



Press Clippings for the period of September 15<sup>th</sup> to 21<sup>st</sup>, 2015 / Revue de presse pour la période du 15 au 21 septembre, 2015

*Here are articles and opinion pieces that might be of interest to AJC members  
Voici quelques articles et textes d'opinion qui pourraient intéresser les membres de l'AJJ*

## **AJC in the News – L'AJJ fait les manchettes**

### **PS unions fear Conservatives will trigger strike to win election**

Elizabeth Thompson, iPolitics.ca, September 8<sup>th</sup> 2015

Canada's federal public service unions are bracing for tough contract talks, concerned that Prime Minister Stephen Harper's government will attempt to provoke a confrontation or even a strike as part of its re-election strategy.

At the same time, at least one union is hoping to take advantage of the election and is reaching out to leaders of the federal parties in an effort to get its issues on their radar in the upcoming election campaign.

As unions representing tens-of-thousands of federal public servants prepare to get serious this fall about renegotiating contracts, union leaders are hoping for the best but admit they are bracing for the worst.

"I can tell you from meeting with the bargaining agent heads that there is some thought that the government is not in any big hurry to move things along because any big sticking points, they would like to be able to use politically in the election," said Len MacKay, president of the 2,700 member Association of Justice Counsel (AJC) which represents federal government lawyers.

"So, if they want to point to the unions as holding out for these golden benefits that they have, that they want to be able to use that in their campaign."

Claude Poirier, president of the 12,000-member Canadian Association of Professional Employees (CAPE) says he suspects the government may use next spring's budget to trigger a confrontation with public servants.

"If I had my choice, I would prefer to negotiate with another government but I don't think they will wait that late. If the election is in October of 2015, they won't wait that long to provoke something."

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However, Debi Daviau, president of the Professional Institute of the Public Service of Canada which counts more than 51,000 members, suggested public sector union-bashing to win an election could backfire on the government.

“From the start it has been a constant attack on the public service but I guess what is hopeful is that the Canadian public seems to be getting a little bit sick of this approach and hopefully that will result in lower numbers in the polls for the Conservative government.”

While Daviau expects the government to try to use the contract talks to boost its election chances, she said her union is hoping to leverage the election as well.

“Although PIPSC doesn’t intend to get partisan – we’ve always been non-partisan – we do intend to be far more politically active on the issues that are affecting our members and getting the word out to our members about the positions of parties on those issues.”

“So we will definitely be seeking positions and commitments from parties in the run up to the next federal election that will benefit our membership as a whole and we earnestly believe that when you benefit professional public servants, you benefit the country.”

However, Daviau said she is expecting tough bargaining regardless of who forms the next government.

“No government is going to hand us our terms and conditions on a silver platter. We’re going to have to fight for it no matter who is in play.”

Collective agreements for most unionized public servants expired in recent months. Most of those that remain in effect are due to expire by the end of the year.

Talks are off to a slow start, in part because the government has not yet tipped its hand on a couple of fronts. Most departments have not revealed which jobs they plan to designate as “essential” in the event of a strike or job action and while some negotiators have had informal conversations, unions have still not received the details of its plan to overhaul the public service’s system of sick days.

Treasury Board President Tony Clement wants to replace the existing system of bankable sick days with a smaller number of sick days coupled with a short-term disability plan.

Public service unions have vowed to work together to fight Clement’s plan. While each union will still bargain separately, they are sharing things like research and information.



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Also new this time is the government's decision to arbitrarily change the rules surrounding essential services and arbitration – making it harder for the unions to exert pressure on the government. According to guidelines posted recently on the Treasury Board's website, the government and departmental managers have "the exclusive right" to designate jobs that will be considered essential and "may exercise the right to designate at any time."

However, most unions have not yet been provided with the list of which positions the government plans to designate as essential.

"Most of our groups are still waiting on those, so we are very hesitant to go to the table without those in place," explained Daviau. "Technically, you need to know if 80 per cent or 5 per cent of your groups are designated as essential services in the event of a strike."

Larry Rousseau, executive vice-president for the National Capital Region for the 170,000-member Public Service Alliance of Canada, said PSAC is also waiting to see which positions will be designated as essential. It is already preparing to challenge what it sees as an attempt by the government to change the nature of what is considered an essential service, an attempt that he said is open to abuse.

