



Province of Newfoundland and Labrador

FORTY-EIGHTH GENERAL ASSEMBLY  
OF  
NEWFOUNDLAND AND LABRADOR

---

Volume XLVIII

THIRD SESSION

Number 48A

---

HANSARD

*Speaker: Honourable Perry Trimper, MHA*

Tuesday

December 4, 2018  
(Night Sitting)

The House resumed at 6 p.m.

**MR. SPEAKER (Trimper):** Order, please!

The hon. the Government House Leader.

**MR. A. PARSONS:** Mr. Speaker, I call from the Order Paper, Order 6, second reading of Bill 45.

**MR. SPEAKER:** The hon. the Minister of Finance and President of Treasury Board.

**SOME HON. MEMBERS:** Hear, hear!

**MR. OSBORNE:** Thank you, Mr. Speaker.

I move, seconded by the Government House Leader, that this bill be now read a second time.

Motion, second reading of a bill, "An Act Respecting A Pension Plan For Teachers." (Bill 45)

**MR. SPEAKER:** The hon. the Minister of Finance and President of Treasury Board.

**MR. OSBORNE:** Thank you, Mr. Speaker.

Mr. Speaker, today we're debating a bill regarding the Teachers' Pension Plan and the *Portability of Pensions Act*. This bill brings about changes to the Pension Benefits Act, and these changes are important as they represent the final steps in pension reform for the Teachers' Pension Plan.

As part of the Joint Sponsorship Agreement and the Pension Plan Reform Agreement with the Newfoundland and Labrador Teachers' Association, which was completed during pension reform in 2015, it was agreed that the plan would move from being a statutory plan, which is governed by legislation, to a non-statutory plan governed by a contract.

The new act will only retain the terms that are required to provide for the continuation of certain things, as set out by the Joint Sponsorship Agreement. We're adding in references to the Teachers' Pension Plan Corporation, the Teachers' Pension Plan and the plan fund to recognize the continuation of these parts of the Sponsorship Agreement. We are also

continuing the Teachers' Supplementary Account in the Consolidated Revenue Fund of the province, which provides for the payment of benefits that exceed the maximum allowable to a registered pension plan. The act will also contain reference to government's obligations to the Supplementary Account and the pension plan, including the obligation to a promissory note.

Mr. Speaker, what will no longer be in this act will be the provisions relating to benefits and general plan administration. These provisions will now be captured in the non-statutory plan. Another legislative change we are making through this is changes to the *Portability of Pensions Act*, and under the current legislation, the terms and conditions governing transfers between government-sponsored pension plans as provided under this act. Under the Joint Sponsorship Agreement, it has been agreed that all transfers will be at the direction of the Teachers' Pension Plan Corporation. Because of this, the PBA should no longer apply to the Teachers' Pension Plan; therefore, we are removing reference to the Teachers' Pension Plan from the schedule of this act.

On the *Portability of Pensions Act*, I will just briefly say that those changes are being made to allow transfers from the regulated pensions fund, currently under the PBA, to transfer funds to the non-regulated plans such as the Teachers' Pension Plan. These changes are what were intended through the original Pension Plan Reform Agreement and with that the provincial government and the NLTA have put in place a system of governance that will sustain the Teachers' Pension Plan and will ensure that once teachers retire they should have access to adequate pension funds.

In its new structure, governance is 50 per cent government and 50 per cent members through the NLTA, giving the plan members more say in decisions around the future of their pension plan. Furthermore, we've put in place a funding policy, which is part of the Joint Sponsorship Agreement and Pension Plan Reform Agreement, which ensures the sustainability of the plan.

With that, Mr. Speaker, I'll close remarks on this and I look forward to questions and comments from the other side.

**MR. SPEAKER:** Thank you.

Any further speakers to the bill?

The hon. the Member for Conception Bay East - Bell Island.

**MR. BRAZIL:** Thank you, Mr. Speaker.

It's indeed a pleasure to stand again and talk to legislation in this House as we talk about the funding of the Teachers' Pension Plan. Mr. Speaker, as the minister outlined, it's a housekeeping process here, but it's important to bring this piece of legislation in line with the other pieces that we have in the pension plan itself.

I do recall, a number of years ago, when the process of the pension evaluation between all of the representatives and all of the different sectors that we had in the pension process were being evaluated. As a part of that process, what was discovered and what I discovered at the time, because I wasn't totally aware of what was going on, but being minister of Service NL, pensions are registered there so you had a little bit more discussion with the minister of Finance at the time and the premier at the time when we were in negotiations with the unions. And realizing that the teachers' pension is a total separate fund, administered in a different manner, funded to a certain degree a bit different and has a different process of evaluating its viability and the process for monies that are going to be invested into that process.

So as we looked at what the bill here will do, is that it will continue the Teachers' Pension Plan Corporation, the Teachers' Pension Plan, the Teachers' Pension Plan Fund and the Teachers' Supplementary Account. And as we talked around those processes in the initial conversations, and while all unions were part and parcel of the discussions around the viability and sustainable of the pension process, it was noted that we would still honour the fact that there were different pension processes and different pension designs that would still be implemented and put forward. But as things moved, as the minister has outlined, we've gotten to a point now where certain things have to change to bring it up to a modern-day process

and to bring everything in line with where we are.

It also talks about the prescribed government obligations to the pension plan and the Supplementary Account. For those who may be able to remember, we spent nearly three months with the respective unions trying to find a way, an equitable way to a partnership development, that we would have a sustainable pension plan. Because as we all know, for years and years we were borrowing against the pension plan; we were spending money in general accounts relevant to our operations at the expense of the existing pension funds. As a result, that had an impact on our bottom line; it had an impact on our unfunded liabilities. And we had to find a sustainable way to do it so that the pension fund – as people live longer and more were retiring from the civil service and the different components of the pension plan fund that we had, we had to find something that was sustainable.

So we collectively sat with all the unions, including the teachers' union, and found a way that was equitable; that both groups had to give and give to the point financially so that there would be sustainability. This also included other services afterwards: the health care that may be there, the time frames when you could draw down on your pension, the time frames on sustainability on the health care services, after the fact, and the coverage.

We came to a point, and I remember late one night a conference call between a number of the unions where it came back, and including the teachers' union, about how we were short X number of millions of dollars that needed to be made up to make it sustainable and to get to our 30-year funding period. And the unions came back with a suggestion. It was all inclusive. Guys, look, here's what we need, and we're telling you what you need if you can come back. And the teachers' union themselves were a part of that.

But I remember one of the conversations was that they still wanted some independence on acknowledging that each of the plans may be distinctly different. Now, the NAPE and the CUPE, the general service and the health-providing civil servants were collectively

similar, so they were negotiated and put in play. Obviously, the Nurses' Union and the teachers' union were a little bit more different because of some of the particular nuances of their contracts and the way that they were maintained, funded and regulated as part of the process. So, again, we're cleaning up some of this and making it as part of the act itself.

The other one here prescribes to the obligations of the employer to the pension plan. Again, it talks about the employers, and the employer in this case here being government, in a general context, but in some cases then you're talking about school boards, you're talking about regional health authorities. In this case, you're talking about the school board itself dealing with the Teachers' Pension Plan and being part and parcel of the contributions there. So, we're prescribing to have that in the same realm as what we have outlined now in the existing pension plan.

"Allow the Teachers' Pension Plan Corporation to administer the Teachers' Pension Plan and the Teachers' Pension Plan Fund." What we're talking about here was, at the end of the day, keep the system in play that was workable. What had been agreed to and still is agreed to that there is a partnership that would administer the funds itself, which would include the Teachers' Pension Plan and the Teachers' Pension Plan Fund itself under the three prong process: the government, the unions and a financial funding agency would all sit and negotiate, at the end of it, how they invest the money.

Once it becomes self-sufficient or self-funding, and there's a surplus, how you would disseminate that funding, how you disburse that funding. Would you reinvest it into something else in the pension plan? Would you then collectively give to the masses coming into the system or those already out? Is indexing a potential concept there as part of what was happening? It became a partnership on how this whole process would be developed.

When we look at this bill, it is generically housekeeping to bring it in line with all the other acts that cover the unions and particularly our pension fund to ensure that the same obligations, the same responsibilities and the same privileges

are covered off in Bill 45, the act representing the pension plan for teachers.

While there are some particular unique activities or processes or sections in this act, at the end of the day, they all still service to provide the one important issue here, having a sustainable pension plan that can be drawn down by members at intervals in their lives; if it's 25, 20, 30-year pension times and also provide particular services after their retirement ages, being health services, death benefits in some cases, life insurance as part of these processes.

