Independent
Merriman, Ted	2003	Saskatoon Northwest	Saskatchewan Party <sup>3</sup>
Merriman, Paul	2011	Saskatoon Sutherland	Saskatchewan Party
Thatcher, W. Ross	1960	Morse	Liberal
Thatcher, W. Colin	1975	Thunder Creek	Liberal / Progressive Conservative
Valleau, Oakland W.	1938	Melfort	Cooperative Commonwealth Federation
Valleau, Delmar S.	1944	Area 1 (Great Britain)	Active Service Voters
<b>Mother and Son</b>			
Merchant, Sally M.A.	1964	Saskatoon City	Liberal
Merchant, Tony	1975	Regina–Wascana	Liberal
<b>Husbands and Wives</b>			
Ramsland, Magnus O.	1917	Pelly	Liberal
Ramsland, Sarah K.	1919	Pelly	Liberal
Young, Kimberly J.	1982	Saskatoon Eastview	Progressive Conservative
Young, Colleen L.	2014	Lloydminster	Saskatchewan Party
<b>Brothers</b>			
Carlson, Irving	1971	Yorkton	New Democratic Party
Carlson, Evan	1991	Melville	New Democratic Party
Walker, Edward H.	1951	Gravelbourg	Cooperative Commonwealth Federation
Walker, Robert A.	1948	Hanley	Cooperative Commonwealth Federation
<b>Father and Daughter</b>			
Heppner, Benjamin D.	1995	Rosthern	Progressive Conservative / Saskatchewan Party
Heppner, Nancy	2007	Martensville	Saskatchewan Party
Smith, Vincent R.	1934	Yorkton	Liberal
Merchant, Sally M.A.	1964	Saskatoon City	Liberal
<b>Brother and Sister</b>			
Ham, Dennis M.	1975	Swift Current	Progressive Conservative / Unionist
Haverstock, Lynda M.	1991	Saskatoon Greystone	Liberal / Independent

Family Members	First Elected	First Constituency Represented	Party
<b>Grandmother and Grandson</b>			
Trew, Beatrice J.	1944	Maple Creek	Cooperative Commonwealth Federation
Trew, Kim D.	1986	Regina North	New Democratic Party
<b>Grandfather and Grandson</b>			
Broten, Hans A.	1960	Watrous	Cooperative Commonwealth Federation
Broten, Cam	2007	Saskatoon Massey Place	New Democratic Party
Smith, Vincent R.	1934	Yorkton	Liberal
Merchant, Tony	1975	Regina Wascana	Liberal
<b>Uncle and Nephew</b>			
Martin, William M.	1916	Regina City	Liberal
Martin, Gordon B.	1986	Regina Wascana	Progressive Conservative

**Table 2: Familial Relationships in the Saskatchewan Legislature and Canadian Parliament**

Family Members	First Elected / Appointed	Representing	Party
<b>Father and Son</b>			
Burton, Joseph W.	1938	Humboldt (Saskatchewan Leg.)	Cooperative Commonwealth Federation
	1943	Humboldt (House of Commons)	Cooperative Commonwealth Federation
Burton, John S.	1968	Regina East (House of Commons)	New Democratic Party
<b>Husband and Wife</b>			
Merchant, Tony	1975	Regina Wascana (Saskatchewan Leg.)	Liberal
Merchant, Pana P.	2002	Region Member – Saskatchewan (Senate)	Liberal

#### Sources:

Provincial Archives of Saskatchewan. Saskatchewan Executive and Legislative Directory: Members of the Legislative Assembly. Regina: The Archives, 2019. [https://www.saskarchives.com/sites/default/files/pdf/2019\\_members\\_of\\_leg\\_assembly.pdf](https://www.saskarchives.com/sites/default/files/pdf/2019_members_of_leg_assembly.pdf) Accessed June 2020.

Saskatchewan. Legislative Library. Family Relationships in the Saskatchewan Legislative Assembly and/or the Canadian House of Commons and Senate. Regina: The Library, 2020. [internal document compiled from published information sources].

#### Notes

- 1 The Cooperative Commonwealth Federation was the forerunner to the New Democratic Party.
- 2 Active Service Voters' Representatives represented members of the Canadian armed services on active duty in Great Britain from 1944 to 1948.

- 3 The Saskatchewan Party was established in 1997 by a coalition of former provincial Progressive Conservative and Liberal party members and supporters.

**Andy Fowler**

Reference Librarian  
Legislative Assembly of Saskatchewan

# New and Notable Titles

A selection of recent publications relating to parliamentary studies prepared with the assistance of the Library of Parliament (June 2020 - August 2020)

Cameron, Scott. "Policy Forum - Independent platform costing—Balancing the interests of the public and parties." *Canadian Tax Journal / Revue fiscale canadienne* 68 (2): 491-504, 2020.

- This article provides an evaluation of the design of independent election platform costing in Canada, as established by the *Parliament of Canada Act* and the operating decisions of the parliamentary budget officer. The author compares the balance struck between serving the interests of the public and the interests of political parties in Canada with the balance struck in the Netherlands and Australia. Although Canada's legislation is tilted in favour of serving political parties, in practice the costing culture that evolved during the 2019 general election raised the level of debate and produced an amount of information comparable to what would be expected of a service designed to favour the public. The article concludes with a discussion of options for expanding the policy-costing service for future elections. Translation below

Chaplin, Steven. "The Attorney General Is Not the Legislature's Legal Advisor." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 14 (1): 189, June/juin 2020.

- ...there is no circumstance under which an Attorney General should be considered the legal advisor to a legislature in this country. To so consider the office is to blur the separation of powers in Canada, and to undermine the independence of legislatures (including the House of Commons and the Senate)...

Collignon, Sofia, Rüdiger, Wolfgang. "Harassment and intimidation of parliamentary candidates in the United Kingdom." *The Political Quarterly* 91 (2): 422-29, April-June 2020.

- The use of political violence to attain political goals has long been a source of concern. Once thought

to be exclusive to countries with high levels of general violence, recent evidence suggests that harassment and intimidation of political elites in the UK is more widespread than previously thought. Using data from the 2017 general election candidate survey, the authors find that four in every 10 candidates experienced at least one type of harassment. Evidence suggests that women and young candidates are more likely to suffer from harassment and intimidation. The authors conclude by formulating an agenda for future research, focussing, in particular, on the perception of harassment and the effect of harassment on political careers.

Cottrill, Ed. "When Is executive lawmaking constitutional in Canada?" *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 14 (2) : 383, July/juillet 2020.

- ...the amount of law created by the executive, following the expansion of the administrative state in the first half of the twentieth century, now 'vastly exceeds' that created by the legislative branch.

Hall, B. Thomas. "Taming the power to prorogue parliament." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 14 (2): 415, July/juillet 2020.

- ...the UK Parliament has not been the only legislature to experience an abuse of the power to prorogue. Canadians will remember that Governor General Michaëlle Jean prorogued their Parliament from December 4, 2008, until January 26, 2009, on the advice of Conservative Prime Minister Stephen Harper for the purpose of avoiding a vote of no confidence...this paper follows up on the 2009 incident by taking a new look at the power of prorogation in Canada to determine whether it can be restrained by an *Act of Parliament* so as to reduce the opportunities for a Government to abuse that power...

Hoult, Coin. "Inclusion of provincial governments as 'third parties' in federal campaigns." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 14 (2): 345, July/juillet 2020.

- Elections are a key part of our democratic system, one in which we expect all players to be bound by the same rules. However, strict adherence to the rules is not sufficient to be considered 'democratic' - there is an issue of adherence to the rule of law, which we see when there is a conflict between law and politics. This article seeks to address a new issue pertaining to third parties that arose in the context of Canada's 2019 general election from a political law perspective.

Mancini, Mark. "The non-abdication rule in Canadian constitutional law." *Saskatchewan Law Review* 83 (1): 45-84, 2020.

- Delegation of legislative power from Parliament to other actors in the federal government, what scholars refer to as lateral delegation, runs rampant in Canada. Independent agencies wield legislative power and are insulated to a certain degree from political influence. While functional concerns often motivate delegation of this sort, that does not mean that it is formally consistent with the organizing principles of the British Westminster parliamentary tradition, of which Canada is a part...

Morris, R.M. "The Crown in Canada - The next coronation." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* 14 (1): 19, June/ juin 2020.

- This article looks back at the 1953 Coronation, considers what coronations are now for, and speculates about the next one...

Robson, Jennifer, Jarvis, Mark. "Policy Forum - Public costing of party platforms—Learning from international experience." *Canadian Tax Journal / Revue fiscale canadienne* 68 (2): 505-15, 2020.

- Canada has now experienced one federal election under a new regime of platform-costing by the parliamentary budget officer. Other countries, with considerably more experience in this regard, have adopted rather different approaches to public costing of party election promises. Discussion of any amendments to Canada's approach should

be informed by that international experience. Specifically, some other countries have more clearly articulated the obligations of government departments in platform costing and managed the pressures that come with doing detailed, technical analysis under the time constraints of the writ period. Translation below

Russell, Meg, and Serban, Ruxandra. "Why there is no such thing as the 'Westminster model'." The Constitution Unit blog: 7p, August 5, 2020.

- Practitioners and academics in comparative politics frequently refer to a set of 'Westminster model' countries which are similar in some way. But in a new article, summarised here, the authors show that definitions of the 'Westminster model' tend to be muddled, or even absent, and that its meaning is far from clear. Insofar as defined political attributes are linked to the 'model', key countries associated with it now lack many of those attributes. The term has hence become increasingly outdated, leading the authors to suggest that it should now be dropped.

Wilson, R. Paul. "The work of Canadian political staffers in parliamentary caucus research offices." *Canadian Public Administration / Administration publique du Canada* Forthcoming/À venir, 2020.

- Since 1970, recognized political parties in the Canadian House of Commons have received funding for caucus research offices. Staffed by political partisans, research offices provide policy, communications, research and administrative support to party leaders and their parliamentary caucuses. This research note examines the evolving organization, work and function of these offices. It demonstrates, first, that the tendency towards centralization, evident in Canadian politics for decades, is clearly reflected in research offices' primary support for leaders rather than individual caucus members. Second, research offices are integral to parties' strategic communications and marketing efforts, and this, especially in government, often eclipses their policy contribution. Third, while the government party views caucus researchers as a useful supplement to public service and ministerial office resources, opposition parties rely heavily on their caucus research offices as their dominant source of staff capacity. Translation below



## Manitoba

### **2<sup>nd</sup> Session of the 42<sup>nd</sup> Legislature – Limited Resumption of Sittings**

In the last submission, it was advised that the Second Session of the 42<sup>nd</sup> Legislature resumed on March 4, 2020, sat until March 19, when the House agreed unanimously to suspend its sittings indefinitely after the end of that sitting day. The agreement on March 19 reflected that the Speaker would call the House back upon the request of the Government House Leader, or on the request of the collective group of the Government House Leader, the Opposition House Leader and the Member for River Heights (acting as representative of Independent Members). The first special sitting occurred on April 15, 2020, with special COVID-19 precautions implemented. Subsequently, the Government House Leader announced that the House would resume for four consecutive Wednesdays in May, commencing May 6, 2020. The House adjourned on the same terms on May 27 and is not expected to resume sitting until October 7, 2020.

### **COVID Response**

The Assembly's response to the COVID-19 Pandemic included the following measures implemented from March through May, 2020:

- Closing the Public Galleries, with video broadcasting expanded from Routine Proceedings to gavel-to-gavel.
- The establishment of an Assembly Pandemic Leadership Team, made up of the Speaker and senior Managers.
- Closing the Golden Boy gift shop
- Developing Guidelines for staff to manage physical distancing in the Assembly work spaces.
- Setting up VPN access to allow a majority of staff to work from home.
- Establishing a team to develop plans for virtual sittings of the Assembly and committees.
- Establishing physical distancing measures for meetings of the House and committees, including:
  - An alternate House seating plan to provide physical distancing in the House for MLAs.
  - Agreement to facilitate House sittings with one third of MLAs present

- Considering some Bills in the Committee of the Whole rather than Standing Committees.
- Supplying cotton masks to be used by House staff who wished to wear them during sittings; and
- Reconfiguring the Committee rooms to facilitate better physical distancing, as well as an agreement to reduce the Committee membership from 11 MLAs to six.

## May Sittings

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During the four May sitting days, May 6, 13, 20, and 27 respectively, the House adopted similar measures to that of the previous April 15 sitting. The House Leaders agreed that only one third of all parties' Members would be sitting in the Chamber, several seats apart to respect physical distancing. Rather than all 57 MLAs being present, 12 Members from the Government, six from the Official Opposition and one Independent Member were present in the Chamber although Members did alternate individual MLAs within their caucuses throughout the sitting days. Desks and chairs were wiped down and sanitized between use by different MLAs.

The parties also agreed by leave for the May sittings that:

- All recorded divisions would respect the party breakdown of twelve Government MLAs, six Opposition MLAs and one Independent Liberal MLA.
- No quorum counts would be permitted.
- MLAs would be allowed to speak in debate from a seat in the Chamber other than their own; and
- Independent Liberals would be allowed to move motions without a seconder.

## Manitoba Day – 150<sup>th</sup> anniversary of the Province – 100<sup>th</sup> anniversary of the building

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Although the Legislature did not sit on Manitoba Day (May 12), on May 13 the Speaker shared a number of interesting historical milestones to honour the 150<sup>th</sup> anniversary of the province and 100<sup>th</sup> anniversary of the Legislative building. Excerpts from her statement are included below:

Since March 1871, our Assembly has met during 169 Legislative sessions, for a total of 8,280 sitting days, including today. Fourteen Clerks of the House, along with many Deputy Clerks and Clerk Assistants, expertly managed

each of these sessions. Twenty Sergeants-at-Arms have carried one of our Maces into the five different rooms which have served as the Chamber for the Manitoba Assembly. Further, in the last century 851 citizens, including only 65 women and one non-binary person, have served in this room as Members of the Legislative Assembly. Of those 851 MLAs, 30 have served as Speaker of the House and 22 as Premier.