"We are going to challenge it in any way we can and those legal avenues will be open and of course we are going to be asking the courts to interpret that because we believe that it goes against our ability to represent."

Some union leaders say the government's decision to change the rules on essential services and arbitration leaves unions few options outside of strikes or job action if they can't reach a deal.

"They have taken arbitration away from most of the groups that usually want to arbitrate and they have take the strike away from the folks who were most likely going to strike," explained MacKay. "So virtually all the bargaining agents have lost their preferred leverage."

"If we can't reach an agreement, the only option we have now is job action so we seriously have to look at that," he later added.

Poirier said his union tends to opt for arbitration. If the only option left is non-binding conciliation, the result may be a strike, he said.

"The employer himself is trying to push us to go to a strike."

Rousseau, however, is taking one step at a time – focusing on the bargaining that resumes for his union this week rather than the possibility of the Conservative government provoking a showdown with unions to boost its re-election chances.



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“It may be a concern but it is not taking our focus from the fact that the only place we are going to get a collective agreement for our members is at the table.... The rest is a lot of noise at this point, as far as we’re concerned.”

## Public Service – Fonction Publique

### Lawyer’s lawsuit highlights Ottawa’s court clashes over Charter rights

**Sean Fine, The Globe and Mail, September 20, 2015**

Edgar Schmidt was once a lawyer earning \$155,000 a year for the federal Justice Department, examining proposed laws for consistency with the Charter of Rights. But he felt uneasy about the way he was told to do his job, believing that officials in his own department – and the Justice Minister himself – were involving him in breaking the law. So he sued his employer.

Monday, in an Ottawa courtroom, his lawsuit against the Justice Minister, deputy justice minister and the department comes to trial, calling attention to an issue that has received little notice thus far in the federal election campaign: the Conservative government’s frequent clashes with the courts over the Charter of Rights.

The Justice Minister is required under a 1985 law to tell Parliament if a proposed law is not “consistent” with the Charter. To Mr. Schmidt, a law is either consistent or it is not. But his superiors in the department didn’t agree.

“Oh, that’s not what we do,” he says he was told. “We ask ourselves whether there’s an argument.” And even if the argument has less than a five-per-cent chance of success in the courts, it can still be “credible” – in other words, consistent.

“That is a kind of doublespeak,” the now-retired Mr. Schmidt says. (The justice department suspended him when he sued and, after six months without pay, he retired.) “Most of us, when we hear the word ‘credible,’ think ‘worthy of being believed.’ But that’s not what the department meant.”

If he wins, “it means government will likely pay a lot more attention to the Charter consistency of their legislation,” he said in an interview.

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The Schmidt case lacks the sex appeal of the Mike Duffy trial, about alleged fraud and bribery in the Senate, or the criminal trial of Bruce Carson, a former staffer in the Prime Minister's Office, charged with influence peddling. Nor is it limited to the current government; the Justice Department's interpretation of the 1985 law goes back many years.

But the trial raises sharp questions on governing in the Charter era for the Conservative government. No other government has clashed so often with the courts on Charter rights.

From refugee health-care cuts, to mandatory minimum sentences for illegal gun possession, to an end to supervised use of illegal drugs at a Vancouver medical clinic, to retroactive loss of early parole for non-violent offenders, many Conservative laws have been struck down by the courts. (Three Supreme Court judges supported the mandatory minimums; but in several other cases, the court was unanimous in rejecting Conservative laws.)

To the federal government, the case is about carving out a space for elected politicians, not judges, to decide which laws to write. "Democracy is about who makes the difficult decisions about what a 'right answer' might be," the Justice Department argues in an affidavit filed with the Federal Court of Canada. "It is for the Minister alone to decide whether he concludes that he has ascertained that a provision in a bill is inconsistent with guaranteed rights."

It says that Mr. Schmidt's approach to examining legislation would harm the principle that the civil service is neutral and supports the government of the day. "Political neutrality calls for an examination standard that supports the Minister in performing his duties, not one which purports to dictate how he should exercise them."