We do support the changes to Bill 45. We do see now it brings all of our existing pension plans in line with what was negotiated a number of years ago for the sustainability of our pension funds for all of our civil servants, acknowledging the great work that they do. But also ensuring that our sustainability and our debt ratio in Newfoundland and Labrador continues to drop because as the process that is in play and the contributions by the employer, being the Government of Newfoundland and Labrador, the taxpayers, and by the employee and their representative organizations, as I noted, the respective unions, that, at the end of the day, we're going to get to a point – I could be corrected, but I think it was a 30-year viability or sustainability time frame that we had, but noting some of the initial investments and some of the potential returns, that it could be as low as 22 years.

I could be wrong, but I thought last year I'd read somewhere that there was a year or so already knocked off of that because of the returns on the investments had worked and the contributions. So, if continue on this path, what will work well for those retirees and for the taxpayers in Newfoundland and Labrador, is our debt ratio and our debt load on our pension plans with be reduced, and it'll come to a point where it is 100 per cent funded, and then we'll start to generate additional revenues, which I noted earlier.

Then there's a process in play where all three parties involved here will get to decide: What's the best way to use that money? Is it best to put it back in our economy in some way, shape or form? Is it best to give it back to the members? Is it best to reinvest back into the Government of Newfoundland and Labrador? Is it to leave it

there in another manner to take care of the existing pensioners, or new ones coming into the system? Because, unfortunately, to make this sustainable, there had to be change modems based on the principle of this coming in new in the system, those who are only in for an x-number of years and those are in the later years.

So, what normally was a standard process, everybody is equally represented and everybody gets an equal, fair process and access to certain things, had to be discussed, because, at the end of the day, you had to reward and protect those who paid in for 25 or 30 years. At the same time, you had to acknowledge, if you're going to come into the civil service, you can come under the same obligations, from a financial reward point of view, or the same rewards, based on the fact that the economy has changed, and that taxpayers are having to fit a lot of the bills when things are now – there has to be investments in other areas for the general concept of Newfoundlanders and Labradorians.

So, all agreed, when you have 150,000 to 200,000 Newfoundlanders and Labradorians working, Newfoundlanders and Labradorians who don't have access to pensions, then you want it to be fair across the board when it's their taxpayers' money, too, that's also paying for it.

We did come to a consensus. There was an understanding and an acceptance that we all have a stake in making this work. We got to a good place. I'm hoping that through our investments here, and too as the civil service keeps contributing into it and the employer keeps contributing in the returns on the investments, that what was planned to be a 30-year investment, self-sufficient, self-funding process gets down to 20 years. Which puts us in a better place to be able to really look at how we service the civil service and how we prepare for those who are ready to retire, which gives everybody extra money, which stimulates the economy on another side, which in turn gives extra money back in for government to be able to provide other services or use that to ensure other sectors are viable in what we do in Newfoundland and Labrador.

Mr. Speaker, I just wanted to note and say that we will be supporting the changes to this piece of legislation.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Thank you.

The hon. the Opposition House Leader.

**MR. HUTCHINGS:** Thank you, Mr. Speaker.

Certainly pleased to stand and rise to Bill 45, An Act Respecting a Pension Plan for Teachers.

This piece of legislation, I guess, as my colleague has suggested, flows from decisions we made back in June of 2015 in regards to the pension plan, Government of Newfoundland and Labrador and the NLTA pension plans, and what we were seeing in regards to the funding of those pension plans and where they were going long term.

So in order to bring stability to that, the prior administration, which I was a part of, looked at funding those plans on a long-term basis to ensure that the plans would be available as were intended for those recipients who have paid into it today, and who would certainly pay into it in the future.

There was agreement made to a promissory note given to the teachers' plan by the Government of Newfoundland and Labrador of the day, and it was approximately \$1.8 billion, a promissory note. As my colleague suggested as well, the intent was that it would be a joint partnership between the union and the province to look at making sure, stabilizing that fund over a 30-year period, and that would be done obviously through investments, and based on the return on those investments, it would be re-invested in the fund.

Certainly the intent was as well – because as we know, there are fluctuations in the market – that it would be not a single government making decisions, as it was in the past, but it would be a joint partnership made by the unions, with representatives, and as well the government in regards to those years when there could be greater returns on investments or years when the returns weren't as high as expected, and therefore decisions had to be made on how you would increase the funding for that particular

year or years out that you hadn't got the return you thought you were going to get. But the uniqueness of this and what was required is that it would be now joint decision-making by those two parties, which had the greater invested concern with it.

What we're dealing with here is the pension plan for teachers, but as I said, the promissory note in doing that, what it did was ensured the stability of the Teachers' Pension Plan. At that time, and the official name, I guess, was the joint trusteeship for the pension plan, which I talked about the two partners in the plan. So on a go-forward basis, those trusteeship: government and NLTA would have joint equal representation and that's the key to this from what it was in the past; joint equal representation on a new pension board that was used for the oversight of the pension plan. In the liabilities for future pension concerns and debt and liabilities, they would be shared responsibilities for those two parties, certainly the liabilities of the surpluses which occurred in the plan, that would be over the life of that plan to manage it.

As I said, that was a stark difference from the past when it was just administered by the Department of Finance or the Treasury Board and investments were made based on direction just from that department. So, this would have, and has today, shared responsibility with shared responsibilities and liabilities to make those decisions.

The 2015 legislative changes were made to the *Teachers' Pension Act* and implemented those changes I've spoke to. The promissory note was added to the legislation. Also, at the time, legislation was amended to reflect other changes as agreed to by the Government of Newfoundland and Labrador at the time and the NLTA. Other changes included, at the time, contribution rates, benefits and indexing because all that's relevant to certainly fully funding the fund in regard to pension contributions. You had to get to a certain point and what those contributions were going to be; changes in regard to benefits received and indexing going forward.

So all of those were relevant to the stability of the fund and how this plan over a 30-year period would get to stability of fund. Maybe even get

before 30 years, certainly depending on investments and what the returns were and how that plan could get fully funded.

The principles which are relevant to the Bill 45 we're talking about this evening in regard to the changes and reforms that were made in 2015, certainly based on the principles of a sustainable, defined benefit pension plan for those recipients, a reasonable retirement income for public service employees and a reduced financial impact on the taxpayers by putting the plan on track to be funded within that period I spoke of, of 30 years.

In March of 2016, the Joint Sponsorship Agreement was signed by the NLTA and government. This would set out the duties of the NLTA and the government. It also set out the guidelines for the teachers' plan corporation, which will be the body that would have representation on it or through it and which would exercise the group sponsorship agreement and the framework for the Teachers' Pension Plan administration and governance.

So, that new corporation, we talked about the equal representation which was vastly different from what it was prior to 2015 when this came into being or this was first executed, would have that joint sponsorship component to it, and certainly the Teachers' Pension Plan Corporation would be the entity that would oversee that administered.

On May 30, 2016, we had debates here in the House of Assembly to the amendments to the *Pensions Funding Act* and the *Teachers' Pensions Act*. These amendments established the Teachers' Pension Plan Corporation, as I mentioned, and separated the pension plan out of the Pooled Pension Fund.

Before we had a massive pooled pension plan. What this allowed was to have that carved out for specific employees, government employees, specifically here we speak to the NLTA, it was taken out and a corporation was identified and a structure around that administration structure for executing the intent of that and what it was required to do, and so that would now serve on its own under the teachers' plan corporation, which indeed sees forward in terms of that 30-year period.

The bill itself we speak to here, Bill 45, is a result of pension reform that's being brought forward and it's the final step in implementing the Joint Sponsorship Agreement. As that plan now, the Teachers' Pension Plan is administered by the new corporation I spoke of, and is jointly governed by the NLTA and the government of the day, the Government of Newfoundland and Labrador, the Joint Sponsorship Agreement calls for administrative provisions of the plan to be moved out of the legislation and into the plan text, and the plan text is a non-statutory pension plan.

So the changes made are certainly needed and in line with the intent and the joint nature of the pension reform that I spoke of and how it originated. Both the Government of Newfoundland and Labrador and the NLTA, as plan sponsors, are involved in the changes, our understanding, in the plan text, and the Government of Newfoundland and Labrador administers the legislation. So, therefore, it makes sense to have the majority of the administrative provisions in the plan text and, we're told, not in the legislation.

Some provisions, especially as they relate to legal issues, will continue to exist in the legislation and Bill 45 in the act itself. These include the continuation of the fund, the promissory note I spoke of earlier, which was used and identified back in 2015 to look at bringing the fund to be well-balanced in terms of the funds that are available to execute the requirements of pensioners who would draw it down. So the promissory note, the supplementary accounts, accumulative value, locking in, when you can lock in those types of things, and marriage breakdown. Those are some of the components that are required out of the non-statutory text.

