

**PUBLIC ORDER EMERGENCY COMMISSION**  
**INSTITUTIONAL REPORT – PRIVY COUNCIL OFFICE**

**1.0 DEPARTMENT OVERVIEW**

**A. The Privy Council Office**

1. The Privy Council Office (PCO) reports directly to the Prime Minister. PCO:
  - Supports the development and implementation of the Government of Canada’s policy and legislative agendas;
  - Coordinates responses to issues facing the Government and the country; and
  - Supports the effective operation of Cabinet.
  
2. PCO is headed by the Clerk of the Privy Council, who also serves as Secretary to the Cabinet and Head of the Public Service. The Clerk of the Privy Council is Janice Charette. The Clerk has three principal roles:
  - **Deputy Minister to the Prime Minister.** As Deputy Minister to the Prime Minister, the Clerk is the most senior public service advisor to the Prime Minister and is responsible for the administration of the PCO. The Clerk’s job is to advise the Prime Minister and Cabinet Ministers in fulfilling the executive functions of government. The Clerk does so from an objective, non-partisan, public policy perspective.
  
  - **Secretary to the Cabinet.** As Secretary to the Cabinet, the Clerk is responsible for supporting the effective decision-making processes of government. This includes working with departments and agencies to develop policy options and choices for the Government, advising and supporting ministers in making policy decisions, and exercising a coordinating and convening role to ensure effective and efficient government responses to situations. The Clerk also advises on recommended Cabinet processes (for example what processes or Committees are appropriate to a situation at hand, from the perspective of good governance), and ensures that any Cabinet meetings are well structured and supported, with briefings on information and documentation necessary for Ministers to make informed decisions. The Clerk is also responsible for ensuring that decisions are properly recorded and accurately transcribed through minutes. The Clerk informs departments and agencies about Cabinet decisions, works with the public service to carry out decisions in a timely and effective manner, and supports the proper implementation of Cabinet decisions across the federal government.
  
  - **Head of the federal public service.** As head of the public service, the Clerk has overall responsibility for the Public Service as an institution. She also advises the Prime Minister about the workings and activities of the public service, including those undertaken by other Deputy Ministers within government.

3. The Clerk is supported by the Deputy Clerk of the Privy Council. The Deputy Clerk supports the Clerk in all her responsibilities, including advising on policy options, and has the authority to convene Deputy Ministers or other representatives of departments in delivering coordinated government responses. She supports other Deputy Secretaries of the PCO with respect to their responsibilities. The Deputy Clerk of the Privy Council is Nathalie G. Drouin.

#### **B. Office of the Prime Minister**

4. The Office of the Prime Minister (PMO) supports the work of the Prime Minister of Canada, Prime Minister Trudeau.

#### **C. Additional Cabinet Ministers Supporting the Prime Minister**

5. In addition to the work done by departments and agencies across the Government, the following individual Ministers, as members of Cabinet, supported the work of the Prime Minister during the occupation of the National Capital Region and blockades at ports of entry across the country.
6. The President of the Queen's Privy Council and Minister of Emergency Preparedness is Minister Blair. The Minister's mandate includes coordinating efforts to strengthen emergency preparedness and management in Canada. The Minister is supported by the Emergency Preparedness and COVID Recovery Secretariat (EPCRS) within PCO.
7. The Minister of Intergovernmental Affairs, Infrastructure and Communities is Minister LeBlanc.<sup>1</sup> The Minister's mandate includes leading the Government's engagement with other levels of government. The Minister is supported by the Intergovernmental Affairs Secretariat within PCO.
8. The Minister of Canadian Heritage and Quebec Lieutenant is Minister Rodriguez. The Minister is supported by PCO-IGA and his mandate includes acting as the key interlocutor between the Government and the Province of Quebec.

#### **D. Principal Secretariats of the Privy Council Office Involved in the Response to the Occupation and Blockades**

9. PCO is comprised of several secretariats, including the National Security and Intelligence Advisor (NSIA) to the Prime Minister, Intergovernmental Affairs, Operations (including Social Development Policy, Economic and Regional Development Policy and Orders in Council), Plans and Consultations, Legislation and House Planning and Machinery of Government, and Senior Personnel. The most relevant secretariats for the purposes of this report are described in more detail below.

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<sup>1</sup> Although Minister LeBlanc is the Minister of Intergovernmental Affairs, Infrastructure and Communities, his activities discussed in this report relate to the Intergovernmental Affairs portfolio and therefore he is referred to as the Minister of Intergovernmental Affairs in the balance of this report.

## **The NSIA to the Prime Minister and supporting secretariats**

10. The role of the NSIA is to provide the Prime Minister with strategic assessments, strategic policy advice, and operational advice in relation to foreign affairs and national defence issues, national security and intelligence, and emergency preparedness and management. In doing so, the NSIA engages with and coordinates the security and intelligence community across the federal government. The NSIA is Jody Thomas.
11. The NSIA is supported by four secretariats: Security and Intelligence Secretariat, Intelligence Assessment Secretariat, Foreign and Defence Policy Secretariat, and Emergency Preparedness and COVID-Recovery Secretariat.
12. The Security and Intelligence Secretariat (S&I) provides policy advice and support to the NSIA on national security and intelligence matters, including coordinating operational and policy development initiatives and providing management functions for senior-level interdepartmental committees. S&I also supports the NSIA in briefing the Prime Minister and Cabinet on key national security issues, policies, operations, and crises, as necessary. Michael MacDonald is the Assistant Secretary to the Cabinet, Security and Intelligence.
13. The Intelligence Assessment Secretariat (IAS) is responsible for providing intelligence analysis and assessments on foreign trends and developments that will impact Canadian interests. IAS reporting draws upon open source and diplomatic intelligence, as well as classified intelligence from foreign partners and domestic departments and agencies. Martin Green is the Assistant Secretary to the Cabinet, Intelligence Assessment.
14. The Foreign and Defence Policy Secretariat (FDP) is responsible for monitoring, coordinating and providing advice on international issues, including international diplomacy, security, defence, trade and commerce, development assistance, environment, international law and human rights and related areas. It also supports the Cabinet Committee on Canada and the World. Dan Costello is the Foreign and Defence Policy Advisor to the Prime Minister.
15. The Emergency Preparedness and COVID Recovery Secretariat (EPCRS) is a new secretariat that was established following the creation of the dedicated role of Minister of Emergency Preparedness in October 2021. EPCRS supports the Minister in horizontally coordinating federal government activities related to the acute phases of rapid emergency responses and policies related to emergency preparedness and management, and in coordinating the Government's COVID-19 response and recovery support.<sup>2</sup> It also supports the Cabinet Committee on Safety, Security and Emergencies. EPCRS works closely with the Department of Public Safety and Emergency Preparedness, as the department designated to support the Minister of Emergency Preparedness. The Deputy Secretary to the Cabinet for EPCRS is Jacqueline Bogden.

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<sup>2</sup> See Mandate Letter for Minister Blair for additional guidance on areas within his mandate, online: <<https://pm.gc.ca/en/mandate-letters/2021/12/16/president-queens-privy-council-canada-and-minister-emergency>>, [[President of the Queen's Privy Council for Canada and Minister of Emergency Preparedness Mandate Letter \(pm.gc.ca\)](https://pm.gc.ca/en/mandate-letters/2021/12/16/president-queens-privy-council-canada-and-minister-emergency)].

16. In addition to information from those four secretariats, the NSIA relies on information provided by the security and intelligence community, including status updates on ongoing security incidents and intelligence on threats to national security. Although this information is critical in building a picture to understand the threats to national security, it will inevitably contain gaps. An aspect of the NSIA's role in informing decision-making is to identify the limitations on the security and intelligence community's abilities (for example the absence of tools to gather and assess open-source intelligence) and to highlight the potential for unknown information.
17. Through the NSIA's attendances at various Cabinet committee meetings (described below), the NSIA provided briefings to Cabinet on the security and intelligence aspects of the occupation and blockades. These briefings presented the available, relevant, factual information and intelligence about the evolving situation across Canada. The information provided in the briefings came to the NSIA from a variety of sources including intelligence agencies, law enforcement agencies, federal departments and agencies, municipal and provincial partners, and open sources. The briefings did not include advice or recommendations. Those briefings are summarized in the descriptions of the relevant meetings later in this report.

### **Intergovernmental Affairs Secretariat**

18. The Intergovernmental Affairs Secretariat (IGA) is headed by a Deputy Minister, and three Assistant Deputy Ministers. The Deputy Minister Intergovernmental Affairs is Michael Vandergrift (who is also the Deputy Secretary to the Cabinet for Plans and Consultations, as explained in more detail below at paragraph 25). IGA has several key functions:
  - Support for Bilateral and Multilateral Engagement: IGA provides advice and support to the Prime Minister and the Minister of Intergovernmental Affairs in their bilateral and multilateral meetings and engagement with provincial and territorial counterparts and stakeholders, including Ministers and premiers, and in meetings with municipal officials and other stakeholders.
  - Support for Bilateral, Regional and Multilateral Issues: IGA provides advice and support on bilateral, regional, and multilateral issues and specific projects/initiatives, such as infrastructure projects, and bilateral negotiations with all jurisdictions (e.g., housing, infrastructure, broadband, immigration, childcare).
  - Policy Support: IGA works with PCO colleagues and other government departments to advance priority areas, championing coherence and alignment across the federal government in the federal approach to provinces and territories and promoting that provincial and territorial considerations are properly reflected in the federal agenda. The team also provides policy support on questions of Canadian federalism, as well as on effectively managing intergovernmental affairs and leveraging various intergovernmental negotiation instruments. IGA also supports the Minister of Intergovernmental Affairs on internal trade, overseeing the implementation of Canada's commitments under the Canada Free Trade Agreement.