But to the 62-year-old Mr. Schmidt, the government's neutrality argument is faulty. "It starts from the wrong premise. It assumes that your loyalty is owed to the government. It's not. The public service owes its loyalty to the Canadian democratic constitutional state." He likens Justice Department lawyers to auditors for Enron, a U.S. energy company that engaged in fraud, who deemed their job to serve the executives, rather than the company itself.

The Justice Department lawyer who sued his employer is the son of Mennonite farmers from rural Manitoba. He was no rebel till late in his career. "Mennonites have a fairly strong streak of skepticism about the legal system. It grows out of their understanding of the New Testament. I think there's an instruction of Paul in one of his letters, 'Why are you taking your fellow believers to court? Can't you find a way of resolving things among yourselves?'" But he came to believe that law establishes clear agreements that help in avoiding disputes.



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“It was one of the reasons being a legislative drafter appealed to me. It was about helping a government that wanted to act in the public interest, find ways to express policies and implement them.” He believes the seeds of his unlikely rebellion were planted in his childhood. “Our family was not shy on debate. It was never assumed in our family that you couldn’t express an opinion that was contrary to someone else’s.”

Since the Justice Department formalized its “credible argument” interpretation of the law in 1993, there has not been a single instance in which the Justice Minister has advised Parliament that a law is not consistent with the Charter.

## **Québec paye la cotisation au Barreau de centaines de fonctionnaires**

**Jocelyne Richer, La Presse Canadienne, 10 septembre 2015**

Le gouvernement Couillard a choisi de rembourser à des centaines de hauts fonctionnaires leur cotisation annuelle au Barreau du Québec, selon ce qu'a appris La Presse Canadienne.

Pour les années combinées 2014 et 2015, la facture grimpe à plus d'un million de dollars de fonds publics versés à l'ordre professionnel des avocats.

Ce montant s'ajoute aux 2 millions \$ que Québec verse au Barreau annuellement, depuis 1987, pour défrayer la cotisation des fonctionnaires syndiqués membres de l'ordre professionnel chargé de protéger le public.

Ils sont au total 294 hauts fonctionnaires juristes, ayant tous droit à une rémunération annuelle dans les six chiffres, à pouvoir ainsi échapper au diktat gouvernemental du contrôle serré des dépenses.

Le privilège a été accordé à tous les juristes occupant un poste de juge administratif dans l'un ou l'autre des 15 organismes gouvernementaux servant de tribunal administratif.

La cotisation annuelle exigée des avocats pour être membres du Barreau du Québec atteint 2142 \$. Pour l'ensemble des 294 mandarins juristes, les contribuables assument donc une facture totale de 629 748 \$ annuellement, pour les années 2014 et 2015, soit un total de plus de 1,2 million \$ jusqu'à maintenant.

La décision de leur accorder ce privilège a été prise en 2014 par le Secrétariat aux emplois supérieurs (SES), qui relève du Conseil exécutif, le ministère du premier ministre.



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Invité à préciser le nombre de personnes visées et les coûts engendrés par cette décision, le Conseil exécutif a dit ignorer combien de juges administratifs avaient droit à ce privilège et ignorer, par conséquent, quelle était l'importance des fonds publics impliqués.

La Presse Canadienne a donc dû formuler une demande d'accès à chacun des 15 tribunaux administratifs pour obtenir l'information et cumuler les données.

«Le SES a permis aux dirigeants des 15 tribunaux administratifs de faire assumer par l'organisme le paiement de la cotisation professionnelle des membres avocats ou notaires pour l'année financière 2014-2015», indique l'organisme dans sa réponse à une demande d'accès à l'information, en précisant que la décision «a été reconduite pour l'année financière 2015-2016».

Le SES a ainsi cédé aux pressions des juges administratifs de quatre organismes (le Tribunal administratif du Québec (TAQ), la Commission des lésions professionnelles, la Commission des relations de travail et la Régie du logement) qui réclamaient d'être exemptés de payer leur cotisation à leur ordre professionnel.

L'argumentaire à la base de leur revendication était le suivant: pour devenir titulaire d'un emploi supérieur au gouvernement, l'appartenance au Barreau constitue un avantage certain, voire une condition d'embauche.

Ils avaient de plus fait valoir que leur travail s'apparentait à celui des juges des tribunaux judiciaires, qui eux n'ont pas à payer de cotisation au Barreau du Québec.