## Standing Committees

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Since the last submission, the intersessional period from the end of May to July 2019 was a busy period for the Committees Branch, especially the Standing Committee on Crown Corporations which met on three occasions within a two-week period. On May 28 the Committee met to consider annual reports of the Manitoba Liquor and Lotteries Corporation. On June 4, the Committee met to consider annual reports and financial statements of the Manitoba Public Insurance Corporation. Finally, on June 11, the Committee met to consider the annual reports of the Manitoba Hydro-Electric Board. It should also be noted that the Committee respected social distancing protocols at all of these meetings. As agreed to by the House on May 27, 2020, Rule 83(2) was waived, reducing the membership for the Standing Committee on Crown Corporations from 11 to six Members (4 Government and 2 Official Opposition).

The Standing Committee on Public Accounts met on two occasions in June to consider several Auditor General's Reports covering issues relating to the departments of Infrastructure and Conservation and Climate. The May 27 agreement reducing membership of committees did not apply to the Public Accounts, however social distancing was achieved by holding the meetings in the Chamber for the very first time. Seats were allocated in the first and third rows such that a desk was left unoccupied between allocated desks, and no MLAs sat in the second row to provide the desired separation.

On July 15, the Standing Committee on Public Accounts will be holding an *in camera* orientation training session for primarily its Members but will be open to all MLAs. The purpose of the session is to familiarize Members with the Public Accounts Financial Statements and the AG's Report titled "Understanding our Audit Opinion" in preparation for a future Committee Meeting.



On June 16, the Standing Committee on Human Resources met to complete clause-by-clause consideration of Bill 43 – *The Civil Service Superannuation Amendment Act*. The Clerk's Office has received numerous calls from the public regarding this Bill as it amends some provisions related to the Civil Service pensions and will potentially affect the amount of money that some pensioners could receive upon retirement. Social distancing was also in effect for this meeting.

It is worth noting that the Standing Committee on Legislative Affairs is scheduled to meet on July 21 in order to complete the hiring process of a new Auditor General. The Standing Committee on Legislative Affairs first met on January 14, 2020, to undertake the hiring process. During that meeting, a motion was passed to strike a sub-committee to manage the process, including calling their own meetings and meeting *in camera*. The sub-committee, which subsequently met on multiple occasions, consisted of four Government Members, two Official Opposition Members, and one Independent Liberal Party Member.

### Fond Farewell

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Further to the previous submission, on May 27, the Speaker gave a statement expressing sincere thanks to two dear departing colleagues. Clerk **Patricia Chaychuk** provided Clerk Assistant and Committee Clerk **Andrea Signorelli** with the honour of leading the parade on the last day of the Spring Session and serving as the head Clerk at the Table. Mr. Signorelli will be off to pursue his new career in law, and will be sorely missed by the Speaker, MLAs and Assembly staff and is wished nothing but the best.

In addition, Journals Clerk **Claude Michaud** retired at the end of June. Many people in the Assembly are sad to lose a valued colleague, but also very happy for him achieving this milestone. Mr. Michaud was hard at work at his post when the Speaker read his statement, extremely dedicated and diligent to the last. Links to the statement in both Hansard and Video broadcast form are included below:

Hansard:

[https://www.gov.mb.ca/legislature/hansard/42nd\\_2nd/vol\\_31/h31.html#sps](https://www.gov.mb.ca/legislature/hansard/42nd_2nd/vol_31/h31.html#sps)

Broadcast:

[https://video.isilive.ca/play/legassemblyofmb/2020-05-27\\_chambers.mp4](https://video.isilive.ca/play/legassemblyofmb/2020-05-27_chambers.mp4)

### Current Party Standings:

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The current party standings in the Manitoba Legislature are: Progressive Conservatives 36, New Democratic Party 18, and three Independent Liberal Members.

The House is currently suspended and is not expected to be called back until October 7, 2020. There had been some preliminary discussion and arrangements to allow the House to meet virtually, but currently no decision has been made to formally initiate virtual sittings.

**Greg Recksiedler**

Research Officer/Clerk Assistant



## Alberta

### 2<sup>nd</sup> Session of the 30<sup>th</sup> Legislature

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The Second Session of the 30<sup>th</sup> Legislature opened on February 25, 2020. The Assembly sat according to a regular schedule, as established in the sessional calendar, until mid-March 2020. On March 16, 2020, the regular business of the Assembly was set aside to permit an emergency debate regarding the COVID-19 pandemic. In addition, notice was given for Government Motion 10, which was passed the following day and which provided for temporary exceptions to the Standing Orders, particularly with regard to adjournments and reconvening of the Assembly, in order to permit greater scheduling flexibility throughout the pandemic. The Assembly met periodically until May 27, 2020, when it returned to a regular sitting schedule that included morning, afternoon and evening sessions. Social distancing and other safety measures continue to be observed in the



Chamber. The public galleries in the Chamber re-opened on June 15 and Members may register invited guests to attend a sitting. Gallery seating is allotted to reflect caucus proportions and available on a first come, first served basis to a maximum of 60 seats in order to ensure appropriate physical distancing. Public tours and special events, including Canada Day celebrations, remain suspended. A new sessional calendar has been published and the current session is scheduled to continue until July 23, 2020.

At the time of writing, since the beginning of the spring sitting the Government has introduced 34 bills. Some of these bills, such as Bill 10, *Public Health (Emergency Powers) Amendment Act, 2020*, have addressed urgent matters facing the province as a result of the COVID-19 pandemic. However, many bills focus on other aspects of the Government's mandate, including the following bills which have all received Royal Assent:

- Bill 1, *Critical Infrastructure Defence Act* defines essential infrastructure such as railways, telecommunications equipment, and pipelines, and creates offences for damaging or obstructing essential infrastructure, and provides for related penalties.
- Bill 15, *Choice in Education Act* supports the creation of new Charter schools and specifically permits vocation-based schools, recognizes the role of private schools, and provides for unsupervised home education programs.
- Bill 18, *Corrections (Alberta Parole Board) Amendment Act, 2020*, provides for the establishment of an Alberta Parole Board, which is responsible for determining parole eligibility and conditions for provincial offenders; and
- Bill 19, *Tobacco and Smoking Reduction Amendment Act, 2020*, increases restrictions on purchasing and advertising vaping products, aligns vaping restrictions with tobacco restrictions, and expands locations where both vaping and tobacco product use is prohibited.

Other Government bills still before the Assembly include:

- Bill 21, *Provincial Administrative Penalties Act*, proposes changes to impaired driving penalties including fines, vehicle seizures, mandatory education and ignition interlocks; it also proposes an online ticket dispute system to remove traffic tickets from the court system and provide options for online payment arrangements.

- Bill 22, *Red Tape Reduction Implementation Act*, an omnibus Bill that proposes amendments to 14 pieces of legislation, which would lead to a number of changes to landowner compensation pertaining to energy activities and surface leases, reducing steps in the oil sands project approval process, opening of the sale of public land to all Canadians and the dissolution of Energy Efficiency Alberta.
- Bill 28, *Vital Statistics (Protecting Albertans from Convicted Sex Offenders) Amendment Act, 2020*, which has just received Third Reading, prohibits individuals convicted of sexual offences from legally changing their name in Alberta; and
- Several bills pertaining to election legislation have also been put forward, including Bill 26, *Constitutional Referendum Amendment Act, 2020*, Bill 27, *Alberta Senate Election Amendment Act, 2020*, and Bill 29, *Local Authorities Election Amendment Act, 2020*.

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## New Lieutenant Governor

On June 30, 2020, the Prime Minister announced the appointment of **Salma Lakhani** as the new Lieutenant Governor of Alberta and thanked outgoing Lieutenant Governor **Lois Mitchell** for her dedication and service to the people of Alberta. A successful business owner, Ms. Lakhani has lived in Edmonton for over 40 years. She was awarded the Alberta Centennial Medal in 2005 and the Queen Elizabeth II Diamond Jubilee Medal in 2012 for her community service and advocacy in areas including health care and human rights. She will be the first Muslim Lieutenant Governor in Canadian history. Ms. Lakhani will assume office upon her installation.

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## Committee Business

Committees of the Assembly have modified how their business is conducted in response to the COVID-19 pandemic. The *Legislative Assembly Act* permits participation in committee meetings by "telephone or other communication facilities", and Members have participated in committee meetings by teleconference for many years. However, on April 27, 2020, the Standing Committee on Public Accounts conducted its first hybrid committee meeting using Skype for Business videoconferencing. Building on the success of this meeting, the other committees of the Assembly have followed suit. Most meeting participants are given the option to attend the meeting in person, via teleconference, or through videoconferencing. Officials from government

ministries, Officers of the Legislature, and other presenters also now have the option of participating in meetings remotely using teleconferencing and videoconferencing. Meetings continue to be televised and streamed online. The regular cameras are used to broadcast onsite participants and still photos with names are displayed when teleconference participants are speaking, following the existing practice. For video conference participants, the broadcast displays the feed of whomever is speaking.

On June 15, 2020, the *Public Interest Disclosure (Whistleblower Protection) Act* was referred to the Standing Committee on Resource Stewardship for consideration. The *Act* requires a committee of the Legislative Assembly to conduct a comprehensive review of this legislation every five years. The Committee must submit its report to the Assembly, including any recommendations for amendments to the *Act*, within one year after commencing its review.

Two select special committees have been established by the Assembly to conduct reviews over the summer. The Select Special *Public Health Act* Review Committee has been given a mandate to select sections of the *Act* for review and report its recommendations to the Assembly within four months of its first meeting. The Committee held its first meeting on July 24, 2020, during which it struck a Subcommittee on Committee Business, which is mandated to recommend focus issues for the review. In addition, it has been directed to compile a list of stakeholders and report back to the Committee by July 15, 2020.

The Select Special Democratic Accountability Committee has also been given four months to submit its report pertaining to questions posed by the Minister of Justice and Solicitor General relating to proposed legislation providing for the recall of Members of the Legislative Assembly and citizen initiatives, and six months to complete a review of the *Election Act* and the *Election Finances and Contributions Disclosure Act*.

Both committees have been granted special leave, through an order of the Assembly, to meet during the hours that the Assembly is sitting.

**Jody Rempel**  
Committee Clerk



## British Columbia

As noted in the Spring 2020 Issue, following a special sitting on March 23, 2020 to consider urgent budgetary and legislative measures to address the COVID-19 pandemic, the Legislative Assembly adjourned until further notice. The adjournment motion adopted on March 23 allowed the location and means of conducting sittings of the House to be altered, if required, due to an emergency situation or public health measures, by agreement of the Speaker and the House Leaders of each recognized caucus.

### Hybrid Proceedings

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In the weeks that followed, the Speaker and House Leaders of each recognized caucus met with the Clerk of the Legislative Assembly to consider procedural adaptations to ensure continuity of legislative operations and business. On June 17, 2020, they signed an agreement that provides for the use of Zoom videoconferencing technology, “to enable all Members to be present in the proceedings of the Legislative Assembly through remote participation, counting toward quorum, while other Members continue to be present physically in the Legislative Chamber, thereby enabling hybrid proceedings of the House.” The agreement also provides for adaptations designed to enable stand-alone meetings of the Committee of Supply, Section A and Section C, to take place exclusively by videoconferencing technology.

The agreement was tabled in the Legislative Assembly on June 22, 2020, and two Sessional Orders were adopted. The first Sessional Order outlines the rules and procedures to enable, as much as possible, equal treatment between Members participating through videoconferencing technology and Members participating in person in the Legislative Chamber. Some of the provisions include:

- **Sitting Schedule:** the House shall meet on mornings and afternoons on Mondays and Tuesdays and afternoons on Wednesdays the weeks of June 22, July 6, 13, 20 and 27 as well as on mornings and afternoons of Monday, Tuesday, Thursday and Friday and on Wednesday afternoon in the week of August 10.
- **Quorum and Attendance:** Members participating via videoconferencing technology are required to have audio and video functions enabled with their face clearly visible in order to be counted towards quorum, to participate in debate, and to vote.
- **Voting and Divisions:** divisions requested during House sittings are deferred to the end of the sitting day during which the division is requested, with the exception of divisions requested when there are less than 30 minutes remaining in an afternoon sitting, in which case divisions stand deferred to the end of the sitting of the next day; and
- The Speaker is empowered to exercise discretion, in consultation with the House Leaders or Whips, in the interpretation of the Standing Orders or Sessional Order that may require leniency or alteration in order to allow all Members to be able to fully exercise their duties and rights in the proceedings of the House conducted in a hybrid manner.

In consultation with the Provincial Health Officer, a Legislative Assembly Chamber Safety Protocol was developed which permits a minimal number of Members and staff in attendance on the floor of the Chamber at any one time – up to 12 Members on each side of the Chamber in addition to the Speaker. The purpose of the safety protocol is to ensure that physical distancing is respected and that enhanced cleaning and sanitization measures as well as physical barriers are in place to support all Members and staff working within the Chamber during hybrid proceedings.

Prior to the commencement of the summer sitting period, numerous simulations of hybrid proceedings were held involving Legislative Assembly staff, Members and caucus staff. These preparations were a key component to support technical and procedural adaptations, including clarifications with respect to voting procedures and guidance on how Members may signal an interest in speaking.

