

Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

## **Crowns face off with feds on workload**

### **Christin Schmitz, The Lawyers Weekly, June 3 2016**

Complaining that their workload has reached “a crisis level,” federal prosecutors are seeking an interim injunction against having to work additional nights and weekends in Alberta’s bail courts.

At press time, the Association of Justice Counsel (AJC) was to go before a Federal Court judge and argue its unprecedented application to enjoin the Public Prosecution Service of Canada (PPSC) from compelling more than 50 Crowns in Edmonton and Calgary to staff bail courts by phone on a 24/7 basis — a new duty their union argues has pushed their “unsustainable workload” to “a crisis level.”

Anticipating that the PPSC will also require staff prosecutors and Crown agents from outside Alberta to help out at the after-hours bail court, the union asks the Federal Court to prohibit the service from using any AJC members to do so.

“Before this bail thing came into place we in fact had already been looking at putting together a grievance based on the workload,” explained AJC past-president Leonard MacKay. “But then before we had a chance to really finalize that grievance, they hit us with this bail court process where they have now — with less than two days’ notice — required our prosecutors in Alberta to staff these bail courts 24 hours a day, seven days a week so — on top of what was already unworkable — folks are now having to stay up through the night to do bail hearings with a JP.”

The AJC demanded a meeting with Justice Minister Jody Wilson-Raybould last month and also filed an unfair labour practice complaint against the PPSC with the Public Service Labour Relations and Employment Board.

The union for 2,600 federal lawyers argues that the PPSC began imposing the new weekend and night shifts for bail court April 29, which effectively lengthens Crowns’ hours of work and violates the statutory prohibition against changing their employment terms and conditions during the current period, when they are negotiating a new collective agreement with Ottawa.

It contends there are an additional 32 shifts, or 128 additional working hours, per week to be assumed by staff Crowns “who are already working beyond their normal full-time hours.”

In practice, MacKay said the new task means that when a person is taken into custody after-hours (i.e. between 4 p.m. and 8 a.m.), police phone the prosecutor — who by then has already

Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

worked his or her normal day — and e-mail him or her the documents. After the Crown reviews the documents, the bail hearing is conducted by phone with the JP. The Crown must then complete the related paperwork and depending on timing, and how many people are brought into custody, the work involved can easily go over the allotted four-hour shift. Then the Crown, with prosecution files piled up on a desk, has to show up for court and the other tasks of a day job, with an hour or two of sleep.

“It can be difficult to conduct these hearings at home as well when you have your family around you,” MacKay added. “There’s issues around child care, and personal circumstances, that are making this difficult for a lot of folks.”

Alberta is the only province with round-the-clock bail courts, and for years those courts have been staffed by police officers, rather than Crowns. However a recent independent review of Alberta bail practices concluded that under the existing law, police do not qualify as “prosecutors” and thus have no legal basis for their presenting role at bail hearings.

The AJC has not disputed that conclusion. But the union complains that the PPSC imposed the new work without notice, or consultation, notwithstanding that it was aware for weeks or months that a bail court shake-up was coming.

“What...we’ve heard is that they had planned to use [private-sector Crown] agents to do the entire thing and, not surprisingly, they weren’t able to find agents to do it,” MacKay said. The AJC has asked the PPSC to take immediate action by deferring after-hours bail hearings to regular business hours and by assigning that work to Crown agents.

Over the years, the PPSC has been more or less chronically short-staffed in Alberta, where it has had trouble recruiting and retaining Crowns.

The AJC also sought help in the court of public opinion via an open letter to Wilson-Raybould sent to media outlets last month, which was copied to senior Cabinet members and opposition critics.

“Extra shifts can only add to the risk of burnout and health issues that reach a crisis level,” the AJC states. “This is unfair for the employees and all their colleagues when they inevitably eventually become unable to report to work anymore. If the government is seriously concerned about addressing the risk of grave errors in this process, the AJC has the following advice: sleep-deprived employees should never be forced to make critical decisions related to bail or other exercises of prosecutorial discretion that affect the administration of justice.”

Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

The PPSC declined to answer any questions, including about its staffing or other resource issues, citing the injunction application before the court.

## **A new mental health plan could be 'turning point' in PS renewal**

**Kathryn May, Ottawa Citizen, May 31 2016**

The federal government is poised to unveil a new mental health strategy that could be the “turning point” for an employer once dubbed the “worst of the worst” for its high level of chronic stress and depression among Canada’s public servants, said a leading mental health advocate.

Bill Wilkerson, chair of Mental Health International who is leading a pan-European campaign on depression, said a successful plan would change the way executives lead, managers manage and employees work, eliminating the stress that infected the public service like a “super bug” over the past decade.

That would, in turn, reduce absenteeism, boost morale, make employees more productive, innovative and better policy makers. Without a mental health strategy, Wilkerson says the much-promised renewal of the public service – the latest known as Blueprint 2020 – will remain elusive.

“A mental health strategy should be the heartbeat of public service renewal,” Wilkerson said in a wide-ranging interview. “Without it, renewal is nourished by empty calories of rhetoric and distrust between public servants and their employer.

Wilkerson will be among experts discussing how to improve the health and well-being of public servants at a Wednesday symposium on leadership for Excellence, Innovation and Health held by the Association of Professional Executives in the Public Service of Canada (APEX).

He will join Michael Wilson, a former finance minister, ambassador to the U.S. and now chair of the Mental Health Commission of Canada. The pair founded the Global Business and Economic Roundtable on Addiction and Mental Health in 1998 and delivered their final report several years ago.

Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

Wilkerson said the plan in the making could transform the government from the “worst of the worst” employers to the “best of the best” and make Canada a model for other countries to follow.

For years, Wilkerson was a vocal critic of federal management practices that he once said made Ottawa the “depression capital of Canada.”

He railed at the previous Conservative government for “stigmatizing” public servants by focusing on the large number of sick days they took rather than finding out why the workplace made them sick.

Mental illness — particularly depression — is the leading cause of disability worldwide, striking working populations in their prime.

In the public service, mental health claims climbed steadily over the past decade and accounted for nearly half of all approved health claims.

The much-awaited mental health strategy will be built on the work of a joint union and management task force. Privy Council Clerk Michael Wernick also has a special advisory committee of which Wilkerson was a member.

Wilkerson said executives and managers will be the key players in leading a change to rid the workplace of the management and organization practices and policies that contribute to stress and depression of employees:

1. The bureaucracy ‘treadmill. Public servants jumping from job to job with no ‘overall picture’ of why and what it means.
2. Giving employees lots of responsibility, but little discretion.
3. Too much work and not enough resources to do it.
4. Heavy and ‘destructive’ reliance on emails and texting to the exclusion of personal conversations.
5. A workplace where ‘everything is a priority.’
6. Unclear expectations among employees of what they are responsible for and ambiguity around who is charge.

Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

7. Employees skills and the jobs people they are asked to do are not well-matched.
- 8 Employees are discouraged from and feel they have “no voice to question workload or priority-setting”
9. The loss of capacity to execute projects.
10. A pervasive sense of erratic management and perpetual delegation from the top down to the rank and file, which diffuses accountability and erodes faith in managers.

The plan comes as the public service faces a massive generational turnover with the departure of the baby boomers and Wilkerson estimates 85 per cent of new jobs demand “cerebral” not manual skills.

As the country’s largest employer, Wilkerson said the public service is a microcosm of the Canadian workforce and tackling the stresses there will give policy-makers a blueprint for preventing mental illness among all Canadians.

He said the Canada’s health care system has failed all Canadians, including public servants, facing mental illness with 75 per cent unable to get access to the services or care they need.

“Understanding the experience of their own employees – senior government officials will escape the blinders of budgetary policy-making to see just how devastating the under-funding of mental health care in this country really is,” said Wilkerson.