On s'appuyait aussi sur le fait que depuis des décennies les employés de la fonction publique pour lesquels Québec exigeait une formation d'avocat ou de notaire ont droit au remboursement de leur cotisation au Barreau ou à la Chambre des notaires.

Les juristes syndiqués à l'emploi de l'État - ils sont 1076 avocats, procureurs, notaires - ont quant à eux droit au remboursement de leur cotisation depuis 1987, un privilège obtenu dans le cadre du renouvellement des conventions collectives. L'an dernier, il en a coûté environ 2 millions \$ au trésor public.

Uniquement au ministère de la Justice, 392 avocats et procureurs, de même que 36 cadres juridiques, n'ont pas à verser un sou à leur ordre professionnel.

Deux ministres ayant une formation d'avocat sont dans le même cas: le leader du gouvernement, Jean-Marc Fournier, et la ministre de la Justice, Stéphanie Vallée. Encore là,





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comme on estime que leur formation est essentielle à l'exercice de leurs fonctions, l'État paye la note. Leurs prédécesseurs avaient droit au même privilège.

Les 15 organismes dont les juges administratifs peuvent être exemptés de la cotisation sont les suivants, avec le nombre de personnes visées: le Bureau de décision et de révision (3), la Commission d'accès à l'information (7), la Commission de la fonction publique (3), la Commission des lésions professionnelles (113), la Commission municipale du Québec (8), le Comité de déontologie policière (2), la Commission de protection du territoire agricole (2), la Commission québécoise des libérations conditionnelles (8), la Commission des relations du travail (26), la Commission des transports du Québec (7), la Régie des alcools, des courses et des jeux (8), la Régie de l'énergie (4), la Régie du logement (41), la Régie des marchés agricoles et alimentaires du Québec (4) et le Tribunal administratif du Québec (58), pour un total de 294.

## **Awards of Excellence 'reflect the priorities of the public service'**

**The Ottawa Citizen, September 17, 2015**

Governor General David Johnston, along with Janice Charette, Clerk of the Privy Council, Secretary to the Cabinet and Head of the Public Service, presented the 2015 Public Service Award of Excellence Sept. 16 at Rideau Hall in Ottawa.

The award “recognizes employees who have demonstrated excellence in achieving results for Canadians and who reflect the priorities of the public service, while demonstrating key leadership competencies.”

More than 190 public servants from departments and agencies across Canada received 32 different awards.

## **Harperman sing-along goes to the Hill**

**Kathryn May, The Ottawa Citizen, September 17, 2015**

More than 1,000 people came to Parliament Hill Thursday to sing the protest song Harperman but the federal scientist who got suspended for writing it wasn't among them.



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The Harperman song was instead led by Ottawa impresario Chris White, who was the driving force in organizing a national sing-along in 50 locations across the country on Thursday, including a rally in Peterborough that attracted about 150 people.

The song, which calls for the ouster of the Conservative government with its chorus, “Harperman, it’s time for you to go,” will also be performed in Calgary at the same time as national leaders debate at Stampede Park.

The song went viral after revelations that Tony Turner, the singer-songwriter of Harperman, was being investigated under the public service’s ethics code for writing and performing the song.

Turner has stayed out of the limelight since the Environment Canada investigation began seven weeks ago. His wife, Sharon Reeves, a retired public servant, told the crowd her husband would have been “moved” to see so many people singing his song.

She said her husband, only 18 days from retirement, will probably never return to work regardless of the department’s ruling.

“I’m proud of him. I think it was a song that was meant to be written and I don’t think he ever anticipated that it would come to this. It speaks truth to power ... and I don’t regret he wrote it.”

Turner was suspended with pay seven weeks ago pending the department’s ethics investigation into the making of Harperman.

The issue is whether Turner breached the code’s conflict of interest provisions, with his private interests as a songwriter conflicting with his work as a public servant tracking migratory bird patterns.

The Turner investigation brought the song to national attention, with some two million Internet views. It also opened a Pandora’s box of conflicting issues around political rights, freedom of expression and the neutrality of the public service and how political public servants can be.

For many who gathered for the sing-along, the main issue was political, and they were there because they want a new government elected Oct. 19.