- Cabinet Support: Provides the Prime Minister, the Minister of Intergovernmental Affairs, and the Quebec Lieutenant with information and advice to support them in their participation in Cabinet and Cabinet Committees.

### **Operations Secretariat**

19. The Operations Secretariat provides policy advice to the Prime Minister, Cabinet and the Clerk of the Privy Council and ensures interdepartmental coordination on a wide range of policy and program issues of concern to the Government. The Operations Secretariat is supported by the Social Development Policy (SDP) and Economic and Regional Development Policy (ERDP) secretariats and the Orders in Council Division and Cabinet Papers System Unit. The Deputy Secretary to the Cabinet, Operations, is Shawn Tupper.
20. SDP works with the Department of Finance, the Treasury Board Secretariat and other government departments on a wide range of social policy and related funding issues regarding health; public safety, policing and corrections; justice and human rights; Indigenous relationships; citizenship and immigration; skills development; post-secondary education; employment insurance; income security; culture; official languages; multiculturalism; veterans affairs; seniors, children; persons with disabilities; and the status of women.
21. ERDP works with the Department of Finance, the Treasury Board Secretariat and other government departments on key policy and related funding issues regarding natural resources; agriculture; fisheries and oceans; environment; science and technology; regional development; transport; telecommunications; infrastructure and communities; trade; investment; and competition policy.
22. The Orders in Council Division provides secretariat services to the Treasury Board Cabinet Committee, is responsible for the approval of orders in council, regulations and other statutory instruments and administers the *Statutory Instruments Act* regarding the registration and publication of instruments in the *Canada Gazette*.
23. The Operations and Cabinet Affairs Division provides administrative support services to Cabinet and Cabinet committees. The unit is responsible for the format, distribution and control of Cabinet papers, Cabinet committee meeting agendas, memoranda to Cabinet and other documents, as well as coordinating the logistics of Cabinet or Cabinet committee meetings, such as providing invitations.

### **Legislation and House Planning Secretariat**

24. The Legislation and House Planning Secretariat (L&HP) provides advice to the Prime Minister, the Government House Leader and the Clerk of the Privy Council on parliamentary affairs and the management of the Government's legislative program. In the context of the occupation and blockades, L&HP provided advice on the Parliamentary requirements consequent to the proclamation of a public order emergency. This included providing support for the tabling of documents pertaining to the declaration of a public order emergency, namely, the Report to the

Houses of Parliament: *Emergencies Act* Consultations Report,<sup>3</sup> the Motion for Confirmation of a Declaration of Emergency,<sup>4</sup> and the Explanation pursuant to subsection 58(1) of the *Emergencies Act*.<sup>5</sup> Paul MacKinnon, Deputy Secretary to the Cabinet, Governance, oversees L&HP.

### **Communications and Consultations Secretariat**

25. The Communications and Consultations Secretariat provides communications support to the Prime Minister's Office (PMO), to Ministers and Special Advisors under the PCO portfolio, the Government House Leader, the Clerk, and the Deputy Clerk. The Communications and Consultations Secretariat plays a key role in supporting the sound horizontal coordination of Government of Canada communications initiatives. The secretariat also provides PMO and PCO clients with a full suite of media monitoring and public environmental analysis services. Michael Vandergrift, the Deputy Secretary to the Cabinet for Plans and Consultations, oversees the Communications and Consultations Secretariat.

### **E. Principal Committees**

26. Various committees were involved in facilitating the development, coordination, decision-making and execution of the Government's response to the occupation and blockades. In addition to formal Committee meetings, daily briefings were held for a small group of most implicated Ministers,<sup>6</sup> which began on January 27 and were held every day until February 12, and on February 18.
27. The composition and activities of the formal committees involved is as follows.

### **Federal departments and agencies committees**

- a) **Assistant Deputy Ministers' National Security Operations Committee (ADM NSOPS)**. ADM NSOPS is a coordinating and information sharing body amongst the main departments and agencies within the national security community. The committee ensures that actions taken by members in response to various operational issues are well-informed, that members' overall situational awareness of operational issues is enhanced through open and collegial sharing, and that individual members can provide awareness and advice to respective Deputy Ministers and Deputy Minister governance tables on operational issues. ADM NSOPS includes in its membership Assistant Deputy Ministers (or equivalent level officials) from: PCO, Public Safety (PS), the Royal Canadian Mounted Police (RCMP); the Department of National Defence (DND); the Canadian Armed Forces (CAF), the Canadian Security Intelligence Service (CSIS); the Canada Border Services Agency (CBSA); Global Affairs Canada;

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<sup>3</sup> SSM.CAN.00000123\_REL.0001 and SSM.CAN.00000124\_REL.0001, Report to the Houses of Parliament: *Emergencies Act* Consultations (FR) and (EN).

<sup>4</sup> SSM.CAN.00000119\_REL.0001 and SSM.CAN.00000120\_REL.0001, Motion for Confirmation of a Declaration of Emergency (FR) and (EN).

<sup>5</sup> SSM.CAN.00000104\_REL.0001 and SSM.CAN.00000105\_REL.0001, Explanation pursuant to subsection 58(1) of the *Emergencies Act* (FR) and (EN), February 14, 2022.

<sup>6</sup> Specifically, the Ministers of Emergency Preparedness, Public Safety, Intergovernmental Affairs and Transport and for some meetings the Minister of Justice.

Transport Canada; the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC); Communications Security Establishment (CSE); and the Integrated Terrorism Assessment Centre (ITAC). Other departments and agencies may be invited to attend committee meetings based on the nature of the threat / incident.

During the occupation and blockades, ADM NSOPS met daily to share information and intelligence, provide situational awareness, and facilitate coordination among departments in their responses to events.

- b) **Deputy Ministers' Committee on Operational Coordination (DMOC)**. DMOC provides direction and enables collective action in response to incidents. It provides an important forum for information exchange and coordination amongst senior government officials on issues of national security. DMOC meetings are convened by the NSIA. DMOC convenes on a regular basis (usually weekly, but more frequently as needed) given its utility in providing situational awareness to DMs to help manage priority issues of the day. DMOC includes DMs from across the government security and intelligence community including the RCMP, DND, CAF, PS, CSIS, CBSA, Transport Canada and CSE. DMOC met on a frequent ad hoc basis during the occupation and blockades to share intelligence and information relating to the protest activities and to ensure a coordinated response.

## Cabinet Committees

- a) **Cabinet Committee on Safety, Security and Emergencies (SSE)**. SSE is a standing committee of Cabinet. The purpose of SSE is to consider threats and risks to the safety and security of Canada and Canadians, manage ongoing emergencies, and ensure strategic, integrated, and forward-looking leadership for emergency management (including mitigation, preparedness, response, and recovery). Meetings of SSE may involve looking at policy proposals on areas within its mandate, as well as receiving briefings on a specific safety, security, or emergency issue in, or affecting the country. SSE has both regularly scheduled meetings, and (as with all other committees) can also be convened on an ad hoc basis where a matter is urgent, serious or important. The SSE can recommend areas that may call for action, but any decisions it makes or new policy authorities it identifies for Ministers are subject to ratification by the full Cabinet. It is chaired by the Minister of Emergency Preparedness, Minister Blair. It was established as a formal Cabinet committee after the 2021 election.<sup>7</sup>

The occupation and blockades were considered at three SSE meetings (discussed in more detail below) to ensure Ministers were informed of the evolving situation, and to discuss the government's response and options to support the resolution of the situation.

- b) **Incident Response Group (IRG)**. The IRG serves as a dedicated emergency committee in the event of a national crisis or during incidents elsewhere that have major implications for Canada. It is convened when there is a particular issue that needs to be managed through

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<sup>7</sup> Cabinet Committee on Safety, Security and Emergencies Mandate, online: <<https://pm.gc.ca/en/cabinet-committee-mandate-and-membership#incident-response>>, [[Cabinet Committee Mandate and Membership \(pm.gc.ca\)](https://pm.gc.ca/en/cabinet-committee-mandate-and-membership#incident-response)]

a whole of government response and would typically stay in effect until that level of management is no longer necessary, at the judgment of the Chair. While ad hoc in nature, it is intended to steer and coordinate a prompt and effective federal response to an incident and to facilitate information exchange in support of Ministers. It is chaired by the Prime Minister and has no fixed membership: as a working group of Ministers, membership at any given time may consist of relevant Ministers and senior government leadership, as needed, based on the nature of the incident.<sup>8</sup>

The IRG is intended to be action-oriented and operationally focused rather than policy-oriented. In this context, senior officials play a much larger and more active participatory role at the IRG. Readouts of IRG meetings may be shared publicly.

