

**First Ministers' Conference Call – Emergencies Act**  
**February 14, 2022**

**Summary**

The Prime Minister chaired an urgent call of First Ministers to discuss federal action to address the ongoing demonstrations and blockades. He was joined by Minister LeBlanc, Minister Lametti, and Minister Mendicino.

The meeting focused on the declaration of a public order emergency under the *Emergencies Act*.

The **Prime Minister** began the call by noting that the activities taking place across the country are no longer just about COVID and they have gone well beyond peaceful protest. He emphasized that each jurisdiction as to look at all possible measures to respond in the national interest, as well as to deter potential future events. He also stressed the need to be proportional in our response, recognizing the risk of appearing to overreach and inflaming the very complaints about freedom that some are protesting. He stated he would like to consult premiers on the use of the federal Emergencies Act to assist our collective response efforts, emphasizing that there has not yet been a final decision by government to do this. He also stressed that the use of the Emergencies Act displace displacing provincial or territorial jurisdiction, but would instead supplement measures in PT jurisdictions with additional federal authorities to give law enforcement, including local law enforcement, the maximum leverage to be able to uphold the rule of law and deal with the situation we are facing.

- A copy of his remarks, as delivered, are attached.

**Minister Lametti** provided an overview of the Emergencies Act, noting that there must be a national emergency to invoke the Act, highlighting the procedural safeguards in place, and emphasizing that the Act is meant to be used as a last resort. Federal measures would complement existing measures and would be in place for 30 days. He highlighted six areas where measures can be taken under the Emergencies Act to help bring matters under control: regulation and prohibition of public assemblies that lead to a breach of the peace and go beyond lawful protest; designating and securing places where blockades are to be prohibited; directing persons to render essential services to relieve impacts of blockades on Canada's economy; authorizing or directing financial institutions to render essential services to relieve impact of blockades; enabling the RCMP to enforce municipal by laws and provincial offences where required; and the imposition of fines or imprisonment for contravention of any order or regulation made under section 19 of the Emergencies Act. He noted that the Act does not require that the Government use all available powers

- A copy of his remarks, as delivered, are attached.

**Minister LeBlanc** spoke briefly about the ongoing collaboration with provincial and municipal governments, emphasizing that measures under the Emergencies Act would not displace provincial efforts, but would instead supplement them with existing authorities. A copy of his remarks, as delivered, are attached.

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Premiers provided the following comments:

**Premier Horgan:**

- We are not as pressed as other jurisdictions. Know by recent polling that satisfaction of our covid response is well over 60%. We do have a group, but not as large or militant with protests, and are shrinking in size each week.
- Approach sounds measured and practical. We are susceptible as anyone across the country.
- Have had protests here, but have been shrinking in size since January. Local law enforcement has been able to manage.
- Only concern is that these measures would be implemented by RCMP in BC which are already fully taxed. Not sure where you are going to find the people. We've already sent an RCMP contingent East.
- Concern about emboldening those losing public support. People are as exhausted by covid, but have taken three shots and are taking steps to protect themselves and family. Worry that too heavy a hand may embolden others.
- Would support this at this stage.

**PM:** We would be as proportional and measured as possible. Recognize the risk of further inflaming. Also have to show a firmness that comes with this.

**Premier Silver:**

- Fully supporting initiatives we are talking about.
- Did this come up when you met with party leaders in Parliament, and did they indicate intent to support measures in Parliament?

**PM:** The Emergencies Act did not come up directly. Did note we will be looking at all tools. Will be speaking with them later today to further this conversation. There will be a parliamentary process that kicks in, but more unity we can project the more confidence Canadians will have.

