The Twenty-Third Annual Report to the Prime Minister on the Public Service of Canada / Vingt-troisième rapport annuel au Premier ministre sur la fonction publique du Canada

I am pleased to share that my Annual Report to the Prime Minister on the Public Service (clerk.gc.ca/report) has been tabled in Parliament.

My report sets out the priorities and expectations for the Public Service for the coming year. As Clerk, my mandate is twofold. First, to help the government deliver its agenda, and second, to raise the capabilities of the Public Service. The two priority areas I've identified for action within the Public Service in the coming year are improving wellness and mental health in the workplace and continuing to reinvigorate efforts to attract, retain and develop top talent.

Efforts by all public servants will be required to build the kind of Public Service we all want—a public service known for its collaboration, partnership, and agility. That means building a culture of respect, of being open and transparent about what we're trying to accomplish, measuring if we're getting there, learning from our mistakes, fixing things that aren't working and reinforcing things that are. It's a continuous exercise. A strong dialogue with bargaining agents is, of course, key to this work.

The efforts are worth it—because what we do matters to Canada, Canadians and the world. Our values are a solid foundation, and, together with what we learned through our broad and extensive engagement of public servants through Blueprint 2020, will continue to guide us as we work to strengthen the capabilities of the Public Service, meet the rising expectations of Canadians and deliver the Government's agenda.

I look forward to working with you as we tackle the challenges ahead.

Michael Wernick
Clerk of the Privy Council

J'ai le plaisir de vous annoncer que mon rapport annuel au premier ministre sur la fonction publique (greffier.gc.ca/rapport) a été déposé au Parlement.

Je précise dans mon rapport les priorités et les attentes à l'égard de la fonction publique pour l'année à venir. Mon mandat de greffier comporte deux volets : Je dois d'une part aider le gouvernement à mettre son programme en œuvre et, d'autre part, renforcer les capacités de la fonction publique. J'ai relevé deux champs d'action prioritaires dans l'ensemble de la fonction publique pour l'année qui vient, soit l'amélioration du mieux-être et de la santé mentale au travail et la poursuite de la relance des efforts pour attirer, maintenir en poste et perfectionner les personnes les plus prometteuses.

Tous les fonctionnaires devront déployer des efforts pour que la fonction publique prenne la forme que nous désirons—une fonction publique reconnue pour sa collaboration, son partenariat et sa souplesse. Pour ce faire, if faut établir une culture fondée sur le respect, l'ouverture et la transparence à l'égard de ce que nous tentons d'accomplir; évaluer nos progrès; apprendre de nos erreurs; changer ce qui ne fonctionne pas; et mettre l'accent sur ce qui fonctionne. Il s'agit d'un exercice continu. Bien entendu, un dialogue solide avec les agents négociateurs est essentiel à tout ce qui précède.

Les efforts en valent la peine, car notre travail est important pour les Canadiens, le Canada et le monde entier. Nos valeurs constituent un fondement solide et, de concert avec ce que nous avons appris grâce à la vaste mobilisation des fonctionnaires dans le cadre d'Objectif 2020, elles nous guideront dans nos efforts pour renforcer les capacités de la fonction publique, répondre aux attentes croissantes des Canadiens et mettre en œuvre le programme du gouvernement.

Au plaisir de travailler avec chacun et chacune d'entre vous pour relever les défis à venir.

Michael Wernick
Greffier du Conseil privé

Public policy schools across Canada buoyed by Liberal 'sunny ways'

Applications up 20 to 25 per cent across the country for public policy programs
Julie Ireton, CBC News, May 11 2016

University programs that educate future bureaucrats say they're seeing an increase in both the number of applications and the quality of applicants to professional schools across the country this year.

"It is a little bit surprising," said Kathy Brock, a professor at Queen's University and president of the Canadian Association of Programs in Public Administration.

"We have noticed an increase over the years, but there's a new enthusiasm."

Brock's group represents 23 schools from B.C. to Newfoundland.

She said most of the public administration programs are reporting a 20 to 25 per cent increase in applications this year compared to last and believes the new federal government and its 'sunny ways' can take some of the credit.

"Students seem to be enthusiastic about going into the federal public service again. They see it as a choice employer, somewhere they'd really like to start," she said.

"Up to this year, we've seen students tending to favour the provincial government, municipal governments or the non-profit sector. Now we see them targeting the federal sector as well."

