

Virtual Parliaments in Canada: Pandemic Responses or Permanent Solution?

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INTRODUCTION

Late in the evening of 3 February 1916, flames engulfed Canada's parliament building. By sunrise the next day, the bell that once rang from its tower lay amid a heap of ashes, covered in ice. The fire was eventually ruled an accident, a consequence of a time when parliamentary business typically featured the hazardous pairing of paper piles and cigarettes. The day following the fire, however, the House of Commons met as it was scheduled to do, down the road in the Victoria Memorial Museum. For four years, both chambers of Canada's Parliament conducted proceedings uninterrupted in the exhibition halls of the museum, amid dinosaur bones and prehistoric fossils.

A century later, a virus swept across the globe and again forced parliamentarians to conduct business in an unconventional place – this time, in front of webcams in their homes and offices. While the fire of 1916 eventually prompted a celebrated return to a newly built Parliament Building, the COVID-19 pandemic has prompted a discussion of whether there should be a full permanent return to in-person meetings.

In Canada, as elsewhere, the adoption of virtual participation in parliamentary proceedings has shifted from a response to the exigencies of a global pandemic to a consideration of more modern and efficient means of conducting parliamentary business. Members of the House of Commons and the Senate continue to actively debate what the future of a 'hybrid parliament' will look like, or whether it ought to continue at all. After two years of adapting technology to accommodate remote participation in proceedings, significant challenges remain to ensure its seamless integration.

This article gives a brief survey of the adoption of virtual parliamentary proceedings in Canada, beginning with a summary of its rapid implementation in 2020 in response to the COVID-19 pandemic. While remote participation sometimes featured technical hiccups and procedural predicaments, it also raised serious questions about Executive control of parliamentary business in the early phases of the pandemic. The article then discusses specific institutional complexities in adopting virtual participation, including the challenges of accommodating parliamentarians who live in areas where highspeed internet connection is unavailable or unreliable, maintaining simultaneous interpretation of all proceedings in Canada's two official languages, and ensuring that technological resources are shared adequately between both chambers of Canada's parliament. In light of these challenges, parliamentarians in Canada remain divided on whether hybrid parliament is a unique response to a pandemic or the beginning of a new form of parliamentary participation.

COVID-19 AND THE ADVENT OF VIRTUAL PARLIAMENT IN CANADA

Before the COVID-19 pandemic necessitated the move to virtual proceedings, there had been little serious consideration of adopting virtual participation in either chamber of Parliament. While committees in both chambers sometimes used videoconference technology for witnesses appearing remotely, it had never been seriously considered for members in the chamber. Only a year before COVID-19 spread with speed across the world, the House of Commons and Senate moved to new temporary chambers while the century-old Centre Block that had housed both chambers underwent significant renovations. It was certainly not countenanced at the time of the move that the new interim chambers would have to be refitted within a year to accommodate large screens to beam in members participating remotely. In fact, until 2019, debates in the Senate were not filmed at all, the original chamber being too small to accommodate video equipment.

The first case of COVID-19 in Canada was diagnosed on 25 January 2020, and within a month it had spread throughout the country. The House of Commons and the Senate were in session at the time and were scheduled to sit until the end of June. On 13 March, both chambers adjourned because of the unfolding health emergency. Members of Parliament were recalled several times during the adjournment to vote on emergency COVID-related bills and financial measures, though these in-person meetings had capacity limits to allow for physical distancing in the chamber.

In the early months of the pandemic, the absence of videoconferencing technology effectively disbarred some parliamentarians from participating in proceedings,

whether because of physical distancing capacity limits in the chambers or provincial travel restrictions that constrained mobility. In those same months, the Canadian government proposed sweeping financial aid bills that were debated and passed by Parliament in an expedited manner. The Order Papers of the House of Commons and the Senate became well-lubricated legislative luges, giving rise to concern that the pandemic was severely diminishing the role of Parliament against a more centralized and powerful Executive.¹ Given the challenge of balancing parliamentary independence and public health imperatives, facilitating virtual participation was broadly supported as a necessary response to the immediate pandemic reality.