**Premier Cochrane:**

- In an ethical dilemma. Remember when premiers wanted to call in the army in the past. I said no. I don't want blood on my hands.
- I don't like to see people hurt. I don't like what is going on.
- Glad to hear your remarks about not calling in the army.
- We do not have territorial capacity. We rely on your support.
- Rumours of blockades of entries into NWT.
- Only thing we have is border controls for covid, but they are young people, under 25. Have given orders to pull them away – not putting those kids at risk.
- Would rely on RCMP.
- Know our truck companies would support.
- Would need tow trucks.
- Longer blockades stay, more difficult to resolve.
- Would rely on RCMP and trucks, but don't want to see any bloodshed.
- Would support emergency measures, but would ask for further consultation if decide to bring in army.

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**PM:** agree – calling in army on citizens is the last thing a government should consider, other than as a very last resort.

**Premier Kenney:**

- Situation at Coutts – 15 days ago had 1,000 trucks doing a rolling protest at the border crossing. 900 went home; 100 hard core stayed behind. Have had intermittent closures of lanes, but sometimes cooperation. The number has diminished. Now done to about 40 core group for the past several days. Problem is RCMP check points controlling access has become a magnet for sympathizers. Circus environment on highways leading up to that. Have tried RCMP enforcement in first week, but failed.
- [*Sharing the following confidentially*] A week ago RCMP became aware of intelligence of a hard core, potentially violent cell within the Coutts group that are prepared to die for their cause and are heavily armed. We have tried to turn the temperature down to allow the RCMP to make arrests last night. We believe the situation has been secured. Will now proceed with broader arrests and secure the border.
- Had asked for s.38 [REDACTED] s.38 [REDACTED] Have procured on market for equipment and have drivers in place. Unless an unexpected surprise, should open Coutts border crossing today.
- Would be problematic to declare emergency today to take momentum of arrests last night Declaration risks further radicalizing thousands of sympathizers in Alberta. Could turn operation into a magnet for every crazy in the province to go down there and make it untenable for the RCMP.
- Folks at the core of this movement are not rational. They are prone to conspiracy theories. Invoking what they will see as martial law will be seen as a serious provocation. Know you have a lot of serious issues to balance off, including in Ottawa, but am suggesting this could create a net negative in Alberta. If we need to seize or compel people, we are prepared to use our own Emergencies Act.
- At last FMM, I asked that you stop the vaccine mandate for truckers. I do not understand the public health rationale, given the level of transmission. Truckers are isolated in cabs, can do rapid tests. Thought it was an unnecessary provocation, as well as language that has been used.
- I'm as frustrated as you are. Looks at times as a failure of the state. Don't quibble using the Emergencies Act, but there are other ways to reduce passions of people.

**PM:** Emergencies Act is not about truckers. Have heard from many truckers that are dismayed by what's happening. Understand concerns about Alberta and note them carefully. Will continue to reflect on this.

**Premier Moe:**

- Have had multiple protests. Trucks come toward border crossings and the provincial legislature.
- RCMP and local authorities have done a remarkable job to ensure communications with convoy organizers, noting what is legal and not legal, and that they will move rapidly to enforce if there is any illegal activity.
- Has worked well stopping a convoy approaching the border. Instead they stopped on the side of the road and honked. No border blockage at all.
- Three questions:

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1. What tools will this provide that aren't already effective? In many cases police already have these tools. Alberta is using them at Coutts. See it in Windsor as well. Understand majority of charges laid was mischief under the Criminal Code – existing tools available for law enforcement to clear out situations. Understand the situation in Ottawa is unique.
2. What's at the core of protests is public health measures and mandates. Seeing countries around world and virtually all provinces announce a path forward to reduce or eliminate many public health orders. Haven't seen that yet from the federal government. This would be the most effective tool to reduce the temperature and allow law enforcement to remove protesters, notably in Ottawa. Would provide another way to unite people across the country.
3. Enacting the Emergencies Act is not going to do that. Although the six items may sound reasonable, they will not be perceived that way. Will inflame situation that we have. Greatly increase intensity of protests we are seeing in Saskatchewan. Won't bring people together.
  - Coutts and Windsor – police using law enforcement tools. Emergencies Act will only inflame the situation.
  - Much better path is to put forward a plan for Canadians as to how the federal government is going to move away from public health mandates that are in place.
  - Need to: support existing law enforcement; reduce intensity of views; and bring Canadians together.