Brock said schools that aren't seeing that big of an increase in the number of applications are telling her the quality of applications is higher this year.

Queen's doubling size of program

Hilary Roberts has already landed a job inside the federal bureaucracy and that's even before she officially receives her diploma from the Masters of Public Administration program at Carleton University.

Roberts said in fact, many of her fellow graduates have new jobs and several are inside the federal government.

"There was definitely a buzz around the school [that] maybe there are some more hiring opportunities coming up now, looking at the new ministers mandates, so that seems pretty exciting," said Roberts.

Carleton University and the University of Ottawa are experiencing a renewed interest as well.

Both have public administration schools that are seeing a more than 20 per cent increase in applications.

"Right now schools of public policy and administration are benefiting from a number of key factors. One of which being in Ottawa, we're benefiting probably the most from a change in the

federal government," said Robert Shepherd, professor and incoming president of the Canadian Association of Programs in Public Administration.

At Queen's, Brock said they plan to double the size of their public administration program over the next couple of years from 60 to 120 admissions a year.

Public service pay glitches cause headaches for workers on parental leave

Phoenix pay system rolled out last winter
Julie Ireton, CBC News, May 13 2016

Federal workers on parental leave from their public service jobs say they're having trouble paying the bills because the government's automated payroll system has stopped cutting their cheques.

Several federal employees have reached out to CBC after experiencing pay glitches while on maternity or paternity leave.

- **Short-term workers short-changed by glitch-plagued government pay system**
- **Problems continue to plague public service pay system**
- **New payroll system leaving thousands of public servants in the lurch, says PSAC**

The government started to roll out a new pay system called Phoenix last winter, and changes to the public service pay regime continued this spring.

The new system has been widely criticized by workers and unions for either failing to pay bureaucrats properly, or not paying them at all.

No pay in 4 weeks

Derek Dratwa, a correctional officer at Millhaven Institution in Bath, Ont., has been on parental leave since last October, after he and his wife adopted their niece, whose mother was killed in a car accident.

While on parental leave, Dratwa receives employment insurance and the Correctional Service of Canada tops up his pay, as per federal government policy.

"Everything has been running smoothly until the government implemented the new Phoenix pay system," said Dratwa who hasn't been paid in four weeks.

'Everything has been running smoothly until the government implemented the new Phoenix pay system.'- *Derek Dratwa*

He said he's spent hours calling his own department and waiting on hold to get through to the government's pay centre.

"So far, the banks have been good, they can see I'm a federal employee and normally I get this money. So they've been very understanding. They've refunded all NSF (not sufficient funds) fees for now, but they basically said, 'We're only going to let it go another week or two and we're going to start wanting our money,'" said Dratwa.

Phoenix system blamed

Another worker who was recently on parental leave from a job at Global Affairs Canada said he went without pay for eight weeks.

The worker, who asked not to be named for fear of reprisal, said he's now back to work on regular pay, but still has not received his parental leave pay.

That's a familiar story to a Services Canada worker who told CBC she hasn't been paid for the past three months of her maternity leave, when her department switched over to the Phoenix pay system.

Public Services and Procurement Canada oversees the federal pay system.

Brigitte Fortin, assistant deputy minister of accounting, banking and compensation at PSPC, said the Phoenix system was implemented to streamline and update a 40-year-old pay system.

"The old pay system was very manual ... and cumbersome. It takes some time for people to learn the new system and get accustomed to the new processes, but over time we'll definitely see improvements," Fortin told CBC.

On Thursday, the department issued a statement to CBC: "We are concerned about the stress that such a situation would cause for families caring for a new child. We can confirm that, for those departments and agencies serviced by the Pay Centre in Miramichi, all maternity leave requests received have been processed."

System only as useful as input

PSPC is pointing the finger at other departments for the pay glitches.

"We cannot emphasize enough how important it is for employee information to be submitted in an accurate, timely manner. Phoenix is an advanced, robust system, but like any IT solution, it is only as useful as the input it receives," PSPC said in the statement.

The payroll glitch is something that unions representing federal workers are following closely.

The Public Service Alliance of Canada, the largest union representing federal employees, issued an advisory to its member on Wednesday.

"We continue to maintain that the rollout of Phoenix is seriously flawed and was not set up to properly account for complex pay situations," according to the advisory. "PSAC will continue to work with the federal government to make sure that the Phoenix-related pay problems get resolved as soon as possible."