The IRG met eleven times in relation to the occupation and blockades and for seven of those meetings readouts were published on the Prime Minister's website.

## **2.0PCO's role in supporting the Government's response to the 2022 occupation and blockades**

### **A. Monitoring and assessment of the evolving circumstances**

28. As it does in other new or novel emerging situations, PCO worked in concert with other government departments and agencies to monitor and develop an up-to-date situational awareness and assess the evolving circumstances prior to the arrival of the Convoy protests in Ottawa and as it evolved into an occupation and blockades at critical ports of entry across the country. In doing so, PCO worked closely with security and intelligence partners, including CSIS, the RCMP, the Parliamentary Protective Service, the Sergeant-at-Arms and police services as well as with CBSA and Transport Canada.
29. The purpose of this monitoring and assessment was to determine on an ongoing basis the potential impact of the evolving situation on federal interests and responsibilities, including whether there was a need for federal action or for federal assistance to other levels of government. For example, at the outset of the convoy protests in Ottawa, the Government would want to ensure its areas of responsibility – for example, for the security of the Prime Minister and others, federal lands and properties, federal employees working in buildings surrounding the impacted area—were protected. The Government also had the responsibility to assess the situation from a national security perspective to determine whether there was a heightened national security risk or threat to persons, government institutions or the nation's critical infrastructure. Over the course of the events, the PCO had to continually monitor and assess whether the Government of Canada needed to take action to respond to the evolving situation and, if so, to what extent. PCO worked closely with other departments and agencies to determine what the public service's advice should be and to support the Prime Minister and Cabinet in their knowledge and understanding of the dynamic and evolving situation.

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<sup>8</sup> Incident Response Group Mandate, online: <<https://pm.gc.ca/en/cabinet-committee-mandate-and-membership#incident-response>>, [[Cabinet Committee Mandate and Membership \(pm.gc.ca\)](https://pm.gc.ca/en/cabinet-committee-mandate-and-membership#incident-response)].

30. Like other implicated departments and agencies, PCO received reports on the Convoy protests, and the eventual occupation and blockades, from a variety of sources. These included (but were not limited to) daily operations briefs from the Government Operations Centre (GOC), reports from the RCMP, including from the Ideologically Motivated Criminal Intelligence Team, and ITAC assessments. In addition, organizations within PCO also produced various reports. For example, the Crisis Management Cell produced frequent updates on the situation in and around the Parliamentary Precinct, pursuant to its mandate.<sup>9</sup>
31. Beginning on Tuesday, January 25, 2022, daily calls took place within PCO, which brought together subject matter experts and key senior staff as well as staff from the offices of the Minister of Emergency Preparedness and the Prime Minister, to provide situational awareness briefings and share information on initial actions being taken.

### **B. Coordination of federal activities, briefings for Ministers and support for Cabinet**

32. As previously noted, starting on January 27, PCO worked with implicated departments and agencies to deliver daily briefings for a small group of the most implicated Ministers<sup>10</sup> and senior officials on the evolving situation. PCO was also responsible for convening and organizing meetings of implicated departments and agencies, including the DMOC, as well as Cabinet and Cabinet committee meetings, including the SSE and the IRG (as described earlier in this document). These daily briefings and meetings allowed Ministers and senior officials to have a common understanding of the facts of the evolving situation, helped to identify implications for the Government, review actions being or to be taken, and identify gaps, risks, or threats that might need to be mitigated or addressed.
33. Given the nature of the evolving and urgent situation and the need for quick decision-making, the support for Cabinet and Cabinet committees in relation to these events had to be adapted. For example, due to the urgency and fast pace of these unprecedented events, there was insufficient time to prepare the usual Cabinet meeting documents. Many more briefings took place exclusively by way of oral presentation and discussion than is the case when Cabinet is considering, for example, major policy decisions that are developed over weeks and months. However, formal agendas were prepared, and minutes of meetings were kept throughout these events for Cabinet and Cabinet committee meetings, including the IRG.
34. Even prior to the daily calls within PCO that are referenced above, PCO began to provide updates to staff in the Prime Minister's Office.<sup>11</sup> On the Sunday of the first weekend, January 30, the Prime Minister was briefed by PCO on the protests. Parliament was set to resume the

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<sup>9</sup> See e.g. SSM.CAN.0000078\_REL.0001 Crisis Management Cell – Demonstration in Ottawa this Weekend, dated January 28, 2022. The Crisis Management Cell is a 24/7 Watch Office providing expert advice, guidance, services, coordination and support on security management to PCO, PMO, PCO Portfolio Ministers and the CSO community. It works openly and collaboratively with government partners, law enforcement and external partners.

<sup>10</sup> Specifically, the Ministers of Emergency Preparedness, Public Safety, Intergovernmental Affairs and Transport and for some meetings the Minister of Justice.

<sup>11</sup> SSM.CAN.NSC.00002789\_REL.0001, E-Mail exchange, setting out the statement by the Canadian Trucking Alliance Statement on Road/Border Protests dated January 19, 2022, and outlining developing information about convoys and funding efforts, dated January 21, 2022.

next day, and it was important for him to be informed about what was expected and the situation on the ground.

35. By February 1, both ADM NSOPS and DMOC were meeting daily to provide updates and discuss the evolving situation. Daily Ministerial briefings also continued.
36. The situation evolved and escalated, and protest events arose not only in Ottawa but in other locations across the country. The protests began heavily affecting trade at the country's busiest ports of entry and important trade routes in Southern Ontario, Alberta and Manitoba. As a result of the overall escalation, PCO's monitoring and discussions with federal departments and agencies increased, as did its engagement with provinces, territories, and other partners.
37. The PCO and other federal departments and agencies began assessing what could be done within existing authorities to help resolve the situation. One of the Clerk's and PCO's principal responsibilities is to oversee coordinated government actions, which in the case of the occupation and blockades meant working with other Deputy Ministers to ensure a coordinated government response to the situation. The coordination role also includes supporting Deputy Ministers to ensure that they deliver on vital tasks and identify any gaps in areas of activity and authority.
38. The occupation and blockades were first discussed at an SSE meeting on February 3, 2022. By this time, the situation had continued for a week without resolution and the matter was brought before a Cabinet committee for discussion on how events were unfolding.
39. SSE received factual updates on a number of relevant dimensions of the situation from officials and Ministers, including the Commissioner of the RCMP, the Deputy Minister of Public Safety, the Director of CSIS, and the Ministers of Public Safety, Transport, Agriculture and Agri-Food, as set out in the minutes of the meeting.<sup>12</sup>
40. The NSIA attended the SSE meeting on February 3 and provided information that protest organizers had indicated an interest in negotiation.<sup>13</sup>
41. At an ADM NSOPS meeting on February 5, officials discussed the federal strategic approach to address the ongoing situation in Ottawa and nationally. They agreed to convene a federal-provincial-territorial table.<sup>14</sup>
42. The occupation and blockades were next discussed at SSE on February 6. The NSIA described the paths that led to the situation at the time. She discussed the fact that law enforcement authorities were assessing the situation, in which protesters had become entrenched, and were

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<sup>12</sup> SSM.NSC.CAN.00000292\_REL.0001, Cabinet Committee on Safety, Security and Emergencies, Minutes dated February 3, 2022.

<sup>13</sup> SSM.NSC.CAN.00000292\_REL.0001, Cabinet Committee on Safety, Security and Emergencies, Minutes dated February 3, 2022.

<sup>14</sup> SSM.NSC.CAN.00000294\_REL.0001, ADMNS OPS Read-Out at February 5.

responding as appropriate while limiting the potential for violence. She also discussed the national security aspects of the situation.<sup>15</sup>

43. In addition, the Commissioner of the RCMP, the Director of CSIS, the Deputy Minister of Public Safety, and the Ministers of Emergency Preparedness, Public Safety, and Transport provided updates on the situation.<sup>16</sup>
44. At the ADM NSOPS meeting on February 8, officials reported that the protesters in Ottawa appeared to be increasingly expressing more anti-government sentiment than opposition to the vaccine mandate for truckers.<sup>17</sup>
45. An SSE meeting also took place on February 8. The committee received updates on the ongoing occupation and blockades and their impacts in Ottawa, Winnipeg, Windsor and Coutts from the RCMP, CBSA, Public Safety, and the Minister of Transport. In her comments at SSE on February 8, the NSIA described the Ottawa Police Services' need for additional resources to deal with protesters entrenched in Ottawa. She discussed the provision of federal policing resources from the RCMP, as well as the consideration of financial options, including seeking assistance from FINTRAC and the possibility of freezing bank accounts. The Minister of Public Safety reported on the announcement of the creation of a tripartite table between federal, provincial, and municipal representatives to respond to the Ottawa demonstrations.<sup>18</sup>
46. On February 9, the Clerk asked Deputy Ministers to look at all options to resolve the matter using existing authorities.

