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L'AFPC réclame les «effectifs nécessaires»

Paul Gaboury, Le Droit, le 18 mars 2016

Après dix ans d'austérité sous le règne conservateur, les attentes des syndicats fédéraux du secteur public sont élevées pour le premier budget du gouvernement Trudeau déposé mardi.

« La plateforme électorale libérale promettait d'améliorer les services publics, en réduisant les temps d'attente et en assurant des services personnalisés. Nous allons voir à ce que le gouvernement tienne promesse » a indiqué Robyn Benson, présidente nationale de l'Alliance de la fonction publique du Canada (AFPC).

Après des années d'austérité, les syndicats s'attendent maintenant à ce que les libéraux annoncent des mesures pour rétablir les services publics fédéraux fragilisés par le manque de personnel.

« La population canadienne a perdu des services dont elle a besoin. Et les compressions nuisent à l'économie, tant nationale que régionale. Il faut dès maintenant renforcer les services publics et donner aux ministères les effectifs nécessaires pour que nos membres puissent bien faire leur travail » explique la présidente de l'AFPC. Le syndicat s'attend aussi à des réinvestissements dans les infrastructures sociales, une amélioration du Régime de pensions du Canada, un programme national de garderies et une bonification du financement aux communautés autochtones.

Dans son Alternative budgétaire 2016, le Centre canadien de politiques alternatives (CCPA), organisme de réflexion proche des milieux syndicaux, propose un réinvestissement de plus de 2 milliards \$ par année pour rétablir des programmes abolis en fonction de l'intérêt public. Il propose aussi de limiter le recours à des agences de placement à des besoins de courte durée ou de surcroît de travail.

Le CCPA rappelle que 25 318 postes ont été abolis dans l'administration centrale fédérale entre l'élection de 2011 et mars 2015. Statistique Canada a par ailleurs évalué à 50 000 le nombre d'emplois abolis dans l'ensemble de la machine fédérale.

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No progress made on public sector bargaining as Liberals ape Conservatives' stance

Teuila Fuatai, rabble.ca, March 18 2016

Canada's largest public service union is warning of another era of emaciated civil service systems following a second round of unsuccessful contract negotiations under the Liberal government.

Five bargaining units from the Public Service Alliance of Canada (PSAC), representing nearly 100,000 civil servants, met with teams from the Treasury Board in Ottawa last week to discuss new contracts.

The workers have been without collective agreements since the summer of 2014, and little progress was made at the bargaining table under Stephen Harper's government.

"There was no progress made," PSAC president Robyn Benson said of last week's negotiations.

"Our membership is very frustrated...because they anticipated a Liberal government would bring something different to the table and that they would make negotiations a priority so we could achieve collective agreements and we could all move forward."

The Treasury Board's insistence to remove the workers' sick leave plan from the collective -- a proposal made under the Conservatives -- continues to be a key issue.

"They're doing exactly what the Conservatives did," Benson said.

"[While] they have proposed a different plan with some modifications, it is certainly still the same mindset with respect to sick leave."

On the issues that PSAC believes are important, there has been little ability to have open conversations, she said.

"We need to look at the services we provide and how to provide them."

Prolonged wait times and processing periods for Employment Insurance (EI) are a direct result of service cutbacks in the past 10 years, she said.

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Figures tabled in Parliament last week showed thousands of jobless Canadians waited more than a month to find out if they qualified for unemployment benefits.

According to the data, between April 2015 and January this year, it took more than 28 days to process about 300,000 EI applications.

Nationally, the average wait time was 39 days.

The figures also showed calls regarding employment insurance to the federal call centre were answered with an automated message nearly 7.4 million times during this period.

Benson, who has worked in the civil service for more than 30 years, said improvements to the EI application process would only occur if more individuals were hired by the government.

"There wouldn't be wait times and there wouldn't be a backlog if there hadn't been such severe job cuts.

"They need to look at the downsizing the Conservatives did and make improvements there," she said.

Labour Minister MaryAnn Mihychuk said in a statement that the government is working on a plan to address problems with the EI system.

Despite this, Benson said the mandate being pursued by Treasury Board president Scott Brison and his team was disappointingly similar to that of the Harper Conservatives.

"We thought, based on the campaign and the open letter from Trudeau to our membership, that there would be a difference," Benson said.

"But when you come to the table, and it's the same, then one needs to wonder what exactly it is that they're planning."