While some of these provisions may also be contained in the plan text, they are also contained in the legislation and that gets to the legal ramifications in the legislation, in the law, and the plan text is essentially a contract. So they're the legal entities within it that define what the law says and what the legalities are certainly around it.

I understand the officials in the briefing indicated you cannot contract outside of the

laws, so keeping these in legislation certainly provides certainty and clarity and the biggest part of that it is certainly provides clarity for all concerns in what it is.

Similar provisions and legislative changes were brought to the House of Assembly in the spring session. My understanding is, from the briefing, related to the Public Service Pension Plan because, as I indicated, dating back in 2015 our administration looked at both of these and certainly the administration of the pension pool and how taking some out of that, the Public Service Pension Plan and the NLTA, to deal with the specifics of working towards having them fully funded and having stability and the administration of the funds done in a joint partnership. And to ensure that, at the end of the day, that people who have paid into that pension in the past and certainly today, will be insured and will have financial stability that they so rightly deserve, but it's about managing that and managing collectively to make sure those results are achieved.

The particular bill here, Bill 45, will transition the Teachers' Pension Plan from a statutory pension plan, as I said, to a non-statutory pension plan. The Joint Sponsorship Agreement requires the plan to be exempt from the Pension Benefits Act, that it should no longer be a regulated pension plan. Because of this, other legislative changes are needed to ensure that the portability pension plans remain in tact. An example of that would be a substitute teacher pays into GMPP, the Government Member Pension Plan, portability is needed to ensure that when hired as a full-time teacher, they can port the value of that from the GMPP into the Teachers' Pension Plan. That's the transition and the bill allows that and identifies how that would work.

We do have, as we go through, some questions for the minister in regard to the particular act, but, as I said when I began, this is a continuation of a process started in 2015 in regard to the public pensions and this deals with the NLTA and the pension plan for teachers and specific some of the changes that are required to make sure that this is the final step in implementing the Joint Sponsorship Agreement, between the Government of Newfoundland and Labrador and the NLTA.

This is a necessary bill that needs to fulfil that direction that was taken in 2015, and that's what Bill 45 is about this evening. I certainly look forward to future debate and asking some questions in Committee.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you.

The hon. the Member for St. John's East - Quidi Vidi.

**MS. MICHAEL:** Thank you very much, Mr. Speaker.

I, too, am pleased to stand tonight and speak to Bill 45 which, as my colleague just said, is the bill that will repeal and replace the *Teachers' Pensions Act*.

Again, as my colleague, the MHA for Ferryland has pointed out, this bill is part of a process of pension reform dealing with the public service sector and with teachers, and what we're doing here tonight is the last step in that phase of the pension reform. I won't go through the details that the Member for Ferryland did, because he did it, and I don't need to do that, but I want to speak to some pieces that I think are fairly important.

Reforming the whole pension plan, the way it started in 2015 was extremely important for reasons already said. It was important, number one, because it moved the pension plan out from under government and legislation and put it in a whole new realm, and I think that realm is very important.

I remember back in 2015 when it happened, speaking to the strength of teachers' pension plans in other parts of the country, especially in Ontario, where teachers' pension plans have been so robust when it comes to investment and making good investments that they're in excellent condition, or have been. Back in –

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** I remind the Members, it's getting a little difficult to hear.

Thank you.

**MS. MICHAEL:** Thank you very much, Mr. Speaker.

It makes it difficult to hear when you're speaking yourself. So I appreciate that.

The teachers' pension plans, as I said in Ontario, there's one in particular that's quite famous for how well it has done over the years. They took the pensions out from under government – they weren't under government – and it's a model we moved into in 2015, and I think that model is really quite important.

The pieces of the work that had to be done, and which are happening now, are pieces that will now be in the plan text, as my colleague just talked about, and are pieces that fully implement the negotiated pension reform agreement. Things like the – well, the new act itself, which continues the pension plan and plan fund. So the act we're dealing with in Bill 41 that continues the pension plan and plan fund.

We also, in the plan text, will have language which will speak to the continuation of the supplementary account and consolidated revenue, which is extremely important. The supplementary fund provides for the payments of benefits that exceed the maximum allowable for a registered pension fund. The text in the plan will reassert the obligations of both employers and employees to contribute to the plan.

I have to say that in the past, one of the things that can be said for teachers is they always contributed to the plan, and in the years when there were problems, the problems weren't because of the teachers. The problems came from the fact that government didn't do due diligence in its contribution to the plan. So the plan text will reassert the obligations of both employers and employees to contribute to the plan, and the plan text will reaffirm the obligations of government employers and employees to contribute to the pension plan and the supplementary account.

So all of those pieces ensure that the plan will be solid for years to come. My colleague, again, talked about the promissory note that will be paid every year for 30 years, I think it is, by government. So by that time we have a solid



plan that is safe and secure. I have to say, that's something I'm very pleased about because here in government we should be putting forward things that we would want to see for all workers in the province, not just for the public service sector and those who work for government, such as teachers.

We all should want to show that workers, when they come to the time of retirement, need to have security, and we want to put in place what is needed for them to have security. Workers contribute to it, it's not like it's just being given to them – the pension they have paid into.

In 2016, when we – in 2015, rather, when we were first dealing with this change, at that time when I spoke in the House I congratulated the then premier, Mr. Marshall, on the fact that he was totally committed to pension reform. I remember him coming to me on a number of occasions when he was Minister of Finance and talking about it. I remember how much he searched other pension plans, looking at what was the best way to go. I remember the day he said to me, we cannot give up a benefits plan, defined benefits plan. And I was so impressed with that, and I said, no, well I believe that, too.

That's what he was committed to, and he worked for that. He didn't run away from it. And I've always quoted that. I've always talked about how Mr. Marshall did want to have the public service sector and teachers to have solid security when they retired, and he made it happen. He worked until it happened.

So what we're doing here today is finalizing that pension reform for the teachers. We did it already when it came to the Public Service Pension Plan, and now we're doing it here tonight for the teachers, or with the teachers, I guess, in some ways, but making the legislative changes that finalize the whole pension reform for the Teachers' Pension Plan.

So we'll be very pleased to vote for this bill, Mr. Speaker.

Thank you.

**MR. SPEAKER:** Thank you.

The hon. the Member for Mount Pearl - Southlands.

**MR. LANE:** Thank you, Mr. Speaker.

I'm certainly glad to stand just for a couple of minutes. I'm not going to take much time, but just to offer my support for Bill 45. I think pretty much everything that needs to be said has been said. Certainly, the previous speaker, the Member for St. John's East - Quidi Vidi, covered a number of the points I wanted to make.

I also wanted to acknowledge, in the meantime, the commitment and the work of former premier Tom Marshall as well. I was glad she mentioned it. I was going to mention it, but I will reiterate that point. That if there's one thing – Tom could probably be remembered for a lot of things, for people who have been in this House, but that was probably one of his biggest achievements in my view, probably his greatest achievement in my view, was reforming pensions.

We've seen it happen with the public service as the final step, as has been said, in fixing the problem we had. Now with the Teachers' Pension Plan, really what this does, and the most important thing that this does, is it keeps the pensions out of the hands and out of the controls of whoever sits on that side of the House. That's what it does, and that's the important thing.

No offence about anyone who's sitting on that side of the House now; whoever it happens to be. Because if you talk to any public sector pensioner and so on, I have a number of them in my district, I'm sure we all do – how many conversations did I have on the doorstep over the years for public sector pensioners who really felt hard done by – and for a good reason because, over the years, the pension plans were raided. There's no other way of putting it other than raided by government of the day, whether it be the paved roads or whatever it was. They would say spend, spend, spend when it was election time. I don't know if that's the case – if it was or wasn't – adding people to the pension plan who never paid into the pension plan, and so on, creating a huge liability.

Now, I do know that there was money, in recent years, put in by the former administration. I can

remember at least \$2 million or \$3 million or \$4 million – billion, I should say – got put into the pension plans. Whether that's enough to make up for what was taken out, I don't know but the bottom line is that the system got reformed. There had to be give and take on both sides. Arguably, someone would say as employees who've paid into the plan for years and years, if you had left our pension benefits alone, we wouldn't have to be compromising because there would've been lots of money there.

I don't know if that's the case or not; I've never done the numbers. No one has actually shown me the numbers and that exercise as to how that would've worked out. But, at the end of the day, it's now going to be in the hands of the teachers and the government, because the government is paying into it as well, so that's important. It is still taxpayers' money going in to match the teachers' contributions. But it's a joint management, and nobody can just start hauling out money and spending it and doing whatever. That's the thing; it protects it forever and a day, and it's in the hands of those who will be depending on it. So, obviously, they're going to want to do the right thing.

So, I think it's a good move; glad to see it happen. As I said, I acknowledge those who started this process, and I certainly acknowledge the government of day that's concluding this process and doing the right thing for our public employees – in this case, our teachers.