With that, Wilkerson argue Canada could be international model and press to make mental health a “global development priority” when it hosts the G7 meetings in 2018

## **Mental Health Joint Task Force Releases Its Second Report**

**New Release, Treasury Board of Canada Secretariat, May 31 2016**

As the country's largest employer, the Government of Canada is committed to being a leader in tackling the challenges of mental illness in the workplace.

The President of Treasury Board, the Honourable Scott Brison, and the National President of the Public Service Alliance of Canada (PSAC), Robyn Benson, today welcomed the release of a second report by the Joint Task Force on Mental Health in the Workplace.

Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

Building on the recommendations of the first report, the Joint Task Force's second report provides specific direction to federal public service organizations in key areas, such as guidance on the selection of a mental health champion and the development of organizational engagement. These recommendations will help guide efforts to improve mental health in federal workplaces.

The Treasury Board of Canada Secretariat, along with federal departments and agencies, will act on the report's recommendations in the coming months.

#### Quotes

"The Government is committed to restoring a culture of respect for and within the public service. We will continue to work with public sector unions to improve how we address mental health issues in the workplace. The recommendations by the Joint Task Force will contribute to healthier workplaces for federal public servants across Canada."

The Honourable Scott Brison, President of the Treasury Board

"The release of the Joint Task Force's second report demonstrates our shared commitment to the important issue of mental health in the workplace. The Public Service Alliance of Canada believes the next steps will be crucial as we seek to implement concrete strategies to promote better workplace practices when dealing with mental health issues."

Robyn Benson, National President of the Public Service Alliance of Canada

#### Related products

- [Technical Committee Report to the Steering Committee on Mental Health in the Workplace - April 2016](#)
- [Technical Committee Report to the Steering Committee on Mental Health in the Workplace - September 2015](#)

#### Quick facts

- In March 2015, the Government of Canada and PSAC established a Joint Task Force to address mental health in the workplace.

Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

- Data on disability insurance claims show that about half (49%) of all claims approved in 2015 were due to mental health conditions (e.g., depression, neurosis, affective and behavioural disorders).
- In December 2015, the Mental Health Joint Task Force released its first report during a meeting of the National Joint Council.
- The Clerk of the Privy Council's recent annual report identified mental health as a priority for the Public Service.

### **Associated Links**

First [report](#) from the Joint Task Force addressing mental health in the workplace.

March 2015 News Release - [Government and PSAC Working Together on Mental Health](#)

[Twenty-Third Annual Report to the Prime Minister on the Public Service of Canada](#)

## **Le Groupe de travail mixte sur la santé mentale publie son second rapport**

**Communiqué de presse, Secrétariat du Conseil du Trésor du Canada, le 31 mai 2016**

En tant que plus important employeur du pays, le gouvernement du Canada s'est engagé à donner l'exemple pour ce qui est de s'attaquer aux défis de la santé mentale en milieu de travail.

Aujourd'hui, le président du Conseil du Trésor, l'honorable Scott Brison, et la présidente nationale de l'Alliance de la fonction publique du Canada (AFPC), Robyn Benson, ont accueilli favorablement le second rapport du Groupe de travail mixte sur la santé mentale en milieu de travail.

Fondé sur les recommandations du premier rapport, le second rapport du Groupe de travail mixte donne des directives précises aux organisations de la fonction publique fédérale dans des domaines clés, tels que des conseils pour la sélection d'un champion de la santé mentale et pour le développement de l'engagement organisationnel. Ces recommandations aideront à guider les efforts pour améliorer la santé mentale dans les milieux de travail fédéraux.

Le Secrétariat du Conseil du Trésor du Canada et les ministères et les agences fédérales travailleront pour donner suite aux recommandations du rapport dans les mois qui viennent.





Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

#### Les faits en bref

- En mars 2015, le gouvernement du Canada et l'AFPC ont établi un groupe de travail mixte pour s'occuper des questions de santé mentale en milieu de travail.
- Les données sur les demandes d'assurance-invalidité montrent qu'environ la moitié (49 %) de toutes les demandes approuvées en 2015 avaient trait à des problèmes de santé mentale (p.ex., dépression, névrose, troubles affectifs et comportementaux).
- En décembre 2015, le Groupe de travail mixte sur la santé mentale a publié son premier rapport au cours d'une réunion du Conseil national mixte.
- Dans son dernier rapport annuel, le greffier du Conseil privé a déterminé que la santé mentale était une priorité de la fonction publique.

#### Citations

« Le gouvernement s'est engagé à rétablir une culture de respect à l'égard et au sein de la fonction publique. Nous sommes résolu à travailler avec les syndicats du secteur public pour améliorer la façon dont nous traitons les questions liées à la santé mentale en milieu de travail. Les recommandations formulées par le Groupe de travail mixte contribueront à la création de milieux de travail plus sains dans l'ensemble de la fonction publique fédérale. »

– *L'honorable Scott Brison, président du Conseil du Trésor*

« La publication du second rapport du Groupe de travail mixte démontre notre engagement commun à l'égard de l'importante question de la santé mentale en milieu de travail. L'Alliance de la fonction publique du Canada pense que les prochaines étapes seront très importantes alors que nous cherchons à mettre en œuvre des stratégies concrètes visant à promouvoir de meilleures pratiques en milieu de travail pour traiter les questions de santé mentale. »

– *Robyn Benson, présidente nationale de l'Alliance de la fonction publique du Canada*

#### Produits connexes

- [Rapport du comité technique au comité directeur sur la santé mentale en milieu de travail - Avril 2016](#)
- [Rapport du comité technique au comité directeur sur la santé mentale en milieu de travail - Septembre 2015](#)



Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

Liens connexes

- [Communiqué de décembre 2015 - Le ministre Brison et l'AFPC accueillent favorablement le rapport du Groupe de travail mixte sur la santé mentale](#)
- [Communiqué de mars 2015 - Le gouvernement et l'AFPC travaillent ensemble sur la question de la santé mentale](#)
- [Vingt-troisième rapport annuel au Premier ministre sur la fonction publique du Canada](#)

## **Leading constitutional expert says assisted dying law unconstitutional**

**Joan Bryden, The Canadian Press, June 6 2016**

Canada's foremost constitutional authority predicts the federal government's proposed new law on medically assisted dying will be struck down by the courts as unconstitutional.

Peter Hogg — who literally wrote the book on constitutional law in Canada, a text frequently cited by the Supreme Court — says Bill C-14 is inconsistent with the top court's landmark ruling known as the Carter decision last year, which struck down the ban on assisted dying as a violation of the charter right to life, liberty and security of the person.

The court suspended its ruling for a year, later extended by four months, to give the federal government time to respond with a new law.

That deadline passed last night, with C-14 still under examination by independent-minded senators, many of whom have expressed strong objections that the bill would allow assisted death only for suffering Canadians who are already near death.

As of today, medically assisted dying is now legal in Canada, governed by the eligibility criteria set out in Carter and guidelines issued by medical regulators in every province. However, the government is urging the Senate to pass C-14 as quickly as possible, arguing the legislation is urgently needed to ensure strict safeguards to protect the vulnerable.

Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

Hogg is among the witnesses scheduled to appear today before the Senate's legal and constitutional affairs committee to discuss the bill.

In speaking notes prepared for the committee and obtained by The Canadian Press, Hogg notes that the Supreme Court specifically said Parliament could respond to its ruling "should they so choose, by enacting legislation consistent with the constitutional parameters set out in these reasons."

"In my opinion, the bill is not consistent with the constitutional parameters set out in the Carter reasons," he says.

The Supreme Court directed that medical assistance in dying should be available to clearly consenting, competent adults with "grievous and irremediable" medical conditions that are causing enduring suffering that they find intolerable.

C-14 takes a more restrictive approach, allowing assisted dying only for consenting adults "in an advanced stage of irreversible decline" from a serious and "incurable" disease, illness or disability and for whom natural death is "reasonably foreseeable."