PSAC and the Treasury Board are due to return to the bargaining table next month, and in June.

Liberals offer of Tory sick leave plan a 'missed opportunity: PSAC head

Kathryn May, Ottawa Citizen, March 16 2016

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The Liberal government's decision to propose the same controversial sick leave plan as the previous government is a "missed opportunity" that could lead to labour unrest, warns the president of the largest federal union.

Robyn Benson, president of the Public Service Alliance of Canada, said she is surprised a government elected on promises to restore respect for the public service and fair bargaining is pushing the "same old" Tory proposal for a short-term disability plan that the unions solidly ejected for more than a year.

"We thought bargaining would be a priority when they got elected and we thought we would get a Liberal mandate. They seem to be recycling the same old positions of the Conservative government. That is a problem," said Benson.

She said treating public servants with respect is also about improving public services after the "slash, cut and burn" of the Conservatives.

"I don't think they want labour unrest during the first year in power. If we don't get a tentative agreement, we will follow the process and go into conciliation. It would be a missed opportunity for this government not to settle with us."

PSAC met with Treasury Board negotiators last week, the second major bargaining session since the Liberals came to power.

Unions were originally hopeful the government wanted a deal before the March 22 budget but Benson says "there's no hint of movement" on key issues, including sick leave. In fact, PSAC is scheduled for bargaining sessions into May and June.

"We are not at all close to a deal," she said.

Many say the federal unions would be hard-pressed to gain much public support — even among their own members — if they end up in a dispute with the popular Trudeau government, which has made conciliatory gestures such as unwinding some Tory-era legislation including making a big show of repealing the law that gave the government power to unilaterally impose a new sick-leave regime.

PSAC's five bargaining teams were at the table last week and Benson said they were able to get their issues discussed but, like sick leave, there was little indication of a change in approach. So far, the government has focused on sick leave and paid little attention to the other issues on the table.

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PSAC has tabled many demands for its various groups, including some that affect all employees.

For example, it has proposed many amendments to the complex “workforce-adjustment agreement” that the union claims would make downsizing fairer and transparent, and would reduce employee stress and uncertainty. It argues the process for managing job cuts should be more transparent, should minimize the number of people laid off involuntarily and be based on input from the workers who deliver the services.

The union is also proposing that departments use seniority when deciding layoffs if there aren’t enough voluntary departures. The government uses merit in making its staffing decisions and has long resisted any move to seniority.

Other issues that are bubbling up:

- The border guards want to be able to collect pensions after 25 years — the “25 and out” proposal — like police and prison guards. They also have concerns with the government’s use of students and contract workers on the border.
- Federal teachers represented by PSAC have pay issues and the technical services group has complaints about classification and have a number of monetary demands involving leave, premiums, hours of work, captive time and early retirement without an actuarial penalty for some enforcement workers.

The unions had high hopes that bargaining with the Liberals would lead to a deal amicably and quickly. Many expected the Liberals’ “new mandate” would offer a different approach to resolving the problems with sick leave without completely scrapping the existing regime. But the Liberals’ election wooing of the public service has been tempered by growing deficit projections, falling oil prices and a worsening economy.

Public service compensation costs \$45 billion a year and the Liberals need to keep that in check to afford other promises.

So instead, the unions claim, the government adopted a recycled version of the Tory proposal for a new short-term disability plan to replace banked sick leave.

The Conservatives’ plan, which included the elimination of public servant sick leave banks — a total of 15 million days are socked away — and reducing their 15 days of annual sick leave to six, galvanized unions into signing an unprecedented solidarity pact last year. That pact seems to be holding firm since the election of the Liberals.

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The Liberals have evolved the Tory offer. One union official has revealed the discretionary six days a year that could be used for sick leave has been increased to eight and public servants could carry over unused days. The five-day unpaid waiting period before one can apply for short-term disability is now gone. The short-term disability plan will cover 26 weeks, with the first 14 weeks providing 100 per cent of salary and the next 12 would be at 70 per cent of salary.

But the big show stopper for PSAC is the government's insistence on taking sick leave out of collective agreements.

"That is a non-starter for us," said Benson. "It would give them the right to change sick leave at any time."

RCMP accountability act leads to more secretive proceedings, lawyers say

Changes to RCMP disciplinary regime can make it easier for force to hide bad behaviour

Alison Crawford, CBC News, March 14 2016

Legislation to make the RCMP disciplinary process more accountable to the public may be making it easier for the police force to hide bad behaviour.