### **C. Activation of the Incident Response Group**

47. Part of the Clerk's responsibilities for supporting the Prime Minister's engagement with Ministerial colleagues includes advising on Cabinet process, and whether appropriate governance processes are in place for a given situation. By February 10, the occupation and blockades were escalating in scope, stakes, illegality, and impact. Anticipating the need for further federal action to help resolve the situation, the Clerk recognized a need to move to a more formal structure for engagement among the Prime Minister and his Ministerial colleagues.
48. To that end, on February 10, the Clerk advised the Prime Minister to move to a structured Cabinet format by convening the IRG. As mentioned above, the IRG is a dedicated emergency committee in the event of a national crisis or during incidents elsewhere that have major implications for Canada. The IRG is responsible for coordinating a prompt federal response to an incident. With the IRG, the Prime Minister could bring together relevant

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<sup>15</sup> SSM.NSC.CAN.0000293\_REL.0001, Cabinet Committee on Safety, Security and Emergencies, Minutes dated February 6, 2022.

<sup>16</sup> SSM.NSC.CAN.0000293\_REL.0001, Cabinet Committee on Safety, Security and Emergencies, Minutes dated February 6, 2022.

<sup>17</sup> SSM.NSC.CAN.0000296\_REL.0001, E-mail ADM NS OPS "Binder" dated February 8, 2022.

<sup>18</sup> SSM.NSC.CAN.0000295\_REL.0001, Cabinet Committee on Safety, Security and Emergencies, Minutes dated February 8, 2022.

Ministers and senior officials to develop coordinated responses and make fast decisions. The IRG format was conducive to the quick responsiveness required during the crisis, when typical formal processes could not be followed. It was important to have senior officials participating in these meetings to provide situation reports, answer questions being asked of them, provide input and advice, and bring their best and most current ideas forward.

49. The first meeting of the IRG in response to the occupation and blockades was convened on February 10. The purpose was to bring together the Prime Minister, other Ministers, and senior officials actively engaged in responding to the occupation and blockades in support of the government response, to assess what the situation required and deploy all federal resources necessary to help get the situation under control or resolve it.
50. At the February 10 IRG meeting, updates were provided by the Commissioner of the RCMP and the Minister of Public Safety. The NSIA gave a pan-Canadian update on the blockades. With respect to the occupation in Ottawa, she explained that the situation was largely unchanged. She summarized truck departures, arrests, investigations, tickets issued, and police attempts to engage in negotiations. The NSIA relayed that the Ottawa 911 call centre had been shut down because of prank calls. She described information regarding threats made on social media and the use of social media as a planning tool. She discussed indications of some protesters wanting to leave but being physically unable to do so because they were blocked in. The NSIA reported that in Alberta the situation also remained largely unchanged, with protest activities moving between locations. In Manitoba, there was a 1.5 kilometer blockade leading to the Emerson port of entry. At the Ambassador Bridge in Windsor, Ontario, following an arrest for dangerous driving, protester behaviour was becoming more aggressive. The NSIA discussed the potential for further disruptions at the Sarnia Blue Water Bridge port of entry. She reported on unconfirmed information of blockades and convoys in the Northwest Territories and in British Columbia. The NSIA also provided information from security and intelligence agencies.<sup>19</sup>
51. At the February 10 IRG meeting, various options for actions under existing authorities were considered. Consideration was also given to whether additional authorities were needed, either through the enactment of new legislation or through invocation of the *Emergencies Act*. Involvement of the Canadian Armed Forces was considered to be an option of last resort.<sup>20</sup>
52. A meeting of DMOC was held on February 11 in the afternoon.<sup>21</sup> The Clerk urged DM colleagues and their officials to continue to explore options within existing authorities to help resolve the present situation. Among the work that officials discussed, Transport Canada was identified as the lead for exploring options to address a reported difficulty of law enforcement authorities to access tow trucks,<sup>22</sup> and Public Safety was identified as the lead for exploring ways of resolving blockades at critical infrastructures and ports of entry. Transport Canada explained work it was leading on strategic enforcement and communications, with the

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<sup>19</sup> SSM.NSC.CAN.00000209\_REL.0001, Incident Response Group Minutes dated February 10, 2022.

<sup>20</sup> SSM.NSC.CAN.00000209\_REL.0001, Incident Response Group Minutes dated February 10, 2022.

<sup>21</sup> SSM.NSC.CAN.00000212\_REL.0001, E-mail summarizing DMOC meeting dated February 11, 2022.

<sup>22</sup> Please refer to Tow Truck Strategy, as discussed in Transport Canada's Institutional Report.

support of other departments and stakeholders.<sup>23</sup> Officials also discussed federal-provincial-territorial (FPT) engagement needs, and shared information on existing fora that could be used to consult stakeholders and keep communication lines open.

53. Officials reported on the progress of their work, and shared updates on the situation on the ground, at a meeting of NSOPS that took place on the afternoon of February 11.<sup>24</sup>
54. The second IRG meeting took place on the afternoon of February 12. Attendees received updates regarding the evolving occupation and blockades, the situation on the ground, and the available options for government response. Options put forward at this meeting for potential federal action were summarized in a “Due Outs Tracker” appended to the meeting minutes.<sup>25</sup>
55. At the February 12 IRG meeting, several departments and agencies provided briefings on the most current intelligence and information, including the NSIA. The NSIA advised that the weekend was bringing more people to some protests. Multiple ports of entry were experiencing blockages, and “slow roll” vehicle activity had been an effective tactic by the protestors. The NSIA reported that the latest tactic being used by the protestors was to take children to protest sites to prevent police activity, as well as school walk outs to join the protest and “slow rolls” through neighborhoods with schools. She noted that protesters were increasingly harnessing social media, which played an active role in the communication and organization of protesters across the country. The NSIA provided an update on the Ideologically Motivated Violent Extremism (IMVE) threat picture and provided comment on agencies’ mandates with respect to tracking social media. The NSIA reported on the situation in Windsor, which remained very fluid, and noted that there had been a significant escalation in the boldness of protesters in Ottawa.<sup>26</sup>
56. DMOC convened on February 13, 2022. DMs discussed the current situation report from the RCMP, Ottawa’s injunction application to the courts, which would proceed the next day, current gaps in authorities, the potential impact of the Ontario emergency measures, and the need to plan for worst-case scenarios in addition to continuing support for law enforcement.<sup>27</sup>
57. The Prime Minister convened another IRG meeting on the afternoon of February 13. The participants were briefed on the most recent, up-to-date situation at ports of entry, in Ottawa, and at other critical infrastructure targets across Canada, the economic impacts of the blockades, and specific actions and options that might be taken by the federal government. Officials updated the IRG on the work being done by their agencies and departments.
58. Following the discussions at the IRG meeting, the Prime Minister convened a full Cabinet meeting in the evening of February 13. Because of the time pressures, there was no memorandum

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<sup>23</sup> Please refer to Strategic Enforcement Strategy, as discussed in Transport Canada’s Institutional Report.

<sup>24</sup> SSM.NSC.CAN.00000213\_REL.0001, ADM NS OPS Read Out dated February 11, 2022.

<sup>25</sup> SSM.NSC.CAN.00000214\_REL.0001, IRG Due Outs Tracker in Incident Response Group Minutes, dated February 12, 2022.

<sup>26</sup> SSM.NSC.CAN.00000214\_REL.0001, Incident Response Group Minutes dated February 12, 2022.

<sup>27</sup> SSM.CAN.00000096\_REL.0001, DMOC Read Out dated February 13, 2022.

to Cabinet or other typical discussion document. The Prime Minister reported to Cabinet regarding the inputs received through the IRG, the potential need to invoke the *Emergencies Act*, and the need to engage with other orders of government.<sup>28</sup>

59. The NSIA was among the officials who attended the full Cabinet at its meeting on February 13. She provided Ministers with an overview of the situation across Canada and her view of the risks presented by the blockades and occupation. The NSIA described the role played by social media in the communication and organization of protesters across the country. She explained that “slow roll” activity seemed to be an effective tactic by the protestors. She noted that the IMVE threat picture remained stable, and briefed Cabinet on the situation at various points across the country. The NSIA indicated that law enforcement gains had been important, that there was potential for a breakthrough in Ottawa and that the RCMP was taking enforcement action in Coutts, Alberta. She noted that the RCMP was assisting in various impacted areas across the country and was focused on areas where enforcement or the risk of escalation was most acute.<sup>29</sup>
60. The Prime Minister convened a First Ministers’ Meeting (FMM) on February 14 to consult with the provinces on the invocation of the *Emergencies Act*. That meeting is described in greater detail below.
61. On February 14, DMOC met again. The NSIA reported on the Cabinet meeting the night before, and work that took place throughout the night, followed by the FMM in the morning of February 14. The Deputy Minister of Intergovernmental Affairs reported on the FMM. The Commissioner of the RCMP provided a situational report.
62. On February 14, following formal consultation with the provinces at the FMM (discussed in further detail below), the Clerk of the Privy Council advised the Prime Minister on the totality of the considerations in relation to the decision to invoke the *Emergencies Act*, including the sufficiency of the consultations that were held.
63. The Governor in Council directed that a proclamation be issued under s. 17(1) of the *Emergencies Act* declaring that a public order emergency existed throughout Canada necessitating certain special, temporary measures to end disruptions, blockades and the occupation of Ottawa.<sup>30</sup> The Governor General issued the proclamation and made related regulations on February 15, 2022.<sup>31</sup>
64. DMOC also met on February 15 and discussed the *Emergencies Act* announcement made the day before and plans for implementation. Additionally, Cabinet met and discussed the

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<sup>28</sup> SSM.NSC.CAN.00000216\_REL.0001, The Cabinet, Minutes dated February 13, 2022.