Justice system can't wait for judicial appointments review, say judges

Cases already being thrown out due to shortage of judges, says Alberta chief justice

Alison Crawford, CBC News, May 9 2016

Canada's legal community is growing increasingly anxious about the growing number of judicial vacancies across the country, and some say the federal justice minister shouldn't wait for the outcome of a review of judicial appointments before appointing new judges.

Alberta Court of Queen's Bench Chief Justice Neil Wittmann calls the situation at his court — with nine vacancies — desperate. He says institutional delays are causing criminal cases to get thrown out of court.

- **Alberta judge shortage at 'breaking point,' causing delays**
- **Choosing judges in Canada**
- **Peter MacKay's friends, colleagues make up 6 of 9 judicial appointees**

"We had one in Red Deer about two weeks ago where a pretty serious fraud charge was stayed due to court delays and there are other motions pending," said Wittmann. "Sooner or later there's going to be a serious delay in a serious offence, by that I mean a violent crime."

Wittmann told CBC News a federal representative contacted him to say the government understands the crisis in his court and that it would try to make some urgent appointments — but that was six weeks ago.

46 vacant seats

Since being appointed justice minister and attorney general six months ago, Jody Wilson-Raybould has not appointed a single judge. There are at least 46 vacant seats on the bench of federally-appointed superior courts, with British Columbia and Alberta each short 10 judges.

In addition, every judicial advisory committee from Toronto to Newfoundland and Labrador was disbanded last fall when their terms expired. Judicial advisory committees assess the qualifications and merits of those who apply to be a judge and recommend applicants to the minister.

"It would be much better to continue those committees until they're replaced. That would be a fairly simple situation to an unacceptable hiatus," Wittmann told CBC News.

Appointments to JACs and the bench are made by the minister in close collaboration and consultation with his or her judicial affairs adviser — a crucial role that has also not yet been filled.

'It's not an emergency in the way a forest fire or a flood is, but it is building to that point that it's creating really negative consequences on the ground.'- *Lorne Sossin, dean of Osgoode Hall law school*

"The minister is working to staff this position as soon as possible," said Michael Davis, director of communications for Wilson-Raybould, in response to several inquiries by CBC News.

Lorne Sossin, dean of law at York University's Osgoode Hall, calls that surprising and concerning.

"It's not an emergency in the way a forest fire or a flood is, but it is building to that point that it's creating really negative consequences on the ground," said Sossin. "If you have those vacancies for so long a period of time, it's again putting extra stress and strain on those who are in the system. It creates backlogs and access-to-justice concerns."

Wilson-Raybould is, without a doubt, among the busiest cabinet ministers. Prime Minister Justin Trudeau gave her a lead role on several important and pressing files, such as legislation to permit physician-assisted dying, a federal inquiry into murdered and missing indigenous women and legalizing marijuana.

"So, there's lots of different priorities but I don't think those are any excuses to not have a timely set of benchmarks being met on something as critical as judicial appointments," said Sossin.

Judicial appointments process under review

According to the minister's office, the hold up is an overall review of the judicial appointments process.

"A review of the entire judicial appointments process is ongoing, based on principles of openness, transparency, merit, and diversity. The minister is committed to achieving a greater degree of diversity within the Canadian judiciary, so that it will come to truly reflect the face of Canada," her office said in a statement.

Judicial advisory committees are also subject to that review. CBC News asked her office whether Wilson-Raybould is interested in tinkering with the makeup of the councils, as the previous government changed the rules to require each committee to have a representative with a background in policing.

"(The minister is) aware of the need to get the Judicial Advisory Committees up and running in a timely manner. However, it is important to ensure that this is done in a considered way, given the important role these committees play," her office said.

'What should happen is some appointments ought to be made by the executive branch of government. That's their job.'-*Alberta Court of Queen's Bench Chief Justice Neil Wittmann*

"I regret there is nothing we can add as processes are under review at the moment," Davis added later, when asked for an update on the process so far, including the mandate, scope and timeline for completion.

But Chief Justice Wittmann isn't so sure.

"I'm not aware of a review actually occurring. I'm aware of the minister's position that she wants a review to occur," he said.

Other legal observers have also quietly questioned how much work has been done when the minister still hasn't hired a judicial affairs adviser. Despite assurances from her office that the minister "will work with interested stakeholders, including the judiciary, on the appointments," no one contacted by CBC had any insight into what is going on.