When the Enhancing Royal Canadian Mounted Police Accountability Act came into force in 2014, it set up a new framework for investigating members accused of wrongdoing. It also granted the RCMP commissioner more authority to deal with troublemakers.

The act required the commissioner to "make rules establishing the conduct measures, other than dismissal or recommendation for dismissal, that may be taken in respect of contraventions of the code of conduct."

The result is two disciplinary streams.

Misconduct so serious it could lead to someone being fired is dealt with by conduct boards. Everything else is handled internally in what is called a conduct meeting with almost no possibility for public scrutiny.



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'If RCMP executives want to bury a particularly messy case or incident, they can do so by pushing it to a conduct meeting rather than a hearing.'—*Paul Champ, Ottawa labour lawyer*

Ottawa labour lawyer Paul Champ says the major problem with the new act is that it does not specifically set out what kind of conduct could lead to a dismissal.

"Unfortunately, if RCMP executives want to bury a particularly messy case or incident, they can do so by pushing it to a conduct meeting rather than a hearing," says Champ.

Before, any discipline was subject to the open court principle, and adjudication board hearings and decisions were all open to the public.

"Right now the system the government has set up is one where disciplinary meetings are subject to no public oversight," says Ottawa defence lawyer Solomon Friedman.

[Allegations of serious misconduct](#)

CBC News has learned that allegations of workplace harassment — deemed serious enough for the RCMP to refer them to the Ottawa police for investigation — were dealt with by a conduct meeting, and all the details are being kept secret.

Last month, CBC News [investigated allegations](#) of workplace nudity and bullying at the explosives training unit of the RCMP-run Canadian Police College. The first incidents were handled under the old disciplinary system. CBC asked for and received adjudication board decisions relating to Staff Sgt. Bruno Solesme and civilian instructor Marco Calandrini.

Those documents summarized the allegations and submissions from everyone involved and explained how adjudicators arrived at their decision.

Yet for a second complaint lodged against Calandrini, alleging unwanted sexual touching at the office, the disciplinary process was covered by the new legislation.

[Disciplinary details not public](#)

To date, CBC News has been unable to obtain any information from the RCMP about who conducted the disciplinary process, the testimony and insight into how disciplinary authorities arrived at their decision to keep Calandrini on the payroll.

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The RCMP decided to dock Calandrini 15 days' pay, which in RCMP culture is considered a severe punishment. That snippet of information was dropped inadvertently and would not normally be released to the public.

Commissioner Paulson's chief of staff Lisa-Marie Inman explained in an email that conduct meeting decisions and related documentation are not releasable unless, in some cases, a person files an access to information request.

However in the Calandrini case, Inman says the Access to Information and Privacy Office and legal counsel determined the information would not be released even if someone filed a formal request under the act.

But even if the Calandrini decision was released under access to information, names and other details would be redacted. Under the previous system, adjudication board reports were made available in their entirety.

It is curious that even after Calandrini was accused of walking around the office in the nude and other problematic behaviour, a second and more serious complaint was not considered misconduct serious enough for dismissal.

Many Canadians would likely find it hard to imagine a workplace where getting naked at work and groping a co-worker would not be considered a firing offence.

In its 2009 ruling on *Quan vs. Cusson*, the Supreme Court of Canada made it clear Canadians are concerned with the integrity of its public service: "The Canadian public has a vital interest in knowing about the professional misdeeds of those who are entrusted by the state with protecting public safety."

Champ says it appears that vital interest is being served only when misconduct is dealt with at conduct hearings.

"The real problem with the new act is it does not define what is a more serious form of misconduct. It is up to the senior RCMP officers or executives to determine whether something goes to a meeting or to a hearing."

Conventions collectives: la GRC veut que le harcèlement puisse faire partie des négos

Mélanie Marquis, La Presse, le 14 mars 2016



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La question du harcèlement devrait faire partie des aspects qui seront négociés dans les futures conventions collectives de la Gendarmerie royale du Canada (GRC), selon un regroupement de membres réguliers et civils.

Si elle salue le dépôt d'un projet de loi visant à permettre aux employés de négocier leur contrat de travail, l'Association professionnelle de la police montée du Canada (APPMC) croit malgré tout qu'il comporte une lacune à ce chapitre.

Selon le président de la succursale québécoise de l'association, Paul Dupuis, les discussions entourant les futures conventions collectives devraient inclure la question du harcèlement.