<sup>29</sup> SSM.NSC.CAN.00000216\_REL.0001, The Cabinet, Minutes dated February 13, 2022.

<sup>30</sup> News Release, Federal Government declares a public order emergency, online: <<https://www.canada.ca/en/public-safety-canada/news/2022/02/federal-government-declares-a-public-order-emergency-under-the-emergencies-act-to-end-disruptions-blockades-and-the-occupation-of-the-city-of-ottawa.html>>, [[Federal Government declares a public order emergency under the Emergencies Act to end disruptions, blockades and the occupation of the city of Ottawa - Canada.ca](https://www.canada.ca/en/public-safety-canada/news/2022/02/federal-government-declares-a-public-order-emergency-under-the-emergencies-act-to-end-disruptions-blockades-and-the-occupation-of-the-city-of-ottawa.html)].

<sup>31</sup> SOR/2022-20, SOR/2022-21, SOR/2022-22

ongoing occupation and blockades. The NSIA provided an update, describing disturbances experienced at some ports of entry. She discussed the role social media continued to play in the communication and organization of protests and the ongoing assessment of the potential for IMVE, underscoring that the invocation of the *Emergencies Act* could spur mobilization and isolated incidences of violence. She noted that a coordinated plan had been approved by law enforcement agencies to deal with large trucks and that efforts were underway to address financing for the protest, including foreign donations. Cabinet received information about the use of measures implemented under the *Emergencies Act* to respond to the protests.<sup>32</sup>

65. On February 16, the Minister of Public Safety tabled the following documents pertaining to the declaration of a public order emergency in the House of Commons: a motion for confirmation of a declaration of emergency,<sup>33</sup> the explanation of the reasons for issuing the declaration<sup>34</sup> and a report on consultations with the lieutenant governors in council of the provinces with respect to the declaration.<sup>35</sup> He also tabled the Proclamation Declaring a Public Order Emergency.
66. As of February 16, the IRG met every day to receive updates on the ongoing occupation and blockades and efforts to clear the protests including using new measures under the *Emergencies Act*. With the Clerk's direction, officials in PCO continued to provide support for those meetings, including preparing the agenda, scenario notes and materials. The IRG assessed the effectiveness of the measures in helping bring the occupation and blockades to a conclusion and sought to determine the earliest possibility when the measures were no longer required such that the invocation could be revoked. PCO also produced various trackers to monitor federal government responses to the occupation and blockades.<sup>36</sup>
67. At the IRG meeting on February 16, the NSIA provided an operational and threat update. Most border crossing blockades had been cleared but continued monitoring was needed for pop-up convoys. In Ottawa, although some trucks were leaving, there was continued defiance from an entrenched group that was determined to stay and did not believe the *Emergencies Act* measures would be enforced. Social media continued to be closely monitored. This monitoring revealed an increase in calls by protestors to mobilize and that some groups were encouraging individuals to come to Ottawa. The NSIA confirmed that there was not a single group to watch, but many angry groups and individuals. The National Terrorism Threat Level, established by the ITAC remained at medium, with intelligence monitoring for different threat scenarios.<sup>37</sup>
68. The NSIA attended the IRG meetings on February 17-23 but did not give briefings to Cabinet. The NSIA produced daily situation reports (SITREPs) between February 17 and 24, 2022, and

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<sup>32</sup> SSM.NSC.CAN.00000297\_REL.0001, The Cabinet, Minutes dated February 15, 2022.

<sup>33</sup> SSM.CAN.00000119\_REL.0001 and SSM.CAN.00000120\_REL.0001, Motion for Confirmation of a Declaration of Emergency (FR) and (EN).

<sup>34</sup> SSM.CAN.00000104\_REL.0001 and SSM.CAN.00000105\_REL.0001, Explanation pursuant to subsection 58(1) of the *Emergencies Act* (FR) and (EN), February 14, 2022.

<sup>35</sup> SSM.CAN.00000123\_REL.0001 and SSM.CAN.00000124\_REL.0001, Report to the Houses of Parliament: *Emergencies Act* Consultations (FR) and (EN).

<sup>36</sup> SSM.NSC.CAN.00000249\_REL.0001, Concrete Actions Tracker Final dated March 15, 2022.

<sup>37</sup> SSM.NSC.CAN.00000401\_REL.0001, Incident Response Group Minutes dated February 16, 2022.

three situational updates thereafter. On February 16 and on February 21, IAS prepared preliminary open-source intelligence (OSINT) analyses of the “Freedom Convoy 2022” for the NSIA.<sup>38</sup> The analyses described the unique features of the Freedom Convoy, including (but not limited to) the convergence of the use of social media for communicating and organizing, the use of misinformation and disinformation to promote narratives, the use of crowdfunding, blockade tactics and logistics, virulence of discourse toward government and elected officials, and knowledge of law enforcement tactics. The analyses spoke of the motivations and varied leadership of the Convoy and the possibility of further protests in the weeks ahead, along with a risk that the Convoy may embolden other groups and individual movements. The IAS analysis advised of the use of social media platforms to plan the protest and the permeation of misinformation and disinformation, and undercurrents of social discord, within the occupation and blockades.

69. On February 23, 2022, the declaration of a public order emergency was revoked and there were no further IRG meetings.

### **3.0 Requests for Assistance and other correspondence seeking federal action at the border**

70. The *Emergency Management Act*<sup>39</sup> gives the Minister of Public Safety and Emergency Preparedness responsibility for coordinating the Government of Canada’s response to an emergency. This Minister is also responsible for coordinating and responding to Requests for Assistance (RFAs). This authority has now been assigned to the Minister of Emergency Preparedness.
71. Emergencies are first managed at the municipal level before they are escalated to the provincial or territorial level. In turn, when a province or territory has exhausted its resources to respond to a situation, the provincial/territorial Minister responsible for the public safety portfolio will request federal support through an RFA.<sup>40</sup>
72. The Deputy Minister of Intergovernmental Affairs received a copy of some Requests for Assistance during the period relevant to the occupation and blockades, but the Department of Public Safety and Emergency Preparedness prepared any formal response requested by the Minister of Public Safety and the Minister of Emergency Preparedness.<sup>41</sup>

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<sup>38</sup> SSM.NSC.CAN.00000558\_REL.0001, Preliminary OSINT Analysis of the “Freedom Convoy 2022” dated February 16, 2022; SSM.NSC.CAN.00000231\_REL.0001, Preliminary OSINT Analysis of the “Freedom Convoy 2022” dated February 21, 2022.

<sup>39</sup> *Emergency Management Act*, SC 2007, c 15.

<sup>40</sup> Government Operations Centre and Request for Federal Assistance, online: <<https://www.publicsafety.gc.ca/cnt/trnspmc/brfng-mtrls/trnstn-bndrs/20191120/027/index-en.aspx>>, [[Government Operations Centre and Request for Federal Assistance \(publicsafety.gc.ca\)](https://www.publicsafety.gc.ca/cnt/trnspmc/brfng-mtrls/trnstn-bndrs/20191120/027/index-en.aspx)]

<sup>41</sup> See e.g. SSM.CAN.00000081\_REL.0001 E-mail attaching Letter from Minister Ric McIver to Minister Mendocino and Minister Blair dated February 5, 2022; SSM.CAN.00000082\_REL.0001 Letter from Minister Ric McIver to Minister Mendocino and Minister Blair dated February 5, 2022; SSM.CAN.00000083\_REL.0001 Coordination e-mail Michael Vandergrift to Coleen Volk dated February 5, 2022.

