

**INQUIRY INTO UPDATING THE STANDING ORDERS TO  
REQUIRE RESPECTFUL BEHAVIOUR IN THE CHAMBER,  
PARTICULARLY AS THEY RELATE TO SEXISM AND  
RACISM**

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HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# House of Commons of Canada Submission to the New South Wales Procedure Committee

Inquiry into Updating the  
Standing Orders to Require  
Respectful Behaviour in the  
Chamber.

Ottawa, May 6, 2024

# House of Commons of Canada Submission to the New South Wales Procedure Committee

*Inquiry into updating the standing orders to require respectful behaviour in the Chamber, particularly as they relate to sexism and racism.*

## Introduction

The House of Commons of Canada is pleased to share procedures and practices that address respectful conduct and manage disorder within our parliamentary proceedings. From a procedural standpoint, it is important to note that cases of sexist and racist comments would be addressed in the same manner as other instances of unparliamentary language or breaches of decorum. Therefore, our submission encompasses an overview of measures to maintaining decorum, codes and policies addressing harassment, and relevant rulings that guide our jurisdiction. We trust that it can offer valuable perspectives to assist you in your efforts to tackle these issues.

## 1. Specific procedures or practices relating to respectful behaviour by Members in the Chamber

### 1.1 Procedures and Practices

The House of Commons is the master of its own proceedings and the Speaker its servant, ensuring that the rules and practices the House adopts for itself are enforced and upheld. While the Speaker is explicitly charged with maintaining the dignity and decorum of the House, it is Members themselves who must take responsibility for their behaviour and conduct their business in an appropriate fashion. [\*House of Commons Procedure and Practice\*](#), Third Edition, 2017, provides an extensive overview of the guiding principles of parliamentary procedure for debate and other proceedings in the House of Commons to be conducted in a civil manner. In the following section, you will find a summary of the main procedures guiding these practices.

### References to Members

During debates, Members address each other by title, position, or constituency rather than by personal names. This practice helps prevent debates from becoming overly personal<sup>1</sup> Furthermore, remarks that challenge a Member's integrity, honesty, or character are considered

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<sup>1</sup> Beauchesne, *Rules and Forms of the House of Commons of Canada*, 4<sup>th</sup> Edition, p. 126.

inappropriate and are not allowed<sup>2</sup>. Should such remarks occur, the offending Member will be asked to retract any offensive comments, allegations, or accusations of impropriety directed towards another Member. This helps maintain discussions that are respectful and focused on the issues at hand.

### Unparliamentary Language

The use of offensive, provocative or threatening language in the House is strictly forbidden<sup>3</sup>. A direct charge or accusation against a Member may be made only by way of a substantive motion for which notice is required<sup>4</sup>. If the language employed during a debate seems inappropriate, the Speaker will intervene to address the issue. Additionally, any Member who feels aggrieved by a remark or allegation has the right to immediately bring the matter to the Speaker's attention by raising a point of order.

When addressing unparliamentary language, “the Speaker takes into account the tone, manner and intention of the Member speaking, the person to whom the words at issue were directed, the degree of provocation, and most important, whether or not the remarks created disorder in the Chamber”<sup>5</sup>. This evaluation is context-dependent, with language deemed unacceptable one day possibly being acceptable on another.

Therefore, codifying unparliamentary language is impractical, as context matters most in determining its appropriateness. Even if an expression is deemed acceptable, the Speaker warns against using language that could incite disorder. Additionally, expressions deemed unparliamentary when directed at an individual Member might not be considered as such when used in a generic sense or toward a party<sup>6</sup>.

### Statements by Members

Statements by Members is a daily 15-minute period preceding Question Period, when Members who are not cabinet ministers may make statements on matters of national, regional or local importance. During this period personal attacks are not allowed as Members are not afforded the opportunity to respond<sup>7</sup>. If a statement provokes a strong reaction and disrupts the proceedings, the Speaker may intervene and interrupt the proceedings to restore order. This allows the Speaker to address any issues or concerns arising from the statement<sup>8</sup>.

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<sup>2</sup> [Standing Order 18](#). See, for example, *Debates*, May 8, 2023, p. [14088](#).

<sup>3</sup> [Standing Order 18](#).

<sup>4</sup> See Speaker Michener's ruling, *Journals*, June 19, 1959, pp. [581–6](#).

<sup>5</sup> *House of Commons Procedure and Practice*, Third Edition, 2017, p. [624](#).

<sup>6</sup> Such as mock titles. See, for example, *Debates*, November 7, 2023, p. [18531](#).

<sup>7</sup> *House of Commons Procedure and Practice*, Third Edition, 2017, p. [433-434](#).

<sup>8</sup> *Debates*, April 2, 2012, p. [6789](#).