If C-14 is enacted in its current form, Hogg says, "the class of entitled persons would no longer include people whose suffering is not an end-of-life condition."

"It is incredible to me that the court in Carter, when it called for legislation by Parliament 'consistent with the constitutional parameters set out in these reasons,' was envisaging legislation that would narrow the class of entitled persons."

While the top court wanted Parliament to enact procedural safeguards to avoid the risk of error or abuse, Hogg says, "for the legislation to narrow the class by taking away a right that had just been deliberately granted by the Supreme Court" is not what it had in mind.

If the bill is enacted with the near-death provisions still intact, Hogg says "it can be safely predicted that a member of the newly excluded class" — someone who meets the Carter criteria but is not close to death — will challenge the constitutionality of the new law.

Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

And he suggests the result of such a challenge is inevitable: "What judge would not strike down the end-of-life provisions?"

Indeed, the federal government's narrow interpretation of Carter has already been slapped down in two separate court rulings since January. That's when the Supreme Court, as a stop-gap measure until the June 6 deadline, agreed to allow Canadians who met the Carter criteria to apply for judicial approval for an assisted death.

In two of those cases, Hogg notes that a unanimous panel of three Alberta Court of Appeal justices and an Ontario Superior Court judge rejected the federal government's contention that Carter can be interpreted to apply only to those who are close to death.

"In both cases, a careful analysis of the Carter reasons yielded the conclusion that no end-of-life requirements were express or implied. In both cases, permission was granted for a physician-assisted death."

## **L'aide médicale à mourir décriminalisée à minuit**

**ICI Radio-Canada, le 6 juin 2016**

Les Canadiens pourront se prévaloir de l'aide médicale à mourir sans que les médecins qui les aident à mettre un terme à leurs jours soient inquiétés par la justice à compter de minuit ce soir.

L'arrêt Carter de la Cour suprême du Canada invalidant deux articles du Code criminel contre l'aide médicale à mourir interviendra toutefois sans que le gouvernement canadien ait réussi à encadrer législativement la pratique. Son projet de loi C-14 n'a toujours pas été adopté. Il est sur la table de travail des sénateurs qui entendent proposer des amendements. Son parcours législatif n'est donc pas terminé et il ne verra pas le jour avant la levée de l'interdiction.

En février 2015, la Cour suprême avait invalidé deux articles du Code criminel, dont l'article 241b) qui criminalise l'acte médical permettant à un patient de mettre fin à ses jours. Le plus haut tribunal du pays avait toutefois prolongé l'application de ces articles de loi pour une période d'un an, le temps que le gouvernement légifère pour encadrer la pratique. Pressé par le



Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

temps, le gouvernement avait obtenu un délai supplémentaire de quatre mois, en février dernier, mais ce nouveau sursis arrive à échéance et la loi n'est toujours pas prête.

« Le résultat de ça, c'est que l'aide médicale à mourir ne sera plus un crime si elle est effectuée à l'intérieur des balises de la Cour suprême », explique le professeur de droit de l'Université d'Ottawa Sébastien Grammond.

Le jugement de la Cour suprême sert déjà de cadre juridique et définit les circonstances dans lesquelles le plus haut tribunal du pays juge qu'il est légitime d'aider un patient à mourir. De plus, dans la mesure où les provinces ont déjà préparé le terrain, le Canada ne sera pas devant une page blanche.

Le sénateur André Pratte estime qu'il ne faut pas exagérer l'importance du vide législatif puisque toutes les provinces et un territoire se sont dotés de législation en cette matière. De plus, il rappelle que les ordres professionnels ont émis des directives pour encadrer la pratique de leurs membres.

Il n'y a pas de vide total, mais il n'y a pas de normes nationales.

André Pratte

### **L'accessibilité menacée**

Le risque réside toutefois dans l'accès à ce service qui pourrait s'avérer plus difficile et surtout inégal d'une province à une autre. Devant l'absence d'encadrement législatif fédéral, la législation provinciale – la santé étant de juridiction provinciale – prendra le relais. Au Québec notamment, la loi a fait l'objet d'un large consensus auprès des parlementaires et la pratique est déjà commencée.