73. Requests for assistance received by or copied to PCO or the Prime Minister include:

- February 5, 2022: Letter from Alberta's Minister of Municipal Affairs to the Ministers of Public Safety and Emergency Preparedness, seeking assistance with tow truck capacity.<sup>42</sup>
- February 7, 2022: Mayor Jim Watson wrote to the Prime Minister and Minister of Public Safety, communicating the damaging and long-term impacts of the occupation on the well-being of Ottawa residents, and requesting a dramatic and immediate injection of 1800 additional officers.<sup>43</sup>
- February 9, 2022: Letter from Windsor Police Service Chief of Police Pamela Mizuno to the Minister of Emergency Preparedness, requesting resources of a minimum of 100 police officers to help manage the demonstrations at the Ambassador Bridge. She also requested marked police vehicles and tow-trucks (including heavy tows for large transport vehicles) to assist in operational agility.<sup>44</sup>

74. On February 11, 2022, PCO also received a Letter from the Premier of Manitoba to the Prime Minister, requesting immediate and effective federal action regarding the blockade activity unfolding at the international border crossing at Emerson, Manitoba. The Premier observed that Emerson is Manitoba's main US border entry point, responsible for facilitating almost all essential north-south commercial trucking operations, and therefore a critical trade corridor from the perspective of the supply chain.<sup>45</sup>

#### **4.0 Canada-US Engagement**

75. The Prime Minister spoke with United States President Joseph Biden about the blockade on February 11, 2022. The two leaders discussed the critical importance of resolving access to the Ambassador Bridge and other ports of entry as quickly as possible, given their role as vital bilateral trade corridors and how essential they are to the extensive interconnections between Canada and the United States.

76. The Prime Minister underlined the coordination taking place among all governments in Canada in responding to the challenges posed by the illegal blockades. The Prime Minister and President also discussed the American and global influence on the protests, including financial support.<sup>46</sup>

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<sup>42</sup> SSM.CAN.00000082\_REL.0001 Letter from Minister Ric McIver to Minister Mendocino and Minister Blair dated February 5, 2022.

<sup>43</sup> SSM.CAN.00000084\_REL.0001, Mayor Jim Watson letter requesting federal assistance, dated February 7, 2022.

<sup>44</sup> SSM.CAN.00000085\_REL.0001, Letter Pamela Mizuno, Windsor Police Service Chief of Police, to Minister of Emergency Preparedness, dated February 9, 2022.

<sup>45</sup> SSM.CAN.00000092\_REL.0001, Letter Premier Heather Stefanson to Prime Minister, dated February 11, 2022.

<sup>46</sup> Prime Minister Justin Trudeau speaks with the President of the United States of America Joe Biden, February 11, 2022, online: <<https://pm.gc.ca/en/news/readouts/2022/02/11/prime-minister-justin-trudeau-speaks-president-united-states-america-joe-0>>, [[Prime Minister Justin Trudeau speaks with the President of the United States of America Joe Biden | Prime Minister of Canada \(pm.gc.ca\)](https://pm.gc.ca/en/news/readouts/2022/02/11/prime-minister-justin-trudeau-speaks-president-united-states-america-joe-0)]

77. On February 12, 2022, the NSIA spoke with the US Homeland Security Advisor, Dr. Liz Sherwood Randall about the widespread damaging impacts the border blockades had already had on the lives and livelihoods of people in both nations, and the imperative of taking swift, strong action and deterring future blockades.<sup>47</sup>
78. Many other departments and their Ministers had engagements with US officials, but this work was not led by PCO.

## 5.0 Activities of the Intergovernmental Affairs Secretariat

79. As mentioned earlier in this report, the main role of IGA is to support and advise the Prime Minister, the Minister of Intergovernmental Affairs and the Quebec Lieutenant, and Cabinet on Federal-Provincial-Territorial relations.
80. IGA also works closely with provincial and territorial counterparts to bring provincial and territorial perspectives into Government policy development and federal initiatives.
81. IGA's role does not displace departmental FPT engagement on their areas of responsibility –teams in other federal departments work with their provincial and territorial counterparts on a sector-by-sector basis, supported by formal FPT tables (ministerial, DM, ADM). IGA works closely with these federal departments and agencies, and the rest of PCO, to provide advice and support on provincial and territorial engagement, on policy files, and federal-provincial/territorial agreements.
82. In terms of IGA officials' own engagements with FPT counterparts during the occupation and blockades, these often took the form of discussions for situational awareness as to what was happening across the country, to share experiences and information, and, when needed, to ensure that federal and provincial leads were quickly engaging. IGA also received read-outs of some departments' intergovernmental engagements.<sup>48</sup>
83. During the relevant time, and particularly with respect to the invocation of the *Emergencies Act*, IGA was primarily responsible for supporting the Prime Minister in undertaking consultations with the provinces and territories. This included support with respect to:
  - the FMM on February 14, 2022;
  - the letter to Premiers setting out the rationale for invoking the *Emergencies Act*; and
  - calls chaired by the Deputy Minister Intergovernmental Affairs with his provincial counterparts and other correspondence and engagement with the provinces and territories.

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<sup>47</sup> Statement by White House Homeland Security Advisor, Dr. Liz Sherwood Randall, online: <<https://www.whitehouse.gov/briefing-room/statements-releases/2022/02/13/statement-by-white-house-homeland-security-advisor-dr-liz-sherwood-randall/>>, [[Statement by White House Homeland Security Advisor Dr. Liz Sherwood-Randall - The White House](#)].

<sup>48</sup> See SSM.CAN.00000110\_REL.0001 Tracker of Deputy Minister of Intergovernmental Affairs' contacts with PT counterparts.

84. Quite apart from IGA, and since the crisis began in late January, federal Ministers and officials continuously engaged provinces and territories, municipalities and law enforcement agencies to assess the situation and to offer the support and assistance of the Government of Canada. This engagement was part of a whole of government effort of outreach and consultation.
85. For example, staff from Minister Blair's Office were in regular contact with the Office of the Premier of Ontario and the Deputy Mayor of Ottawa. As well, for the duration of the blockade affecting the Ambassador Bridge, staff from Minister Blair's and Minister LeBlanc's offices had also been in regular contact with the City of Windsor.
86. The Prime Minister's Office also had ongoing discussions with the Office of the Premier of Ontario regarding the Ottawa, Windsor and Sarnia blockades in the weeks leading up to the declaration, during which conversations made it clear that more federal support was needed.
87. For more information on the chronology of key FPT engagements, see Annex II. Please note that IGA did not coordinate and was not responsible for FPT engagements under the leadership of another federal government department, and the examples in the Annex may accordingly not be exhaustive.

#### **A. The First Ministers' Meeting – February 14, 2022**

88. One of IGA's principal responsibilities during the government's response to the occupation and blockades was to organize a FMM on February 14, to consult formally with provincial and territorial First Ministers on a potential invocation of the *Emergencies Act*. Section 25 of the *Emergencies Act* requires the Governor in Council to consult the Lieutenant Governor in Council of each province with respect to a proposal to declare a public order emergency.<sup>49</sup> Section 58 of the *Emergencies Act* requires that a report of these consultations be laid before each House of Parliament within seven sitting days after the declaration is issued.<sup>50</sup>
89. FMMs are convened and chaired by the Prime Minister. They are a forum where issues of national importance can be discussed openly and frankly by Canada's most senior leaders. As an example, during the pandemic, First Ministers met 38 times to discuss Canada's response and recovery. The occupation and blockades were considered to be an issue of national importance.
90. The FMM was organized late in the evening of February 13, 2022, after the Cabinet meeting during which the potential use of the *Emergencies Act* was discussed. The Deputy Minister Intergovernmental Affairs approached his counterpart in British Columbia (Chair of the Council of the Federation, a forum comprised of Canada's 13 provincial and territorial leaders)<sup>51</sup> as a courtesy and then extended invitations for a call to take place by phone the

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<sup>49</sup> *Emergencies Act*, RSC 1985, c 22 (4<sup>th</sup> Supp), s 25(1).

<sup>50</sup> *Ibid*, s 58.

<sup>51</sup> For more information about the Council of the Federation, please see Canada's Premiers, online: <<https://www.canadapremiers.ca/about/>>, [[About - Canada's Premiers \(canadapremiers.ca\)](https://www.canadapremiers.ca/)].

next morning. Standard processes for logistics and preparation were used to convene the meeting. To permit confidential and frank discussion at the FMM, participants were not advised in advance about the reason for convening the FMM.

91. Over that night and into the morning, IGA, working closely with other secretariats in PCO, Ministers' Offices, and other departments, prepared the agenda and supporting material for the FMM. IGA prepared materials for the Prime Minister and the Minister of Intergovernmental Affairs, and their own departments preparing material for the two other Ministers who attended the FMM (the Minister of Public Safety and the Minister of Justice).
92. All premiers attended and participated in the FMM. The Prime Minister explained why the declaration of a public order emergency might be necessary and formally consulted premiers. He emphasized that each jurisdiction had to look at all possible measures to respond in the national interest, as well as to deter future events. He stressed the need to be proportional in the response, recognizing the risk of appearing to overreach and inflaming the very complaints about freedom that some were protesting. He also stressed that any use of the *Emergencies Act* would not displace provincial or territorial jurisdiction but would supplement provincial/territorial measures with additional federal authorities to give law enforcement maximum leverage to be able to uphold the rule of law.
93. The Minister of Justice then outlined potential measures the Government of Canada was contemplating taking under the *Emergencies Act* to supplement the measures in the provinces' jurisdiction and respond to the urgent and unprecedented situation. He highlighted the procedural safeguards in place, and that it was meant to be used as a last resort. The Minister of Intergovernmental Affairs spoke briefly about ongoing collaboration with the provincial and municipal governments.
94. The Prime Minister asked premiers what measures could be supplemented through the *Emergencies Act* by using proportional, time-limited authorities.
95. Each premier was given the opportunity to provide their perspective on the current situation – both nationally and within their respective jurisdiction – and on whether a declaration of public order emergency should be issued. A variety of views and perspectives were shared at the meeting. Some premiers expressed support for the proposed measures as being necessary to resolve the current situation; other premiers did not consider the *Emergencies Act* to be necessary at this time. Some premiers expressed caution that invoking the *Emergencies Act* could escalate the situation.
96. While the specific views expressed by premiers at the FMM were shared in confidence to ensure candour and allow for frank discussion, many of the premiers also provided their perspectives in public statements following the FMM. These statements are recounted in the Consultation Report tabled in accordance with section 58 of the *Emergencies Act*.<sup>52</sup>

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<sup>52</sup> SSM.CAN.00000123\_REL.0001 and SSM.CAN.00000124\_REL.0001, Report to the Houses of Parliament: *Emergencies Act* Consultations (FR) and (EN).