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“We’re here to sing away Harper,” said Deb Chansonneuve. “We are arming ourselves with song and humour.”

Nova Scotians Carolyn and Joe Scott planned their trip to visit their daughter in Ottawa around the Harperman sing-along.

“We’re here to lend our support to get rid of Harper,” said Carolyn Scott. “It’s all a bit of fun but it’s also a protest.”

Bill Parisien, a retired federal public servant from Cornwall, said he was “disgusted” that Turner was suspended over the song.

“Obviously I am dead set against Harper and, as the song says, ‘He’s gotta go and be gone, gone, gone.’ He has never represented what Canada is and I don’t like the Canada we have become.”

Alex Hander Malette, a science student at the University of Ottawa, who said he opposes the Conservatives’ muzzling of scientists and their response to the Syrian refugee crisis, said a sing-along is a peaceful way to protest.

## « Harperman » : chœur anti-conversateur à Ottawa

**ICI Radio-Canada, 17 septembre 2015**

La vidéo de la chanson « *Harperman* », composée par un scientifique d'Environnement Canada qui a depuis été suspendu de son travail, a été vue plus de 600 000 fois sur YouTube. Ils étaient quelques centaines de manifestants sur la colline du Parlement, jeudi à Ottawa, à entonner la composition critiquant les conservateurs de Stephen Harper.

Son auteur, Tony Turner, fait l'objet d'une enquête administrative pour avoir enfreint le code d'éthique et de valeurs de son département. Il était absent de la manifestation musicale.



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Un des organisateurs, l'auteur Clive Doucet, a confirmé que le scientifique était toujours suspendu de ses fonctions. « On lui a demandé de rester loin du travail et de ne pas entrer en contact avec les bénévoles qui ont chanté sa composition la première fois. Je le vois comme une forme d'assignation à résidence imposée par Ottawa », a-t-il dénoncé devant la foule.

Clive Doucet affirme que la chanson a été enregistrée de manière improvisée dans une salle d'église du quartier, et que personne « n'avait rêvé qu'elle serait téléchargée plus de 2 millions de fois. » Lui-même ne connaissant pas Tony Turner, dit-il, et ne savait pas ce qu'il faisait comme travail.

« *Harperman* » devait être chantée aujourd'hui dans une trentaine de villes du pays.

Cette chanson accuse notamment le premier ministre sortant de « museler les scientifiques », de « n'avoir aucun respect pour l'environnement » et de « restreindre la liberté de presse ». Le refrain se termine par : « Harperman, c'est le temps de partir [*Harperman, it's time for you to go*] ».

La première version de la chanson, composée et chantée par Tony Turner, a été mise en ligne le 22 juin. Le scientifique, qui est aussi un habitué de la scène folk d'Ottawa, a été suspendu à la mi-août.

## **Harperman Songwriter Tony Turner Gets Support From Thousands Across Canada**

**Zi-Ann Lum, The Huffington Post, September 18 2015**

Ottawa's decision to react to a folk musician's protest song with an investigation is emblematic of "every citizen's fight," according to a union representing government scientists.

The Professional Institute of the Public Service of Canada ([PIPSC](#)) issued a statement Thursday claiming the federal government's decision to scrutinize federal scientist Tony Turner's ethics over his "Harperman" song violates protections under the Charter of Rights and Freedoms.

Turner "did not seek to bring his obligations as a citizen into conflict with his obligations as a federal scientist," said PIPSC president Debi Daviau in a statement. "In fact, he made very clear efforts to avoid any mention of his job as a federal public servant."



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The union cited a 1991 ruling that upheld public servants' rights to freedom of expression specifically during election campaigns.

"This is a fight that was settled by the Supreme Court decades ago," said Daviau.

Turner was [18 days away from retirement](#) when he was placed under investigation and on leave this summer, according to his wife Sharon Reeves.

### **'Harperman' sing-along goes national**

Reeves joined over a thousand protesters gathered on Parliament Hill Thursday in an organized sing-along to her husband's anti-Harper tune. Crowds in dozens of locations across the country, including Toronto and Lethbridge, also joined in.

"[Harperman](#)" was uploaded to YouTube in June and featured Turner carrying the tune with the help of an ensemble mix of singers and musicians.

