

SEX WORK on the HILL

A Guide to Getting Involved in
Legislative Processes
that Impact on Our Lives

Canadian Alliance for
Sex Work Law Reform

PART II:

Appearing
Before
Committees
and
Submitting
Briefs

GETTING INVOLVED IN THE LEGISLATIVE PROCESSES THAT IMPACT OUR LIVES: PART II

Appearing Before Committees and Submitting Briefs

June 2014

**This is a working document and will be updated as we receive more information. Please share this information with sex workers and allies in your region who want to get involved in legislative processes that impact on sex workers' lives and work.*

***This information is compiled from information from Government Relations experts, conversations with MPs, as well as members and the clerk of Parliamentary Committees.*



Canadian Alliance for
Sex Work Law Reform
Alliance Canadienne pour
la Réforme des Lois sur
le Travail du Sexe

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I. INTRODUCTION

Sex workers and allies across Canada are currently mobilized with public and advocacy campaigns that include postcards and letter writing campaigns, phone calls and meetings with MPs, demonstrations, social media campaigns and other ways to influence and encourage prostitution law reform. In addition to the education we need to do with the public and with ourselves along the way, there are two “most important” moments where we can infiltrate and be a part of the legislative process: The Justice Committee of the House of Commons and the Legal and Constitutional Affairs Committee in the Senate.

To be most effective in influencing this process and making our perspectives known to the committee, we need to understand this process. Whether or not we shift the actual law, we can ensure that our perspectives are documented in the process, both parliamentary and media.

The proposed bill C36 -- *Protection of Communities and Exploited Persons Act* -- can be found here:

<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=I&DocId=6646338>

2. HOW A BILL BECOMES LAW

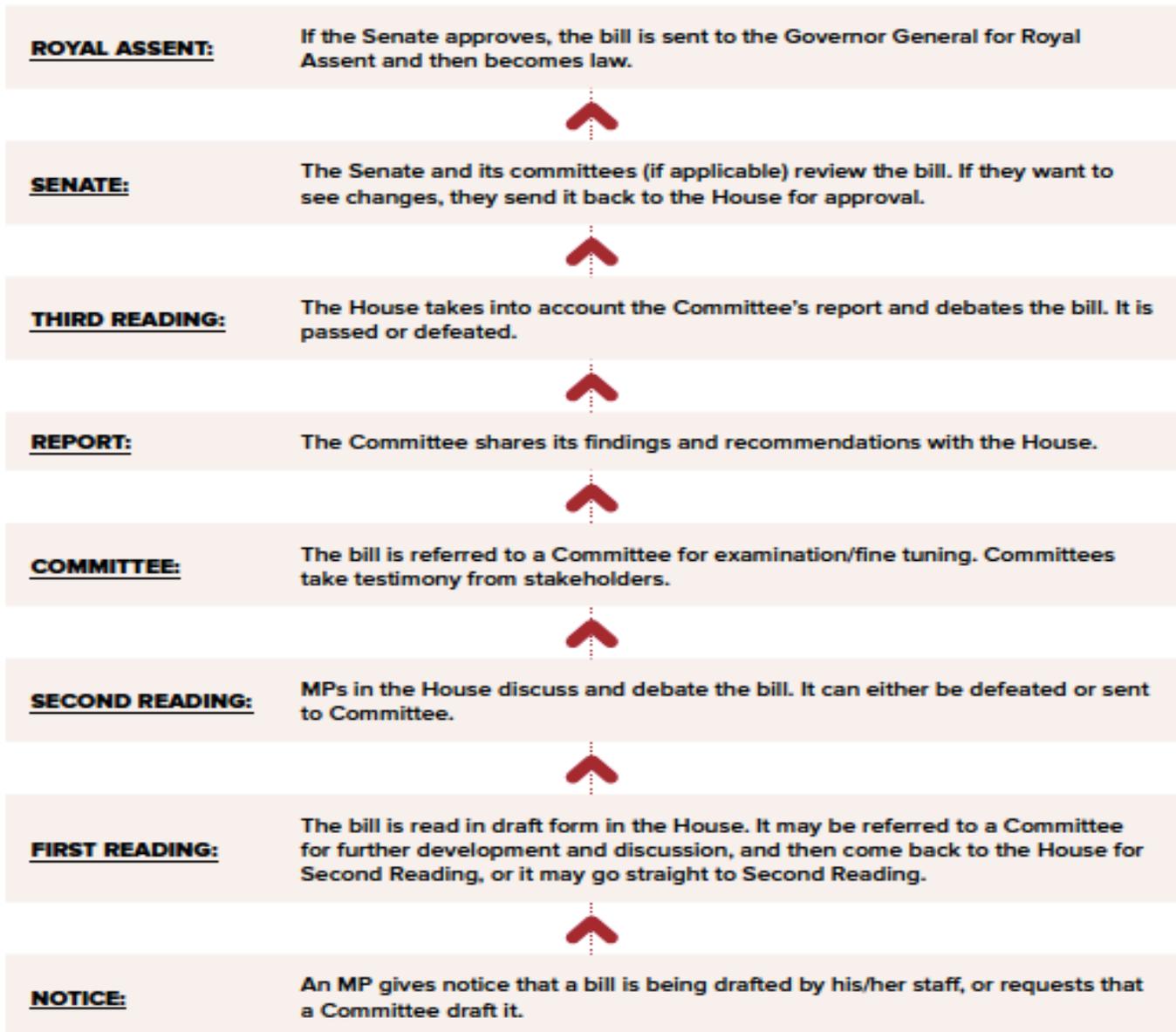
Understanding how a bill becomes a law gives us insight on what moments in the process we can have influence on laws that most affect our lives. **To be a part of this formal process you can either a) appear as a witness to the Committee or b) submit a brief to the Committee.**