97. During the FMM, the Prime Minister emphasized that a final decision had not yet been made, and that the discussion amongst First Ministers would inform the Government of Canada's decision. Three federal Ministers attended the FMM and heard the views expressed by the premiers.

### **B. Consultations after the FMM**

98. After the FMM and before the Government of Canada's decision to declare a public order emergency on February 14, additional FPT consultations took place. These meetings were opportunities to exchange information and to ensure the federal government continued to receive feedback from PTs on the invocation of the *Emergencies Act*.

- The Prime Minister's Office spoke with the Office of the Premier of British Columbia, as Chair of the Council of the Federation, to offer briefings to premiers' offices and to explain the role of provinces and territories under the *Emergencies Act*.
- The Minister of Intergovernmental Affairs communicated with his Quebec counterpart on the *Emergencies Act* and the intention that it complement provincial measures. He explained that there may be measures that need to apply in Quebec, for example, measures that regulate activities of financial institutions.
- The Quebec Lieutenant also connected with Quebec's Deputy Premier and Minister of Public Safety and Quebec's Minister of Finance to convey the same message.
- Officials from the Prime Minister's Office engaged with the Office of the Premier of Quebec.
- The Minister of Intergovernmental Affairs also engaged the Premier of Ontario and received feedback from the Premier of Saskatchewan.
- The Minister of Intergovernmental Affairs also communicated with the Premiers of Prince Edward Island, Nova Scotia and New Brunswick.
- The Prime Minister's Office spoke with the Office of the Premier of Ontario and the Office of the Premier of Newfoundland and Labrador on February 14, 2022 to explain the rationale and implementation of the *Emergencies Act*.

99. The Prime Minister considered the comments shared at the FMM, as well as the many other sources of information and intelligence and advice from the Clerk of the Privy Council, before announcing the government's intention to invoke the *Emergencies Act*.

100. The Proclamation Declaring a Public Order Emergency and related measures were published in a special edition of the Canada Gazette on February 15, 2022. The measures were also posted on the PCO website (Orders in Council). That same day, the Prime Minister wrote to all premiers thanking them for the productive consultation they had had at the FMM, and shared the Proclamation with them, explaining the six types of measures taken under it, and

confirming that this step was taken not to displace but to supplement provincial authorities. The Prime Minister advised that consultation and coordination would continue.<sup>53</sup>

101. On February 16, the Government tabled the Report to the Houses of Parliament: *Emergencies Act* Consultations before both Houses of Parliament.<sup>54</sup>

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<sup>53</sup> SSM.CAN.00000111\_REL.0001, Letter to Premiers attaching Proclamation Declaring a Public Order Emergency, dated February 15, 2022.

<sup>54</sup> SSM.CAN.00000123\_REL.0001 and SSM.CAN.00000124\_REL.0001, Report to the Houses of Parliament: *Emergencies Act* Consultations (FR) and (EN).

**Annex I – Meetings of DMOC, SSE, IRG and Cabinet from February 3 – February 23, 2022**

Date	Meeting	Note or Reference
February 3	SSE	SSM.NSC.CAN.00000292_REL.0001, Minutes dated February 3, 2022.
February 6	SSE	SSM.NSC.CAN.00000293_REL.0001, Minutes dated February 6, 2022.
February 8	SSE	SSM.NSC.CAN.00000295_REL.0001, Minutes dated February 8, 2022.
February 10	IRG	SSM.NSC.CAN.00000209_REL.0001, Minutes dated February 10, 2022.
February 11	DMOC	SSM.NSC.CAN.00000212_REL.0001, Read-Out dated February 11, 2022.
February 12	IRG	SSM.NSC.CAN.00000214_REL.0001, Minutes dated February 12, 2022.
February 13	DMOC	SSM.CAN.00000096_REL.0001, Read-Out dated February 13, 2022.
February 13	IRG	SSM.CAN.00000095_REL.0001, Minutes dated February 13, 2022.
February 13	Cabinet	SSM.NSC.CAN.00000216_REL.0001, Minutes dated February 13, 2022.
February 14	DMOC	SSM.CAN.00000116_REL.0001, Read-Out dated February 14, 2022.
February 15	Cabinet	SSM.NSC.CAN.00000297_REL.0001, Minutes dated February 15, 2022.
February 16	IRG	SSM.NSC.CAN.00000401_REL.0001, Minutes dated February 16, 2022.
February 17	IRG	SSM.NSC.CAN.00000402_REL.0001, Minutes dated February 17, 2022.
February 18	DMOC	SSM.NSC.CAN.00000224_REL.0001, Read-Out dated February 18, 2022.
February 18	IRG	SSM.NSC.CAN.00000403_REL.0001, Minutes dated February 18, 2022.
February 19	IRG	SSM.NSC.CAN.00000404_REL.0001, Minutes dated February 19, 2022.
February 20	DMOC	SSM.NSC.CAN.00000228_REL.0001, Read-Out dated February 19, 2022.
February 20	IRG	SSM.NSC.CAN.00000405_REL.0001, Minutes dated February 20, 2022.
February 21	DMOC	SSM.NSC.CAN.00000232_REL.0001, Read-Out Dated February 21, 2022.
February 21	IRG	SSM.NSC.CAN.00000406_REL.0001, Minutes dated February 21, 2022.
February 22	DMOC	SSM.NSC.CAN.00000235_REL.0001, Read-Out dated February 22, 2022.
February 22	IRG	SSM.NSC.CAN.00000407_REL.0001, Minutes dated February 22, 2022.
February 23	IRG	SSM.NSC.CAN.00000408_REL.0001, Minutes dated February 23, 2022.

## **Annex II – Specific Examples of Intergovernmental Engagement**

### ***Consultation and Engagement by the Government Before the Declaration of a Public Emergency***

1. Of intergovernmental engagement undertaken by either PCO Secretariats or Ministers supported by PCO (i.e. Prime Minister, Minister of Intergovernmental Affairs, or Quebec Lieutenant), specific examples and their chronology include:
  - January 31, 2022: The Prime Minister spoke to the Mayor of Ottawa about the illegal occupation in Ottawa.
  - February 3, 2022: The President of the Queen’s Privy Council for Canada and Minister of Emergency Preparedness spoke with the President of the Canadian Association of Chiefs of Police on support for the Ottawa Police Service.
  - February 3, 2022: The Deputy Minister Intergovernmental Affairs spoke with his counterpart in Ontario and offered to connect federal Public Safety officials to Ontario’s in order to share information based on the experience in Ottawa.
  - February 3, 2022: The Deputy Minister Intergovernmental Affairs spoke with his counterpart in Quebec to offer connections with the federal Deputy Minister of Public Safety to share information based on the experience in Ottawa.
  - February 3, 2022: The President of the Queen’s Privy Council for Canada and Minister of Emergency Preparedness also spoke with the President of the Federation of Canadian Municipalities about the situation in Ottawa.
  - February 4, 2022: The Deputy Minister Intergovernmental Affairs spoke with his counterpart in Alberta to open a line of communication around events taking place in Coutts, and to connect the federal Deputy Minister of Public Safety with his counterpart in Alberta.<sup>55</sup>
  - February 5, 2022: The President of the Queen’s Privy Council for Canada and Minister of Emergency Preparedness spoke with the Minister of Public Safety and Solicitor General and Deputy Premier of British Columbia about the protests in Victoria and how the federal government could assist if circumstances required.
  - February 7, 2022: Trilateral meeting between the President of the Queen’s Privy Council for Canada and Minister of Emergency Preparedness, the Minister of Public Safety, the Mayor of Ottawa, the City Manager of Ottawa and the Chief of Ottawa Police Services.
  - February 7, 2022: The Minister of Emergency Preparedness spoke with the Solicitor General of Ontario to discuss the work of the tripartite table.

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<sup>55</sup> SSM.CAN.00000083\_REL.0001, E-mail Coleen Volk to Michael Vandergift dated February 5, 2022.