Its lyrics [criticized the Conservative government](#) on a broad range of subjects from its handling of First Nations issues to the suppression of scientific freedoms.

Reeves told the crowd she's proud of her husband and explained that despite Environment Canada's decision to put him on leave, she has no regrets about him penning the catchy and politicizing number.

"I think it was a song that was meant to be written. I don't think he ever anticipated it would come to this, but it speaks truth to power," she said.

"I think it's a really good song."

## **Public Servants Should Be Able to Exercise Their Full Political Rights**

**David Martin, Huffington Post, September 14 2015**

For those who missed it, Tony Turner and friends posted an online performance of Mr. Turner's song [Harperman](#) detailing a litany of criticisms of Prime Minister Stephen Harper including his government's muzzling of federal scientists. Mr. Turner, whose job involves studying migratory birds, is under investigation for allegedly breaching the conflict of interest provisions of the [Values and Ethics Code for the Public Sector](#) and has been suspended.



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Various commentators and high-ranking government officials have chimed in supporting Environment Canada's decision claiming that Mr. Turner's off-hours project was a blatant violation of the *Values and Ethics Code*. Perhaps it is and perhaps it isn't but the more important question is whether the relevant provision of that Code should have any force at all.

Twenty-seven years ago, I had my first opinion piece published in my local daily newspaper. It concerned the recently issued judgment of the Federal Court of Appeal in *Osborne v. Canada*, which struck down a provision in the *Public Service Employment Act* prohibiting public servants from any political activity beyond simply casting their vote.

The government appealed to the Supreme Court of Canada, which upheld the Federal Court of Appeal's decision. The [Supreme Court agreed](#) that the relevant section of the *Public Service Employment Act* which prohibited partisan political activity under threat of disciplinary action infringed the right to freedom of expression in Section 2(b) of the *Charter of Rights and Freedoms*.

At the time, I celebrated the Federal Court of Appeal's decision and hoped that the government of the day would not seek to curtail the newfound political rights of federal public servants. The naysayers continued to argue that allowing full political rights to government employees would result in politically partisan biases influencing their work decisions.

Not surprisingly, the doomsday scenario painted by the critics never came to pass. Public servants continued to carry out their duties in a professional and impartial manner notwithstanding that some of them exercised their new political rights outside of the workplace. Just as doctors, lawyers and accountants can provide sound advice to clients who may have diametrically opposed political views, 95 per cent of government employees can effectively do their job even while publicly expressing their political preferences.

It seems that the political masters are always eager to muzzle and politically silence the public service. Notwithstanding the pronouncement of the Supreme Court in the *Osborne* case, the current Conservative government took it upon themselves to create and implement the *Values and Ethics Code* in 2012.

It is that very Code which has been used to attack Mr. Turner who has supposedly violated its conflict of interest provisions. Those provisions, however, are nothing more than a veiled attempt to reestablish the outright ban on partisan political activity in the *Public Service Employment Act* that was vacated by the courts.

The *Values and Ethics Code* is simply another attempt by the current Conservative government to intimidate and silence the government workforce. Sadly, those workers and their unions will



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once again have to take the fight to the courts and have such egregious undemocratic measures struck down as being in violation of the *Charter*.

The courts have already spoken: except for deputy heads of departments, government employees should have the same unrestricted political rights as other Canadian citizens. There is no need to create a second class citizenry within the federal bureaucracy.

The power brokers' logic could mean that if all Canadians were government employees, no one would have full political rights. As I wrote 27 years ago, to restrict those rights for some is to diminish them for all.

The powers that be seem to think that someone like Mr. Turner is incapable of carrying out his study of migratory birds in a professional and non-partisan fashion simply because he has publicly expressed his political preference in the current election. Unless the bird he is studying is the blue-breasted harper, I fail to see a problem.

## **Fonction publique fédérale: de lourdes pertes en Gaspésie et aux Îles**

**Gilles Gagné, Geneviève Gélinas, Le Soleil, 21 septembre 2015**

(New Richmond) Ceux qui croient que les neuf ans de gouvernement fédéral mené par Stephen Harper ont été durs pour la Gaspésie et les Îles-de-la-Madeleine ont des raisons de le soutenir. Alors que le nombre de fonctionnaires fédéraux a grimpé de 2,8 % dans l'ensemble du Canada entre 2006 et 2015, il a chuté de 28 % dans cette région.