The Procedure and House Affairs Committee of the House of Commons conducted a study on changes required to allow Members of Parliament to carry out their duties in the pandemic.² The House of Commons began sitting in a hybrid format on 23 September 2020. The Senate authorized a motion to adopt hybrid sittings on 27 October 2020, with the first full hybrid sitting beginning the following week.³

Despite the logistical and technological challenges of moving parliamentary proceedings to a hybrid format, it was effectively implemented without significant technical problems, apart from issues like microphone muting that became a hallmark of pandemic life. On one occasion, a temporary internal outage caused the virtual platform to go offline, halting parliamentary business for one evening.⁴ The most noteworthy hiccups of virtual parliament related to parliamentarians' struggles in adjusting to the new technology. One Member of Parliament caused a stir after inadvertently appearing virtually in the House of Commons without clothes on. That same member stepped aside from his parliamentary duties after a second incident in which he again appeared virtually in the chamber engaging in imprudent conduct with

¹ The centralization of power in the Prime Minister's Office and the subsequent erosion of parliamentary independence has been a common element of Canadian political science discourse; see for example, Donald J. Savoie, *Governing from the Centre: The Concentration of Power in Canadian Politics*, University of Toronto Press, 1999.

² House of Commons, Standing Committee on Procedure and House Affairs, 'Parliamentary Duties and the COVID-19 Pandemic', Website, May 2020. Accessed at: <<https://www.ourcommons.ca/DocumentViewer/en/43-1/PROC/report-5/>>.

³ Marc Gold, Canada, *Parliamentary Debates*, Senate, 27 October 2020. Accessed at: <https://sencanada.ca/en/content/sen/chamber/432/debates/005db_2020-10-27-e#63>.

⁴ Kevin Lamoureux, Canada, *Parliamentary Debates*, House of Commons, 21 June 2022. Accessed at: <<https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-93/hansard>>.

a coffee cup.⁵ Another Member of Parliament apologized to the House of Commons after participating in House proceedings from a washroom stall.⁶

A more serious procedural dilemma emerged in the Senate when a member was found to be in violation of the rules after participating in committee meetings – including proposing and voting on legislative amendments – from her hotel room in California.⁷ The Senate’s order of reference for hybrid sittings included a stipulation that members attending remotely must be within Canada. As a result, the Senate took the unusual step of reopening the committee’s consideration of the bill so that members could vote again on amendments within the rules. These indiscretions made headlines in the media but also highlighted the limitations that attend the flexibility of remote participation in parliamentary proceedings.

INTERNET CONNECTIVITY AND REMOTE PARTICIPATION IN PARLIAMENT

One of the most significant and persistent challenges of hybrid parliament in Canada has been inconsistent and at times unreliable highspeed internet connectivity, which is essential for the smooth execution of meetings that involve remote participation. The challenge is largely predicated on geography; though Canada is the second largest country in the world by land area, it has a population of 38 million spread primarily among major urban areas. While the infrastructure for highspeed internet is well-established and reliable in urban and suburban areas, it is less so in rural and remote areas, including northern and Indigenous communities. Though nearly 90% of Canadians have access to broadband internet, the number is closer to 50% for those who live in rural areas.⁸ This imbalance raises questions about the equitable access to Parliament for members who represent regions that do not have strong internet connectivity.

⁵ ‘Liberal MP’s Latest Exposure Incident Being Taken ‘Extremely Seriously’, Says Whip,’ *CBC News*, 28 May 2021. Accessed at: <<https://www.cbc.ca/news/politics/will-amos-safety-1.6044371>>.

⁶ Shafqat Ali, Canada, *Parliamentary Debates*, House of Commons, 9 May 2022. Accessed at: <<https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-67/hansard>>.

⁷ Rosa Galvez, Canada, *Parliamentary Debates*, Senate, 14 June 2022. Accessed at: <https://sencanada.ca/en/content/sen/chamber/441/debates/053db_2022-06-14-e#8>.

⁸ Canadian Radio-television and Telecommunications Commission, ‘Broadband Fund: Closing the digital divide in Canada,’ 4 August 2022. Accessed at: <<https://crtc.gc.ca/eng/internet/internet.htm>>.