A reminder around how laws in Canada are made:

In the Federal and Provincial governments, bills are introduced in draft form. They are then debated and rewritten with input from the House and its committees, the Senate and its committees. Once they have reached a final version, the Governor General signs it into law. In the Provincial government, a bill goes through a similar process but the Lieutenant Governor gives final approval.

Each party relies on its experts (Ministers and Critics, and Committee members) to guide their position. These are the influential people to target with your message so that it reaches into the government while decisions are being made.

This is the legislative process in detail:



TIMELINE FOR BILL C36

HOUSE OF COMMONS FIRST READING: On June 4th, 2014, the Conservative Government submitted their Bill entitled: *Protection of Communities and Exploited Persons Act*. For a transcript of this government discussion:
<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=I&DocId=6646338&Col=I&File=4>

HOUSE OF COMMONS SECOND READING: On June 12th, 2014, the Government re-reads and debated the bill in the House of Commons. For a transcript of this government debate:
<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=I&Parl=4I&Ses=2&DocId=6672449>

HOUSE OF COMMONS COMMITTEE: During the week of July 7th, 2014 the House of Commons Committee called the *Justice and Human Rights Committee* ("Justice Committee") will hear from witnesses. See below: *Recommending Witnesses to Appear Before the Justice Committee*

HOUSE OF COMMONS AMENDMENT SESSION: July 15th, 2014: Suggested amendments to the Bill made at the Justice Committee can be found here:
<https://www.documentcloud.org/documents/1217803-c-36-amendments.html>
The reprint of the bill with amendments made on July 15th will only be done when the report is presented to the House.

SENATE PRE-STUDY: The Senate's Legal and Constitutional Affairs Committee is holding a pre-study of Bill C36. During the first or second week of September 2014 they will hear from witnesses. See below for information on how to become a witness at this Committee.

HOUSE OF COMMONS THIRD READING: Week of September 15th, 2014 when Parliament returns to the House.

FIRST READING IN SENATE: Likely the week of September 15th, 2014 once the Bill passes its third reading in the House.

3. MOVING THROUGH THE HOUSE OF COMMONS

As described above: between the 2nd and 3rd reading of a bill, the bill is typically referred to a committee in the House of Commons. The House of Commons has various committees, depending on the subject. For issues concerning crime and human rights, the issue is sent to the Justice Committee. This is where you can either appear as a witness or submit a brief to the committee.