Thank you, Mr. Speaker.

**MR. SPEAKER:** If the hon. the Minister of Finance and President of Treasury Board speaks now, he will close debate.

The hon. the Minister of Finance and President of Treasury Board.

**MR. OSBORNE:** Thank you, Mr. Speaker.

I just wanted to thank all Members who've offered opinions and comments on this piece of legislation. It is an important piece of legislation that was started in 2015 to reform pensions, and we are carrying through with that commitment that was made at the time today. Hopefully, in 15 or 20 years from now, whoever is standing in this spot – if it's still me, I'll be able to say,

hopefully, that this was a good thing and it worked out well for those who are receiving pensions and the management of the pensions will be better than it was under government's watch.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Is the House ready for the question?

The motion is that Bill 45 be now read a second time.

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

The motion is carried.

**CLERK (Barnes):** A bill, An Act Respecting A Pension Plan For Teachers. (Bill 45)

**MR. SPEAKER:** This bill has now been read a second time.

When shall the bill be referred to a Committee of the Whole House?

**MR. HAGGIE:** Now.

**MR. SPEAKER:** Now.

Thank you.

On motion, a bill "An Act Respecting A Pension Plan For Teachers," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill 45)

**MR. SPEAKER:** The hon. the Deputy, Deputy Government House Leader.

**MR. HAGGIE:** Thank you very much, Mr. Speaker.

I move, seconded by the Minister of Finance, that this House resolve itself into a Committee of the Whole to consider Bill 45.

**MR. SPEAKER:** It has been moved and seconded that I do now leave the Chair so that the House can resolve itself into a Committee of the Whole House to consider the said bill.

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

Thank you.

On motion, that the House resolve itself into a Committee of the Whole, the Speaker left the Chair.

#### Committee of the Whole

**CHAIR (P. Parsons):** Order, please!

We are now considering Bill 45.

A bill, "An Act Respecting A Pension Plan For Teachers." (Bill 45)

**CLERK:** Clause 1.

**CHAIR:** Shall clause 1 carry?

The Chair recognizes the hon. the Member for Ferryland.

**MR. HUTCHINGS:** Thank you, Madam Chair.

It is certainly a pleasure to get up this evening in Committee and ask some questions about Bill 45. I know this is dealing with the Teachers' Pension Plan, but I wonder if you could just give some comments on the pension reform. I know there are other pension plans – uniformed pension plan. There's other consideration given to taking actions with the NLTA and the Public Service Pension Plan. Just maybe give an update on where we are with that, and taking any actions on the other plans.

**CHAIR:** The Chair recognizes the hon. the Minister of Finance and President of Treasury Board.

**MR. OSBORNE:** Thank you, Madam Chair.

Madam Chair, the Provident<sup>10</sup> has been established which is similar to the Teachers' Pension Plan Corporation. That aspect of pension reform has been started. There is still some work to be done in that regard at some point in the future, perhaps the spring session of the House in terms of amendments. But it's moving along. There is a promissory note to both the Teachers' Pension Plan as well as the Public Service Pension Plan from government to make up for the pension deficit that was in place.

**CHAIR:** Seeing no further speakers, shall the motion carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, clause 1 carried.

**CLERK:** Clauses 2 through 33 inclusive.

**CHAIR:** Clauses 2 through 33 inclusive.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, clauses 2 through 33 carried.

**CLERK:** Be it enacted by the Lieutenant Governor and House of Assembly in Legislative Session convened, as follows.

**CHAIR:** Shall the enacting clause carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, enacting clause carried.

**CLERK:** An Act Respecting A Pension Plan For Teachers.

**CHAIR:** Shall the title carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, title carried.

**CHAIR:** Shall I report the bill without amendment?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

Motion, that the Committee report having passed the bill without amendment, carried.

**CHAIR:** The Chair recognizes the hon. Minister of Health and Community Services.

**MR. HAGGIE:** Thank you very much, Madam Chair.

I move, seconded by the Minister of Finance, that the Committee of Whole rise and report Bill 45.

**CHAIR:** The motion is that the Committee rise and report Bill 45.

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

Carried.

On motion, that the Committee rise, report progress and ask leave to sit again, the Speaker returned to the Chair.

**MR. SPEAKER (Trimper):** The hon. the Member for Harbour Grace - Port de Grave and Deputy Chair of the Committee of the Whole House.

**MS. P. PARSONS:** Thank you, Mr. Speaker.

The Committee of the Whole have considered the matters to them referred and have directed me to report Bill 45 without amendment.

**MR. SPEAKER:** The Chair of the Committee of the Whole reports that the Committee have considered the matters to them referred and directed her to report Bill 45 without amendment.

When shall the report be received?

**MR. A. PARSONS:** Now.

**MR. SPEAKER:** Now.

When shall the said bill be read a third time?

**MR. A. PARSONS:** Tomorrow.

**MR. SPEAKER:** Tomorrow.

On motion, report received and adopted. Bill 45 ordered read a third time on tomorrow.

**MR. SPEAKER:** The hon. the Government House Leader.

**MR. A. PARSONS:** Mr. Speaker, I call from the Order Paper, Motion 1:

BE IT RESOLVED that this House of Assembly concur in the Interim Report of the Privileges and Elections Committee Respecting the Development of a Legislature-Specific Harassment-Free Workplace Policy.

**MR. SPEAKER:** The hon. the Member for Stephenville - Port au Port.

**SOME HON. MEMBERS:** Hear, hear!

**MR. FINN:** Thank you, Mr. Speaker.

It's certainly great to have a moment to stand and speak to the motion that's before the House of Assembly. I'll just do a quick recap. I won't take my entire 20 minutes, Mr. Speaker. I believe that all of the Members, or actually I can confirm all of the Members have received a copy of the interim report which was made by the Privileges and Elections Committee.

The Privileges and Elections Committee has met extensively since a private Member's resolution was passed in May of our spring session. I think all Members of the House will remember at the time that the private Member's resolution brought forth by the Member for Fortune Bay - Cape La Hune essentially asked the Privileges and Elections Committee to look at a legislative-specific harassment-free workplace policy.

So this is something that was tasked with the Committee. We were tasked, and our work was directed, primarily, by the exact wording of the motion. I think that's important, because what the motion asked us to do was to consult with our own Members, to consult with employees of the Legislature and to consult with various stakeholders.

The House of Assembly adjourned for its spring session, I believe it was May 30, and we embarked effective June 1 and have worked right through, up to and including present day, to complete this work. We did extensive surveys and questionnaires with all Members of the House of Assembly, which is noted in the report. We put out a questionnaire to some-200 employees of the Legislature. Employees of the Legislature include everything from our constituency assistants, to executive assistants, to members of various statutory offices. So they were consulted as well.

Then there was a number of groups that were consulted, Mr. Speaker. The groups, which are listed in the interim report, range in everything from Aboriginal representation to individuals from the LGBTQ community, and so on and so forth.

I guess, Mr. Speaker, there are some key takeaways from the report. Primarily, and most noteworthy, I believe, to Members of the House of Assembly, the Committee is recommending – and in concurring in this report will move through with this. The Committee is recommending that we remove the responsibility of investigations of harassment from the Commission for Legislative Standards over to the Office of the Citizens' Representative, also known as the Ombudsman.

This was something the Committee heard loud and clear throughout consultations – again, with our own Members – and something that we felt the Office of the Citizens' Representative would have a greater ability to complete this work. The Office of the Citizens' Representative has staff that is on-site that are certainly skilled in this area in terms of their investigative piece.

To go with the addition of the removal, and this is by no way – and I need to say for the record. This is by no way, shape or form anything untoward the Commissioner for Legislative Standards. This was simply a recommendation based on something we heard from our Members. In doing so and in removing that authority from the Commissioner for Legislative Standards to the Office of the Citizens' Representative, we've also stated that there should be an independent support advisor and an individual intake officer.

These are two key pieces, and these are things we learned when we reviewed information from other legislatures. I believe, specifically the UK has reference and the Nova Scotia model. I'm sure we'll hear from the Member for St. John's East - Quidi Vidi, who I'm very proud to have on the Committee, as well as the Member for Ferryland, and they'll probably speak to that as well.

The idea here, Mr. Speaker, is, essentially, if somebody has a complaint to bring forward and you're not quite sure how to bring it forward, perhaps either it might be a restorative piece that you could go through first, there may be some conciliation, some mediation. The independent support advisor would be someone you could contact and kind of help you feel out where you should go with this. If it's something you want to follow through with, and perhaps there is

some guidance and perhaps there could even be some counselling pieces there.