### Virtual Proceedings

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The second Sessional Order authorizes the Committee of Supply to sit in three Sections, designated Section A, Section B, and Section C. It

also authorizes the Committee of Supply, Section A and Section C, to conduct its proceedings virtually by way of videoconferencing technology and to sit on Thursdays and Fridays in the weeks of June 22, July 6, 13, 20 and 27. As noted above, Members must have the audio and video functions enabled with their face clearly visible in order to be counted towards quorum, to participate in debate, and to vote. Membership in the Committee of Supply was set out in the Sessional Order, with substitutions permitted where advance notice was provided to the Office of the Clerk by the respective Whip at least one hour prior to the scheduled meeting time. The Committee of Supply sittings will enable the completion of the process for the examination of the 2020-21 Main Estimates, which was interrupted by COVID-19.

### Legislation

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Two bills before the House at the time of writing propose changes to budget and estimates processes.

- Bill 4, *Budget Measures Implementation Act, 2020*, changes the date of the presentation of the provincial budget and the tabling of the Main Estimates from the third to the fourth Tuesday in February, except for the year following a provincial general election when the date would be by the fourth Tuesday in March. The Bill would also preclude the usual budget consultation process undertaken by the Select Standing Committee on Finance and Government Services in an anticipated provincial general election year.
- Bill 18, *Economic Stabilization (COVID-19) Act*, proposes tax measures to help businesses weather the COVID-19 pandemic. In addition, the Bill would allow: budget deficits to be forecast in the Main Estimates for the next three fiscal years; Supplementary Estimates to be presented where there is a forecast of a direct operating deficit; and issuance of a Special Warrant if a matter arises for which an expenditure is required during or after a state of emergency or if a disaster or emergency occurs or is anticipated.

### Parliamentary Committee Activity

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The Legislative Assembly moved to fully remote proceedings for parliamentary committee meetings using Zoom videoconferencing technology.

The Select Standing Committee on Finance and Government Services conducted remote meetings for its spring review of financial and operational updates respecting B.C.'s nine independent statutory offices. On June 15, 2020, the Committee released its interim report on the financial and operational position of statutory offices, and their adaptation of work processes with new, innovative ways to serve Members of the Legislative Assembly and all British Columbians in the midst of the COVID-19 pandemic.

The Select Standing Committee on Children and Youth issued an annual report summarizing its 2019/20 activities in reviewing reports of the Representative for Children and Youth and working on a special project on children and youth with neurodiverse special needs. On April 29, 2020, the Committee also issued a statement on the impact of COVID-19 on children, youth, families and caregivers, which encouraged those requiring support to reach out to the Ministry for Children and Family Development and the Office of the Representative for Children and Youth.

### **Legislative Assembly Administration**

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The Legislative Assembly Management Committee (LAMC) approved the *Legislative Assembly Accountability Report 2017-18 and 2018-19*, which was released on May 7. The report summarizes the activities of Assembly departments and includes the opinion of the Auditor General of British Columbia that the Assembly's 2017-18 and 2018-19 financial statements are presented accurately. The statements had been initially delayed pending further information regarding the circumstances relating to the Assembly's November 20, 2018 decision to place the former Clerk of the Legislative Assembly and Sergeant-at-Arms on paid administrative leave.

At its October 8, 2019 meeting, LAMC accepted the findings of a September 2019 report by the Auditor General on the administration of the Offices of the Speaker, Clerk and Sergeant-at-Arms. At that meeting, LAMC agreed to an action plan to implement the report's recommendations for addressing administrative and policy weaknesses. LAMC was advised by Legislative Assembly Administration on June 16, 2020 that all of the action plan commitments had been implemented, and a detailed policy development work plan outlining further planned administrative reforms was presented.

On January 21, 2019, LAMC directed the then Acting Clerk of the Legislative Assembly to develop a framework for a workplace review to address a

recommendation in the January 2019 report of the Speaker concerning allegations of misconduct by senior Assembly officers. On July 2, 2020, LAMC considered the *Legislative Assembly Workplace Review Final Report* prepared by the independent contractor, ADR Education. Through facilitated confidential interviews with former and current staff, ADR Education prepared workplace culture narratives. The report describes the resilience of Assembly employees in recovering and moving through challenges following the Assembly's November 2018 decision to place the former Clerk of the Legislative Assembly and the Sergeant-at-Arms on administrative leave. The report makes nine principal recommendations for an action plan by the Legislative Assembly including: creating a governance gap analysis; developing a participatory strategic planning process; implementing training on conflict resolution and leadership development; and ensuring a follow-up review process within 9-12 months on the action plan's implementation.

The Clerk of the Legislative Assembly announced in April 2020 that she is implementing administrative changes to strengthen executive capacity and renew organizational development. A Clerk's Leadership Group will develop and oversee organizational priorities and strategic objectives and build a more respectful, positive and diverse workplace environment. The Leadership Group includes three new positions – the Clerk Assistant, Parliamentary Services; the Chief Human Resources Officer; and the Chief Information Officer – as well as the existing Executive Financial Officer and Law Clerk and Parliamentary Counsel positions.

On April 30, 2020, **S. Suzie Seo** was confirmed in the position of Law Clerk and Parliamentary Counsel. Ms. Seo was seconded from the Ministry of Attorney General in February 2019 to the Legislative Assembly as Parliamentary Counsel, and previously served as Assistant Law Clerk and Parliamentary Counsel and as a Table Officer at the Senate of Canada.

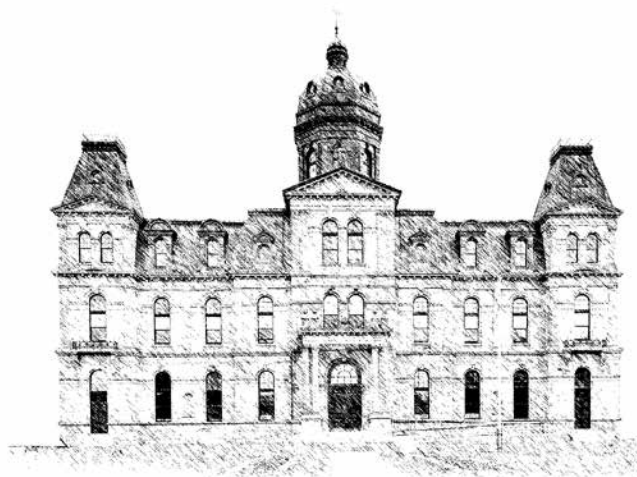
**Artour Sogomonian** was appointed to the position of Clerk Assistant, Parliamentary Services on May 15, 2020. He joined the Legislative Assembly in 2016, after working at the Senate of Canada from 2009 to 2016.

**Loredana Catalli Sonier**, former Clerk of the Legislative Assembly of New Brunswick, returned to her home province at the end of May, having served since 2015 as Sessional Law Clerk and more recently as Associate Law Clerk. Her service to the Legislative Assembly was greatly appreciated.

Following 27 years in Hansard, **Rob Sutherland** retired as Director of Hansard Services on June 30, 2020, a position he had held for the last 12 years. During his tenure, he oversaw the modernization of Hansard operations, including digital reporting and broadcasting. He is succeeded by **D'Arcy McPherson**, former Editor-in-Chief and Manager of Debates and Publications at the Senate of Canada.

**Ron Wall**

Manager, Committee Research Services



## New Brunswick

The Third Session of the 59<sup>th</sup> Legislature adjourned on March 13 following the outbreak of Covid-19. The House conducted two brief sittings with only a quorum present on March 17 and April 17 to pass legislation before resuming from May 26 to June 18. For precautionary reasons, the House did not sit the first week of June after an outbreak of the virus occurred in a northern region of the province.

### Modified Chamber

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Various physical and web-based options were considered prior to the resumption of the session on May 26. Ultimately, the Legislative Administration Committee agreed that the House continue sitting with all Members present in the Chamber, a decision that was ratified by unanimous consent of the House. The House also adopted a sessional calendar stipulating that the House only sit three days per week, for a maximum of four hours each day.

Alterations were required in order to provide 2-metre distancing in the Chamber. The number of desks were reduced from 49 to 28. Desks were now assigned to the parties and not to individual Members, although the independent Member retained a desk. The Members not assigned a desk on a specific sitting day were seated in the gallery where they also maintained the 2-metre distancing. These Members were permitted to vote from the gallery and participate in debate using one of two stationary microphones.

The Clerks table was reconfigured to permit only two of the three Clerks to be seated at the table.

### Modified Proceedings

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Proceedings were essentially paperless. Prior to a Bill being introduced, the Executive Council Office provided an electronic copy of the Bill to the Clerk's Office, who then forwarded the Bill to Members and staff upon introduction. Paper copies of petitions and Notices of Motions were no longer delivered by Pages to the Speaker. The documents remained on the Member's desk and were collected after the sitting. Pages were no longer permitted in the Chamber.

The use of electronic devices by Members in the Chamber was permitted during proceedings, provided they did not create a disturbance. Clerks and Members were connected to the Speaker electronically via a chat function on their devices. During committee work, Ministers consulted with their staff using video chat or cellular phones. Framed transparent dividers were also installed in the Chamber, if it was necessary for the Minister and staff to speak directly.

The building remained closed to the public and press. Media scrums were held in an adjacent building and conformed with social distancing requirements.

### Standing Committees

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The main estimates, which were adopted by unanimous consent of the House on March 13, had not received prior committee consideration. As such, in the interest of transparency and accountability, the subject matter of the estimates was referred to the Standing Committee on Estimates and Fiscal Policy. The Committee, chaired by **Glen Savoie**, the Minister responsible for La Francophonie, held three meetings in June to discuss the estimates of certain departments. The Standing Committee on Economic Policy, chaired by **Gary Crossman**, reviewed several Bills from May to July.

## Legislation

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Bill 11, *An Act Respecting Proof of Immunization*, introduced by Education and Early Childhood Development Minister **Dominic Cardy**, would remove non-medical exemptions from the mandatory immunization requirements for public school and licensed early learning and child care admissions. The Bill was first introduced during the previous session. The Bill was re-introduced with the addition of a notwithstanding clause, which was removed by an opposition amendment during committee consideration. The Bill was narrowly defeated at third reading following a free vote in the House.

Bill 43, *An Act to Amend the Occupational Health and Safety Act*, introduced by Post-Secondary Education, Training and Labour Minister **Trevor Holder**, allows for monetary penalties to be levied as an alternative to prosecutions for lesser offenses and for repeated noncompliance within the legislation. Monies collected would be added to the Accident Fund under the existing *Act*.

Bill 45, *An Act to Amend the Early Childhood Services Act*, introduced by Mr. Cardy, would increase the safety of children receiving services at licensed early learning and child-care facilities by clarifying licensing requirements, including regarding the suitability of employees and the requirement for criminal record checks; giving the minister authority to immediately revoke a licence; and ensuring operational safeguards for relicensing to avoid processing delays.

Bill 50, *An Act to Amend the Elections Act*, introduced by Official Opposition House Leader **Guy Arseneault**, would require the issuing of a writ of election within six months from the date of a seat becoming vacant in the Legislature.

Bill 55, *An Act to Amend the Education Act*, introduced by Green Party House Leader **Megan Mitton**, would expand on a 2017 amendment by Green Party Leader **David Coon**, which ensured indigenous history and culture were included in the public education curriculum. The Bill would add “language” to the curriculum.

## Resignation

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On June 18, **Bruce Northrup**, the Member for Sussex-Fundy-St. Martins, announced that he would be retiring from politics in the fall. The timing coincides with two by-elections expected to be held in the fall. Mr. Northrup was first elected to the Legislative Assembly

in 2006. Over his four terms he has served as Minister of Natural Resources, Minister of Public Safety and Solicitor General, and Whip for the Government and Official Opposition.

## Adjournment and Standings

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The House stands adjourned until September 15, 2020. The standings in the House are 20 Progressive Conservatives, 20 Liberals, three Greens, three People’s Alliance, two vacancies, and one Independent Member.

**John-Patrick McCleave**

Clerk Assistant and Committee Clerk



## Newfoundland and Labrador

The House met on May 5 to pass five Bills, expedited by leave, mostly related to the COVID-19 pandemic:

- Bill 34, *An Act To Amend The Liquor Control Act And The Liquor Corporation Act* relating to sale and delivery of alcoholic beverages by certain licensees in the current circumstances.
- Bill 35, *An Act Respecting The Witnessing Of Documents Through The Use Of Audio Visual Technology* which would permit the virtual witnessing of certain documents for the duration of the pandemic.
- Bill 36, *An Act To Amend The Temporary Variation Of Statutory Deadlines Act* which would extend the application of these measures enacted on March 26 to the end of the Interim Supply period as the original measure expired “at the end of the next sitting of the house”.
- Bill 37, *An Act To Amend The Pharmacy Act* which would permit pharmacists and pharmacy technicians to be registered more expeditiously than would normally be the case; and

- Bill 38, *An Act To Amend The Public Health Promotion And Protection Act* which would facilitate the enforcement of public health measures imposed during the pandemic in particular with respect to travellers entering the Province.

As on March 26 there were 10 Members in the House, three Table Officers and the Sergeant-at-Arms.

The House also struck a select committee, during this one-day sitting, tasked with determining how Members might meet virtually should it become necessary. The Select Committee of Rules and Procedures Governing Virtual Proceedings of the House of Assembly itself met virtually seven times and reported on June 30. The Committee recommended that if it became necessary to meet virtually the proceedings would be carried out using the hybrid model with at least 10 Members in the House, the remainder participating virtually.