In the meantime, Quebec Superior Court Chief Justice Jacques Fournier said he hopes the minister will fill some of the most pressing vacancies with candidates who have already been vetted under the existing system.

"The selections are good for two years. ... So most certainly there are good candidates out there," he said.

Wittmann could not agree more.

"What should happen is some appointments ought to be made by the executive branch of government. That's their job," he said.

Des juges bilingues à la Cour suprême du Canada... mais pas de loi pour l'instant

Brigitte Bureau, ICI Radio-Canada, May 12 2016

Le gouvernement Trudeau s'engage à nommer uniquement des juges bilingues à la Cour suprême, en commençant par le successeur du juge Thomas Cromwell, qui prendra sa retraite en septembre. Par contre, le gouvernement libéral n'a pas l'intention, pour l'instant, de déposer un projet de loi qui rendrait cette pratique officielle.

C'est ce que le secrétaire parlementaire de la ministre de la Justice, Sean Casey, a indiqué dans une entrevue exclusive à Radio-Canada. M. Casey, contrairement à la ministre Jody Wilson-Raybould, parle français et a accepté de répondre à nos questions.

Le secrétaire parlementaire promet que tous les juges que le gouvernement Trudeau nommera à la Cour suprême seront bilingues.

C'est fondamental, dans un pays où nous avons deux langues officielles, d'avoir le droit de présenter vos arguments devant la cour la plus importante, la plus élevée, dans les deux langues.

Sean Casey, secrétaire parlementaire de la ministre de la Justice

Pas de projet de loi immédiat

Toutefois, pas question, pour l'instant, de déposer un projet de loi en ce sens et ce, pour deux raisons.

D'abord, Sean Casey explique que « ce n'est pas important quand Justin Trudeau est le premier ministre, parce que tous les juges, dans cette époque-là, seront bilingues ».

Deuxièmement, il affirme que les avis juridiques que le gouvernement a reçus compliquent la situation.

« Le conseil qu'on a reçu est qu'on a peut-être besoin d'amender la Constitution. Comme vous savez, quand on commence à amender la Constitution, il y a beaucoup d'autres questions, beaucoup d'autres enjeux », précise-t-il.

M. Casey se réfère ici à la décision de la Cour suprême dans l'affaire du juge Marc Nadon. Dans cette cause, le tribunal avait conclu qu'un amendement constitutionnel était nécessaire pour modifier les caractéristiques essentielles de la Cour suprême.

Le gouvernement croit que cela pourrait s'appliquer au bilinguisme des juges.

« Si c'est possible de nous assurer que tous les juges à la Cour suprême seront bilingues à l'avenir par un projet de loi, on va le faire », ajoute Sean Casey. « Mais c'est une question sur laquelle on se penche maintenant. »

À lire aussi :

- Des juristes réclament des juges bilingues à la Cour suprême
- Le NPD revient à la charge sur le bilinguisme à la Cour suprême
- L'unilinguisme de certains juges de la Cour suprême pourrait être anticonstitutionnel
- Juges unilingues à la Cour suprême : la contestation s'organise

Le NPD mécontent

« Ça n'a vraiment pas de sens », s'exclame de son côté François Choquette, porte-parole néo-démocrate en matière de Langues officielles. Selon lui, c'est un prétexte pour ne pas agir.

M. Choquette entend bien aller de l'avant avec son projet de loi privé, qui prévoit que tous les juges nommés à la Cour suprême doivent comprendre le français et l'anglais sans l'aide d'un interprète.

Arrêtons de tergiverser. Agissons!

François Choquette, porte-parole néo-démocrate en matière de Langues officielles

« On a un beau projet de loi, C-203, que j'ai déposé », rappelle-t-il. « Yvon Godin l'avait déposé avant moi à trois reprises. Les libéraux avaient voté en faveur. Maintenant, allons-y. Assurons-nous qu'il n'y aura plus de nominations de juges unilingues, parce que c'est une question d'égalité devant la justice des deux langues officielles. »

« Si ce projet de loi ne fait pas l'affaire, amenons-en un autre projet de loi. Ça ne me dérange pas » ajoute-t-il. « Ce qu'on veut, le NPD, c'est de s'assurer qu'il va y avoir le bilinguisme des juges à la Cour suprême. Que les francophones et les anglophones soient traités d'une manière égalitaire devant la justice et le plus haut tribunal du pays. »

Un constitutionnaliste se prononce

Le professeur de droit à l'Université d'Ottawa, Sébastien Grammond, est quant à lui d'avis qu'un amendement constitutionnel n'est pas nécessaire, tout en se réjouissant de la décision du gouvernement Trudeau de nommer uniquement des juges bilingues à la Cour suprême.