One clear example of the challenge posed by unreliable internet connection in hybrid proceedings occurred at the Senate Social Affairs Committee during a clause-by-clause review of a bill to amend Canada's Old Age Security Program. A senator from Nunavut – the largest constituency by land, comprising much of the Canadian Arctic – participated in the meeting remotely, but his internet connection grew unstable during the meeting. The senator sought to propose a technical amendment to the bill, but the constant freezing of the internet connection precluded him from explaining the amendment to members of the committee. The committee chair called the technical interruptions 'really quite disturbing,' though the committee's constrained timeframe for considering the bill meant that it had to move on without the full participation of the senator attending remotely.⁹

BILINGUALISM IN HYBRID PARLIAMENT

French and English are the official languages of Canada. Parliamentarians have a constitutionally protected right to speak in either official language and can listen to proceedings in their preferred language through simultaneous live interpretation. All official documents, including chamber and committee transcripts, are translated each day and made available in both languages. The machinery that enables Canada's Parliament to be functionally bilingual has been in operation for over six decades, but the COVID-19 pandemic quickly presented a significant strain on its viability.

Soon after the House of Commons adopted hybrid proceedings, the adverse impact on simultaneous interpretation became apparent. Parliamentarians and committee witnesses appearing remotely did not guarantee the same audio quality control that is found in parliamentary premises. Interruptions in proceedings because interpreters could not properly hear a speaker appearing via remote video link became routine frustrations. Even minor gaps in a sentence caused by technical blips affect interpreters' ability to accurately convey what is said in a different language.

At times, audio quality issues effectively compromised the requirement that parliamentary debates be instantly available in both official languages. In a debate on a financial supply bill in the Senate, a French-speaking senator was unable to ask a

⁹ Parliament of Canada, *Report*, Standing Senate Committee on Social Affairs, Science and Technology, 28 February 2022. Accessed at: <<https://sencanada.ca/en/Content/Sen/Committee/441/SOCI/07EV-55394-E>>.

question to the bill's critic because the interpreter could not hear well enough to provide English translation. Since the technical issue could not be resolved, the Speaker advised the senator to pose the question at Third Reading.¹⁰ This was a highly unusual exclusion of a parliamentarian from debate due to linguistic interpretation challenges.

The union representing Parliament's interpreters raised concerns that the difficulty of hearing and providing simultaneous interpretation in a hybrid context caused significant cognitive strain. As a result, many had to work shorter shifts or take more time off between shifts. Beyond the concern over the quality of interpretation in virtual parliamentary proceedings, the health effects caused by sudden and loud audio interferences, known as 'acoustic shocks,' placed a significant strain on Parliament's capacity to ensure bilingual interpretation. The occurrence of acoustic shocks rose considerably after the adoption of hybrid parliament, resulting from the use of poor-quality microphones or headsets, unsteady internet connections, and technical interferences. Acoustic shocks can cause nausea, tinnitus, migraines, and other concussion-like symptoms and form a major workplace hazard for interpreters. The president of the union representing parliamentary interpreters told a House of Commons committee that there were more acoustic-related injuries reported by interpreters in the first three weeks of hybrid parliament than in the entire preceding year.¹¹ In February 2022, the union filed a formal complaint with the responsible government department for failing to provide interpreters with a safe working environment.¹²

SHARING RESOURCES IN A BICAMERAL PARLIAMENT

Canada's bicameral parliament consists of the House of Commons, which is an elected chamber based on representation by population, and the Senate, which is an

¹⁰ Renée Dupuis, Canada, *Parliamentary Debates*, Senate, 14 December 2021. Accessed at: <https://sencanada.ca/en/content/sen/chamber/441/debates/011db_2021-12-14-e#59>.

¹¹ Standing Committee on Procedure and House Affairs, House of Commons, *Evidence*, 4 May 2020. Accessed at: <<https://www.ourcommons.ca/DocumentViewer/en/43-1/PROC/meeting-14/evidence>>.

¹² Canadian Association of Professional Employees, 'CAPE Issues Complaint Against the Translation Bureau for the Failure to Meet its Obligations to Protect Interpreters' Health and Safety,' 2 February 2022. Accessed at: <<https://www.acep-cape.ca/en/news/cape-issues-complaint-against-translation-bureau-failure-meet-its-obligation-protect>>.

appointed chamber based on regional representation. Much of the parliamentary agenda is driven by the House of Commons, which is where the Prime Minister and cabinet conventionally sit. The Senate, often dubbed the chamber of ‘sober second thought,’ typically fills a more revisory role and tends to be less partisan, and therefore holds a lower profile in media and public attention. Both chambers are legislatively co-equal, though the appointed Senate has a long tradition of ultimately deferring to the will of the elected House of Commons.