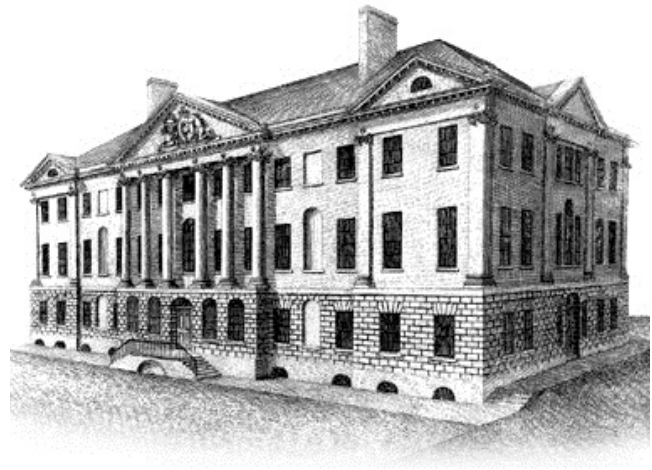
The ability to meet virtually would apply to committees of the House and to the House of Assembly Management Commission.

The Audit Committee, a committee of the Management Commission, has met twice virtually. It has always had the ability to do this, but it had not been done before the COVID outbreak.

The House convened on June 6 subject to COVID restrictions. On this occasion, however, all 40 Members were present in the Chamber, appropriately distanced. In addition to the 14 desks on each side of the Chamber, there were four Members seated in the Speaker's Gallery, one Member in the public galley and six desks in the middle of the floor. All Members had their own microphone and all could be seen on the Broadcast.

On Private Members' Day, June 17 the House debated and passed unanimously a resolution urging Government to debate and vote on the 2020/21 budget prior to a general election. The impetus for the Resolution related to the requirement, under S. 3.1 of the *House of Assembly Act*, that where the leader of the governing party resigns before the end of the third year of a mandate the new Premier must call an election within 12 months of taking office. The current premier, **Dwight Ball**, is stepping down as premier on August 3, 2020 when the governing Liberal party elects a new leader.

**Elizabeth Murphy**  
Clerk Assistant



## Nova Scotia

### Spring 2020 House Sitting

The Legislature's Spring 2020 sitting lasted 13 days from February 20 to March 10, 2020. Twenty bills received Royal Assent on March 10, 2020 – 17 Government Bills, 2 Private Member Bills and 1 Private and Local Bill.

The budget was delivered by the Minister of Finance on February 26 and, in accordance with the *Rules and Forms of Procedure*, five Estimates were considered in the Committee of the Whole on Supply, for a total of 40 hours. Concurrently the Subcommittee on Supply considered the remaining Estimates. The *Rules and Forms of Procedure* limit the total consideration time to 80 hours with no more than four hours per day per committee. The budget passed on the last sitting day, March 10, 2020.

When the House rose on March 10, 2020 the motion passed was the regular end of sitting motion providing for the House to meet again at the call of the Speaker. Since March 22, 2020, the Province of Nova Scotia has declared a state of emergency to help contain the spread of COVID-19 and the Legislature has not sat during the state of emergency. In accordance with the *House of Assembly Act*, each calendar year there must be at least one sitting of the House during the six-month period beginning the first day of January and one sitting of the House during the four-month period ending the 31<sup>st</sup> day of December.

## Standings in the Legislature

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A few days after the beginning of the Spring 2020 sitting, the Member for Chester-St. Margaret's resigned as a Liberal caucus member and sat as an Independent member. At that time, the standings in the Legislature were 26 Liberals, 17 Progressive Conservatives, four New Democrats, two Independents, and two vacant seats. On March 10, 2020, the last day of the spring sitting, two by-elections were held. **Kendra Coombes** was elected as the NDP member for the constituency of Cape Breton Centre and **Dave Ritcey** was elected as the PC member for the constituency of Truro-Bible Hill-Millbrook-Salmon River. As a result of these by-elections, the standings are: 26 Liberals, 18 Progressive Conservatives, 5 New Democrats and two Independents.

## Swearing-in Ceremonies

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The Oath of Allegiance must be taken before a Member can take a seat in the House of Assembly or sit on any Committee of the House. In all other respects the Member can assume their responsibilities and duties as a Member. At the swearing-in ceremony the Member takes the Oath, signs the roll, and receives the MLA pin.

On May 14, 2020, for the first time in the Assembly's history, a Member was sworn-in virtually using Zoom. Ms. Coombes, Member for Cape Breton Centre took the Oath of Office from her home and although a few additional procedural steps were required the ceremony went well and the video recording can be viewed on the Legislature's website.

On June 24, 2020, Mr. Ritcey, Member for Truro-Bible Hill-Millbrook-Salmon River was sworn-in in-person, in the Veterans Room at Province House with his family and four guests present. The reduced number of attendees was required to comply with the public health social distancing requirements. The video recording of Mr. Ritcey's swearing-in can be viewed on the Legislature's website as well.

## Former Chief Clerk

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On February 1, 2020, **Neil R. Ferguson** retired as the Chief Clerk of the House of Assembly after serving in the position since January 2011. **Annette M. Boucher**, Assistant Clerk and Legislative Counsel was appointed Acting Chief Clerk effective February 2020.

**Annette M. Boucher**  
Acting Chief Clerk



## Ontario

### In the House

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As noted in the previous issue, on March 17, 2020, pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, an emergency was declared by Order in Council in the province of Ontario. This period of emergency was extended by OIC on March 30, 2020 for a further period of 14 days. Further extensions require a resolution by the Assembly and can be for periods of no more than 28 days.

Following its adjournment on March 25, 2020, the House reconvened on the afternoon of April 14, 2020, and began the day by passing a motion allowing Members to speak and vote from any desk in the Chamber for the balance of the day. **Stephen Lecce**, Minister of Education, then introduced Bill 189, *An Act to amend various Acts to address the coronavirus (COVID-19)*. The Bill sought to make changes to the *Education Act*, the *Planning Act*, the *Development Charges Act*, the *Police Services Act* and the *Ministry of Training, Colleges and Universities Act* in direct response to the ongoing COVID-19 pandemic. With the unanimous consent of the House, the Bill was allowed to pass all three readings in the same day, following 80 minutes allotted to debate on the motion for second reading of the bill. Per that same unanimous consent agreement, following passage of Bill 190, the House then passed a motion without debate to extend the period of emergency in the province for a further 28 days.

The House next met on the morning of May 12, 2020, 28 days after its previous meeting. In light of the ongoing pandemic and the physical distancing recommendations of Ontario's Chief Medical Officer of Health, the House provided unanimous consent to allow Members to sit and vote from any Member's desk in the Chamber for the remainder of the spring meeting period. The House once again adopted a



motion to extend the period of emergency in the province by 28 days after 100 minutes of debate on the motion.

These previous meetings of the House included only the Afternoon Routine and Orders of the Day, meaning that Question Period was not being held. May 12, 2020 marked the first day in two months that the House reconvened in the morning and held Question Period. The House also passed a motion that set out its schedule for the remainder of the month, specifying that it would meet on Tuesdays and Wednesdays until June 3, 2020.

On June 2, 2020, a motion was passed with unanimous consent to permit Members to vote from the public galleries during recorded divisions, to allow for appropriate social distancing. The House held a recorded division on a closure motion later that day, which marked the first time in Ontario's history that Members were recognized to vote in the public galleries.

The House passed a motion to establish the schedule for an extension of the spring meeting period, with the House meeting on Tuesdays and Wednesdays over the weeks of June 15 and June 22, 2020, and Mondays to Wednesdays for the weeks of July 6, 13 and 20, 2020. The motion also contained provisional changes to the Standing Orders for the duration of the extended spring schedule dates outlined. For one, the "Introduction of Visitors" proceeding would be suspended, as the building was not open to visitors or members of the public. A second measure allowed Members to speak and vote from any Member's desk in the Chamber in order to observe recommended physical distancing.

Another significant provisional change to the Standing Orders revolved around recorded divisions to allow for appropriate physical distancing. Rather than having Members stand one at a time in the Chamber (or public galleries) to be counted, Members now proceed to the Members' Lobbies adjacent to the Chamber to register their votes. The ayes are recorded in the East Members' Lobby; the nays recorded in the West Members' Lobby, with the Whips of the recognized parties or their designates being allowed to attend the lobbies to observe. Thirty minutes are allotted to conduct each recorded vote in this manner.

Another motion to extend the period of emergency in the province of Ontario for 28 days was introduced and debated later that same day.

On June 23, 2020, a motion was moved to extend the period of emergency in the province once again for a further 15 days beyond the original set deadline of June 30, 2020. That motion was debated and eventually agreed to on June 24, 2020.

### **Other Changes at Queen's Park**

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Ontario's Legislative Page Program, which is attended by students in grades 7 and 8, has been suspended for the time being. The Legislative Ushers (university students) in the Chamber have been tasked with performing the duties of the Legislative Pages, in addition to their own regular duties.

Members have each been provided with a reusable metal water bottle labelled with their name for use in the Chamber. Members are encouraged to fill the bottles prior to entry into the Chamber, however, the Legislative Ushers are on hand to assist with refilling bottles if needed.

The Legislature cafeteria remains open on days that the House sits, with prepackaged food made available for purchase to Members and staff. Tables in the eating area have been reconfigured to allow for social distancing, with only one chair at either end of each table.

The Legislature continued with its construction of the new visitor's entrance in the southwest courtyard through the month of March. Construction was suspended from April 4 to May 5, in order to ensure the safety of the construction workers and in keeping with best practices, but has since resumed in a safe manner. Substantial completion of the structure is expected by the end of July or early August, at which time it will be turned over to the LAO to begin equipping its interior with the security equipment and furnishings required to perform its purpose.

On May 12, a motion passed in the House set out that, in accordance with the COVID-19 active screening protocol put in place by the Speaker, any person may be refused entry to the legislative precinct or any part thereof including Members of the Legislative Assembly. The motion went on to specify: "This House confers the sole and personal authority on the Speaker to refuse the entry of any member of the assembly, or any other person, to the legislative precinct, or any part thereof." Those delegated by the Speaker are also empowered to temporarily delay the entry of any Member to the legislative precinct, pending immediate consultation with the Speaker on how to proceed.

On May 19, the Legislative Assembly implemented its new screening protocol for all people entering the Legislative Precinct. Ontario's Chief Medical Officer of Health was consulted by the Speaker as part of its development to ensure that best practices were being implemented.

### New Faces

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On April 14, the House passed a motion appointing **Patricia Kosseim** as Ontario's new Information and Privacy Commissioner. Pursuant to the *Freedom of Information and Protection of Privacy Act*, she is appointed for a term of 5 years, beginning on July 1 of this year.

### Committee Changes

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On May 12, the House passed a motion allowing legislative committees, once authorized to resume, to use electronic means of communication when meeting. The motion further specified that committee Members, witnesses and/or staff are not required to all be in one physical place. This allows for remote committee participation by Members and staff without the need to be physically present in a committee room at Queen's Park, which is unprecedented at the Assembly. Committee meetings are still anchored in a committee room in the Legislative Building, with the Chair (or Acting Chair) and Committee Clerk required to be physically present. The Chair is required to verify the identity and location within the province of Ontario of Members participating remotely in order for them to be considered present and part of quorum.

Zoom was selected as the hosting platform for these virtual/in-person hybrid committee meetings. Assembly staff from several different branches were involved in its exhaustive testing in preparation for the change. Guideline documents outlining new processes were developed for Members, staff and witnesses in order to ease the transition to the new format.

In keeping with physical distancing best practices, Members and staff present in the committee rooms in person are encouraged to sit apart from one another. Furthermore, committees which have been permitted to meet in this new hybrid format to date have all agreed that Members of the public attending as witnesses should appear virtually or by teleconference.

The aforementioned motion also established special terms of reference for the Standing Committee on Finance and Economic Affairs, making it the first Committee authorized to resume meeting since the

Order of the House dated March 19, 2020 adjourned all Standing Committees until otherwise directed by the Government House Leader.

The Committee was tasked with examining the impacts of the COVID-19 crisis on the following sectors of the economy and consider measures which will contribute to their recovery:

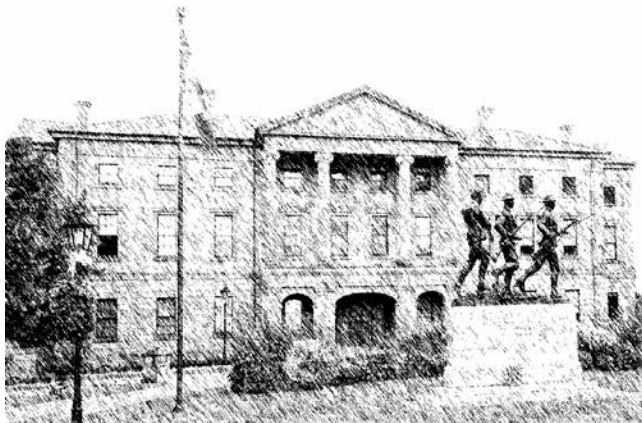
- Tourism
- Culture and Heritage
- Municipalities, Construction and Building
- Infrastructure
- Small and Medium Enterprises
- Other economic sectors as selected by the Committee

For the duration of the review, the Membership of the Committee is increased from a typical 9 Members to 19 (with 7 of those being non-voting Members,) composed of Members from both recognized parties and Independent Members. In the case of technical issues with a member participating remotely, a non-voting Member of the same party is permitted to cast a vote in their absence. The sub-committee on committee business was also expanded from three Members (one from each recognized party, plus the Chair as chair) up to five (two Government Members, one Member from the Official Opposition, one Independent Member and the Chair as chair.)