Selon lui, la décision du plus haut tribunal du pays dans l'affaire Nadon portait surtout sur la représentation garantie du Québec au sein de la Cour suprême, en vertu de la Constitution.

Pour lui, la question du bilinguisme des juges est un sujet distinct.

Ça n'affecte pas la capacité du Parlement de légiférer pour exiger que les juges de la Cour suprême soient bilingues.

Sébastien Grammond, professeur de droit à l'Université d'Ottawa

En fait, le professeur Grammond croit lui aussi qu'une loi devrait être adoptée par le Parlement. « C'est important de dire que c'est une règle qui sera appliquée dans l'avenir et pas seulement par le gouvernement actuel », souligne-t-il.

Selon lui, si le gouvernement a des doutes sur le plan constitutionnel, il peut toujours demander l'avis de la Cour suprême. Une option que le gouvernement Trudeau n'écarte d'ailleurs pas.

Un sujet controversé

C'est un reportage de Radio-Canada qui est à l'origine du débat sur le bilinguisme des juges à la Cour suprême.

Selon ce que Radio-Canada avait appris en 2008, l'unilinguisme anglais du juge Marshall Rothstein, le premier magistrat à avoir été nommé à la Cour suprême par le premier ministre Stephen Harper deux ans plus tôt, compliquait le travail de la Cour.

Les juges francophones, s'ils voulaient être compris de leur collègue Rothstein, devaient écrire les nombreuses ébauches de leurs décisions en anglais.

D'autres reportages avaient par la suite démontré les lacunes dans la traduction des plaidoiries en français.

Assisted Dying: Who is vulnerable to whom?

Don Lenihan, National Newswatch, May 9 2016

Last week, Interim Conservative Leader Rona Ambrose announced that unless Bill C-14 on physician-assisted dying increases protection for vulnerable people, she'll vote against it. Why is it that when able-bodied, healthy people are called on to assist people with disabilities or illnesses they always assume their supposed to protect them? There are other options.

The "No means no" campaign is a good example. It reduces women's vulnerability to sexual aggression, but not by adding more layers of protection. Instead, the rule empowers women by increasing their control over sexual relationships. Those debating physician assisted dying could learn a lesson from this.

The first step is to recognize that, when it comes to assisted dying, people with physical or mental illnesses are vulnerable in different ways. For example, people with psychosis or advanced dementia are unable to make a sound decision on assisted dying, as are young children. If there were no constraints, these people might make a disastrous mistake.

Assisted dying thus poses a clear danger to them that calls for protection. But I don't think anyone of note denies this. Certainly, the Supreme Court doesn't. The Carter decision restricts assisted dying to competent, consenting adults—and that brings us to the real debate over vulnerability.

Critics of the Carter decision see disaster written all over it. Chronic physical or psychological suffering, they say, could make people susceptible to social or family pressures to end their lives. Intense depression might cloud someone's judgement. Advance consent might fail to register a change of heart. With all these things going on around a decision to die, the critics ask, how are doctors supposed to know when consent is valid?

The question is supposed to be rhetorical. The prospect of so many people making bad decisions is assumed to discredit the Court's approach. Competence, insist opponents, is an unreliable way of distinguishing between those who need protection and those who do not. Its use should be narrowly circumscribed.

Many advocates of assisted dying find this line of argument outrageous and patronizing. In their view, it amounts to saying that if you are not able-bodied or healthy, your judgement on assisted dying cannot be trusted. Why, they wonder, do able-bodied and healthy people get to make such a presumption about the mental competence of people with illnesses or disabilities?

I think the advocates have a point. Opposition to assisted dying seems to be led by a coalition of mainly able-bodied, healthy people who claim to speak for the sick and disabled. On one hand, they insist that what most of these people need is protection, not choice. On the other, there is very little willingness to discuss how this "protection" condemns them to a life of suffering.

Of course, advocates don't dispute that competence can be controversial. After all, people often are ambivalent about dying, insisting at one time that they wish to die, then at another that they don't. There are real questions about the degree of certainty required before consent is valid.

