

HANSARD

NOVA SCOTIA HOUSE OF ASSEMBLY

COMMITTEE

ON

ASSEMBLY MATTERS

Wednesday, May 18, 2016

RED CHAMBER

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ASSEMBLY MATTERS COMMITTEE

Hon. Kevin Murphy (Chairman)
Hon. Lloyd Hines (Vice-Chairman)
Hon. Michel Samson
Hon. Randy Delorey
Hon. Lena Diab
Mr. Iain Rankin
Hon. Chris d'Entremont
Hon. Alfie MacLeod
Hon. David Wilson
Ms. Marian Mancini

[Hon. Lloyd Hines was replaced by Ms. Patricia Arab.]
[Hon. Randy Delorey was replaced by Mr. Brendan Maguire.]
[Hon. Lena Diab was replaced by Mr. Joachim Stroink.]

In Attendance:

Mr. Neil Ferguson
Chief Clerk,
House of Assembly

Ms. Annette Boucher,
Assistant Clerk,
House of Assembly

Ms. Nicole Arsenault,
Assistant Clerk,
House of Assembly

Mr. Gordon Hebb
Chief Legislative Counsel



House of Assembly
Nova Scotia

HALIFAX, HALIFAX, WEDNESDAY, MAY 18, 2016

STANDING COMMITTEE ON ASSEMBLY MATTERS

11:30 A.M.

CHAIRMAN
Hon. Kevin Murphy

MR. CHAIRMAN: Order, please. I'd like to call this meeting of the Standing Committee on Assembly Matters to order, if I could. We have one agenda item here today, the topic is the Nova Scotia House of Assembly policy on the prevention and resolution of harassment in the workplace. I would like to turn it over to Assistant Clerk Boucher for a brief explanation of how we got to this point.

We need an introduction of members first. Perhaps we'll go around the table, starting with my left and ask members to identify themselves and the constituency from which they came.

[The committee members identified themselves.]

Thank you very much everybody. So over to Assistant Clerk Boucher.

MS. ANNETTE BOUCHER: I distributed to everyone a document that has three things attached to it. What I'd like to start with is the policy which is the third page in. This is the policy that the working group that was established at this committee meeting on September 28th has drafted and is presenting to this Committee on Assembly Matters.

The committee working group worked diligently and met four times in person. They had one meeting via electronic email, as well and they consulted with their respective caucuses that the policy was distributed to. Then they submitted the policy to the Speaker and asked that this committee meeting be established for the purpose of approving the policy.

I will just give you a high level synopsis of what the policy is because it's my understanding that everyone has seen it before and is aware of it. The policy sets out who it applies to: all elected MLAs, staff persons who are paid out of the Legislative Services budget, contract staff, and individuals who are retained as volunteers by MLAs.

The one clarification that was made is in Section 4 of the policy, the last paragraph. That's on the second page of the policy that commences the second one for greater certainty. The policy does not apply to debate and proceedings in the House of Assembly, including the Committee of the Whole House on Supply, the Subcommittee on Supply, the Committee of the Whole House on Bills and does not apply to debate and proceedings before this committee, the standing and select and special committee of the House of Assembly.

Although parliamentary privilege for the working group - it was clear that that didn't need to be said. On further reflection, the working group felt it was important to ensure that everyone was aware who read the policy, because they may not be aware of parliamentary privilege that would protect parliamentarians in those debates in any event.

Secondly, the workplace is defined in the policy and is basically all offices and premises where the business of the House of Assembly is carried out and it includes social functions that would be carried out in the name of the House of Assembly as well.

Thirdly, harassment is broadly defined in this policy. It's far-reaching and does involve both sexual and non-sexual harassment, whether occurring once or on a recurring basis.

To some of the other highlights of the policy, just to reinforce the importance of having a respectful workplace, free of harassment. It encourages informal resolution of complaints if possible, but if there are formal complaints there is a whole process set out dealing with formal complaints. Confidentiality is key throughout the entire policy and procedural fairness, and there's a whole component on orientation and ongoing training to keep individuals aware who work in and out of this place of the policy and there will also be a posting on the Legislature's website and it will be included in the members' manual.