The Committee may present interim reports in the House as it sees fit. If the House is not sitting, the Committee may release its reports by depositing them with the Clerk of the House, with a copy provided to the Chair of the Ontario Jobs and Economic Recovery Cabinet Committee.

The new hybrid committee meeting process was first employed by the Standing Committee on Finance and Economic Affairs at its June 1 meeting. Since then, five of the nine Standing Committees have been authorized to meet and have employed the new system; a testament to the Assembly's quick ability to adapt to a new normal as events necessitate. The other four committees were authorized to consider legislation. There were six bills considered in total, with the Standing Committee on General Government being the first Committee to conduct clause-by-clause consideration of a bill with remote participation.

**Chris Tyrell**  
Committee Clerk



## Prince Edward Island

### Continuation of 1<sup>st</sup> Session, 66<sup>th</sup> General Assembly

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On May 26, 2020, the House resumed sitting in continuation of the 1<sup>st</sup> session of the 66<sup>th</sup> General Assembly. The House had previously been scheduled to reconvene on April 7, but on March 18, Speaker **Colin LaVie** announced that the Assembly would not reconvene as planned due to the COVID-19 pandemic. The *Rules of the Legislative Assembly of Prince Edward Island* permit the Speaker, in urgent or extraordinary circumstances, to waive the requirement that the House open for a spring sitting during the first week of April and that 60 days' notice of the opening be provided by the Speaker or Executive Council. On May 15, following a request from Premier **Dennis King**, Leader of the Opposition **Peter Bevan-Baker** and Leader of the Third Party **Sonny Gallant**, the Speaker announced that the sitting would resume on May 26.

Prior to the resumption, the operations of the Legislative Assembly were reviewed in consultation with the PEI Chief Public Health Office, in order to ensure that physical distancing and other safety protocols are observed. The Legislative Chamber was reconfigured to allow Members to observe the recommended six-foot separation. In order to achieve this, the public gallery and media gallery, which are normally located at floor-level in the Chamber, were removed. The Hon. George Coles Building was closed to the public and continues to be as of this writing. A media tent was erected on the grounds of the Coles Building. Proceedings continue to be broadcast on Eastlink TV, and live-streamed on the Legislative Assembly's website and Facebook page.

The House met according to its regular weekly sitting schedule throughout the month of June, and continues to do so as of this writing. PEI was in a state of emergency from April 16 to June 28; a state of public health emergency was declared on March 16, and is ongoing.

### Provincial COVID-19 Response

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On May 26, **Darlene Compton**, Minister of Finance, tabled "COVID-19 Response," a report providing an overview of the province's health and economic response to COVID-19. The report was added to the Orders of the Day and referred to Committee of the Whole House to give Members ample opportunity to review and discuss actions in response to the pandemic. Members debated the report in Committee of the Whole House over several days early in the sitting.

### Legislation to Date

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Since the session resumed on May 26, 26 bills have been introduced in the House; 17 of these are Government bills, eight are Private Members' Bills, and one is a Private Bill.

Several bills relate to the COVID-19 pandemic. Bill 36, *An Act to Amend the Public Health Act*, empowers Government to detain persons who refuse to self-isolate, and expands the Chief Public Health Officer's authority to appoint officials, to limit travel, and to impose penalties for contraventions of the *Public Health Act*. The bill originally proposed to provide the Lieutenant Governor in Council with the power to suspend or vary the application of an enactment during a public health emergency, but the relevant clause in the bill was defeated during Committee of the Whole House review. The bill received Royal Assent on June 23.

Bill 38, *An Act to Amend the Employment Standards Act (No. 3)* provides an unpaid leave of absence to an employee who is unable to work due to declared states of emergency or public health emergency under federal or provincial legislation, or due to circumstances in which an employee must care for a family member directly subject of an emergency declaration or order of the Chief Public Health Officer. The bill received Royal Assent on June 18.

Bill 37, *An Act to Amend the Emergency Measures Act*, provides the Lieutenant Governor in Council with the power, during declared states of emergency, to

suspend or vary the application or operation of an enactment. The bill was reviewed in Committee of the Whole House over several days, and amendments were put forward. On motion of the Leader of the Opposition and resolution of the House, the bill was referred to the Standing Committee on Health and Social Development for consultation, review and recommendation. Standing committee review of bills is uncommon in the PEI legislature; debate and amendment of most bills occur in Committee of the Whole House alone. The Health and Social Development committee tabled its report on June 30, and it was adopted on July 2. This is further discussed below. To date, Bill 37 has not progressed further.

Of the eight Private Members' Bills, two have passed all stages so far and stand ready for Royal Assent. Bill 114, *An Act to Amend the Employment Standards Act (No. 4)* provides whistleblower protections for workers in the private sector. Bill 113, *An Act to Amend the Audit Act*, empowers the Auditor General to audit organizations that receive government funding or deliver services on behalf of government. Other Private Members' Bills currently on the Order Paper propose such changes as empowering the Legislative Assembly to disallow the declaration or renewal of a state of emergency (Bill 111); making proof of immunization mandatory for access to schools operated by education authorities (Bill 109); establishing the nonconsensual distribution of intimate images as a tort that is actionable without proof of damages (Bill 118); and clarifying that the *Prince Edward Island Lands Protection Act* or its regulations shall prevail in cases of conflict with the provisions of another enactment (Bill 106).

## Budget

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The Minister of Finance introduced the 2020-21 operating budget for the province on June 17. In the budget address, the Minister indicated that the previous fiscal year had been one of the unpredicted events with major impacts, including Hurricane Dorian, rail blockades that disrupted supply lines, and a malware attack on government IT infrastructure. Yet in early 2020, Government was projecting a budget with a small surplus. The COVID-19 pandemic changed this dramatically, and in response Government has provided nearly \$200 million in direct and indirect supports to individuals, families and businesses, and to healthcare.

As a result, the 2020-21 budget includes a deficit of \$172.7 million, which is believed to be the largest deficit in the province's history. This reflects

Government's decision to respond to the pandemic, but also to continue to focus on its core priorities of health, education, environment and Islanders' social and economic needs. Almost every line department's expenditures are increased in comparison to 2019-20, with sizeable increases in areas such as Health PEI (\$46.8 million); Education and Lifelong Learning (\$22.2 million); and the General Government section of Finance, which includes \$38.6 million in COVID-19 response and recovery Contingency funding.

## Health and Social Development Committee Report on Bill 37

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On June 16 the House passed Motion 75, which referred Bill 37, *An Act to Amend the Emergency Measures Act*, to the Standing Committee on Health and Social Development, as the committee with justice and public safety within its mandate. The motion called upon the committee to seek testimony from representatives of every government department on how the circumstances of COVID-19 have affected the department and how the powers proposed by Bill 37 would affect the department or the circumstances in which the department might request the use of those powers. The committee was also directed to seek and consider input from the public, and to consider any proposed or potential amendments to Bill 37. Finally, the committee was directed to report to the House its findings and recommendations within 14 calendar days.

Upon passage of the motion, the committee embarked upon a busy schedule of meetings over the June 18-30 period, primarily to hear from government departments. Written public input was requested through news media, social media and the Legislative Assembly's website. By the deadline of June 25, the committee received 35 written submissions, the majority of which were in opposition to Bill 37.

On June 30, Chair **Gordon McNeilly** tabled the committee's report, which contained three recommendations. First, the committee did not recommend Bill 37, *An Act to Amend the Emergency Measures Act*. Second, the committee recommended that the Legislative Assembly should first exhaust all efforts to allow for in-person or alternate proceedings before considering any powers to vary or suspend legislation as provided to the Lieutenant Governor in Council by Bill 37. The committee noted that Bill 37 "seeks to overcome ... the perceived difficulty and unpredictability of conducting legislative sittings during a pandemic, especially as the pandemic and

any associated health restrictions might limit the ability or willingness of members to meet.” Yet, the House has directed another committee to investigate the possibility of virtual sittings, and within its rules the House has the ability to meet at any time, without notice, if there are urgent or extraordinary circumstances. For these reasons, and the fact that additional measures can be put in place to facilitate meetings during emergencies, the committee recommended against the House granting any power to vary or suspend enactments without its oversight, at least until it can be shown that circumstances could occur where it would be impossible for the Legislative Assembly to convene. Finally, the committee recommended that Government consider additional resources for departments to support policy and legislative reviews, as several departments indicated in their meetings with the committee that the statutes for which they are responsible could be updated in various places.

The House adopted the committee’s report on July 2. Bill 37 has not progressed further as of this writing.

### **Changes to Sitting Hours and Calendar**

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On June 3, the Standing Committee on Rules, Regulations, Private Bills and Privileges tabled a report proposing changes to sitting hours and the parliamentary calendar as specified in the *Rules of the Legislative Assembly*. The report was a continuation of the committee’s review of the Rules which began in 2019. The committee put forward two recommendations. Regarding the sitting hours, the committee recommended a new schedule that would see the House sit from 1 pm to 5 pm Tuesdays, Wednesdays and Thursdays, and 10 am to 2 pm on Fridays. This would eliminate the Tuesday and Thursday evening (7 pm to 9 pm) hours that are part of the current schedule, but retain the same total weekly sitting hours by adding one hour to each day during the afternoon. Regarding the parliamentary calendar, the committee recommended that the House continue to hold two sittings per year, but change them to one beginning on the fourth Tuesday of February, and the other on the third Tuesday of October. The current calendar calls for the House to begin sitting during the first week of April, and the first sitting day following Remembrance Day. The committee also recommended that, during sitting periods, the House not meet for the week of the spring mid-term break prescribed by the School Calendar Regulations under the *Education Act*, nor during “legislative planning” weeks, which would be held every fourth week.

The committee called for these recommendations to take effect on January 1, 2021. The report was debated in the House over several days, with members focusing mainly on whether or not to eliminate the evening sitting hours that have long been a part of the House schedule. Indeed, the practice of sitting in the evening has been the subject of committee reports and motions in past General Assemblies, yet it has persisted. In this case, however, the House ultimately voted to adopt the committee’s report on June 10, and thus its recommended rule changes will take effect in the New Year.

### **Speaker’s Rulings**

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During the current sitting of the House, Speaker LaVie ruled on several matters relating to rules, procedure and decorum.

On June 5, during debate on the motion to adopt the report of the Standing Committee on Rules, Regulations, Private Bills and Privileges (see above), Speaker LaVie ruled an amendment to an amendment out of order, as it brought up matters foreign to the amendment and should therefore be proposed as a new, separate amendment. On June 11, the Speaker ruled on a point of order raised on June 10 by **Hannah Bell**, the Member for Charlottetown-Belvedere, in objection to another member characterizing the same committee’s report as being a report of the committee Chair or the Opposition, not of the entire committee. The Speaker found it not to be a proper point of order because it related to statements made, not the contravention of any particular rule or practice.

On June 30, the Speaker issued a ruling on a point of order raised on June 25 by Ms. Bell to indicate that Minister of Fisheries and Communities **Jamie Fox** had referred to *in-camera* proceedings of a committee during his speech on a motion before the House. The Speaker cautioned members to be mindful of the confidential nature of *in-camera* proceedings, but declined to become further involved in the matter given that there was no report from the relevant committee regarding any potential breach of privilege.

On July 7, the Speaker ruled on a point of order raised on July 2 by Mr. McNeilly, the Member for Charlottetown-West Royalty, objecting to the Premier’s use of the term “gaslighting” in reference to remarks made by the Member for Charlottetown-West Royalty. The Speaker found the term and the way it was used to be unparliamentary and directed the Premier to withdraw the term and apologize to the House. The Premier did so.

## New Independent Officers

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In recent months the Legislative Assembly appointed several new persons to independent officer roles. Several of these appointments took place on May 26.

By resolution of the House following recommendation of the Standing Committee on Legislative Management, **Denise Doiron** was appointed Information and Privacy Commissioner under the *Freedom of Information and Protection of Privacy Act*, effective June 23. Ms. Doiron was previously legal counsel for the provincial government for more than two decades. She replaced former Commissioner **Karen Rose**, who had decided not to re-offer at the end of her term.

By resolution of the House following recommendation of the Standing Committee on Legislative Management, **Marvin Bernstein** was appointed Child and Youth Advocate under the *Child and Youth Advocate Act*, effective July 15. Mr. Bernstein previously served as the Saskatchewan Advocate for Children and Youth. He is the first person to be appointed to this independent officer position.

By resolution of the House following the motion of the Minister of Finance, **Darren Noonan** was endorsed for the position of Auditor General of Prince Edward Island under the *Audit Act*. He was subsequently appointed to the position by Order in Council, effective May 27. Mr. Noonan's career has included public accounting practice and partnership in private business; he has also served as the President of the Institute of Chartered Accountants of PEI. Mr. Noonan replaces former Auditor General **B. Jane MacAdam**, who had retired.

Also, on November 22, 2019, by resolution of the House following recommendation of the Standing Committee on Legislative Management, **Judy Burke** was appointed Conflict of Interest Commissioner under the *Conflict of Interest Act*, effective January 1, 2020. Ms. Burke had a career in law in Alberta prior to recently moving to PEI. She replaced former Commissioner **John McQuaid**, who had retired.

**Ryan Reddin**

Clerk Assistant – Research and Committees



## Quebec

### Proceedings of the National Assembly

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#### *Extension of adjournment and resumption of proceedings*

Because of the COVID-19 pandemic and in order to comply with public health directives, in particular regarding physical distancing, parliamentarians agreed on March 17, 2020, to suspend proceedings until April 21, 2020, with the possibility of an extension. Acting on the request of the Government House Leader, and given the changing situation, the House leaders agreed to extend the adjournment a first time until May 5, and then a second time until May 13. However, the National Assembly remained closed to visitors.