En conférence de presse au parlement, lundi, il a fait remarquer que ce problème fait les manchettes depuis plus d'une dizaine d'années, et qu'il n'a toujours pas été enrayé malgré les promesses du commissaire de la GRC.

Le président du Conseil du trésor, Scott Brison, a déposé le 9 mars dernier la mesure législative C-7 en réponse à un jugement rendu en janvier 2015 par la Cour suprême du Canada statuant que les agents de la GRC avaient le droit de négocier une convention collective.

Le plus haut tribunal au pays avait donné au gouvernement un délai d'un an pour créer un nouveau régime de relations de travail, puis un nouveau délai de quatre mois en janvier 2016.

Le projet de loi n'accordera pas aux agents de la police fédérale le droit de grève. Les litiges seront réglés par l'arbitrage exécutoire indépendant.

P.E.I. owes \$18K in court-ordered federal fines

**An outside collections agency has been hired to collect fines for \$7.5-million over 2 years
Krystalle Ramlaskhan, CBC News, March 14 2016**

The record \$136-million Canadians owe in court-ordered fines — Prince Edward Island owes the least in the country with \$18,383.00 in outstanding fines.

The Public Prosecution Service of Canada signed a contract March 1, 2016, with Partners in Credit, Inc. for the collection of outstanding federal fines. Partners in Credit will receive 12% of the amount of fines it collects; the total value of the contract is \$7.5 million over two years.

Within Atlantic Canada, P.E.I. owed the least in outstanding fines, while Nova Scotia owed the most.



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- Prince Edward Island \$18,383.00
- New Brunswick \$261,505.20
- Newfoundland and Labrador \$447,412.18
- Nova Scotia \$634,059.97

The PPSC didn't release up-to-date numbers for what residents of other provinces and territories owe, but confirmed the amount owed by Islanders is the lowest in the country.

The fines are court-ordered under a wide range of federal statutes such as the Controlled Drugs and Substances Act, the Income Tax Act, the Immigration and Refugee Protection Act, the Canadian Environmental Protection Act, 1999, and the Fisheries Act.

How fines are collected

Partners in Credit will recover the outstanding fines in various ways, including skip tracing — where they track down someone's whereabouts, letters, telephone calls, assessing ability to pay, payment negotiations, and tracking payment agreements.

The PPSC National Fine Recovery Program has the mandate for interventions including seizure of assets, suspension of fishing permits, set-off of income tax refunds and GST/HST credits, filing of liens on property, and issuing summons for incarceration for refusal to pay notwithstanding assets.

This is the PPSC's first contract with an outside collection service, following a restructuring of the National Fine Recovery Program and the development of a new program model for fine recovery. The PPSC continues to collect outstanding fines with a reduced number of staff dedicated to the recovery program.

A PPSC spokesperson said fines will be recovered on an ongoing basis and there is no specific goal date.

"The PPSC takes the recovery of outstanding federal fines very seriously," said the spokesperson in an email.

Over 12 years the amount of [fines have almost tripled from \\$46,893,200 in 2002 to \\$136,106,003 in 2014](#). In 2014 \$6.1 million was also recovered.

The number of unpaid fines has remained relatively stable at 20,000 each year, but the average value has increased significantly.

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As of 2014 about \$41.3 million, [about one third of the fines were more than 7-years-old](#).

Public servant 'profoundly humiliated' by agency's 'bait-and-switch' treatment, tribunal says

Don Butler, Ottawa Citizen, March 16 2016

When the Public Prosecution Service of Canada hired Ottawa public servant Ruth Cameron in 2009, it desperately needed her skills.

It had tried and failed to recruit a senior labour relations adviser at the PE-04 level, and approached Cameron because Lyne Côté, the agency's director general of human resources, had previously worked with her at the Department of Justice.

Cameron was interested, but there was a problem. In the job she then held, she had been promoted to a higher classification, PE-05, and was unwilling to accept a downgrade.

No problem, the agency told her. It created a new labour relations position at the PE-05 level and Cameron accepted the job. All went well for three years. Then Côté retired and everything changed.

Within a year, Cameron's position had been downgraded to PE-04 after a classification review — a development an adjudicator likened to a “bait-and-switch” — leading her to take stress-related sick leave.

The classification review took place after another employee pointed out that she was doing essentially the same work as Cameron but was being paid at the PE-04 level.