Most supporters of assisted dying agree that high levels of uncertainty should disqualify someone from an assisted death. But they also accept that adequate tests can be devised to detect this. These decisions may be complex and layered, but medical experts are not totally in the dark.

In my opinion, the advocates' arguments are far more convincing than the opponents. The latter seem to be saying that, in order to be valid, a decision to end one's life must be unencumbered by external influences or ambivalence. This seems to fly in the face of how our psychology works.

A person contemplating death will be weighing all manner of things and will almost certainly have doubts along the way. It would be strange if they didn't. This is the most important decision they will ever make and their life quite literally hangs in the balance. Nevertheless, this kind of ambivalence need not render a decision invalid. The "No means no" rule helps us see why.

Like assisted dying, sexual engagement can be a complex and even threatening affair where consent is often in question. A woman in this situation may be ambivalent about whether she wishes to proceed. However, by reducing her vulnerability the rule empowers her. Saying no establishes a clear standard for subsequent behavior—even if her actions continue to convey uncertainty. Unless and until there is an explicit retraction, no means no.

The lesson for assisted dying is that clear decisions need not exclude ambivalence. To be a competent decision-maker one does not have to dispel all doubts or be free of external influences. Such a condition is likely unattainable. In the case of assisted dying, it is enough that the decision be deeply considered; and that the person has resolved to carry through on it, even in the face of uncertainty. Where these conditions are met, yes means yes.

In sum, the current debate over assisted dying blurs two very different ways that people can be vulnerable. In one case, they are vulnerable to an untimely death brought on by an unsound decision. Here protection is appropriate.

In the other, they are vulnerable to a life of irremediable suffering. Having the choice to escape from it can be enormously liberating, not only for those who choose this path, but also for those who don't. A decision to live with one's suffering, freely made, can give such a person a renewed sense of control over their life. And that, in turn, can be genuinely and deeply empowering.

Dr. Don Lenihan is Senior Associate, Policy and Engagement, at Canada 2020, Canada's leading, independent progressive think-tank. Don is an internationally recognized expert on democracy and Open Government. He is currently the Government of Ontario's principal advisor on its Open Dialogue Initiative. The views expressed here are those of the columnist alone. Don can be reached at:Don.Lenihan@Canada2020.ca or follow him on Twitter at: ***@DonLenihan***

La vérité libérale sur l'aide médicale à mourir

Emmanuelle Latraverse, ICI Radio-Canada, le 10 mai 2016

Que dire du suicide assisté? Menace pour les plus vulnérables, obligation légale ou droit fondamental? Depuis des semaines, les parlementaires naviguent au coeur de ce débat moral profond, promettant de laisser leur partisanerie de côté. Mais à l'heure des choix, les lignes de faille sont claires. Les impératifs de la majorité libérale semblent avoir pris le dessus sur la recherche d'un consensus.

Le verdict du député libéral de la Nouvelle-Écosse, Colin Fraser, est tombé après plus de trois heures de débat.

Nous ne réussirons pas à adopter une loi à l'épreuve de toute contestation en vertu de la Charte.

Colin Fraser, député libéral de Nova-Ouest

Il incarne à lui seul le calcul politique du gouvernement libéral : trouver le plus bas dénominateur commun afin d'assurer l'adoption d'une loi sur l'aide médicale à mourir d'ici le 6 juin prochain, quitte à ce que celle-ci soit à nouveau contestée devant les tribunaux. C'est la stratégie des petits pas.

C'est ainsi que les libéraux ont systématiquement bloqué chacun des quelque 40 amendements proposés par l'opposition.

S'il vous plaît, adoptez au moins un seul amendement de l'opposition pour préserver notre sens commun de la démocratie.

Elizabeth May, chef du Parti vert

Les lignes de faille idéologiques

Dans un camp : les conservateurs, inquiets des conséquences de l'aide médicale à mourir sur le caractère sacré de la vie. Dans l'autre : le NPD, le Parti vert et le Bloc québécois, perturbés à l'idée que la loi mise de l'avant par Ottawa soit trop restrictive et aille à l'encontre du jugement de la Cour suprême dans l'arrêt Carter.

Peu importe d'où venaient les efforts d'amendements - interdire aux infirmières praticiennes d'offrir l'aide médicale à mourir ou exiger l'avis d'un psychiatre pour protéger un patient dépressif d'une décision mal éclairée -, la ligne libérale a tenu.