Mr. Chairman, that in a nutshell is the entire piece of the policy. I don't know if there's more detail that is required or not but that's on a high-level basis.

MR. CHAIRMAN: Okay, thank you very much. Chief Clerk Ferguson.

MR. NEIL FERGUSON: I just noticed in the new provision that it refers to the Committee of the Whole House on Supply which is a typo. The word "House" will have to be removed and we'll fix that before it actually makes it to the floor of the Assembly.

MR. CHAIRMAN: Okay, thank you. With that, are there any questions on anything that Assistant Clerk Boucher presented? Mr. Wilson.

HON. DAVID WILSON: I know we went through this as a caucus so from the draft we've seen, are there any changes from the last one? I know Lenore Zann was our representative. Are there any changes other than the ones that you just mentioned? Is it different from what we discussed at caucus - my caucus office, sorry.

MS. BOUCHER: You're correct, the change from the copy that you would have seen is the inclusion of the paragraph that I read and there have been some grammatical corrections that were made, once it was read the second time through and punctuation that was corrected, but that paragraph is the only thing that was added.

MR. DAVID WILSON: Okay, thank you.

MR. CHAIRMAN: Any other questions or comments? Mr. d'Entremont.

HON. CHRISTOPHER D'ENTREMONT: Well thank you and probably Iain will have the same thing to say.

This has been a fair amount of work of pulling a whole bunch of different policies together from different levels of government and different governments across Canada. I just wanted to thank Annette for her hard work. She was able to organize or at least try to keep the seagulls in line on this one because there was a fair amount of discussion around things should work or shouldn't work and just trying to get clarification and explanation on some of the paragraphs and processes that are in here.

It is process-rich. If you feel you are harassed in how you deal with the correct people, whether Whip or House Leader or Clerk or Assistant Clerk or Director of Administration, there's a fair amount of work of trying to follow the process. I just wanted to underline that and of course thank Annette for her hard work.

MR. CHAIRMAN: Thank you very much. Mr. Rankin, as Chair of the Working Group.

MR. IAIN RANKIN: Yes, I also want to add my voice to thank Annette. There were several iterations, probably upwards of 10 different drafts we've made continuously meeting with us, so I appreciate the work that Annette put into this. If you want, I can move the motion now.

MR. CHAIRMAN: Please do.

MR. RANKIN: I move that the Committee on Assembly Matters; (1) approve the Nova Scotia House of Assembly policy on prevention and resolution of harassment in the

workplace, drafted by the all-Party working group established by this committee on September 28, 2015; (2) direct the Chair of the Committee to table the policy in the House of Assembly, and (3) request that the House of Assembly adopt the policy and enact any necessary legislative amendments to give effect to the policy.

MR. CHAIRMAN: Any question or comment on the motion? Mr. Samson.

HON. MICHEL SAMSON: Just from policy or procedure standpoint, it would be my intention - I think you see the government notice of motion which is attached to the documents you've been provided, as well obviously I will ask for that notice to be passed today, as well table the bill to enact these changes, and ask for unanimous consent to have that bill go through all steps today.

MR. CHAIRMAN: Any further question or comment? Mr. d'Entremont.

MR. D'ENTREMONT: Thank you for that. I'm just wondering if there's a way - I know we've seen this 100 times already but maybe if you could table it today and then bring the bill back tomorrow, just to give us all one last chance to have a boo through it, to make sure everything is all correct, and then we'll give you that waiver tomorrow, rather than just trying to do it all in one day. Thank you.

MR. CHAIRMAN: Okay, any further question or comment? We don't have to change the motion, okay.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

That concludes the business on our agenda for today for the Standing Committee on Assembly Matters. I thank everybody for coming out. Can we have a motion to adjourn? It is moved by Mr. d'Entremont, seconded by Mr. Maguire.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried. The meeting is adjourned.

[The committee adjourned at 11:38 a.m.]