For example, under the current process, you're essentially filing a complaint with someone whose job is to intake the complaint but not necessarily to provide comfort, guidance, education, support and these types of things. So this is something the Committee felt was extremely important. So, again, we've removed the process from the Commissioner for Legislative Standards to the Office of the Citizens' Representative.

We're asking for an independent support advisor, as well as an individual intake officer. Now, the intake officer piece, we've alluded to briefly in the report. I think with respect to our final report in the spring sitting, we'll get into a bit more specific detail.

Those are some of the key things. The other key thing was around education and training, and we heard this loud and clear from all of the Members who were surveyed and put responses back to the Committee. The education and awareness piece was something around, I guess, when we all take the Oath of Office, and we're recommending now that we do that biannually as well. It's something in addition to that, where there's an opportunity here for professional development. I would suggest it's not unlike any other occupation.

If you're a social worker or you're a teacher, you have ongoing professional development and training, and this is something that our Members of the Legislature really never had. When we first take office we're presented with a number of things in terms of some of the expenses and mechanisms which we can bill for travel. We're told some of the functions and the rules of the Legislature, but we don't really get into a whole lot much else with respect to training, and I'd be shocked to see anybody argue the fact that we don't require certain training. I think any occupation can benefit from further training.

Specifically, a new Member, like myself, who's now had the great fortune to represent the people of Stephenville - Port au Port in this House of Assembly, as a new Member who's been sitting here in this House for three years, it's quite a contrast to somebody who's been sitting here for

10 years or more. So I think when you bring folks together, like myself, someone who's new and somebody who's had various terms under their belt, to sit down and explore, and sit down with professionals to look at training.

The report will reference some of the things about training. It gets into some specific key areas that we heard. We have initially recommended that the Gardiner Centre, which is an outreach arm of Memorial University's Faculty of Business Administration, we're recommending them to provide some training as a starting point. Because we've all felt the need that there's a sense of urgency and that we need to start somewhere. Moving forward, that process can be looked at and can perhaps evolve.

With that, Mr. Speaker, I guess it's some of the key recommendations; again, training - we're changing the authority of the statutory office to review any type of allegations or anything with respect to harassment. We're recommending that the Code of Conduct be separated from that, so the Commissioner can still maintain his responsibilities. We recommend that the timeline to be filing a complaint should be within six months from the incident. This is something we heard and learned from other legislatures with respect to best practices.

I guess another key important piece, we have also recommended that there need to be mechanisms in place. Specifically, with respect to if there's a breach in confidentiality, we need to have some type of recourse so that we do not repeat the series of events that have unfolded since around April 28 on through to just a few short weeks ago. Again, the initial swearing and adherence to the Code of Conduct and the Oath of Office will be required every two years, and then the harassment policy will also be something that you'll have to read and sign each and every single year.

So, again, that's the Coles Notes version, Mr. Speaker, and about seven minutes, that's your Coles Notes version. The report, which I suggest is here for everyone to read. I believe all the Members have had the opportunity to read it.

With that, I would like to say a sincere thank you to the staff who worked diligently on this, and that would be the staff at your office, Mr.

Speaker, and specifically our Law Clerk and our Clerk who spent a considerable amount of time with us over the last number of months. We met, essentially, once a week since June. So you can imagine, as all other Members of the House of Assembly are in their various districts they represent for the summer, this Committee came in here once a week to meet to ensure that this important piece of work was done. In addition to the staff in the Speaker's office, we had tremendous input and help from various departments of government, including the Status of Women, the Department of Justice, Human Resource Secretariat – am I missing any, the Member for Ferryland? No? Okay.

A number of departments had a tremendous amount of input, so certainly thank you to them, and a special thank you to all the outside groups who took their time to come in and provide us with information as we set forth with this interim report.

Also, Mr. Speaker, thank you to the Members: St. John's East - Quidi Vidi; the Member for Ferryland; Harbour Grace - Port de Grave; and of course our Chairperson, who I am speaking on behalf of, as I understand he was just out for a brief moment, but certainly a special thank you to our Chairperson, the Member for St. George's - Humber.

With that, Mr. Speaker, I certainly hope that all Members of the House of Assembly will concur in this interim report provided by the Privileges and Elections Committee, and I look forward to hearing Members from the other side as to their input as well.

Thank you.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Thank you.

The hon. the Opposition House Leader and Member for the District of Ferryland.

**MR. HUTCHINGS:** Thank you, Mr. Speaker.

It's certainly a pleasure to rise this evening to speak to this motion. I want to thank my colleague from Stephenville - Port au Port for stepping in on behalf of our Chair, the Member

for St. George's - Humber. He did a tremendous job in introducing the motion and actually speaking to the actual report. As he said, this comes from the work done by the Privileges and Elections Committee and the direction given from a private Member's resolution here in the House to develop a legislature-specific, harassment-free workplace policy.

I won't go into the detail that my colleague did in regard to the various Committees, the various consultations we have had with various groups, as well as the interaction and the opportunity with MHAs, with staff from the House of Assembly and the statutory offices, with the inside and outside agencies and bodies that we spoke to that we felt could bring some experience and knowledge and historic context to some of the things we're dealing with and looking forward and being progressive and how we could be leaders in this Legislature in terms of developing the type of policies and structures that were required.

We certainly took that on as the Committee Members – myself, the Member for St. George's - Humber, St. John's East - Quidi Vidi, Harbour Grace - Port de Grave and, as I said, Stephenville - Port au Port. So collectively, we took this on; it was non-partisan. It was a great example, I think, of some of the work that can be done by a legislative committee and the functions in the parliamentary setting and how we can bring together concerns, legislators, to go at a particular issue that needs to be defined, that needs to be developed and share sometimes opposing views but, at various times, disseminating large amounts of information, looking into other jurisdictions and opinions of others and taking all of that and trying to determine what's the best way forward.

My colleague also mentioned the staff of the House of Assembly as well. I just described the process we went through. It was supplemented, given direction, opinions, insight and all of those variables that were much needed by the staff of the House of Assembly. I certainly want to recognize them for their work and the context they brought to the process as well and structure in terms of supporting our efforts and getting us to where we are today with discussing this motion and the interim report.

The issue we were dealing with, obviously, is a serious one. It's challenging at times, but I think, through the process, we were able to reach specific goals and objectives that we started with that arrived here with the interim report and looking at where we go from here, the work will continue and in the next session, in the spring, we'll look at particular legislative changes that will be required, and/or required, related to things like the Code of Conduct, the accountability and integrity act which governs the House of Assembly.

We had an issue, I guess, looking back at what was contained in the code and the original design of the legislation that we operate under and previous review that was done. It was back at that time very tied to, I guess, financial happenings and occurrences and what transpired. That was developed, but it gives an indication of how everything evolves and flows and adjusts based by various happenings and occurrences and what transpires. From there, you have to amend legislation or you have to look to be more progressive and to adhere to various principles or things that arise in society and how you deal with them collectively. This is what this process is about. It was a pleasure to be a part of that.

We had extensive consultations I've indicated and, from all of that, we made recommendations in to what we think would be the key elements of a harassment policy going forward. Some of the themes that we identified through all of that were things like gender-based issues that often arise in this setting. When we say this setting we're not just talking about the Chambers of the House of Assembly, we're talking about the statutory offices within the House of Assembly and all those that report and all of those employees, how you conduct yourself as an elected representative, interactions you may have here or outside of here because, as everybody knows, we interact with so many people in the role of a parliamentarian.

There was also discussion about the power dynamics that exist within the functioning of the parliament, the legislative standards, how they could influence and need to be considered when you're talking about things like harassment, respect and integrity in the workplace.

The other recommendation was separating harassment and bullying from the Code of Conduct because we thought the Code of Conduct may not have been specific enough into dealing with issues of harassment. So the recommendation was to take that out and deal with it on its own specifically and to ensure that we're addressing what we need to address in regard to harassment in the workplace.

Some of the things we've heard of, too, in our consultations and discussions were the importance of – and we heard that from outside groups too, as well as discussions we had internally with folks in the House of Assembly. We talked about the need for the comfort level. If people get the feeling that they want to come forward, they have to have confidence in the process and confidence in the supports that are around to identify for them what it is they are dealing with and how that should be handled.

In some cases, it may be just from some of the information we have here in regard to an intake person that provides some support initially, to identify what it is you're experiencing, is that maybe of a sensitive nature. It could be something between two individuals, what transpires, and it may be a need for clarification. It could be worked out between those individuals and may never be an issue again.

The supports, what we were told, are very important and the confidence that the system is clear, there's clarity and there's understanding of how things transpired and where you can go to deal with a particular issue or item that arises.

Within that context, there was certainly a lot of discussion about confidentiality. That goes to the whole comfort level and confidence people have in a process. In some cases, things could be resolved quite quickly and it could be a learning process for all concerned. There could be issues that require further help or further intervention. There could also be issues related to the code as we move up the threshold of items that occur.