Peu importe, dans tous les cas, le député Colin Fraser, tel un bon soldat exauçant les voeux de ses supérieurs, a mené la charge contre les compromis soumis par ses pairs de l'opposition. Systématiquement, notes à l'appui, il a expliqué pourquoi le gouvernement compte rejeter tel ou tel amendement. Ses collègues libéraux, ceux qui sont censés se laisser guider par leur conscience et leur libre arbitre ont à peine parlé.

Il faut croire qu'au Parti libéral, l'aide médicale à mourir ne soulève aucun doute, aucune question, aucun dilemme.

Oui... Un seul a osé exprimer ses doutes. Ron McKinnon, de la Colombie-Britannique, est de ceux qui croient que le projet de loi soumis par son gouvernement est trop restrictif, vulnérable à des contestations judiciaires. Mais il ne se battra pas.

Je suis prêt à appuyer la loi dans son ensemble, car cette loi dans son ensemble est préférable à un vide juridique.

Ron McKinnon, député libéral de Coquitlam-Port-Coquitlam

La mort raisonnablement prévisible

Aucun élément du projet de loi ne soulève plus d'interrogations que le concept de restreindre l'aide médicale à mourir aux patients confrontés au déclin avancé et irréversible de leurs capacités, et dont la mort est raisonnablement prévisible.

Or, depuis des semaines, les voix se sont multipliées pour indiquer au gouvernement qu'une telle interprétation est trop contraignante et ouvre la voie à de nouvelles contestations judiciaires du projet de loi C-14. Mais le Parti libéral a offert une fin de non-recevoir à la multitude d'amendements déposés par le NPD, le Bloc québécois et le Parti vert pour assouplir le projet de loi, afin de s'assurer qu'il respecte l'analyse du plus haut tribunal du pays.

Les fonctionnaires du ministère de la Justice plaident qu'il s'agit ici d'offrir une fin paisible à ceux et celles qui sont « sur la trajectoire d'une mort indigne ou douloureuse ». Le gouvernement veut avant tout protéger les personnes les plus vulnérables et éviter d'encourager le suicide au pays.

Cette ligne dure vient d'ébranler profondément la confiance de l'opposition. Bloquistes et néo-démocrates reprochent au gouvernement de vouloir épargner la chèvre et le chou au détriment des droits fondamentaux des patients.

« C'était clair que Carter était un plancher. Là, on est au sous-sol. Et ce soir, le comité a confirmé qu'on reste dans le sous-sol. On ne peut pas recommander de voter en faveur de cette loi-là », estime Brigitte Sansoucy, députée néo-démocrate de Saint-Hyacinthe-Bagot.

La ligne de parti

Le gouvernement libéral avait pourtant promis un débat non partisan. Un choix libre et éclairé pour tous les députés. Le premier ministre Trudeau a même nourri les espoirs de ceux qui cherchaient des compromis en ouvrant la porte à des amendements.

En ce qui a trait à ce projet de loi précis, nous sommes en train d'étudier les propositions de l'opposition et les différentes propositions des Canadiens pour voir si on peut améliorer, si on doit améliorer ce projet de loi.

Justin Trudeau, premier ministre du Canada.

Mais lundi soir, dans la salle 8-53, aucun compromis ne semblait possible.

Tout comme à l'époque des conservateurs, le gouvernement majoritaire a tenu la ligne dure. La discipline libérale était impénétrable face aux efforts d'une opposition divisée

Memo to Tories: Union-bashing may be fun — but there are risks

Tasha Kheiriddin, iPolitics.ca, May 9 2016

Who's afraid of secret ballot voting? Unions, it seems. For decades, most union certification in Canada has been done by means of 'card checks', which require 50 per cent or more of employees to sign cards saying they want a union. The practice is frequently criticized for denying workers their democratic right to choose — or refuse — a union without having to openly declare their preference. It is supported, however, by those who say that a vote — even a secret one — gives employers the ability to pressure workers into refusing a union.

The federal Conservatives ended the practice of card checks for federal employees in June 2015, by means of Bill C-525. The law mandated secret ballot votes for federal employees seeking union certification, and was bitterly opposed by the labour movement, which saw it as an attack on unions. In January 2016, the new government tabled Bill C-4, which would repeal Bill C-525 as well as Bill C-377, a law which required financial disclosure by unions of their revenues and expenses.