Requests to be a witness and to submit a brief to the Justice Committee should be addressed to the Chair, Vice-Chairs and the Clerk of the Committee and/or any MP on the Committee who you think may be open to inviting you. Invitations will come directly from MPs.

This is where ongoing advocacy throughout the year is really important so that you can get to know members of parliament and they can come to see you as experts on a particular issue.

This link will give you information about House of Commons Committees in general:
<http://www.parl.gc.ca/About/House/PracticalGuides/Committees/PDF/CmtesPG-e.pdf>

a) MEMBERS OF THE JUSTICE COMMITTEE

General Information about this Committee:

<http://www.parl.gc.ca/CommitteeBusiness/CommitteeHome.aspx?Cmte=JUST&Language=E&Mode=I&Parl=41&ses=2>

To recommend witnesses or submit briefs you should also contact the Chair of the Committee, the Vice-Chairs of the Committee and the Clerk. You can also contact other members of the Committee.

When writing to MPs, the typical address is: Mr., Mrs. or Ms., plus the title if they have one. For example: Mr. Chair Mike Wallace or Ms. Vice-Chair Francoise Boivin. Emails are recommended in the interest of time, but it is always best to send your request via email and the mail. Postage is not required.

Chair:

Mike Wallace
House of Commons Ottawa
Ontario Canada K1A 0A6
Telephone: 613-995-0881
Fax: 613-995-1091
mike.wallace@parl.gc.ca

Vice-Chairs:

Francoise Boivin
Confederation Building
229 Wellington St, Room 152
Ottawa, Ontario K1A 0A6
Francoise.Boivin@parl.gc.ca

Sean Casey
Room 225, Confederation Building
Ottawa, ON K1A 0A6
Sean.casey@parl.gc.ca

Patrick Brown
Bob Dechert
Robert Goguen
Pierre Jacob
Éve Péclet
Kyle Seeback
David Wilks

For emails and addresses of Members of Parliament/Members of the Justice Committee:

<http://www.parl.gc.ca/Parliamentarians/en/members>

Clerk of the Committee:

Jean-François Pagé
Tel.: 613-996-1553
Sixth Floor, 131 Queen Street
House of Commons

b) RECOMMENDING WITNESSES TO APPEAR BEFORE THE JUSTICE COMMITTEE

Individuals and groups can put forward a list of recommendations for witnesses to the committee. This needs to be done *before* the committee is struck. Members of Parliament will recommend witnesses to appear before the committee.

When recommending witnesses for a committee you should include:

- A short bio of the person or organization
- You can attach publications to your recommendations for witnesses though there is no guarantee they will be read by the committee
- Explanation of what this expert brings to the discussion
- Contact information for the potential witness

Guide for Witnesses: <http://www.parl.gc.ca/About/House/WitnessesGuides/guide-witness-e.htm>

c) SUBMITTING BRIEFS TO BE READ BY THE JUSTICE COMMITTEE

Groups and individuals can submit briefs to the Justice Committee – even if you are not presenting at the committee itself!

When submitting a brief to the committee:

- Ensure it is between 5-10 pages – briefings will be translated for all committee members to read
- To increase impact, the brief should speak directly to the provisions of the legislation – the likely impact and effect of whatever they have proposed based on the best available research and evidence, whether from the Canadian context or an application of international findings
- In the (quite likely) event that you find the implications of the legislation to be negative, you can then give the committee an idea of the kinds of provisions or amendments that would be preferable
- Never offer piecemeal improvements in the event that you are calling for the bill to be scrapped. Make arguments about likely harms and suggest a wholly alternative approach (decriminalization?)
- The CCJA has examples of briefs that may be useful: www.ccja-acjp.ca
- Submissions can be from individuals or groups – but committee members may stop reading if the submissions are the same or from the same perspective so it may be worthwhile to join us and write briefs together
- Briefs can be submitted while the committee is in hearings but it is ideal to get your brief to the committee *before* it begins, as it should be read before the committee votes at the end of their hearings.