But in all of that context it would clear of what the environment is, what the rules are, what the process is. I think in the past, maybe because it wasn't dealt with in this context that we've seen over the past number of months, maybe that wasn't clear, that it never evolved to that level.



But if anything good has come out of this process, it is that I think we're on a track now to have a more defined process, a comfort level and have the expertise and supports available to those that may require them at a particular time, along the continuum of harassment in the workplace.

The important part, too, is to recognize that the House of Assembly and the statutory offices and the employees should be like any other workplace; no different than any other workplace. The protections should exist as it would in any other workplace.

We also had a discussion about the responsibility of the enforcement of a policy on harassment and what office would be best reflective in carrying that out. The recommendation was to move it from the Commissioner for Legislative Standards to the Office of the Citizens' Representative. In the context of that, it was looking at the investigative abilities, what some experiences were in the past and how that would look for the future. It was thought, collectively, that – and that has nothing to do with individuals. It has to do with the current functions of those particular statutory offices.

When you look at the Commissioner for Legislative Standards, there are other interactions that are often had with elected officials related to the *Elections Act*, related to disclosures you would make as an elected representative. So we thought the independence of just taking – as we said, we're taking the harassment component out of the Code of Conduct.

As well, we would take that and assign it to a different statutory office with what we would define as a little bit more experience or expertise, maybe investigations or dealing with other items. Because that office would deal with whistle-blower legislation, and other legislation and components that would kind of fit with the investigation and intake and those other things that would be required in a harassment policy. With that, as well, that office will be able to seek out some of the expertise that would be required and could be adopted by that office.

So that was another recommendation we made that there was much discussion about and much interaction back and forth. That's where we landed with that particular office, as to who would hold and administer that policy. In regard to the functions of the Code of Conduct, that would still – and the other components of it – rest with the Commissioner for Legislative Standards, as it would today.

I mentioned earlier about the importance of support. One of the things we talked about was an independent support advisor which would be outside of the House of Assembly or the offices here, and would be that initial information or contact that an individual would need or require, at some point, to even discuss an item that may be perceived as harassment or is harassment and what options would be available, to just give some basic guidance. And I think we heard loud and clear that that was something that will be needed.

We also talked about and reviewed issues in regard to timelines for making a complaint. That would be very clear. I mentioned the issue of confidentiality and how important that was in all aspects of what was reviewed, the people we spoke to, externally and internally here, and how important that was.

Enhanced accountability; looking at the behaviours of all concerned. We take an Oath of Office when we're sworn in as an elected official. It's important that we continuously recognize that, renew that commitment to the Oath of Office, in terms of our interactions, our level of professionalism and how we interact with all those concerned as an elected Member of the House of Assembly and the Legislature of Newfoundland and Labrador.

The other component we had great discussion on was related to education and training. It was interesting to sit there – I've been elected, this will be my eleventh year, and I got to sit with others that had a few more, there weren't many, but then some newly elected people in the last term as well. So that's shared various different views on what it was like when I came, the supports that were around me, or that weren't there. People got elected in the last session, what supports were available to them and what it is like today.

Through all of that, it was recognized that there was certainly more we could do. People come in to politics with various backgrounds, various different trainings and various different exposures. All of that, collectively, either helps or in some cases provides obvious evidence that maybe there's not enough there in regard to supports going in.

So we had really good discussions on that, and that's where some of the issues came up in regard to educational training and the types of things we should do and make mandatory for Members. That is a key, too, that it would be mandatory and people would be required to carry out that particular training.

In regard to harassment policy, some of the things we talked about was just awareness, the differences between conflict, harassment, bullying, those types of things. The other thing, too, is how you work collaboratively with others in problem solving, supportive communication from all parties concerned. Things like conflict management and stress management. Stress management in any workforce and stress in general can cause at times interactions, maybe one-off interactions that can be resolved. Obviously, if there's a pattern of these, that's where you get into concern and that's where issues often arise and they need to be dealt with.

So those were some of the things we identified in the training component and where we would want to go. Again, this is an interim report. One of the things we did recommend immediately was in regard to training, and my colleague mentioned that in regard to the training institution that's going to do it, the Harris Centre, I do believe, if I remember correctly.

**AN HON. MEMBER:** Gardiner Centre.

**MR. HUTCHINGS:** Gardiner Centre, I'm sorry. Yes, thank you to my colleague.

The Gardiner Centre would do the particular training. We had a great discussion with them in regard to the type of training, the type of services they could offer. That's something that was an immediate request in regard to the recommendations and what we would do in the new year.

So with that, we'll look to continue the work of the Committee as we move into 2019, and look at taking these recommendations and identifying in more detail the end report and what the final recommendations and changes would be related to things like the Code of Conduct, the act that administers the House of Assembly, and any other legislative changes that we would need to make sure going forward, after that session in the spring, that we will be on the leading edge and be progressive across the country in regard to what we're doing here in terms of harassment policy.

I know others are watching in regard to what we're doing, and that's the other important point. That was the one issue that came very clear, and I didn't really realize it at the time but there are a lot of people very interested in what's happening here in regard to this harassment policy, not only in legislatures but outside of that, just in workplaces in general and how we're going to deal with it. I think we'll be a leader when we finish our work in the spring and make those changes. That's a lot to be said for the Legislature in terms of taking this on and dealing with it.

I certainly look forward to what those changes would be, and I think it's progressive. I want to thank my Committee colleagues who served on this, and certainly looking forward to the next number of months when we finalize this and bring a final report to the House and can make the changes that are needed.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The hon. the Member for Harbour Grace - Port de Grave.

**MS. P. PARSONS:** Thank you, Mr. Speaker.

It's an honour to stand here in my place, of course, to represent my District, always, of Harbour Grace - Port de Grave, and to also stand tonight as a member of the Privileges and Elections Committee.

When being elected and coming to the Legislature, we know this is a Committee that has not been active for quite some time, only on certain occasions, and this is one of them. I guess it's safe to say we're suggesting and

making recommendations on legislation that's never come to the House of Assembly in this Legislature in our province, and perhaps across the country to a degree. So we are the leaders on this.

As my colleague, the Member for Ferryland, mentioned, people are watching. The people of the province are watching. There are many groups that are watching, advocacy groups of all kinds, whether it's to represent the LGBT community, education community, the Native Friendship Centre also. Of course, we heard from a lot of wonderful groups who took the time to come and give presentations to our Committee.

We worked all summer, as the House, of course, adjourned in the spring, in May. We worked through the summer on that and met regularly to do this work. However, this is an interim report, the work is not yet complete and I certainly look forward to robust debate on this. I think it's safe to say, Mr. Speaker, that all Members in this House, on all sides of the House, are here and they're committed to creating and supporting the best legislation possible to protect our people.

That's to protect all elected officials, to protect the House of Assembly staff and assist in somewhat the run of the gamut. Because, as we know, and as the events that have unfolded previously in our Legislature and outside of our Legislature for that matter, we found ourselves without a go-to, without a proper channel. As we know, of course, the Commissioner for Legislative Standards was commissioned to do this work and we saw what unfolded. It's a no-brainer to see what recommendations should come forward.

Again, I want to thank all the groups as well that we met with, who took the time. They take these matters very seriously. As my colleague mentioned as well, it's adults that are looking to us about the legislation and the recommendations that we're going to come forward with. It's even children in our school systems.

As an MHA, I think it's safe to say that we all receive calls from constituents, from parents, from teachers, from educators, from volunteers even with concerns of bullying in particular.

There are, I guess, a number of definitions of harassment and bullying and whatnot and bullying is in a standalone category. The Code of Conduct may be something different, whereas bullying and intimidation kind of stands in itself. That's something that we found was lacking within our policy and whatnot.

It's unfortunate, of course, that there's even a need for such legislation, but you know what they say: There's always a silver lining. With every unfortunate situation, there's always usually a positive outcome. I want to say again, we're in 2018, there's no place for harassment or bullying or mistreatment or misconduct of any kind in any workplace whether it be a legislature, whether it be a school, whether it be an office setting or anywhere at all.

I want to say, and I speak for my colleagues as well, that we certainly are committed to doing everything we can. It was also an all-party committee. It wasn't a caucus-specific or a party-specific committee. I also want to say it's important to say that harassment and misconduct is not a problem that's limited to any particular party. Again, this is all forces together. We were a great team.