Le Bas-Saint-Laurent et la Côte-Nord ont quant à eux connu des hausses, légère dans le premier cas et importante dans le second.

Entre mars 2006, deux mois après l'élection de Stephen Harper, et mars 2015, la fonction publique fédérale s'est accrue de 7102 postes au Canada, représentant une hausse de 2,8 %. Il y a maintenant 257 034 fonctionnaires au pays, selon des données fournies par le Conseil du Trésor.

Cette fonction publique a été fortement centralisée puisqu'il y a maintenant 10 354 fonctionnaires de plus dans la région de la capitale fédérale, le secteur d'Ottawa et de Gatineau, pour une hausse de 10,7 % depuis 2006. Il y a maintenant 97 047 fonctionnaires dans la capitale.

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Ottawa et Gatineau ont ainsi gagné plus de fonctionnaires que tout le pays, qui en aurait perdu si on exclut du décompte les gains de la capitale fédérale.

Au Québec, si on exclut la portion Gatineau, le nombre de fonctionnaires a baissé de 31 068 à 29 374, une perte de 5,5 %, ou 1694 postes. La Gaspésie et les Îles ont ainsi vécu des compressions bien plus fortes que les coupes québécoises puisque le nombre de fonctionnaires fédéraux y a chuté de 257 à 186 depuis 2006, soit 28 % de moins.

En Gaspésie, les pires pertes sont survenues depuis 2011. Le bal est parti avec l'abolition de 30 postes à Services Canada de New Richmond en 2011, des postes transférés à Thetford Mines, dans la circonscription du ministre conservateur Christian Paradis. Puis, Parcs Canada a coupé 11 postes au parc Forillon, à Gaspé, et au Lieu historique national de la Bataille-de-la-Ristigouche, à Pointe-à-la-Croix. En juin, la station de radio maritime de la Garde côtière à Rivière-au-Renard a fermé, occasionnant la perte de 16 emplois locaux.

Le Bas-Saint-Laurent affiche un bilan positif, soit 500 emplois en 2006 et 512 en 2015, une augmentation de 2,3 %. Cette hausse masque toutefois une dégringolade depuis 2012, une année où le nombre d'emplois avait atteint un sommet de 572.

À Travaux publics et services gouvernementaux Canada (TPSGC) de Matane, 70 emplois ont été créés entre 2010 et 2014, alors que la demande pour numériser des documents explosait.

Mais depuis 2012, des reculs ont été sentis, surtout à Services Canada de Rimouski, où 34 emplois se sont aussi envolés vers Thetford Mines, à l'Institut Maurice-Lamontagne de Mont-Joli, où environ 30 postes ont disparu, et à TPSGC de Matane, pour 20 postes de moins. Sur la Côte-Nord, le nombre de fonctionnaires a bondi de 18,6 %. De 705 en 2006, ils sont passés à 837 en 2015, une hausse s'expliquant par l'arrivée de nouveaux services, notamment 50 au centre de prévention de Service Canada à Sept-Îles, qui traite désormais des demandes de tout le Québec.

Dans le même ordre d'idées, le Centre de services de communication et de trafic maritimes de la Garde côtière aux Escoumins a gagné six postes d'opérateurs radio de Rivière-au-Renard. La Côte-Nord a toutefois perdu quelques emplois récemment, notamment à Parcs Canada.

## **Réaction**

Johanne Fillion, de l'Institut professionnel de la fonction publique, donne un exemple de compressions pouvant avoir un effet sur l'économie des régions : les pertes de postes à l'Institut Maurice-Lamontagne, de Mont-Joli, où l'évaluation de certains stocks de poissons n'est plus annuelle.