The changes were praised by the Public Service Alliance of Canada, which represents the majority of federal public sector workers, and Unifor, Canada's largest private sector labour union. PSAC President Robyn Benson called both Bill C-525 and Bill C-377 "seriously flawed, introduced without consultation with unions or employers and detrimental to the rights of workers." Unifor President Jerry Dias added, "This is an important first step to undo the damage that has been done … However it's important to note that we have simply been given back rights that were taken from us by the Harper government."

But the fight against card checks for federal employees isn't over. A new piece of legislation, Bill C-7, would extend the right to unionization to members of the RCMP. The bill would implement a Supreme Court decision handed down in 2015, which held that RCMP members had the right to unionize. The Conservatives supported the bill at second reading, hoping that it would include a provision for secret ballot certification. Instead, it was amended to remove certain provisions affecting employee health care benefits, and committee members voted down a proposed Conservative amendment which would have required a secret ballot vote.

In response, Tory Public Safety Critic Erin O'Toole, who had moved the amendment, accused the Liberals of "failing to support the brave men and women of the RCMP by forcing them to adopt this undemocratic practice. Conservatives will always stand with the RCMP and we will not support legislation that so blatantly violates the wishes of its members."

"Instead of forcing RCMP members to disclose their vote publicly," Conservative Treasury Board critic Pierre Poilievre added, "the Liberals should listen to RCMP members who are concerned that their vote will impact their workplace situation."

It would be hard for the Tories to maintain their stance that the old method of union certification is anti-democratic while using the Senate — an unelected body — to stop C-7 from becoming law.

So the Tories are now refusing to support Bill C-7. With the Liberals' Commons majority, the bill is still likely to pass a third-reading vote. The sticking point is the Senate, where 42 seats are held by Conservatives, 23 by 'Independent Liberals' and 22 by Independents. Eighteen seats remain vacant and must be filled by the end of this year. But according to the deadline imposed by the Supreme Court, Bill C-7 *must* become law by May 16, which means it must pass both houses of Parliament. Unless the 'Independent Liberals' stick together and can convince at least 20 Independents to support the bill, it could be defeated by the Conservatives at the Senate level.

Will the issue of secret ballot union voting become a hill to die on for the Conservatives? Should it? With their party's national policy convention coming up in Vancouver at the end of May, the issue could figure prominently in discussions among members — as it did at the party's last policy conference, held in Calgary in 2013. There, members voted for several motions designed to boost the rights of individual workers, while limiting the collective rights of unions. Many of the measures eventually made it into law, notably Bills C-525 and C-377.

The secret ballot issue also could be a conversation-starter for candidates for the party's leadership. Quebec MP Maxime Bernier has been known to take a somewhat dim view of organized labour: In an interview given to Quebec City radio station Radio X in October 2015, Bernier called the NDP and the unions opposed to the Trans Pacific Partnership "economically illiterate". Back when she was labour minister in 2014, fellow leadership contender Kellie Leitch threatened to table back-to-work legislation mere days into the government's dispute with the union representing striking CN workers. And O'Toole, who moved the unsuccessful amendment to Bill C-7, recently told Global News' Tom Clark that while it would take a lot of arm-twisting for him to join the leadership race, "I wouldn't (say no), if I thought I could help the cause."

How much traction the Tories can get from this issue remains unclear. During the last federal election, organized labour actively worked to unseat the Conservatives in the run-up to the campaign. In turn, the Tories prevented them from spending big dollars on advertising — as unions had done in Ontario's provincial election — by calling an early election, which severely limited third-party advertising after the writ was dropped. Most observers agree that the early call ultimately backfired against the Harper government, as it gave the Liberals and leader Justin Trudeau a longer runway to prove that they were, in fact, "ready" to govern — and they got a lot of labour support, to the detriment of the NDP.

Today, with the NDP undergoing an existential crisis (is it the party of the LEAP manifesto or the labour movement — or could it be both?) it's not clear where unions will put their support next time around. Unless the NDP elects a leader with big ties to Big Labour, unions might be more comfortable with the Liberals, especially if the government makes good on its promise to repeal the Tories' anti-union laws.

But with union membership on the decline, the Tories might be on safe ground appealing to the mass of Canadians who aren't unionized, or don't want to be — or resent those who are. As for the principle of secret ballot voting, it would be hard for the Tories to maintain their stance that the old method of union certification is anti-democratic while using the Senate — an unelected body — to stop C-7 from becoming law.

While labour issues may not be a hill to die on, they could still impose a lot of casualties if the Tories fail to strike the right balance.