The agency ordered a “desk audit” of her position, upsetting Cameron, who thought it was being done simply to downgrade her position. A December 2012 meeting with her supervisors a week before the audit went badly. Harsh words were spoken on both sides, and Cameron walked out.

She filed two grievances, alleging her employer had not been transparent and had shown bias in its handling of the classification review. Both were rejected by the PPSC in June 2013.

The following month, Cameron asked the [Public Service Labour Relations and Employment Board](#) to review PPSC's handling of the grievances.

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In a little-noticed [decision](#) dated Dec. 22, adjudicator Marie Claire Perrault accepted PPSC's argument that she didn't have jurisdiction to rule on Cameron's complaint. But Perrault made her sympathy for Cameron crystal clear.

"The facts in this case are unsettling," she wrote. "The PPSC hired Ms. Cameron because it needed her. It offered her a PE-05 job. She had no reason to doubt that it was a genuine offer.

"She was profoundly humiliated three years later when she was told in no uncertain terms that her position should be classified PE-04."

The classification system used by the federal government is both a science and an art, Perrault observed. By its very nature, it needs to be impersonal. Classification professionals "see boxes, not people," she said.

"Ms. Cameron is not a box; she is a person. I have no doubt that when she was promoted to the PE-05 level in her former department, she was proud. This was an achievement," Perrault wrote.

"It was crushing that the PPSC, the department that had sought her out and that had benefitted from her considerable labour relations expertise, signalled after three years that, in several ways, it doubted this achievement."

At the board hearing last October, Cameron, who represented herself, alleged that her employer's actions amounted to disguised discipline — retaliation for walking out of the 2012 meeting and for her complaints, challenges and objections to the reclassification.

Her employer was responsible for financial losses she had suffered, she argued. She had depleted her sick day credits, incurred medical expenses not covered by workplace benefits, spent money on access to information fees and assumed the costs of preparing for the hearing. Damages for pain and suffering and loss of enjoyment also arose, she said.

She also alluded to constructive dismissal, alleging that by modifying her working conditions and rendering her situation untenable, her employer was basically pushing her out the door.

In her decision, Perrault rejected all those arguments, saying that though her employer's actions "caused her pain and distress," she failed to present evidence that it intended to punish her.

Even so, Perrault concluded her decision by sympathetically recounting an analogy Cameron presented at her hearing.



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Imagine, Cameron had said, that a store advertises newfangled, four-slice chrome toasters. You manage to snag the last one and leave the story feeling lucky.

But after using the toaster, “you come to realize, much to your dismay, that it doesn’t toast very well,” Perrault wrote. “It cannot hold four pieces of bread. And the chrome soon flakes off as paint. That would be a bait-and-switch, said Ms. Cameron.

“I do not have jurisdiction to adjudicate Ms. Cameron’s grievances,” Perrault concluded, “but I certainly understand the disappointment.”

Procureurs: Québec donne son feu vert à 10% d'augmentation

Denis Lessard, La Presse, le 16 mars 2016

(Québec) Les procureurs aux poursuites criminelles et pénales vont obtenir 10 % d'augmentation de salaire, réparti sur les quatre prochaines années. En 15 ans, les légistes de l'État auront bénéficié d'une augmentation de 50 % de leur salaire.

Le gouvernement a accepté les recommandations du Comité sur la rémunération des procureurs, des orientations qu'il n'était pas tenu d'appliquer. Ce comité avait été créé dans la foulée des négociations difficiles de 2011 entre le gouvernement et ses 450 procureurs.

Le feuillet de l'Assemblée nationale, mercredi, annonçait l'intention de la ministre de la Justice Stéphanie Vallée de faire voter par les députés une motion en ce sens. La majorité des députés libéraux ne laisse pas de doutes sur l'issue du vote.

Cette augmentation de 2,5 % par année d'ici 2018-2019 propulsera les procureurs au sommet des professionnels du gouvernement au point de vue de la rémunération. « La rémunération des procureurs par rapport à celle des autres employés des secteurs public et parapublic est très avantageuse », observait le Trésor dans une note, obtenue par *La Presse*.

Le rapport devait ultimement être adopté à l'Assemblée nationale, mais la Justice, qui administre le dossier, n'était pas pressée d'aller de l'avant : difficile, en effet, de justifier des hausses de 10 % aux procureurs alors que les véritables augmentations de salaire accordées à l'ensemble des autres employés totalisent 3 % sur la même période - sans compter des augmentations avec « contrepartie » de 2,25 %.