La [ministre de la Santé Jane Philpott craint](#) que, sans les garanties offertes par les nouveaux articles du Code criminel présentés par son gouvernement, les médecins du pays ne veuillent pas prodiguer l'aide médicale à mourir par crainte de poursuites.

L'association qui assure une forte proportion de médecins au pays leur recommande de consulter un avocat avant d'offrir l'aide médicale à mourir à un patient, advenant l'absence de loi fédérale.

La crainte de Mme Philpott est partagée par l'Association médicale canadienne. « Il est clair que sans une loi en vigueur claire, un cadre juridique responsable, beaucoup de nos médecins ne

Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

voudront pas pratiquer ou participer à l'aide à mourir, estime la directrice de l'éthique de l'association. Cécile Bensimon.

Les pharmaciens aussi pourraient se montrer hésitants à fournir les doses nécessaires pour provoquer la mort, selon une porte-parole de l'Association canadienne des pharmaciens, Joëlle Walker. « Je veux dire que c'est une pratique qui est quand même très nouvelle, c'est une pratique qui est très finale, donc il y a des gens qui vont se poser la question, avance-t-elle. Est-ce qu'ils devraient l'offrir peut-être parce qu'ils ne savent pas s'ils ont une protection légale, ils ne savent pas comment offrir le service, ils ne savent pas les lignes directrices. »

Le gouvernement laisse entendre que des patients attendent la loi fédérale pour se prévaloir de l'aide médicale à mourir, mais impossible de savoir combien de personnes pourraient être touchées par le vide législatif.

## **Liberals may accept Senate amendment to pass assisted dying bill**

**Assisted dying bill 'reasonable and justifiable,' justice minister tells feisty senators**

**Peter Zimonjic, Catherine Cullen, CBC News, Jun 1 2016**

Health Minister Jane Philpott hinted Wednesday that her government may be willing to accept a compromise Senate amendment to its assisted dying bill that would help C-14 pass in the Red Chamber.

She said including an amendment that commits Parliament to studying the possible expansion of eligibility beyond patients suffering a terminal illness, within 180 days of the bill's passing, may be in the cards.

"I would say whether they make that amendment or not, we're going to study that," Philpott said. "If it needs to be in the bill, then obviously we'll take that into consideration ... I think questions that come up repeatedly, we have a responsibility to respond to Canadians because they're obviously questions Canadians have as well."

Philpott made the comments to reporters after speaking before the Senate in a rare televised appearance with federal Justice Minister Jody Wilson-Raybould. The ministers were



Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

there to defend the bill and convince senators to speed its passing by the Supreme Court of Canada's June 6 deadline.

- [MPs send assisted dying bill to Senate as C-14 deadline looms](#)
- [Amendments to assisted dying bill defeated, C-14 passes report stage](#)
- [Assisted death guidelines in place in all Canadian provinces](#)

In the Senate, Wilson-Raybould said she was confident that her government's assisted dying bill is compliant with the Charter of Rights and Freedoms and that she was "100 per cent confident" that Kay Carter, whose case was at the centre of a Supreme Court ruling, would have been granted the right to die had the bill been law.

"In recognition of Kay Carter, she was 89 years of age, suffering intolerably from spinal stenosis and was in a state of irreversible decline," she said. "Her death had become reasonably foreseeable by virtue of her age and her frailty."

Wilson-Raybould referred to Carter, who had wished to end her life with the help of a doctor, because the B.C. Civil Liberties Association fought all the way to the high court on her behalf.

The Supreme Court's "Carter decision" ruled that denying a patient suffering with a grievous and irremediable condition the right to die with the help of a doctor was a violation of the charter and instructed the federal government to craft a law to govern the practice.

When the Liberals came to power, a special joint Senate and Commons committee was struck to listen to witnesses and produce a report that would guide the government in crafting the deadline.