- February 7, 2022: The Office of the Minister of Intergovernmental Affairs engaged the Office of the Minister of Transportation of Ontario.
- February 8, 2022: The Prime Minister spoke to the Mayor of Ottawa about the illegal occupation in Ottawa.
- February 9, 2022: The Prime Minister spoke with the Premier of Ontario regarding measures being taken by the Province in relation to the Ambassador Bridge.
- February 9, 2022: The Deputy Minister Intergovernmental Affairs spoke to his counterpart, the DM of Intergovernmental Affairs in Ontario on two occasions to discuss the Ambassador Bridge blockade and discussions taking place through Transport officials, as well as federal authorities relate to the bridge and port of entry. They also discussed logistics for a tripartite meetings with Ottawa occurring that same day.<sup>56</sup>
- February 10, 2022: The Deputy Minister Intergovernmental Affairs had a brief touch-base with his counterpart in Ontario about the situation at the Ambassador Bridge.
- February 10, 2022: The Prime Minister spoke to the Mayor of Windsor about the blockade at the Ambassador Bridge.
- February 10, 2022: The Minister of Intergovernmental Affairs communicated with the Premier of Alberta.
- February 10, 2022: The Minister of Intergovernmental Affairs spoke with the Premier of Ontario. The Premier advised that the next morning, he would be announcing that Ontario would issue an Order under the *Emergency Act*, imposing severe penalties and sanctions for truckers involved in the illegal blockades.<sup>57</sup>
- February 11, 2022: The Deputy Minister Intergovernmental Affairs spoke briefly with his counterpart in Ontario about the work underway in Windsor and Ottawa, and the Premier of Ontario's announcement to enact emergency powers.
- February 11, 2022: The Deputy Minister Intergovernmental Affairs spoke to his counterpart in Manitoba further to the letter received that day from the Premier of Manitoba.
- February 11, 2022: The Minister of Intergovernmental Affairs communicated with the Premier of Ontario to acknowledge the importance of the steps Ontario took that day.

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<sup>56</sup> SSM.CAN.00000086\_REL.0001, ON Engagement E-mail dated February 9, 2022.

<sup>57</sup> SSM.CAN.00000094\_REL.0001, Read-out of Call with Premier Ford dated February 10, 2022.

- February 11, 2022: The Minister of Intergovernmental Affairs communicated with the Premier of Alberta. The Premier expressed concern that the provinces had been left with the enforcement challenge, and that there had been no response to the request for assistance with tow trucks.
- February 12, 2022: The Minister of Intergovernmental Affairs communicated with the Premier of Nova Scotia to ask about the current status and to offer federal support to help the province respond to the disruption and blockades.
- February 12, 2022: The Minister of Intergovernmental Affairs communicated with the Premier of New Brunswick to ask about the current status and to offer federal support to help the province respond to the disruption and blockades.
- February 12, 2022: The Minister of Intergovernmental Affairs communicated with the Premier of Newfoundland and Labrador to ask about the current status and to offer federal support to help the province respond to the disruption and blockades.
- February 12, 2022: The Deputy Minister Intergovernmental Affairs spoke briefly with his counterpart in Ontario about the collaboration between levels of government, and the City of Ottawa's injunction request.
- February 13, 2022: The President of the Queen's Privy Council for Canada and Minister of Emergency Preparedness spoke with the President of the Canadian Association of Chiefs of Police on support for the Ottawa Police Service.
- February 13, 2022: The President of the Queen's Privy Council for Canada and Minister of Emergency Preparedness spoke with the Minister of Public Safety and Solicitor General and Deputy Premier of British Columbia about the protests in Victoria and how the federal government could assist if circumstances required.
- February 13, 2022: The Minister of Intergovernmental Affairs communicated with the Premier of British Columbia to ask about the current status and to offer federal support to help the province respond to the disruption and blockades. The Premier indicated that events were under control in British Columbia and that protests at the Legislature were getting smaller.

### ***Consultation/Engagement by the Government Following the Declaration of Public Emergency***

2. The Government of Canada expressed to all provinces that it was committed to ongoing consultation and collaboration with the provinces and territories to ensure that the federal response complements the efforts of their governments. Ongoing consultation would also be necessary should there be a need to modify or extend existing orders under the *Emergencies Act*.

3. Supported by their officials, Ministers engaged with their counterparts after the FMM and on an ongoing basis, as did the Deputy Minister of Intergovernmental Affairs. As noted above, the ongoing consultations were opportunities to exchange information, and to ensure that the federal government continued to receive feedback from PTs on the invocation of the Act. Many of the engagements were led by other departments. The list below may not be exhaustive.
- On February 14, the Minister of Justice and Attorney General of Canada spoke with his Quebec counterpart about the *Emergencies Act*.
  - On February 14, the Minister of Transport spoke with British Columbia’s Minister of Transportation and Infrastructure about blockades at border crossings. The Ministers discussed how the *Emergencies Act* can assist law enforcement.
  - On February 14, the Quebec Lieutenant spoke with the Province of Quebec’s Deputy Premier and Minister of Public Safety.
  - On February 14, the Quebec Lieutenant spoke with the Province of Quebec’s then Minister of Finance.
  - On February 15, the Minister of Transport spoke with Nova Scotia’s Minister of Public Works and provided an overview of the emergency measures being taken under the *Emergencies Act*.
  - On February 15, representatives from the Justice Minister’s office spoke with the Mayor of Winnipeg about the *Emergencies Act*. In a statement that same day, the Mayor said he was grateful the federal government was “taking action to make additional tools available to assist with the quick and peaceful end to the unlawful occupations”.<sup>58</sup>
  - On February 15, IGA held a briefing for FPT Deputy Ministers of Intergovernmental Affairs on the *Emergencies Act*.
  - On the same day, a bilateral meeting took place between the Deputy Minister of Intergovernmental Affairs, the Deputy Clerk of the Privy Council Office and their provincial counterparts in Quebec about the use of the *Emergencies Act*.
  - On February 16, the Assistant Deputy Minister of Intergovernmental Affairs joined colleagues from Justice and Transport at an ad hoc ADM-level meeting of FPT Crime Prevention and Policing Committee, led by Public Safety, to provide a briefing on and discuss the *Emergencies Act* measures.
  - That same day, the Deputy Minister of Intergovernmental Affairs and the Deputy Minister of Justice held a bilateral meeting with counterparts in the Manitoba.

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<sup>58</sup> “Emergencies Act get warm reception from Winnipeg mayor” dated February 15, 2022, online at CBC: <<https://www.cbc.ca/news/canada/manitoba/emergencies-act-invocation-mixed-sentiment-winnipeg-1.6352981>>, [[Emergencies Act gets warm reception from Winnipeg mayor, but cold shoulder from protesters | CBC News](#)].

- On February 17, a follow-up meeting to the February 15 FPT meeting was convened by the Deputy Minister Intergovernmental Affairs, which also included the Deputy Clerk of the Privy Council.
- Also on February 17, the Prime Minister received letters from both the Premier of Manitoba and the Premier of Alberta expressing their views on and disagreement with the invocation of the *Emergencies Act* and the adequacy of consultations.<sup>59</sup>
- On February 18, the Prime Minister received a letter from the Premier of Newfoundland and Labrador, expressing support for the federal measures taken.<sup>60</sup>
- On February 18, IGA received questions on the implementation of the *Emergencies Act* measures from officials from British Columbia. IGA provided answers to BC's questions after consultations with other Departments, including Justice, Finance and Public Safety.<sup>61</sup>
- Also on February 18, the Deputy Minister Intergovernmental Affairs wrote to his counterparts following up on the FPT meeting the day before, attaching copies of the English and French documents tabled in the House of Commons in relation to the *Emergencies Act*, and inviting them to reach out if they wished to have further discussions.<sup>62</sup>
- On February 23, the Ministers of Justice and Public Safety met with FPT Ministers of Justice and Public Safety. They provided an update on the use of the *Emergencies Act* and why the measure was justified.
- On February 23, 2022, the Deputy Minister Intergovernmental Affairs advised his counterparts by e-mail that, following an assessment of current circumstances, the Government of Canada had decided to revoke the declaration of a public order emergency and the related orders and regulations under the *Emergencies Act*.<sup>63</sup>

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<sup>59</sup> SSM.CAN.00000126\_REL.0001, Letter Premier of Alberta to Prime Minister Trudeau dated February 17, 2022; SSM.CAN.00000129\_REL.0001, Letter Premier of Manitoba to Prime Minister Trudeau dated February 17, 2022.

<sup>60</sup> SSM.CAN.00000131\_REL.0001, Letter Premier of Newfoundland and Labrador to Prime Minister Trudeau dated February 18, 2022.

<sup>61</sup> SSM.CAN.00000135\_REL.0001 and SSM.CAN.00000136\_REL.0001, Emergencies Act British Columbia Questions dated February 18, 2022.

<sup>62</sup> SSM.CAN.00000132\_REL.0001, Follow-up to Meeting, E-mail dated February 18, 2022.

<sup>63</sup> SSM.CAN.00000143\_REL.0001, E-mail from Deputy Minister Michael Vandergrift to counterparts, dated February 23, 2022.