## Oral Questions (Question Period)

During Oral Questions, the Speaker has several tools at their disposal to maintain decorum. They possess the authority to declare any question or comment that violates the conventions of parliamentary language as out of order. Additionally, Members can be penalized for heckling, by removing one of their party's allotted questions. Those who are excessively disruptive may be denied recognition for the remainder of the sitting, even if they are on their party's rotation list. The Speaker may also enforce time limits, such as adhering to the 35-second time limit during Oral Questions despite excessive applause from a Member's party. Furthermore, the Speaker can cut off Members and move to the next question, including responses to questions, to maintain order<sup>9</sup>.

## During the Taking of a Vote

The Standing Orders explicitly prohibit any noise or disturbance, from the time the Speaker begins to put the question until the results of the vote are announced<sup>10</sup>. Brief applause may be tolerated for a specific Member and reason. This was further supported by a Speaker's Ruling on why demonstrations are not permitted in the House<sup>11</sup>.

## Social Media

The Speaker has no authority to rule on statements made outside the House by one Member against another but retains jurisdiction over audio-visual material recorded in the House, particularly when Members use it on social media platforms.

In one of the first rulings on the use of social media, Speaker Milliken stated that: "It is clearly impossible for the Chair to police the use of personal digital devices by Members"<sup>12</sup>. He added that the Chair would not want to change its longstanding practice of refraining from commenting on statements made outside the House. This principle has been consistently upheld in additional rulings by subsequent Speakers<sup>13</sup>.

However, there have been instances where Members of Parliament have posted on social media photos or videos they had taken in the House; in these cases, the Chair has asked them to remove them<sup>14</sup>. In one instance the Chair also refused to recognize a Member who had reluctantly committed to removing a photo published on social media<sup>15</sup>.

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<sup>9</sup> *House of Commons Procedure and Practice*, Third Edition, 2017, p. [507-510](#).

<sup>10</sup> [Standing Order 16\(1\)](#)

<sup>11</sup> *Debates*, December 6, 2011, p. [4089](#).

<sup>12</sup> *Debates*, April 1, 2010, p. [1284-1285](#).

<sup>13</sup> *Debates*, December 6, 2023, p. [19568](#) and *Debates*, April 30, 2024, p. [22816](#).

<sup>14</sup> *Debates*, March 30, 2023, p. [12868](#).

<sup>15</sup> *Debates*, October 1, 2018 p. [22044](#).

## Disciplinary Power of the Speaker

If a Member challenges the Speaker's authority by refusing to comply with orders to withdraw unparliamentary language, stop interrupting, or cease irrelevant or repetitive remarks, the Speaker has some options. These include recognizing another Member<sup>16</sup> or withholding recognition until the offending remarks are retracted<sup>17</sup>. Ultimately, the Speaker may resort to "naming" the Member, addressing them directly by name instead of title, and ordering their removal from the Chamber for the remainder of the sitting day<sup>18</sup>. This disciplinary measure is rarely used by the Speaker<sup>19</sup>.

## 1.2 CODES AND POLICIES ADDRESSING HARASSMENT

### Code of Conduct for Members of the House of Commons: Sexual Harassment Between Members

On November 18, 2014, the Board of Internal Economy<sup>20</sup> agreed to establish a formal, impartial, and confidential process to handle harassment complaints involving Members of Parliament and requested the Speaker of the House of Commons to seek a review of these issues by the Standing Committee on Procedure and House Affairs<sup>21</sup>. Later that year, the House unanimously adopted a motion instructing the Standing Committee on Procedure and House Affairs to study possible policies to address harassment complaints between Members of Parliament<sup>22</sup>.

On June 8, 2015, following its study, the Committee presented a report to the House, recommending the establishment of a code of conduct<sup>23</sup>. The report was unanimously adopted by the House the following day. [The Code of Conduct for Members the House of Commons: Sexual Harassment Between Members](#) took effect in December 2015 and was appended to the [Standing Orders](#) of the House.

The Code of Conduct aims to foster a workplace at the House of Commons where Members can perform their duties effectively in an environment free from sexual harassment. It encourages incident reporting, offers a resolution process led by the complainant, ensures confidentiality, and enforces the implementation of specific parliamentary recommendations. Additionally, it

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<sup>16</sup> See, for example, *Debates*, December 4, 2023, p. [19423](#).

<sup>17</sup> On several occasions, Members who refused to withdraw remarks deemed unparliamentary were denied the floor for several weeks. For example, Mark Strahl (Chilliwack—Hope) was denied the floor for seven weeks. See, for example, *Debates*, May 4, 2023, p. [14022](#) and June 21, 2023, p. [16407](#).

<sup>18</sup> [Standing Order 11](#).

<sup>19</sup> During the current Parliament, which started on November 22, 2021, this measure has been used five times. See, for example, *Debates*, December 6, 2023, p. [19546](#).

<sup>20</sup> The governing body of the House of Commons. Presided over by the Speaker, the Board is responsible for all matters of financial and administrative policy affecting the House of Commons.