Here is a link to writing a Brief for the House of Commons Justice Committee:
<http://www.parl.gc.ca/About/House/WitnessesGuides/guide-brief-E.htm>

4. MOVING THROUGH THE SENATE

- a. Members and Contact Info for the Legal and Constitutional Affairs Committee
- b. Recommending Witnesses to Appear Before and Submitting Briefs to the Legal and Constitutional Affairs Committee

If you missed your chance to submit something or be a witness to the House of Commons Committee, all is not lost! There is the Senate process as well where you can intervene!

The Senate process is similar to the House of Commons Process. This means it also has a moment where the public can request to appear before the committee and can submit briefs to the committee. The Senate has its own committees. Bill C36 -- *Protection of Communities and Exploited Persons Act* – will likely be heard before the Legal and Constitutional Affairs Committee. Most of this information pertains to all committees.

The Senate, like the House of Commons, has three readings for every bill, with a report stage between the 2nd and 3rd reading. Typically, the Senate will receive a bill after it has passed through three readings in the House. Sometimes the Senate may decide to study a bill before it has passed through the house. This is called a **pre-study**.

A Pre-study is when The Senate Committee knows something is coming down the pipeline, so that they've already studied the issue and know what they want the Bill to say. That allows them to make quick decisions (meaning, a smaller window to intervene while the Bill is being considered in the Senate) and either: 1) send it back to the House for amending; or 2) pass it. The pre-study speeds up the process by allowing the Senate to begin its study of the issue of the Bill before the House of Commons has adopted it.

In the case of Bill C36: For their pre-study, Senate will be looking at the Bill, and the amendments made on July 15th,

Once the House completes its 3rd reading, the bill will be sent to the Senate. Typically when a Bill comes up from the House, they only either approve it immediately or do a referral to a Senate committee for amendments and then pass it back for the House's feedback.

NB: There is a small time frame by the time it reaches the Senate. Also note that the Senate doesn't often veto a Bill outright. Most often they approve them, sometimes they amend (it has been noted that approximately 12% are amended) and amendments are usually administrative/technical stuff. The Senate usually gets involved when the issues are substantial, constitutional. But as prostitution law seems to be a high-profile issue, they will likely respond.

As mentioned, the bill will go through all the same stages – 1st reading, 2nd readings and then the bill will be referred to committee. The committee will incorporate the testimony gathered from the pre-study but hold additional hearings if it wishes to (usually new or additional witnesses though – it is not customary to invite the same witnesses that appeared during the pre-study). Then the committee will do the clause by clause consideration where members can propose amendments. The committee will then report the bill back (with or without amendments), where it will be debated at 3rd reading. If the Senate was to adopt other amendments, the bill would be returned to the House for them to consider (vote on) the

Senate amendments.

This link will give you information about Senate Committees in general:

<http://www.parl.gc.ca/SenCommitteeBusiness/AboutCommittees.aspx?parl=41&ses=2&Language=E>

In general:

The committee websites don't tend to be that up-to-date - don't wait for them to announce that they're meeting on your issue. Your best bet is to make your interest known to the clerk, as for a general timeline, and ask if it's ok to call back every week or two as the approximate date approaches.

Requests to be a witness and to submit a brief to the Senate Committee should be addressed to the Chair and Deputy Chair of the Committee and/or any senator who you think may be open to inviting you. Invitations will come directly from Senators. See below for more information.

This is where ongoing advocacy is really important so that you can get to know senators and they can come to see you as experts on a particular issue.

a) MEMBERS AND CONTACT INFO FOR THE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE

To recommend witnesses or submit briefs you should also contact the Chair of the Committee, the Vice-Chairs of the Committee and the Clerk. You can also contact other members of the Committee.

General Information about this

Committee: http://www.parl.gc.ca/SenCommitteeBusiness/CommitteeHome.aspx?parl=41&ses=2&Language=E&comm_id=1

When writing to Senators, the typical address is: The Hon. Or L'Hon (French). Example: The Hon. Chair Bob Runciman or The Hon. Denis Batters. Emails are recommended in the interest of time, but it is always best to send your request via email and the mail. Postage is not required.