When Bill C-14 was tabled in Parliament in April, it restricted doctor-assisted death to mentally competent adults who have a serious and incurable illness, disease or disability who are "suffering intolerably" and whose death is "reasonably foreseeable."

Restricting the legislation to people who are deemed to be at the end of their lives garnered criticism from those who said the top court's Carter decision was about granting relief to a patient with intolerable suffering, but who may not be at risk of imminent death.

'There is something so fundamentally wrong and discriminatory in the application of this I wonder how you have rationalized through to defence,' - *Senator Frances Lankin on assisted dying legislation*



Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

Wilson-Raybould faced intense, and at times aggressive, questions from senators of all stripes. Many argued that the government was excluding large numbers of people from accessing an assisted death by including the restriction "reasonably foreseeable" in the bill.

One of those critical voices came from independent senator Frances Lankin, recently appointed to the Senate on the advice of Prime Minister Justin Trudeau.

Lankin said two people suffering from the same disease, with the same incurable and intolerable symptoms, would face different fates based on their age. Someone who is older or ready to be "dispensed" could expect a swift death while someone younger would be forced to wait in pain for years.

"There is something so fundamentally wrong and discriminatory in the application of this I wonder how you have rationalized through to defence," said Lankin.

### Defending C-14's restrictions

Bill C-14 also does not include some of the most contentious recommendations from the parliamentary committee's witnesses, including extending the right to die to "mature minors" and the mentally ill.

The ministers were questioned over these omissions and over the decision not to allow advance consent for patients with degenerative mental disorders that would eventually render them unable to consent to an assisted death.

Philpott, who is also a family doctor, explained that regulating advance consent was very difficult, and it would not have been possible to implement a regime that allowed it while still protecting the vulnerable by next week's deadline.

She said she discussed the idea of advance directives with the minister of health from the Netherlands and that country has had what Philpott said was a "great deal of difficulty with the concept of advance directives."

"If I am not mistaken, the Netherlands is the only country in the world that allows advance directives for a diagnosis of dementia, so it's rarely done and in that context it's not quite working as one would hope," she said.

While the timeline is too short to deal with that issue now, Philpott noted that all the provinces that have provided guidance to doctors on assisted dying have chosen not to include advance directives.



Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

"I think there is a very real possibility that we may one day see advance directives as a part of this legislation, although it's not up to me alone, it's up to all of us working together for that."

### C-14 'reasonable and justifiable'

Wilson-Raybould defended the restrictions in the proposed law saying that, internationally, most democratic countries do not have an assisted dying law, and of the ones that do most of them restrict access to those facing the end of their lives.

"As minister of justice and the attorney general of Canada I am confident that Bill C-14 is a reasonable and justifiable policy choice ... that being said, our government has committed to studying broader forms of eligibility and in particular eligibility for individuals suffering solely from mental illness," she added.

The minister said expanding the eligibility to include patients who are not suffering with a terminal illness would introduce risks to vulnerable patients, and she disagreed with senators who suggested the Carter decision dictated that eligibility should be extended in this way.

"I do not ascribe to the view that Carter stated, and that our honourable Supreme Court justices directed, Parliament to invoke the broadest regime, potentially, in the world. What I recognize the honourable justices as saying is that an absolute prohibition on medical assistance in dying is unconstitutional."

## **Aide à mourir: la date butoir ne sera probablement pas respectée**

**Mélanie Marquis, La Presse, le 30 mai 2016**

Le gouvernement fédéral reconnaît pour une première fois que le projet de loi C-14 sur l'aide médicale à mourir ne sera vraisemblablement pas adopté d'ici la date butoir du 6 juin fixée par la Cour suprême du Canada (CSC).

La ministre de la Santé, Jane Philpott, y est allée de cette constatation en mêlée de presse avant la période de questions aux Communes, lundi après-midi.

Elle a cependant dit espérer que les parlementaires adoptent le plus rapidement possible un projet de loi sur l'aide médicale à mourir.



Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

La mesure législative proposée par les libéraux a été critiquée par l'opposition ainsi que par plusieurs juristes et représentants de la communauté médicale canadienne.