#### *Terms of resumption of Assembly sittings*

On May 13, the Members adopted a special order establishing the terms applicable to the National Assembly sittings until the end of the sessional period on June 12. Various measures were adopted to ensure a safe environment for all.

In order to comply with the physical distancing measures recommended by public health authorities, the Assembly, normally composed of 125 Members, sat with a reduced number according to the following distribution, for a total of 36 Members excluding the Chair:

- no more than 20 Members from the parliamentary group forming the Government;
- no more than eight Members from the parliamentary group forming the Official Opposition;
- no more than three Members from the Second Opposition Group;

- no more than three Members from the Third Opposition Group; and
- no more than two independent Members.

The above distribution was modified during Oral Questions and Answers periods, the number of Government Members being reduced to 16 in order to make room for two additional Members from the group forming the Official Opposition, for a total of 10, as well as one additional Member from each of the Second and Third Opposition Groups, for a total of four Members from each group. During such periods, a Member of the Second Opposition Group filled in for a first absent independent Member and a Government Member filled in for a second absent independent Member.

Again, to ensure compliance with physical distancing directives, the desks in the National Assembly Chamber had to be moved, and several removed. Accordingly, it was established that a Member could take the floor without being in the place usually assigned to him or her. In addition, the presence of pages and other staff members in the Chamber was reduced to a minimum.

Parliamentarians also agreed that, until June 12, all questions would be put in accordance with a procedure for recorded divisions under which the vote of the House Leader or Deputy House Leader of a parliamentary group or, where applicable, of another Member identified beforehand by the latter, would be valid for all Members of his or her group and that, where applicable, the names of those Members would appear in the *Votes and Proceedings* of the sitting. Furthermore, for the purpose of putting the question on bills mentioned in the special order, it was agreed that the Government House Leader could cast the votes of the independent Members in their absence in accordance with the instructions received from those Members. Last, it was decided that several stages in the consideration of those bills could be carried out during the same sitting.

Exceptionally, the May 13 sitting was limited to Orders of the Day, during which the Assembly adopted and approved the agreements reached between the parliamentary groups and the independent Members during the adjournment of proceedings due to the COVID-19 pandemic and adopted the special order providing a framework for the remainder of the sessional period. The Assembly then proceeded with two successive 45-minute Oral Questions and Answers periods, with a rotation of Members and ministers between the periods.

### *Adoption of the 2020–2021 budget estimates*

At the May 26 sitting, in accordance with the special order adopted on May 13, Bill 62, *Appropriation Act No. 2, 2020–2021* (estimates for the period from July 1 to September 30) and Bill 63, *Appropriation Act No. 3, 2020–2021* (remainder of the annual estimates), were introduced and passed, with all other stages being deemed completed. Despite the passage of the annual appropriation bill, and also in accordance with the special order, the Assembly mandated the parliamentary committees to examine the 2020–2021 estimates for a period of 100 hours allocated to the Opposition Members. In addition, the Assembly held a limited debate on the 2020–2021 estimates at the May 27 sitting. The National Assembly's estimates were examined at the June 4 sitting.

### *Bills passed*

After April 1, 2020, the National Assembly passed nine bills, including six government public bills and three private bills. All except Bill 55 were passed in accordance with the special order adopted on May 13. Following are some of the bills passed:

- Bill 15, *An Act respecting the Société de développement et de mise en valeur du Parc olympique*;
- Bill 18, *An Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons*;
- Bill 32, *An Act mainly to promote the efficiency of penal justice and to establish the terms governing the intervention of the Court of Québec with respect to applications for appeal*;
- Bill 55, *An Act to amend the Civil Code, in particular to make civil actions for sexual aggression, violence suffered during childhood and spousal violence imprescriptible*;
- Bill 62, *Appropriation Act No. 2, 2020–2021*; and
- Bill 63, *Appropriation Act No. 3, 2020–2021*.

### *Composition*

At the end of the Quebec Liberal Party leadership race on May 11, 2020, **Dominique Anglade**, Member for Saint-Henri–Sainte-Anne, officially became Leader of the Quebec Liberal Party. She took over from **Pierre Arcand**, who had been the interim party leader since October 5, 2018.

On June 16, 2020, **André Fortin** succeeded **Marc Tanguay** as Official Opposition House Leader. **Filomena Rotiroti** was appointed Chief Official Opposition Whip, and **Hélène David** was appointed Caucus Chair of the same parliamentary group.

*Tabling of a parliamentary reform proposal by the President of the National Assembly*

On May 26, 2020, National Assembly President **François Paradis** tabled a document entitled *Une Assemblée nationale dynamique, moderne et à l'écoute – proposition de réforme parlementaire du président de l'Assemblée nationale* (A National Assembly that is Dynamic, Modern and in Touch with Quebecers – proposal for parliamentary reform by the President of the National Assembly). The proposal's four main objectives are to establish better oversight and accountability processes, improve the organization and planning of parliamentary business, continue to integrate the use of technologies in parliamentary business, and promote greater citizen participation in parliamentary work and proceedings.

*Other events*

*Confined Youth Tournament* virtual quizzes and *How Does Parliament Work?* virtual workshop

On April 28 and May 12, 2020, the National Assembly hosted its first virtual *Confined Youth Tournament* quizzes live on its Facebook page. Two Assembly employees tested participants' knowledge of subjects such as democracy, parliamentarism, and Québec and Canadian history. On May 4, 2020, the *How Does Parliament Work?* free public workshops on various aspects of the National Assembly also went virtual on the Assembly's Facebook page. Four National Assembly lawyers explained the legislative drafting process and all the steps leading up to royal assent.

### **Shift to electronic tabling in the House**

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The National Assembly reconvened on May 26, 2020 with a new procedure for tabling documents electronically. Documents are now tabled in the House on a digital platform where MNAs and their staff can access them in secure directories. This reduces paper handling to a minimum, optimizes the tabling process, and minimizes the risk of COVID-19 transmission. The only paper documents still tabled in the Assembly are those required by law to be tabled for archival and legal deposit purposes.

### **Telework rollout for political and administrative staff**

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Due to the COVID-19 pandemic, a telework rollout strategy was implemented in mid-March 2020. These measures, already planned as part of the National Assembly's digital strategy, had to be taken more quickly and on a large scale. To ensure the effectiveness of telework, employees are provided with a secure connection to the National Assembly network, and they can now use the Microsoft Office 365 suite on their work laptops.

### **Committee Proceedings**

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Below are some of the highlights of the parliamentary committee proceedings held between April and June 2020.

*Virtual committee meetings*

During the adjournment of Assembly proceedings due to the COVID-19 pandemic, the Members agreed to hold virtual sectorial committee meetings to allow ministers to be heard. The virtual meetings, which were broadcast live and lasted one to two hours, allowed Opposition Members to question different ministers on the subject of the COVID-19 pandemic.

Several changes to the regular rules of procedure were made for the meetings. At least 24 hours before each meeting, the House Leader of each parliamentary group and the independent Members were required to submit the names of the members who would be taking part and the subjects to be discussed. The members taking part in the meetings virtually were considered as Members in attendance for the purposes of the quorum required under the Standing Orders. No vote could be taken during the meetings and no question could be put in committee or before the Assembly as a result of the debates held.

For these parliamentary committee meetings, only the Chair and administrative staff were present. They met in one of the committee meeting rooms and all participants were connected through Microsoft Teams. Six sectorial committees held a total of 12 virtual meetings between April 24 and May 22, 2020.

*Resumption of committee proceedings at the Parliament Building*

Following the agreement concerning the resumption of parliamentary proceedings, approved by the Assembly on May 13, 2020, the layout of the



parliamentary committee rooms were modified in order to comply with physical distancing measures. Depending on the room, furniture had to be removed, moved or added to make it easier for the Members to move around and enable more of them to take part in the meetings. The presence of political and administrative staff had to be restricted in certain cases. Under the agreement between the parliamentary groups, all votes at the meetings were to be taken by recorded division. Furthermore, a vote cast by a Member of the parliamentary group forming the Government or by a Member of a parliamentary group forming the Official Opposition, designated by their respective House leaders, would be valid for all the Members of their parliamentary group who sit on the committee.

In order to comply with the health measures in force, the procedure for distributing documents such as amendments during meetings were completely revised. The printing of documents was reserved exclusively for official archiving purposes and all documents were made available for consultation by Members via *Greffier*, the electronic document sharing platform normally used for other purposes by parliamentary committees.

#### *Bills*

At the Committee on Transportation and the Environment, clause-by-clause consideration of Bill 44, *An Act mainly to ensure effective governance of the fight against climate change and to promote electrification*, continued during the two weeks of extended hours of meeting at the beginning of June. The bill entrusts the Minister of the Environment and the Fight Against Climate Change with, among other responsibilities, the coordination of government and ministerial measures regarding the fight against climate change and the governance of the Electrification and Climate Change Fund, thereby replacing the Green Fund and abolishing its management board. Contrary to usual practice, clause-by-clause consideration continued beyond June 12, 2020, the end date for extended hours of meeting.

#### *Special consultations*

During the sessional period's last week of extended hours of meeting, two committees carried out special consultations on bills introduced the previous week.

The Committee on Public Finance held special consultations on Bill 61, *An Act to restart Québec's economy and to mitigate the consequences of the public*

*health emergency declared on 13 March 2020 because of the COVID-19 pandemic*. The main purpose of this bill is to facilitate the carrying out of several public infrastructure projects through measures to reduce the conditions usually imposed on them. The measures include modifications, by regulation, to environmental assessment processes, the possibility for the Government to determine conditions for the awarding of contracts by public bodies and streamlined expropriation procedures. The bill also provides for the extension of the public health emergency until the Government terminates it and grants immunity from prosecution to the Government and public bodies in the implementation of its provisions. The special consultations on this bill provided an opportunity to hear 29 groups during public hearings.

The National Assembly also mandated the Committee on Institutions to hold special consultations on Bill 55, *An Act to amend the Civil Code, in particular to make civil actions for sexual aggression, violence suffered during childhood and spousal violence imprescriptible*. The purpose of this bill is to abolish the 30-year prescriptive period for instituting a civil action for sexual aggression, violence suffered during childhood and spousal violence. Persons whose civil actions have been dismissed due to the expiry of the prescriptive period may reinstitute such actions before a court within three years after the coming into force of the *Act*. The special consultations on this bill provided an opportunity to hear five individuals and groups during public hearings. The Committee then completed its clause-by-clause consideration of the bill, which was adopted by the Assembly on June 12, 2020.

#### *Budget estimates*

Typically, the budget cycle gives rise, in the spring, to two weeks of intensive consideration of the main estimates in the committees. This year, under an agreement approved by the Assembly on May 13, 2020, the estimates were adopted before being considered in committee, which will take place during the week of August 17, 2020. The exercise, which will be spread over 100 hours rather than the usual 200 hours, will allow the Opposition Members to hear the ministers with respect to the finances of their departments.

#### *Chairships*

On June 18, 2020, changes were made to the chairships of a number of parliamentary committees. At the Committee on Institutions, **Nicole Ménard** (Laporte) became Vice-Chair, replacing Ms. Anglade

(Saint-Henri–Sainte-Anne), who has been Leader of the Official Opposition since May 11, 2020. Mr. Tanguay (Lafontaine) became Chair of the Committee on Planning and the Public Domain, replacing **Francine Charbonneau** (Mille-Îles). The Member for Mille-Îles replaced Ms. David (Marguerite-Bourgeoys) as Vice-Chair of the Committee on Health and Social Services. **Isabelle Melançon** (Verdun) became Vice-Chair of the Committee on Public Finance, replacing Mr. Fortin, who was appointed Official Opposition House Leader.

**Karim Chahine**

Sittings and Parliamentary Procedure Directorate

**Astrid Martin**

Parliamentary Committees Directorate



## Northwest Territories

### Session

The second Session of the 19<sup>th</sup> Legislative Assembly resumed on May 26, 2020, as scheduled, after the Winter sitting was adjourned early on March 16, 2020, due to the COVID-19 Pandemic. The Assembly sat until June 12, 2020, and is adjourned until October 15, 2020.

The main item of business was the resumption of review of the 2020-2021 Main Estimates in Committee of the Whole. Before adjourning early in March 2020, the Assembly passed an *Interim Appropriation Act*, prior to completing its review of the Main Estimates.

The Assembly resumed with all 19 Members in attendance, in a modified chamber, which included

extra rows of seats added to the Chamber, and directional flow control. At the beginning of each sitting day, Members would assemble in the Great Hall and then be led into the Chamber in the order of their seats to avoid Members having to pass in front of or behind each other. The Assembly operated with two table officers, rather than three, and had a third table officer monitoring from their office. House documents were distributed electronically.

During the session, the review of the full main estimates for 2020-2021 was completed, and Members approved an *Appropriation Act*. Members passed two other supplementary appropriation acts, as well as amendments to the *Legislative Assembly and Executive Council Act*.

Members also passed Motion 11-19(2), calling on the Government of the Northwest Territories to create a Seniors and Elders' Strategy.

### Legislation

During the May-June Sitting, the Assembly considered and passed the following acts:

- Bill 6, *An Act to Amend the Legislative Assembly and Executive Council Act*;
- Bill 7, *Appropriation Act (Operations Expenditures) 2020-2021*;
- Bill 8, *Supplementary Appropriation Act (Infrastructure Expenditures), No. 2, 2020-2021*;
- Bill 9, *Supplementary Appropriation Act (Operations Expenditures), No. 1, 2020-2021*; and
- Bill 10, *Interim Appropriation Act (Operations Expenditures), 2020-2021*.