**PM:** Recognize local actions in Saskatchewan, Quebec, and Toronto where local efforts have prevented escalation. On first and third point, can turn to Ministers Lametti and Mendicino for comments.

**Minister Lametti:** On policing, we are not trying to displace local laws. By creating a zone protecting critical infrastructure and empowering the RCMP to do what local authority can do, we are giving them all the same powers to work together. So that everyone can work together, coordinate, have a coherent manner of protecting bridges, highways, and streets. Was shown to be a problem.

**Minister Mendicino:** Thank you, and your teams, whom I've had productive conversations to ensure local law enforcement have all the tools they need. In some cases we have seen progress. Thank Premier Kenney for his update on enforcement action taken in Coutts. Prior to that we were able to invoke a provision of our police service agreement with Alberta – article 9.2 allowed RCMP to mobilize additional resources. Other situations are more challenging, such as in Ottawa. There is an integrated command centre with OPP and RCMP exercising shared command and control. The Emergencies Act does provide for additional authorities – very targeted, measured, scalable, and used in consent with existing provincial authorities to support your police. Will give us additional flexibility to allow RCMP to not only enforce provincial or municipal laws but equally to support local law enforcement. Will allow us to move other assets and tools like tow trucks and barriers for crowd control. I will remain available to all premiers and ministerial counterparts in the event we choose to invoke these measures.

**Premier Moe:** on empowering RCMP – understanding is that local police can request RCMP to come into their jurisdiction. Have had that occur in past. Is that the case?

**Minister Lametti:** you can deputize RCMP in local circumstances. Trying to give additional degree of flexibility for the coordination of police forces to have the same powers. Have designated areas. Also to

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have other provisions under the Emergencies Act that all police can enforce.

**Premier Stefanson:**

- Manitoba justice officials are working closely with law enforcement.
- RCMP confident they have tools under provincial law needed at Emerson border crossing, and are finalizing plans to open the border.
- Winnipeg Police have been working closely with protest organizers to deescalate.
- Concern that while we are moving in one direction, don't want anything to inflame situation. Concern that Emergencies Act would cause situation to escalate.
- Many provinces are reducing or eliminating restrictions. Sending hope and opportunity for individual provinces and citizens across the country.
- Should be a plan by the federal government to look at restrictions at the border to potentially deescalate things.
- Not just something for Canada. Some of these mandates are put in place by Biden. Have sent you a letter on how discussions are transpiring with Biden to deescalate things at the border.
- Have discussed with Governor of North Dakota. They have their own concerns about the mandate, and think that there is an opportunity to work together to help deescalate things with more of a carrot approach, rather than bringing in an Emergencies Act measures at this time.

**PM:** Hear the consistent points from the three Prairie Provinces. Important to separate out the very real questions some people have on public health measures and mandates at the border and the federal public service with the blockades that are going on, that are about more than just covid. They are very much about interfering with the economy, hurting the truckers they purport to support. Yes, the frustration people feel is linked to the pandemic, but this is a public order and public safety context, not strictly a negotiation about vaccine mandates. We are going to continue to follow the science on mandates and on vaccine measures. As the Health Minister announced on Friday, we will be announcing loosening of steps at the border in line with the best public health advice. Will be talking about that very shortly. This discussion now is about people barricading critical infrastructure across the country and putting people's livelihoods at risk. Conversations with Biden continue and are ongoing. Measures taken by different jurisdictions, whether it is by PTs or US government, we work cooperatively, but we don't direct what other jurisdictions do.