I'm happy to say I got an opportunity to work with my colleagues such as the Member for St. John's East - Quidi Vidi, a wealth of knowledge and the experience that she's had in this Legislature and as a woman, of course. I'm proud to call her a colleague and a friend, to have gotten to know her and to spend that time. The same thing with the Member for Ferryland as well. He's been around this Legislature for some time. Also, my colleagues on here on this side of the House, MHA for Stephenville - Port au Port, the MHA for St. George's - Humber, who happens to be the Chair, and myself. I think we can call ourselves the united front and united team when it comes to this sort of thing. But this is something that we can all participate in, that we can all be proud of, that we can all take part in because this affects each and every one of us.

We are leaders here. We are elected by the people in our districts. I represent some 15,000 constituents from the strong District of Harbour Grace - Port de Grave. They're looking to each and every one of us to make good decisions, and to base the decisions that we make in here and to

model what we're doing here to use on other organizations. Whether it be students or volunteer organizations or other workplaces, and we owe them that. We owe our constituents and our districts and the people of Newfoundland and Labrador. We owe it to them to do the best work we can, to make the best decisions we can with honour and integrity. You know the golden rule, Mr. Speaker: Treat others how you would like to be treated yourself.

**AN HON. MEMBER:** (Inaudible.)

**MS. P. PARSONS:** Absolutely, it's the golden rule. If we all live by that – and you know what we learned back in kindergarten, back when we were younger: If you don't have anything nice to say or if you can't put forward a positive gesture or say something nice, just don't say anything at all. It goes back to those basics that we learned as children.

Again, having said that, my colleagues have contributed to this and how important it is. We saw what came out of the events this past spring, but also hearing from members of the public, when we travelled around the province and in our districts. They've taken the time to come and say you're doing good work. It takes courage to bring these sorts of things forward and to discuss it, because it's a very sensitive topic that a lot of people don't want to talk about or deal with for fear. But what we want to do with these recommendations, we want to create outlets and channels where people can feel free and feel safe to bring forward their complaints; where we can have the people with the proper backgrounds and credentials who can help guide and counsel people coming forward with issues.

Some people may not want to go forward with a full-fledged complaint, per se, a formal complaint. Maybe there's a mediation process, but bottom line we need these resources to turn to. We have unique positions here, unique jobs as MHAs, Members of the House of Assembly. We're not a 9 to 5. We have different experiences that many people probably will never have.

Something else that came out of that that's also very important is that we need to relieve stress, to have those tools in place, to mitigate stress. So, there are wonderful things that we've talked

about, and it's well and long overdue. Again, you know what they say, when one door closes, a window opens somewhere else. So, that's how I'd like to compare the situations that we've experienced, that we've all experienced to a degree, that we've all had to deal with and talk about and endure, even.

Having said that, again I want to thank my colleagues. I want to thank all Members of this hon. House. I want to thank everyone who took the time to come have their input and to make their voices heard with regard to presentations in this Committee, and members of the public who took the time to simply give their two cents and give their opinion.

Again, it's 2018 and we're committed to healthy workplaces, I know I am; I know my Committee members, my colleagues are. Having said that, Mr. Speaker, I will take my seat but I'm proud to be part of this Committee and I certainly will stand up safe workplaces all around.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Thank you.

The hon. the Member for St. John's East - Quidi Vidi.

**MS. MICHAEL:** Thank you very much, Mr. Speaker.

I have to say that it really is an honour to stand here today as a Member of the Privileges and Elections Committee, and also in my capacity of Co-Chair of the Committee and speak to the interim report that was tabled here in the House by our Chair.

I have to say that this has been a really wonderful experience being a part of the Privileges and Elections Committee and it made my being part of the Committee since 2006 worthwhile. It's the first major piece of work. We've had a couple of little things, but it's the first major piece of work that I've been involved in as the Member of the Privileges and Elections Committee since I was first an MHA in this House. I've always been a Member of the Committee.

This was a serious piece of work and we're still involved in it. What really impressed me about our Committee was how, for all of us, this was such a serious piece of work, such an important piece of work that we really worked hard at working together. It has been quite an experience and I'm really looking forward to the rest of the time we have to work together on this issue in particular, on the whole issue of a harassment-free workplace for the legislative domain.

As been pointed out by my colleagues, it doesn't mean that we didn't, at times, struggle and pull back and forth with some ideas that we had on the Committee, but I think I'm so proud to say that with interim report and the summary that's here represents a total unanimous position of the Committee that we really worked at.

I, too, want to recognize the tremendous work done by your staff, Mr. Speaker, working with us; it was really something. Ms. Bobbi Russell, Ms. Kim Hawley George and Ms. Elizabeth Murphy gave us tremendous support and did tremendous work. There was so much work that had to be done behind the scenes, that once we set a plan in place they went and did the work, and we wouldn't be here where we are today without the work of your staff, so thank you very much and thanks to them.

I do want to speak to some particular things. One is, what it was like throughout June, July into August to meet with the various people who came forward to present their thoughts to us, and what impressed me was the level of expertise that we have in this province. I think we only had one group from outside of the province present to us. I think all the other groups were from within the province, and the level of expertise that they brought was quite amazing.

**SOME HON. MEMBERS:** Oh, oh!

**MS. MICHAEL:** Mr. Speaker, I hate to do this but I have to ask – I have a hearing problem.

**MR. SPEAKER:** Could I ask the Members, please, to just hold back on the conversation? I'm finding difficulty myself.

Thank you.

**MS. MICHAEL:** Thank you very much.

The level of expertise that was brought to us at the table by all of these groups, that even though they all recognized – and they did, they all said it one after the other – even though they all recognized that we work in a particular place, and they understand that and they understand the struggle that we're going to have in coming up with a full policy, at the same time the basic principles of what it is to have a harassment-free workplace are the same for everybody, I think they presented to us with respect, and we listened to all of them with respect as well.

And I have to say that the summary, the recommendations that we hope to make, because the interim report indicates a direction we're moving in, so the recommendations we hope to make, and the one recommendation we'll be asking for support from here in the House tonight, that this summary really puts together the focus in which we are moving. I'm quite happy with this summary because it indicates to the public and to the House, and that was our intention, the direction that we want to go in. It's going to take a lot of work to get there in terms of putting a policy together, in terms of the legal clerk looking at it with her eyes, looking at the legislative changes that have to happen and all the work that will go into that. I'm sure the Department of Justice will have to be involved with that eventually, with your staff.

But it's something I feel very proud that we did this interim report and realized the importance of accountability to the House and to the public. As my colleagues have pointed out, the public are watching us, and the thing is that's what was said to us as well by those who presented to us. They kept reminding us all eyes are on you.

I knew I had something to say about the summary. The points of the summary, I think it's important to point out, did not come from anything that was happening around us at the time we were doing our work. It was from the in-depth study that we did of the presentations that were made to us, the in-depth analysis we did from the things that were said to us and also our study of other jurisdictions. We looked at jurisdictions right across the country and we went to the UK as well and looked at work that

they're doing at Westminster right now. So we had an in-depth study.

What we have here, the summary and the direction which we're moving, is informed by all of that. It's not informed by something that happened here or something that happened there, it's informed by really solid research that went into the issue and the consultations were part of that research.

I'm itching to get the rest of the work done. I'm really looking forward to it. I'm looking forward to when we sit down to say okay, what now do we know specifically is going to go into the policy. One thing I'm certain of is that it's not that we're going to look at a jurisdiction here or a jurisdiction there and pick things out; no, we're setting our own path in our own context.

With the recommendation that we know that we will be making with regard to putting things in the hands of the Citizens' Rep office and their expertise, that decision will make our structure, I think, and what we will propose quite different than, say, Nova Scotia. In Nova Scotia, it's quite an internal process that goes on there.

One of the things that has been said to us and that we're aware of as a Committee is – and the public has said it to us too, and it has said it through the consultations we've had, and it's out there – that we have to make sure that whatever it is we recommend has to be as much out of our hands as possible. People have to feel that they are free and that there's nothing restraining them.

So we have things that are guiding our decision making that I think weren't there with some other things that I've read. Because what we're doing, and which is so important, I don't think we're doing a knee-jerk reaction. We are taking our time. Some people may think: Well, why didn't they have a report ready by now? It's because we are taking our time to make what we put in place is the best possible that we can put in place.

I think some of the things we've seen have been knee-jerk reactions to something happening in the legislative context and fast action taking place and fast pieces of legislation or regulations being put in place, and that's not what we want.

We want a well-thought process, a well-thought plan when we bring it to the House of Assembly.

So I'm proud of that. My colleague, the Member for St. John's Centre, said to me tonight: You're proud of this work, aren't you? I said: Yes, I am. I'm proud of how we've worked together and I'm proud of the way that we're moving forward.

There are a couple of things that I want to speak specifically to. In the summary – I hope people have read it; if they haven't had a chance yet, I hope they will after tonight – we point out something that's really important. I'm not sure if it's in the summary – or it's in the report, but I'll speak to it, one of the things that became clear to us as a Committee. One or two of us may have had this knowledge as an individual prior to our work, but as a Committee in working together we came to recognize, number one, the need for looking at the issue through a gender lens. That even though the issues affect both men and women, number one, women are the ones who most experience harassment.