<sup>21</sup> Board of Internal Economy, [Minutes](#), November 18, 2014.

<sup>22</sup> *Journals*, November 27, 2014, p. [1852](#).

<sup>23</sup> *Journals*, June 8, 2015, p. [3](#).

requires all Members to sign a pledge and return it to the Chief Human Resources Officer by a specified deadline.

## Members of the House of Commons Workplace Harassment and Violence Prevention Policy

In 2018, Parliament passed [\*An Act to amend the Canada Labour Code \(harassment and violence\), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1\*](#). In 2021, in response to this legislation, the Board of Internal Economy adopted the [\*Members of the House of Commons Workplace Harassment and Violence Prevention Policy\*](#), which applies to Members and House officers as employers, to their employees and to the employees of research offices. The policy addresses harassment and violence prevention, the process for resolving alleged incidents and the process for filing complaints, including duties relating to investigations and reporting<sup>24</sup>.

In addition, all new Members and employees must receive harassment and violence prevention training within three months after the day they start in their position. Members and employees must receive this training again once every three years.

This policy must be reviewed every three years, along with its related tools and training. In addition, the Chief Human Resources Officer must provide an annual [statistical report](#) on this matter to the Board of Internal Economy.

## 2. Relevant Rulings That Guide Practice in the House of Commons of Canada

**Naming of a Member:** During Oral Questions, the Speaker requested that Blake Richards (Banff—Airdrie) come to order. When Mr. Richards did not comply, the Speaker asked the Sergeant-at-Arms to remove the Member (*Debates*, November 30, 2017, p. [15810](#)).

In a recent instance, the Speaker named two Members during Oral Questions, one of them being the Leader of the Opposition, over unparliamentary remarks (*Debates*, April 30, 2024, p. [22782-22783](#)).

**Role of the Speaker in maintaining decorum:** Speakers have addressed disruptions in the chamber, urging Members to prioritize civility and mutual respect. While the Speaker enforces rules, they emphasize the importance of collective self-discipline (*Debates*, December 12, 2012, p. [13215](#) and *Debates*, October 18, 2023, pp. [17592-17593](#)).

**Unparliamentary language during Oral Questions:** Speakers have ruled on remarks made during question period noting that while the remarks may not have been strictly unparliamentary, they

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<sup>24</sup> Board of Internal Economy, [Meeting Minutes](#), January 28, 2021.



can still be provocative and cause disorder (*Debates*, March 12, 2009, p. [1631-1633](#), *Debates*, October 18, 2023, pp. [17592-17593](#) and *Debates*, November 30, 2023, pp. [19283-19284](#)).

**Proper use of Statements by Members:** Speakers have clarified that Statements by Members are not occasions for making personal attacks on any Member (*Debates*, January 17, 1983, p. [21873–21874](#), *Debates*, June 14, 2010, pp. [3777–9](#) and *Debates*, December 14, 2010, pp. [7251–2](#)).

### 3. Recent Developments or Inquiries

#### Recognition of Indigenous Languages to Promote Reconciliation and Diversity

In 2018, the House of Commons took a significant step towards fostering reconciliation between Indigenous and non-Indigenous peoples by formally recognizing the use of Indigenous languages in proceedings of the House and its committees<sup>25</sup>. This recognition followed a ruling by Speaker Regan<sup>26</sup>. The measure not only aims to promote the participation of Indigenous peoples but also to protect and preserve their languages.

#### Speaker Fergus Statements on Decorum

One of Speaker Fergus' priorities following his election on October 3, 2023, was to address the issue of the "deterioration in the collective decorum" in the House of Commons. In this regard he made two statements.

On October 18, 2023, the Speaker outlined his commitment to fostering respectful debate and decorum in the House. He emphasized the need to reduce excessive heckling, provocative language, and personal attacks during parliamentary proceedings. The Speaker acknowledged that these issues were most prominent during Statements by Members and Question Period and pledged to address them through discussions with individual Members and party representatives<sup>27</sup>.

In a second statement on February 26, 2024, the Speaker acknowledged the constructive feedback from whips and the generally productive exchanges during sittings, which uphold the dignity of the institution. However, he also acknowledged the rise in inflammatory language and unparliamentary expressions, leading to frequent interruptions by the Chair or points of order. The Speaker differentiated between statements that are part of a robust debate and those that cross into discourtesy or poor taste, stressing the importance of maintaining respect and civility in discourse<sup>28</sup>.

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<sup>25</sup> [66th report of the Standing Committee on Procedure and House Affairs](#), presented to the House on June 19, 2018, and adopted on November 29, 2018.

<sup>26</sup> *Debates*, June 20, 2017, p. [12980](#).

<sup>27</sup> *Debates*, October 18, 2023, pp. [17592-17593](#).

<sup>28</sup> *Debates*, February 26, 2024, pp. [21313-21314](#).