**Premier Akeagok:**

- No direct impact of blockades in North.
- There could be impact on food supply and medical services if airports are blocked. Want to acknowledge state of emergency Ford provided. Support that. Will monitor situation and measures that you've outlined. The six points.

**Premier Ford:**

- Understand what you are saying.
- Only way we deescalated Windsor was by throwing all our resources at that bridge. Cost us \$3 billion. \$700m in trade every day. Can't allow the few to affect the many across the province.
- Similar if someone came up and closed oil pipelines. Affects everyone.
- Products coming in on bridges go across country.
- Can't jeopardize livelihoods for occupiers who don't want to leave. Nothing more important than keeping those bridges open.

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- Zero tolerance. They are not truckers. Was 30 at the max. Trucking association is 100% behind what we are doing. Will continue doing it. Believe in liberties and freedoms, but when they jeopardize jobs and livelihoods... Getting calls from international companies questioning if we have a stable environment for investment. Threatens the auto sector, also feed for farmers, computer chips, can't allow people to hold us hostage.
- Only thing they understand is when police seize vehicles and take licenses away.
- Agree on getting rid of mandates, based on science.
- I've never believed in vax passport, but have followed advice of CMOH.
- Not going to have people disrupt daily lives like they have.
- Anarchy on bridge.
- Anarchy in Ottawa as well.
- Shout out to mayor and police chief of Toronto – that is leadership and good policing.
- Shout out to RCMP, OPP, and municipal police to work together.
- Province does not have tow trucks. Have to negotiate with tow truck drivers. That will change in the future. Will ensure that OPP have tow trucks. Embarrassing that we can't get use of tow trucks.
- Support PM in moving forward. Focusing on areas and regions. On bridges, or in Ottawa. Also a time limit on how long these will last. And ongoing engagement. PM has addressed these three questions. Have to give tools to police that are needed.
- Support the PM 100%.

**PM:** third area is about provision of essential services, which is directly about compelling tow trucks. On a personal note, everything I've heard between RCMP and OPP have been excellent. OPP commissioner regarded very highly by federal officials. Windsor operation was outstanding. Will continue to collaborate.

**Premier Legault:**

- In Quebec, we are preoccupied by the situation in Ottawa. It is unacceptable. Have to do what needs to be done. Support Ford 100%.
- What is important to say is we don't have this type of problem in Quebec. SQ has been able to control the situation so far. But have to be very cautious about moves to inflame the situation. We don't want the federal Emergencies Act to apply in Quebec. We think the federal Emergencies Act must only apply to provinces in agreement with the application of the Act. Don't need the federal Emergencies Act in Quebec and don't want the federal Emergencies Act in Quebec.

**PM:** We are identifying pieces of critical infrastructure that should not be blocked, such as approaches to bridges/border crossings. Know there has been no significant disruptions in Quebec, but also know Lacolle crossing is critical for trade. Would likely designate Lacolle as a piece of critical infrastructure. Think we should have further conversations.

**Premier Legault:** we are in control with SQ. Don't need or want RCMP in Quebec. Major error to say that we may have RCMP in Quebec.

**PM:** This is not about supplanting local police. About being able to have greater resources and support if they are needed. If they are not needed, Act is scalable. Current blockades in Ottawa affecting

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Outaouais and entire National Capital Region. Solutions may well involve working with SQ and Gatineau police. Need to reflect on that on how we coordinate.

**Minister Lametti:** According to the Act, we have a requirement to consult where the Act would be used in more than one province. If used in only one province, then consent would be needed. Otherwise, provincial consent is not required for use in multiple provinces.

**Premier Legault:** Not a question of jurisdiction. Am talking about politics – would have a major impact of having the federal Emergencies Act apply in Quebec. Would fuel the situation. Against that clearly for now.