Bill 6 amended the *Legislative Assembly and Executive Council Act* to allow the Assembly to conduct all, or a portion, of a session by teleconference or videoconference, and to permit members to participate in a session by way of teleconference or videoconference at the discretion of the Speaker. Should exceptional circumstances arise, the Assembly can sit remotely, allowing parliamentary accountability to continue.

Bill 10 authorizes the Commissioner in Executive Council to make orders that result in the temporary variation of a date, deadline or time period found in legislation. The bill authorized the orders to have a retroactive effect as far as March 24, 2020, the day on which the state of emergency was declared in the Northwest Territories. Any temporary variation of a

statute would only remain in effect for a maximum of six months from the date that Bill 10 was given assent. The bill also provided that advance notice of any variation must be given to the Standing Committee on Accountability and Oversight. No variation is permitted for those deadlines found in the *Access to Information and Protection of Privacy Act*, the *Health Information Act* and the *Legislative Assembly and Executive Council Act*.

### Assent

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For the first time in recent memory, the Commissioner of the NWT provided Assent outside of the Chamber. The Commissioner, who resides a three-hour drive from Yellowknife, provided written assent to the bills passed during this sitting.

### Standing Committees

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Standing Committees remained unusually active following the adjournment in March, through to the end of the May-June sitting. Meeting remotely by video and teleconference, Committees held public hearings and in-camera business meetings. For more than a month, the Standing Committee on Accountability and Oversight held weekly public briefings on COVID-19 pandemic measures taken by the Government. Committees met in-person and virtually during the sitting to receive briefings on other matters.

During the May-June sitting, the Standing Committees on Economic Development and Environment; Government Operations; and Social Development each issued a report entitled “Report on Long-Term Post-Pandemic Recovery: Recommendations to the GNWT”. These reports examined temporary relief measures taken by the Government during the early response to the pandemic, and made recommendations on measures to be continued. All recommendations were adopted by way of motions in the Assembly.

**Glen Rutland**

Deputy Clerk, House Procedure and Committees



## Senate

### Legislation

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The Senate was adjourned for much of this quarter as a result of the COVID-19 pandemic, but it was recalled on three occasions to sit on April 11, May 1 and May 15. On each occasion, a bill relating to the government’s COVID-19 response was passed and received Royal Assent by written declaration.

On April 11, the Senate resolved into a Committee of the Whole for consideration of the subject matter of Bill C-14, *A second Act respecting certain measures in response to COVID-19*, in advance of the bill coming before the Senate, and heard from the Minister of Finance. Following the Committee of the Whole, Bill C-14 was read a first time, adopted at second and third reading stages, without being referred to committee, and received Royal Assent by written declaration. On May 1, Bill C-15, *An Act respecting Canada emergency student benefits (coronavirus disease 2019)*, was read a first time, adopted at second and third reading stages, without being referred to committee, and received Royal Assent by written declaration. Prior to the second reading stage, the Senate resolved into a Committee of the Whole in order to hear from the Minister of Employment, Workforce Development and Disability Inclusion on the subject matter of the bill. On May 15, the Senate dealt with Bill C-16, *An Act to amend the Canadian Dairy Commission Act*, in the same manner as the other bills mentioned above, with the Minister of Agriculture and Agri-Food participating in the Committee of the Whole on the subject matter of the bill.

On May 29, the Speaker announced via memorandum that the adjournment of the Senate was being extended

from June 2 to June 16. The Senate sat on June 16 and met seven times over the next two weeks, during which time two supply bills were passed and received Royal Assent by written declaration. The Senate was resolved into a Committee of the Whole on June 23 in order to consider the expenditures set out in the Main Estimates for the fiscal year ending March 31, 2021, and in the Supplementary Estimates (A) for the fiscal year ending March 31, 2021, and received the Minister of Finance and the President of the Treasury Board. Bill C-18, *An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2021 (Appropriation Act No. 2, 2020-21)*, was read a third time on June 25, and Bill C-19, *An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2021 (Appropriation Act No. 3, 2020-21)*, was read a third time on June 26. Both bills received Royal Assent by written declaration on June 26, at which point the Senate adjourned until September 22.

### **Chamber, Procedure and Speaker's Rulings**

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On May 21, the Progressive Senators Group (PSG) was re-established as a recognized parliamentary group in the Senate, after reaching the threshold of nine members required for such status pursuant to the *Rules of the Senate*. The PSG had previously had recognized parliamentary group status briefly from November 14 to 18, 2019.

A motion permitting senators to speak and vote from a seat other than their own was passed at the start of the sittings on April 11, May 1 and May 15, to allow for physical distancing. On June 16, a similar motion was adopted to permit these physical distancing measures until the end of the month. For all sittings, attendance was coordinated by the recognized parties and parliamentary groups to ensure balanced representation while allowing senators to follow the advice of public health authorities with respect to travel and distancing. The sittings took place with the minimum number of employees required to work on-site to support the sitting. On numerous occasions, senators asked questions and delivered speeches on behalf of colleagues who were unable to attend the sittings.

The Senate adopted a motion on May 1 to allow documents to be tabled electronically with the Clerk of the Senate, including responses to written questions and oral questions, until the end of 2020 or the current session. The same day, the Senate adopted a separate motion to recognize senators who are not present at

a sitting of the Senate as being presumed to be on public business. Both motions were in reaction to the COVID-19 pandemic.

On May 1, Senator **Donald Plett** raised a question of privilege regarding a meeting of the Committee of Selection held earlier that day. The Speaker reserved his decision and announced on May 15 that he would allow further arguments on the question of privilege at the next sitting of the Senate, which was held on June 16. The Speaker has not yet ruled on this issue.

On June 16, Senator **Pamela Wallin** raised a question of privilege concerning senators' ability to participate in sittings. The Speaker reserved his decision and ruled on June 18 that while the question of privilege was raised under rule 13-4, which is an exception to the normally written notice requirement, it did not meet the conditions required under that rule and, therefore, could not be considered.

The Senate was resolved into a Committee of the Whole on May 15 in order to hear from **Karen Hogan** respecting her appointment to the position of Auditor General of Canada. The Senate adopted a motion approving her nomination later that day.

The Senate held an emergency debate on June 18 on the rise in reports of acts of racism against Afro-Canadians, Indigenous Canadians and Asian Canadians. The request was initiated by Senator **Rosemary Moodie**. The Speaker ruled that the emergency debate could proceed and, pursuant to the provisions of the *Rules of the Senate*, it took place at 8 p.m.

The Senate resolved into a Committee of the Whole on June 25 to consider the Government of Canada's role in addressing anti-Black racism, anti-Indigenous racism and ending systemic racism. The committee received the ministers of Diversity and Inclusion and Youth, of Families, Children and Social Development, and of Public Safety and Emergency Preparedness.

### **Committees**

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On April 11, the Senate adopted a motion naming senators to the Standing Committee on Internal Economy, Budgets and Administration, the Standing Senate Committee on National Finance, and the Standing Senate Committee on Social Affairs, Science and Technology. Both the Standing Senate Committee on National Finance and the Standing Senate Committee on Social Affairs, Science and Technology were

authorized to examine and report on the government's response to the COVID-19 pandemic. The motion also gave all three committees the authority to meet via videoconference or teleconference. The first committee meeting held via videoconference took place a few days later on April 14. On May 1, the Senate adopted another motion to authorize the Standing Committee on Ethics and Conflict of Interest for Senators to meet via videoconference or teleconference. As of July 3, 28 virtual committee meetings were held between the four committees.

The Senate adopted a separate motion on April 11 to appoint a Special Senate Committee on the Lessons Learned from the COVID-19 Pandemic and Future Preparedness. The committee will hold its organization meeting no earlier than October 2020. The committee's mandate is to assess the various impacts caused by the coronavirus pandemic in Canada, as well as the initiatives that have been undertaken to address the crisis, to carry out a broad consultation of Canadians to determine the challenges and specific needs of various regions and communities, and to identify lessons learned to prepare for future pandemics.

The first and second reports of the Committee of Selection, on the nomination of a Speaker pro tempore and the nomination of senators to serve on committees, were presented in the Senate on May 1. Neither report had been moved for adoption when the Senate adjourned for the summer recess.

The second report of the Standing Committee on Ethics and Conflict of Interest for Senators, entitled *Consideration of an inquiry report of the Senate Ethics Officer*, was presented in the Senate on June 18. The committee's third report, entitled *Developments and actions in relation to the committee's fifth report regarding Senator Beyak*, was presented in the Senate on June 22. Neither report had been adopted prior to the summer recess.

The third report of the Standing Senate Committee on National Finance on the Supplementary Estimates (A), 2020-21, was tabled in the Senate on June 22 and adopted on June 23.

### Retiring Senators

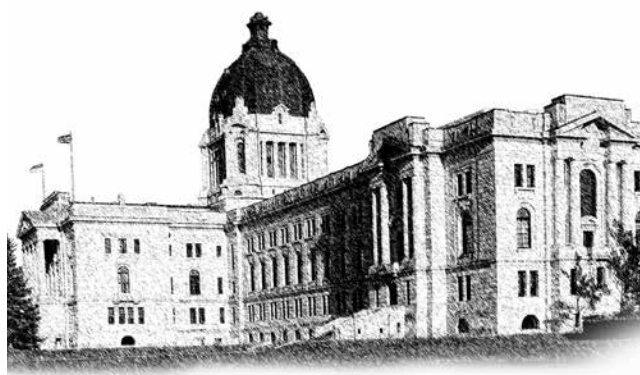
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Senator **Thomas J. McInnis** retired from the Senate on April 8. He was appointed to the Senate on September 6, 2012 by Prime Minister **Stephen Harper** and represented the province of Nova Scotia as member of the Conservative Party of Canada. Senator McInnis

served on numerous Senate committees, including as chair and vice-chair of the Special Senate Committee on Senate Modernization. Prior to his appointment to the Senate, he was an elected member of the Nova Scotia House of Assembly from 1978-1993, representing the riding of Halifax-Eastern Shore as a member of the Progressive Conservative Party. He also served in provincial cabinet as Minister of Transportation and Minister of Municipal Affairs.

Senator **Grant Mitchell** resigned from the Senate effective April 24. Senator Mitchell was appointed to the Senate on the advice of Prime Minister **Paul Martin** in 2005. He served on numerous Senate committees over the years, including as vice-chair of the Standing Senate Committee on Energy, the Environment and Natural Resources. He represented the Liberal Party of Canada in the Senate until 2016, at which point he became a non-affiliated senator until his resignation. He served as the Government Liaison (Government Whip) from 2016-2019. Prior to his appointment in the Senate, he was a member of the Alberta Legislative Assembly representing the riding of Edmonton-McClung from 1986 to 1998, and was Leader of the Liberal Party and leader of the opposition from 1994-1998.

**Emily Barrette**  
Procedural Clerk



## Saskatchewan

### Spring sitting of the fourth session of the twenty-eighth legislature

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As previously reported, on March 18, 2020, the planned budget presentation was cancelled and the Assembly adjourned to the call of the Chair due to COVID-19.

On May 26, 2020, House leadership agreed to a June 15, 2020, resumption of the legislative session on a modified schedule with a July 3, 2020 completion date.

On June 15, 2020, the Standing Committee on House Services met to consider and adopt a report which identified and developed temporary modifications to the processes, practices, and standing orders in order to facilitate the safe resumption of the session in the context of the COVID-19 pandemic. The agreement included:

- a 14-day sitting period including a budget address on June 15, 2020;
- 60 hours' consideration of budgetary estimates in standing committees including three hours' scrutiny of Premier's estimates;
- routine proceedings, including Question Period, to be held each sitting day;
- a private members' day was designated for June 19, 2020.

It was agreed that 15 members (10 government and five opposition members) plus the Speaker, would participate in proceedings. This provision required an amendment to *The Legislative Assembly Act, 2007* to define quorum to be no less than 10 members for the period of June 15 to July 3, 2020. A motion was moved on July 3, 2020, to allow 25 members to participate in the Chamber for the final sitting day prior to the election scheduled for October 26, 2020.

Changes were required to how recorded divisions were conducted. In Saskatchewan, when a recorded division is requested, members are summoned to their seats where they are called on individually to cast their vote. This practice was temporarily suspended. In its place, whips were permitted to register the votes of members not present in the Chamber on a tally sheet and report their names to the Speaker. Also, members were permitted to vote by proxy during recorded divisions in both Assembly and committee proceedings if they are unable to be present in person. Proxy voting was used on several occasions in the Assembly and once in the Standing Committee on Intergovernmental Affairs and Justice during the clause-by-clause consideration of a bill.

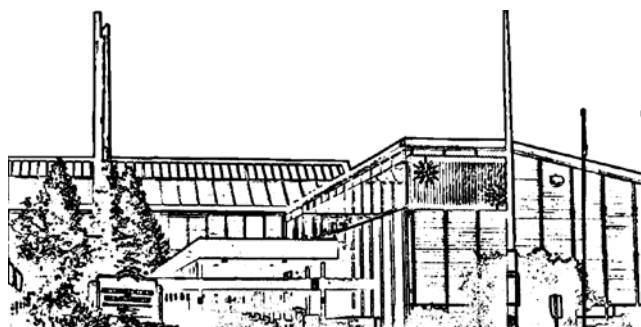
During the spring sitting, Government bills proceeded through the legislative process and the budget was presented on June 15. Visitor access to the Legislative Building remained suspended during the spring sitting so no public was in attendance for the budget presentation. The Government presented

a budget stating that the deficit was a result of the pandemic and not a structural deficit. The Opposition stated that the budget did not have adequate transparency, including long-term projections beyond March 31, 2021. On July 3, the final sitting day, Royal Assent was given to 21 bills including an appropriation bill to enable the Government to defray the expenses of the public service.