The allocation of resources required to facilitate hybrid parliamentary proceedings placed a significant strain on the ability of both chambers to operate at full capacity. The strain was especially acute in the Senate, which is less than one third the size of the House of Commons. It took the Senate months longer than the House of Commons to switch to a full hybrid model. Senators expressed frustration that the transition to a format that would allow virtual participation took so much longer in their chamber. With the implantation of travel restrictions, many senators from outside of the national capital region were unable to attend in-person sittings during the early parts of the pandemic. In June 2020, following a three-month period in which the Senate had only met four times, a senator moved a motion calling for an extensive review of the technological incapacity of the chamber, stating:

*there is no question there is a growing frustration and exasperation from many colleagues in my group as well as in other groups for not being able to fully participate in the debates.*¹³

The strain on resources was most noticeable in the functioning of Senate committees, which struggled to operate at full capacity throughout the pandemic. Committees are often viewed as the workhorses of the Senate, where detailed scrutiny and special studies are conducted. Typically, each committee convenes two meetings each week, but this regular pattern dissipated during the pandemic.¹⁴ Logistics formed a large factor in the crippling of committees, notably the strain on technical support for virtual meetings and the shortage of language interpreters. Many of the Senate’s committees

¹³ Scott Tannas, Canada, *Parliamentary Debates*, Senate, 16 June 2020. Accessed at: <https://sencanada.ca/en/content/sen/chamber/431/debates/022db_2020-06-16-e#65>.

¹⁴ Peter Mazereeuw, ‘Senate leaders promise progress on committees, some of which have barely met since the last election,’ *Hill Times*, 22 March 2021. Accessed at <<https://www.hilltimes.com/2021/03/22/senate-leaders-promise-progress-on-committees-some-of-which-have-barely-met-since-the-last-election/289642>>.

could not hold regular meetings during the first year of the pandemic, despite the House of Commons running nearly at regular capacity.

HYBRID PARLIAMENT IN CANADA GOING FORWARD

The future of virtual parliament remains an active matter of debate in Canada. On 22 June 2022, a majority in the House of Commons voted in support of a motion to extend hybrid proceedings to June 2023. For many parliamentarians who endorse virtual parliament, what started as an emergency response to the COVID-19 pandemic has become a model of a modern and more efficient parliament. Many members who spoke in favour of the motion noted that hybrid allowed greater personal flexibility to balance work and family life. One Member of Parliament stated that because of virtual Parliament, 'I am a better father. I am also a better parliamentarian and certainly a better husband.'¹⁵ Political observers have noted that the permanent adoption of virtual parliament could make politics more attractive to women and young people, given that the Canadian House of Commons does not have strong parental or other 'workplace accommodations.'¹⁶

When the Senate resumed sitting after the summer 2022 adjournment period, it returned to a pre-pandemic setup without a virtual component. The frustrations related to the diminution of committee time and the constraints of shared resources were so significant that senators let the motion authorizing hybrid proceedings expire. The question of whether to resume a hybrid model remains under active discussion in the Senate, though its adoption will likely be predicated on a guarantee that it does not encumber the Senate's ability to operate at full capacity. In the meantime, Canada's Parliament offers a direct comparative assessment of virtual parliaments with one chamber using technology to facilitate remote participation and the other operating fully in-person. It is clear, however, that the debate about keeping hybrid is no longer about public health measures, as it was in 2020; it has now become about the best, most efficient way to represent Canadians in Parliament and to provide better work-life balance for parliamentarians. As the experience of virtual parliament moves into a

¹⁵ Nathaniel Erskine-Smith, Canada, *Parliamentary Debates*, House of Commons, 2 June 2022. Accessed at: <<https://www.ourcommons.ca/DocumentViewer/en/44-1/house/sitting-80/hansard>>.

¹⁶ Amanda Bittner and Melanee Thomas, 'Making a Bad Thing Worse: Parenting MPs and the Pandemic,' *Canadian Parliamentary Review*, 43(3), 2020.

post-pandemic stage, debates about its endurance will centre more directly on the question of whether it strengthens or impedes parliamentary independence and democratic accountability.