Chair:

Bob Runciman

bob.runciman@sen.parl.gc.ca

Linda Frum

linda.frum@sen.parl.gc.ca

Deputy Chair:

George Baker

george.baker@sen.parl.gc.ca

Mobina S.B. Jaffer (Opposition Critic)

mjaffer@sen.parl.gc.ca

Members:

Denise Batters

denise.batters@sen.parl.gc.ca

Serge Joyal

serge.joyal@sen.parl.gc.ca

Pierre-Hugues Boisvenu

boisvenu@sen.parl.gc.ca

Thomas Johnson McInnis

thomasjohnson.mcinnis@sen.parl.gc.ca

Jean-Guy Dagenais

jean-guy.dagenais@sen.parl.gc.ca

Paul E. McIntyre

paul.mcintyre@sen.parl.gc.ca

Donald Neil Plett

don.plett@sen.parl.gc.ca

Jean-Claude Rivest
jc.rivest@sen.parl.gc.ca

Claude Carignan
claudc.carignan@sen.parl.gc.ca

James S. Cowan
jim.cowan@sen.parl.gc.ca

Yonah Martin
martin@sen.parl.gc.ca

Joan Fraser
joan.fraser@sen.parl.gc.ca

Clerk of the Legal and Constitutional Affairs Committee: Shaila Anwar: lcjc@sen.parl.gc.ca or (613) 991-0719

NB: Any Senate member has the right to attend and participate in the Committee. This is why you may see Senate members not on this list at the Committee meeting.

b) RECOMMENDING WITNESSES TO APPEAR BEFORE AND SUBMITTING BRIEFS TO THE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE

Can I recommend the same witnesses that appeared before the House of Commons Committee?

Yes! Witnesses that appear before the House of Commons' Committee are likely to appear before the Senate Committee. The Committee also wants to hear from people who may have been proposed but not given the chance to speak to the Justice Committee.

NB: Be specific in your recommendations about how the person or organization can add something new to the discussion. Be specific about what element of the Bill the potential witness will speak to.

Send your recommendations to the Clerk of the Committee, the Chair and Deputy Chair of the Committee, and the Opposition Critic.

Chair:
Bob Runciman
bob.runciman@sen.parl.gc.ca

Deputy Chair:
George Baker
george.baker@sen.parl.gc.ca

Opposition Critic:
Mobina S.B. Jaffer
mjaffer@sen.parl.gc.ca

Committee Clerk:
Shaila Anwar
lcjc@sen.parl.gc.ca

Can witnesses appear if they are not in-person?

Witnesses can appear in person, in writing (through a brief) or by videoconference. Videoconference arrangements are made by the Senate.

When will the Senate Committee hear Witnesses?

As explained above, there are two moments that the Committee will hear witnesses: 1) During the pre-study at the beginning of September, and again between the 2nd and 3rd reading of the Bill in Senate. The committee will likely hear more witnesses during the pre-study, and also different (new) witnesses during the “report stage” between 2nd and 3rd reading.

This is a guide to participating in a Senate Committee Study: Giving Oral and/or Written Evidence: http://www.parl.gc.ca/Content/SEN/Committee/412/pub/Witness_Long-e.pdf

5. Q&A ABOUT APPEARING AS A WITNESS AND SUBMITTING A BRIEF TO COMMITTEES

a. Does the committee accept embargoed documents as a brief? If so, how does the committee treat embargoed documents?

Meetings are public so documents that are not public will be hard to submit. If the meetings happen “in camera” then submitting documents not meant for the public will be no problem.

b. What is the deadline to recommend witness and submit briefs to Committees?

It is recommended that you submit your brief as soon as possible. You can submit your brief even after the process has started, but it is suggested to get it in as soon as possible since the committee votes at the end of their process — length of which we still do not know. It is recommended that you submit *before* the committee begins to leave time for translation in either French or English.

c. How many witnesses will be called to the Justice Committee?

60 witnesses were called to the Justice Committee.

IF YOU HAVE ADDITIONAL QUESTIONS ABOUT THE LEGISLATIVE PROCESS PLEASE SEND THEM TO:

CONTACT@SEXWORKLAWREFORM.COM