**PM:** Hear you. We will keep talking. You've been clear.

**Premier Higgs:**

- Situation in Ottawa – understand what Ontario has gone through.
- Have used our emergency orders before protests over weekend. Saw a very down-scaled event, well-managed by police.
- Situation in Ottawa has become entrenched. If there are measures required for Ontario, then that is one factor, and could be a rationale for that. But rationale across country, would be an inflaming act if applied nationwide, beyond Ottawa.
- Frustration is winding down, because people are seeing hope. We announced reopenings. People can see we have a path forward. Not a win for protestors or a loss for science.
- Look at superbowl attendance – a whole stadium of people without masks.
- We risk losing public opinion.
- But could use authorities to address situation in Ottawa.
- Best approach is hybrid – deal with situation in Ottawa, and design a path forward on how Canada will move out of this.
- Vax passport across border hard to justify. Unvaccinated truckers had travelled across border when border was shut down.
- Would not reflect a win for protestors. Would reflect a path forward that's balanced. Feel that that is the focus.
- Other focus is Ottawa. Nobody has any sympathy for what they are doing in Ottawa.
- Local authorities don't need further authorities in NB.

**Premier King:**

- Small province. Have had respectful and democratic protest.
- Add my voice to those would like to see disruptions end.
- Understand you might be privy to more details.
- The fear of inflaming this, and how important this particular issue, shows the importance of messaging. Words matter and actions matter. All can be guilty of over politicizing this. Need to find a way to take sharp edges off.
- Reality is situation in various provinces of reducing vax mandates.
- Will be left with fragile and volatile situation. Worry about what comes next.
- Try to work our way around this.
- Will be there to do our part. Express caution on next steps.

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**Premier Houston:**

- Time to move forward not backward.
- Situation in Ottawa completely disgusting. Everyone knows that needs to be resolved. But we don't have those issues in NS. Our law enforcement has tools they need. Worry about inflaming emotions, and fear that this would do that. Would tip people over the edge.
- We put a plan out there – too fast for some, not fast enough for others – but at least know we are moving somewhere.
- Concerned about going backward and inflaming emotions.
- Have to deal with Ottawa situation for sure. Not sure a broad brush across the nation is the way to do that.

**Premier Furey:**

- Situation in Ottawa is unacceptable. Ottawa represents us on world stage. We are taking a reputational hit internationally.
- Have heard no comments on the potential of inflaming the silent large majority. Have to consider consequences of decisions that don't align with the opinions of vast majority.
- This is not about vaccine mandates. General anger about the state on a national front. Incredibly important as it sets future precedents. What will we do next time groups block the road? Cannot placate the few.
- As an island, we are vulnerable for supply chains. Would want firm and decisive action to protect essential items for NL.
- Can't be tolerated anymore.
- You have my 100% support.

**Conclusion by the Prime Minister:**

Thank you. Will help me in formulating a decision. Will be sending each of you a letter. Want to support you. Confident we can find a resolution to the situation. Understanding that it has manifested itself in different ways across the country, although seeing similar frustration and rhetoric across the country. Am very conscious of everything said and concerns about inflaming the protest.

Look forward to move forward on lifting of restrictions. Will do that in a way that is anchored in science. Our measures have always been much more limited than PTs (borders and air travel have lesser impact on people's daily lives than provincial measures). A blending of concerns out there.

My reflection is that use of the Emergencies Act would be step by step, proportional, and not overreaching. Restoring Canadians' confidence that we are a country of the rule of law.

Perspective I heard today is that if there is a decision to move forward it must be done in a cautious way.

Before we wrap up, I would like to provide you with a quick update on the situation in Ukraine. As you have no doubt seen in the media, there is increasing risk that we will see some kind of action from Russia against Ukraine. We have been tracking this closely. I have spoken with President Biden, President Zelensky, and multiple European leaders. The alliance and unity amongst democratic leaders is strong. However, we may be coming to an extremely challenging moment. Will continue to stand with

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people of UK for their sovereignty and territorial integrity. We will keep you informed of key developments. Know that we are taking this extraordinarily seriously.

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