Also, on the final sitting day, the Premier moved a motion thanking the retiring members of the Legislative Assembly of Saskatchewan for their service and dedication to the people of their constituencies and the province. The Leader of the Opposition and retiring members were afforded the opportunity to respond to the motion and give their farewell speeches.

**Stacey Ursulescu**

Procedural Clerk



## Yukon

### 2020 Spring Sitting

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Due to coronavirus concerns, the 2020 Spring Sitting, which began on March 5 and had been expected to last 30 sitting days, concluded on March 19 after nine sitting days. Further information pertaining to this Sitting of the Third Session of the 34<sup>th</sup> Legislative Assembly is detailed in Yukon's preceding legislative report.

### Speaker's news release

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On April 21, Speaker **Nils Clarke** issued a news release ("Proceedings during COVID-19 Pandemic") on the Legislative Assembly Office's efforts to continue to support MLAs during the pandemic. The release noted that the Assembly's committee meeting room is equipped with videoconference and teleconference

equipment to facilitate members' remote participation in committee meetings. It also observed that that face-to-face committee meetings and public hearings can be held in the Chamber, as "seating arrangements will allow for over two metres' distance between individuals". As well, the news release stated that pursuant to the special adjournment Order adopted by the House on March 19, the Assembly is scheduled to reconvene on October 1. The news release noted that measures to ensure Members' and others' safety, such as increasing the physical distance between MLAs and closing the public gallery, would continue as needed in the 2020 Fall Sitting, and that further safety measures would be taken as appropriate.

### **Virtual committee meetings**

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In light of COVID-19, committees can now meet virtually, with the respective Chair of a committee chairing meetings from the committee meeting room, and the other members of the committee participating remotely.

On April 30, a tweet by the Yukon Legislative Assembly noted that the Standing Committee on Appointments to Major Government Boards and Committees had that day "met by videoconference and teleconference in the first virtual meeting of a Yukon Legislative Assembly committee. Committees are using technology to continue their work." The committee, which is chaired by **Ted Adel** (Copperbelt North), subsequently met virtually on June 24.

On May 6, the Standing Committee on Public Accounts, chaired by **Stacey Hassard**, Leader of the Official Opposition, met by videoconference.

### **Public Accounts Committee update**

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On May 7, the Standing Committee on Public Accounts (PAC) issued an update announcing the release of the committee's Fifth Report and Sixth Report. PAC's Fifth Report dealt with Yukon's 2018-19 Public Accounts. The subject of the committee's Sixth Report was the Auditor General's 2019 report on kindergarten through grade 12 education in Yukon.

The May 7 news release also provided an update about certain decisions taken the preceding day at the committee's virtual meeting. Although committees of the Yukon Legislative Assembly meet in camera and minutes of committee meetings are confidential, the news release noted that PAC had adopted a motion that from May 6, 2020, forward, PAC's meeting minutes would be made public once the committee had approved the minutes.

The news release also noted that PAC had "determined that looking at current government spending and the government response to COVID-19 is not within the committee's mandate. Pursuant to Standing Order 45(3), the Standing Committee on Public Accounts is responsible for reviewing the Public Accounts and all reports of the Auditor General."

### **New Yukon Party Leader**

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Former MLA and Minister **Currie Dixon** was elected as the new Leader of the Yukon Party at the party's May 23, 2020, leadership convention. Over the course of the preceding Legislative Assembly, Mr. Dixon, then-MLA for Copperbelt North, held Cabinet portfolios including Economic Development, Environment, Community Services, and the Public Service Commission. Mr. Dixon did not stand for re-election in Yukon's 2016 general election.

The Yukon Party had been without a permanent leader since former Premier **Darrell Pasloski** lost his seat in the November 2016 general election that saw Yukon Liberal Party leader **Sandy Silver** become the new Premier. **Stacey Hassard**, the Member for Pelly-Nisutlin, had been serving as the Acting Leader of the Yukon Party, and as the Leader of the Official Opposition in the House. On July 6, in a Yukon Party news release announcing updated critic roles, Mr. Dixon noted that Mr. Hassard would be continuing as the Leader of the Official Opposition in the House.

**Linda Kolody**  
Deputy Clerk



# Alberta's First Speaker: Felled By The Flu

One hundred years ago, the world was gripped by an influenza pandemic. Many Canadians succumbed to the disease, including Alberta's first Speaker of the Legislative Assembly. In this article, the author traces his political career and explains how a virulent and novel strain of the flu cost him his life.

Valerie Footz

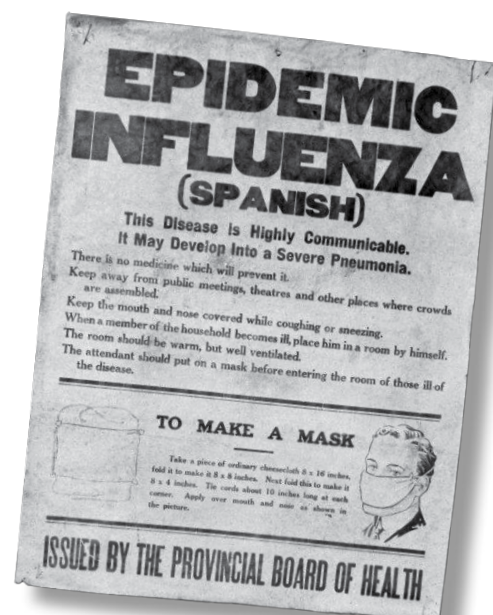
Charles Wellington Fisher, the first Speaker of the Legislative Assembly of Alberta, was eminently suited for this historic role both by temperament and because of his prior service in the Legislative Assembly of the North-West Territories. Fisher presided over the Legislative Assembly of Alberta for over 13 years as this new province shaped what was to become its legislative legacy. During Fisher's tenure as Speaker, the number of Members in the Legislative Assembly more than doubled from 25 in 1906 to 61 in 1919.

After serving a two-year term as a Member of the Legislative Assembly of the North-West Territories, Fisher began to campaign for a seat in the newly established Legislative Assembly of Alberta in October 1905. His prior electoral success in the Banff constituency continued during Alberta's first general election on November 9, 1905. In 1909, the provincial electoral boundaries were redrawn, and Fisher won the next three elections (1909, 1913 and 1917) in the constituency of Cochrane.

On March 15, 1906, the Legislative Assembly of Alberta held the opening of the First Session of the First Legislature at the Thistle Rink in Edmonton. As its first item of business, the new Legislative Assembly elected Charles Wellington Fisher as its first Speaker. Fisher's nomination came through a motion by Premier Alexander C. Rutherford. Since he was one of only eight Members who had served in the Legislative Assembly

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Valerie Footz is Director of Library Services and Records Management at the Legislative Assembly of Alberta.



of the North-West Territories, he was considered a veteran in the newly formed Legislative Assembly of Alberta. He was apparently a good-natured man with a keen sense of humour and a talent for mimicry. Premier Rutherford's speech at the opening of the First Legislature called to mind the significance of the role of the Speaker:

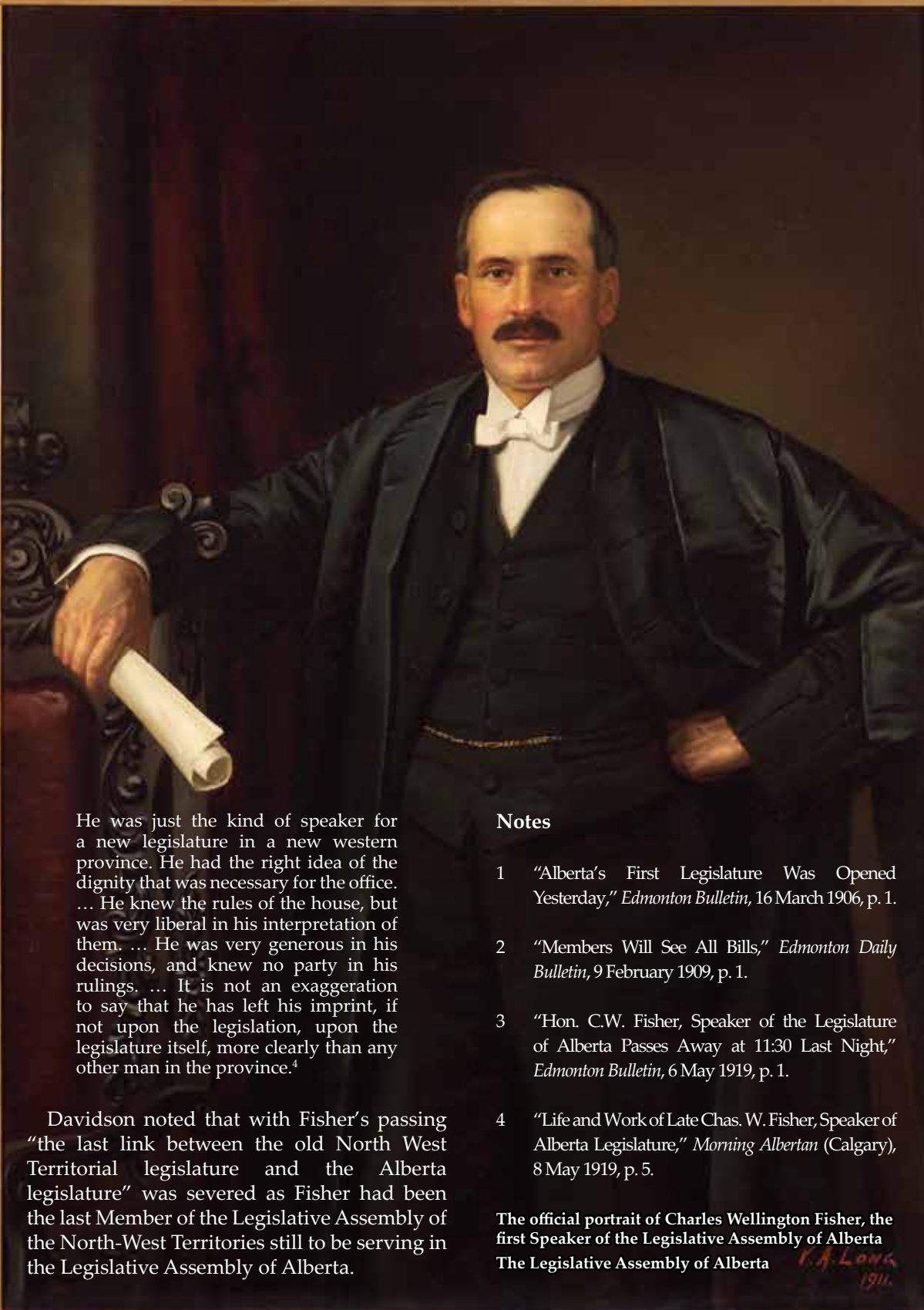
The duties of Speaker are various and important. He is the mouthpiece of the House. It is the duty of the First Commoner to preside over our deliberations. He is responsible for enforcing the observance of order and decorum among the members. We should expect that he will mete out uniform and fair treatment to all the parties, to all the members.<sup>1</sup>

Fisher was 39 years old at the time of his election as Speaker. The issue of the timely printing of legislative documents was discussed frequently in those early years and, as a result, in 1909, Fisher ruled "that no bills are to come before the House for a second time until they have been in the hands of members for 24 hours."<sup>2</sup> Fisher soon became 'adept at parliamentary procedures' and at defining terms and procedures for the Members. Ministers and Members conferred with him regarding both the format and the substance of bills.

During the Second Session of the Fourth Legislature, Fisher fell ill with ear trouble. He presided over the Assembly until March 28, 1919.<sup>3</sup> On May 5, after five weeks of illness, he died at the Royal Alexandra Hospital in Edmonton. Charles Wellington Fisher had succumbed to Spanish influenza at the age of 53.

As Speaker, he was described by William M. Davidson, Member for Calgary North and publisher of *The Morning Albertan*, as having set the standard for his successors:





He was just the kind of speaker for a new legislature in a new western province. He had the right idea of the dignity that was necessary for the office. ... He knew the rules of the house, but was very liberal in his interpretation of them. ... He was very generous in his decisions, and knew no party in his rulings. ... It is not an exaggeration to say that he has left his imprint, if not upon the legislation, upon the legislature itself, more clearly than any other man in the province.<sup>4</sup>

Davidson noted that with Fisher's passing "the last link between the old North West Territorial legislature and the Alberta legislature" was severed as Fisher had been the last Member of the Legislative Assembly of the North-West Territories still to be serving in the Legislative Assembly of Alberta.

#### Notes

- 1 "Alberta's First Legislature Was Opened Yesterday," *Edmonton Bulletin*, 16 March 1906, p. 1.
- 2 "Members Will See All Bills," *Edmonton Daily Bulletin*, 9 February 1909, p. 1.
- 3 "Hon. C.W. Fisher, Speaker of the Legislature of Alberta Passes Away at 11:30 Last Night," *Edmonton Bulletin*, 6 May 1919, p. 1.
- 4 "Life and Work of Late Chas. W. Fisher, Speaker of Alberta Legislature," *Morning Albertan* (Calgary), 8 May 1919, p. 5.

The official portrait of Charles Wellington Fisher, the first Speaker of the Legislative Assembly of Alberta

The Legislative Assembly of Alberta

*V.A. Long*  
1911

HON. CHARLES W. FISHER

1874-1919

1874-1919