The other thing is, because of that, so much work has been done on harassment by organizations that are looking at the issue through a gender lens, and that affected a lot of our thinking on the Committee. The other thing that came out as well – and this again, a lot of the groups mentioned this to us because they knew to whom they were speaking, but they also know it happens in other places, is the power dynamics. And this is very specific. While you get power dynamics in other workplaces, here in the legislative context it's a very particular issue.

So the issue of an employee, for example, naming an MHA as the person they're suffering harassment from, there's a real power differential there, and we have to deal with that power differential as well. So those two issues were very important for us, and will continue to be important for us as we move forward in putting the whole policy and plan together. Again, this is not stuff that we just came up with. These things that we are highlighting are things that were said over and over and over again to us by every group that sat in front of us.

When we talk about the one recommendation we are making in this report, that we are asking the

House of Assembly to make a decision on with our interim report, the one recommendation that is doing that is a recommendation with regard to having training begin immediately. Again, that was a message that came through loud and clear from people who made presentations to us, the importance of education and training as being absolutely critical. Again, with the understanding – and I think we always had this understanding – that you don't do education and training once and say you've done it. It has to be a continuous process. I'm sure when we finish our work we'll have more specific recommendations around that.

The recommendation, for example, what we will be recommending – again, all of these are recommendations that we plan on making. The only one for tonight has to do with the training. We will recommend that following the initial swearing of adherence to the Code of Conduct as part of the Oath of Office, each MHA be required to sign the Code of Conduct every two years. Why? To remind us of what it is we're making a commitment to. That's really important.

We'll also recommend that all MHAs annually sign a declaration form confirming they have read and understand the provisions of a harassment-free workplace policy that will be proposed by the Committee. And once again, why? Because it's a reminder; every time we sign that every year it's a reminder to us of what it is we're trying to create in the workplace that we're in. In doing this, we need to remember that the workplace we're talking about involves the 40 of us MHAs and approximately 200 employees in the legislative context, including the statutory offices, et cetera. So we're not just talking about the MHAs, and we need a reminder constantly.

When we're talking about education and training as being really important to foster and promote a respectful workplace, but it's also important in preventing harassment. So the more education and training we do, the more reminding of ourselves of what it is that we believe in, the more we think we will have a prevention when it comes to harassment, and that was what was presented to us by so many of the groups, was the whole –

**SOME HON. MEMBERS:** Oh, oh!

**MR. SPEAKER:** Just a bit of quiet, please – I ask the Members.

Thank you.

**MS. MICHAEL:** Thank you, Mr. Speaker.

That's what was presented to us by so many of the groups, that the education and training component is really a tool for prevention, and it's from that perspective that we are making that.

Again, to another point made by some of the presenters was having the appropriate knowledge, skill and expertise to effectively develop and facilitate the training. We have to have the right people working with us as we develop that training.

I was – we all were – particularly impressed by the Gardiner Centre, which is an outreach arm of the university, the Faculty of Business Administration. I'd heard of the Gardiner Centre before. They develop and deliver a wide range of professional development programs, but the expertise they have around harassment was really quite amazing. That was why we decided to ask them to put an initial proposal together, which is a framework of what they would do if they did training with MHAs. Again, this is part of the interim report, and I think the Member for Ferryland made reference to the training.

I'd like to focus, particularly, on the first step in the training they would offer, and it is awareness. Awareness would focus on a number of things. One would be the difference between effective conflict versus harassment and bullying. I think that was one of the things we did a lot of thinking about, because it – and it, too, got referred to many times by people who presented to us. That we all have times when we're in relationships with other people, you get heated, you speak with passion, et cetera, and you may even have conflict, but that's not the same as harassment and bullying.

So coming to an understanding of what's the difference, coming to an understanding of how we impact each other, coming to an understanding of how we behave is really, really

important. So the first step they would be doing would be working on that with us. An important part of the recommendation is that we would do it as a group, all 40 MHAs would do it together. We would not separate into caucuses, and it would be mandatory.

We have already made a decision in this House that training for MHAs will be mandatory, and that's what we're recommending for this training. As training under the Speaker of the House, it will be training that would be mandatory. That's an important issue. I think it's happened for us on the Committee. That the five of us working on the Committee have a respect and an understanding of each other, even though we come from three different parties, even though we have different philosophies in some way, when it came to the issue we were dealing with we weren't different. We were all the same.

If we do this training together with a group like the Gardener Centre, with the expertise they have, I have no doubt that it would have a major impact on us here in our caucuses, in the House of Assembly itself; yet, at the same time, because of what I said about that difference between sort of working in conflict and harassment and bullying, understanding we can still have heated conversations in this House. It doesn't mean we don't have heated conversations, but we don't do personal harassment, personal bullying. There are two different things. So that's the kind of work we would do together.

I think I will leave it at that, Mr. Speaker, because my other colleagues have dealt with a lot of the issues but I decided to concentrate on one particular piece. As I said when I started, this has been a wonderful experience for me. I look forward to the rest of the time that we have to work together, and I sincerely hope that by the time we get to next spring we'll have something that we will be very proud of to present to the House.

I do ask my colleagues to seriously accept our report and approve the recommendation that we're making in this report.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Thank you.

The hon. the Member for St. George's - Humber.

**MR. REID:** Thank you, Mr. Speaker.

I just want to take a few minutes to speak to this motion before the House. A number of Members have spoken on the contents of the report. The report was presented to the House about two weeks ago. It was distributed to all Members and made public. So I won't focus on that too much. I just want to focus on the process and the importance of the process that we're going through, and to thank a few people, Mr. Speaker, in my brief comments here tonight.

What we presented was an interim report, and the final report we're aiming at next spring as the time to present that report. The Privileges and Elections Committee is a Committee of this House, so we go away and we do some work, but we have to bring it back to this House for the House to concur with the recommendations that we make before those recommendations can come into effect, and that's what we're doing here today in this motion; the House is concurring with the recommendations of the Committee.

This whole process got its start with a private Member's motion from the Member for Fortune Bay - Cape La Hune. As we did our work on the Committee, we referred back to the motion and what the motion empowered us to do, and one of the things the motion asked – that was passed unanimously by this House – one of the things that the motion did was it asked us to consult with Members, with experts in the field, to look at what other jurisdictions were doing, what other legislatures were doing.

So we did those things with the help of the staff of the House here, and I must say they were very good in what they do, and they provided us with a lot of information to review and discuss, so I want to thank the staff of the House here for the work they did for the Committee, a very important part of the Committee. I also want to thank all Members of the House, especially the ones who participated in the consultations we had. One of the things we did, we gathered information from other jurisdictions and from



experts, we put it up on sort of a website where MHAs could go in and look at it, and then they could make comments and make recommendations of their own to the Committee.

I want to thank Members for doing that. I want to thank the employees of the House for doing that as well; very important in informing the decisions that the Committee made. So I want to thank the Members of the House for doing that.

One of the things I think, as the Member for St. John's East - Quidi Vidi said, we work very well together. I think that was driven by the fact that we took this task that was given to us very seriously. I think, in a political career, people get few opportunities – some people get many opportunities, but I think this was an opportunity for us all to have an impact on how the operations of this House and how politics happens in this province going forward. I think that's the way we approached it.

Some of the presenters who presented to our Committee, I want to thank them as well. Some of the people who presented brought that fact home to us that the importance of the job that we were doing at the Committee and the importance of setting a tone of leadership from the people here in this House. And that's one of the things that I think drove the Committee and drove the way that we operated and the way we came to a consensus on a number of items that we had before us.

So I'm looking forward to continuing to work on the recommendations of this Committee, continuing to work on the directions that we've outlined in this interim report, looking forward to continuing to do that work. I would ask all Members to support this resolution so we can continue on with the next steps.

Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** Hear, hear!

**MR. SPEAKER:** Is the House ready for the question?

Is it the pleasure of the House to adopt the motion, Motion 1?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

The motion is carried.

The hon. the Assistant to the Deputy Government House Leader.

**MR. HAGGIE:** Thank you very much, Mr. Speaker.

In recognition of the hard work done by the House today, I would move, seconded by the Minister of Natural Resources, that we adjourn until tomorrow.

**MR. SPEAKER:** The Assistant Deputy Government House Leader has moved and seconded that the House do now adjourn.

Is it the pleasure of the House to adopt the motion?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**MR. SPEAKER:** All those against, 'nay.'

This House does stand adjourned until tomorrow at 10 o'clock in the morning.

On motion, the House at its rising adjourned until tomorrow, Wednesday, at 10 o'clock.