Le débat sur C-14 doit reprendre lundi soir, après avoir été au coeur de querelles procédurales, puis retardé en raison de la bousculade survenue en Chambre il y a un peu plus d'une semaine.

Les députés doivent voter en soirée sur une série d'amendements mis de l'avant par l'opposition.

Le vote en troisième lecture doit avoir lieu mardi, ce qui permettra au projet de loi de prendre le chemin du Sénat.

Le gouvernement libéral a soutenu à de nombreuses reprises qu'il était impératif d'adopter un projet de loi pour éviter un vide juridique.

En rendant sa décision sur l'aide médicale à mourir, le 6 février 2015, la CSC avait laissé douze mois au Parlement pour légiférer.

Le plus haut tribunal au pays avait ensuite accordé une prolongation de quatre mois, établissant au 6 juin 2016 la date butoir.

## **Daycare under pressure: federal government increases rent forcing daycare to weigh its options**

**Annie Bergeron-Oliver, CTV News Ottawa, June 2 2016**

A daycare at Tunney's Pasture says it is on the brink of closure after the federal government nearly doubled its rent.

Starting July 1st the Garderie Tunney's Daycare will have to pay \$150,000 a year in rent, up from \$82,000 the year before. It's a fee increase the daycare says it cannot afford to pass on to its clients.

"It is already a lot for parents and at this point our financial analysis shows that we are pretty expensive for the city and we just can't keep increasing the fees," said Olivier Marois, the President of the Garderie Tunney's parent-run Board of Directors.



Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

Employees at Statistics Canada started the daycare 28 years ago as a way to increase gender equity in the workforce. The not-for-profit daycare now looks after 49 children ages 12 months to four, and has 15 full-time and 3 part-time staff.

“We are facing closure if PSPC and the federal government don't want to fix a mistake that was made by the previous government which was imposing high rent fees on non-profit charitable organizations and those high rent were imposed on short notice,” Marois says.

“So it's causing significant financial strains on non-profit organizations.”

For more than 25 years the daycare received what it calls a crucial government subsidy to offset the cost of rent. But in February 2014 that subsidy was withdrawn and the daycare was told it would have to start paying rent at market value.

The not-for-profit was given approximately six months to hand over the cash and after negotiations with Public Services and Procurement Canada, then PWGSC, Marois says the department agreed to a two-year transition period.

While it understands the daycare's concerns, the department says the daycare knew this was change coming and should have been prepared.

“When a department decides to no longer provide such a subsidy, Public Services and Procurement Canada works with the daycare to transition to market rate rent costs,” says Jean-François Létourneau, a media relations officer at PSPC.

“PSPC provided the daycare with a two-year transition period before implementing the market rental rate on April 1, 2016. This period was further extended by 90 days to provide the daycare with additional time to transition and provide adequate notice to parents.”

Although it knew about the increase, officials with the Garderie Tunney's facility say it should be grandfathered because of its history and commitment to the surrounding community. Although 82 per cent of children have at least one parent who is a public servant, Marois says their bilingual daycare is open to anyone and has spots reserved for low income families.

Parents, many of whom have had several children go through the Garderie Daycare, say a fee hike would force them to look elsewhere. Fees at the daycare are already on the high end and although many parents say the daycare's larger than average size, staff to child ratio and quality of bilingual education makes it a good fit, an increase would be too much.

Press Clippings for the period of May 31st to June 6th, 2016 / Revue de presse pour la période du 31 mai au 6 juin 2016

"In total our costs are \$2,000 dollars and that's more than 25 per cent of our disposable income every month, says Chris Li, who has had two children go through the daycare.

"We would have to re-evaluate the situation and figure out if one of us should take a few years off and not only that."

Parents who hope the government will change its mind have started an [e-petition](#) that now has more than 300 signatures.

Public Services and Procurement Canada says six subsidized daycares exist in the National Capital Region. It says the department is working with Garderie to help ease this transition.