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«C'est dangereux, surtout pour la Gaspésie. C'est pas aux trois ans qu'on peut avoir un bon aperçu des stocks. On pourrait assister à des effondrements des stocks de poissons, comme c'est arrivé pour la morue. Ce sont les petites économies locales qui vont le plus encaisser. J'ai très peur des décisions qui ont été prises en matière de pêcheries. Les scientifiques sont le secteur le plus affecté par les coupes», dit-elle. **Avec Johanne Fournier et Steeve Paradis**

### *Contradiction entre discours et décisions*

L'historien Jean-Marie Thibeault signale qu'en plus de la perte économique liée aux emplois fédéraux, une région comme la Gaspésie souffre aussi de la perte de services publics et d'un processus de décision distordu. «Ce sont des chiffres qui parlent d'eux-mêmes. Malgré un discours contraire, les conservateurs sont centralisateurs [...] De plus, contrairement à ce qu'on entend souvent, les fonctionnaires travaillent, et ils regardent et analysent le milieu dans lequel ils vivent. Moins tu en as, moins tu éveilles les gens d'Ottawa aux réalités régionales», dit l'historien.

Jean-Marie Thibeault serait «curieux de voir l'évolution du nombre de fonctionnaires en regard des circonscriptions qui ont voté pour le Parti conservateur, lors des derniers scrutins. Le sociologue Pierre-Luc Lupien, du Cégep de Carleton, partage cette curiosité. «Il y a plusieurs indices qui nous permettent de penser à un patronage politique, ou à du clientélisme politique. C'est le retour d'ascenseur aux circonscriptions qui ont voté du bon bord. Ça rappelle le duplessisme! Toutefois, je pense qu'il est bon de se rappeler qu'il [le patronage] n'a pas été l'apanage d'un seul parti. J'ai en tête l'exemple du centre fiscal à Shawinigan dans le comté du premier ministre Jean Chrétien», dit-il.

Aucune circonscription de la Gaspésie-Les Îles, du Bas-Saint-Laurent ou de la Côte-Nord n'est actuellement représentée par un député conservateur.

## **Island loses; Ottawa gains**

**Senator Percy Downe, The Guardian, September 18, 2015**

Guest opinion by Percy Downe: Between 2008 and 2014, over 1,780 federal government jobs have been eliminated in Atlantic Canada and more than 360 of those jobs were in Prince Edward Island. During the exact same time period, the Ottawa area had their federal job employment increase by 1,835 positions.

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These figures from the Public Service Commission of Canada tell a disturbing story. In a region suffering high unemployment and a shortage of secure jobs, Atlantic Canadians have lost federal government positions at the very same time the Ottawa area has increased their number of federal jobs.

If it was announced that 362 permanent full time jobs with good wages, pensions, medical benefits and dental benefits were coming to Prince Edward Island, with a yearly payroll of over \$21 million, it would be front page news in the Guardian. Unfortunately, that is what has been lost to our province in the last six years. The loss to Prince Edward Island of a federal payroll of over \$100 million dollars since 2008 means that money is not circulating in our economy to buy cars, homes, clothing, all of which contribute to building our economy and creating and maintaining other jobs in the service sector.

Federal government job losses in Prince Edward Island include positions at Agriculture and Agrifood Canada, Correctional Services Canada, the Atlantic Canada Opportunities Agency, Veterans Affairs Canada, Health Canada, Industry Canada, Transport Canada; the list goes on and on.

In these difficult economic times, every job is precious, both to the people who need the work to support themselves and their families and to the economy in general. Nowhere is this more true than here in Prince Edward Island, where this current economy has resulted in thousands of our citizens leaving home.

Obviously, government alone cannot solve the problem of unemployment. Meaningful economic development can only come from a healthy balanced economy that respects and welcomes the role of a robust private sector to invest the time and money to create the jobs that will keep Islanders here to build their future.

However, a balanced economy means that there is an important role for our government to play. In addition to a range of programs from tax policy to procurement, the federal government is Canada's largest employer: even excluding the military and the RCMP, over a quarter of a million people are employed by the Government of Canada. These jobs, and the purchasing power they represent, make

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the federal government an important player in the Canadian economy, and the way those jobs are distributed across Canada has a major impact on regional economies.

In the past, moving government employment away from Ottawa has served to spread these jobs - and the benefits derived from them – throughout the country. Clearly, federal government jobs can play an important role in the economy of a region like Atlantic Canada, and the best example of the benefits of decentralization is the move of Veterans Affairs Canada National Headquarters from Ottawa to Charlottetown.

If the federal government was reducing jobs equally across Canada, Islanders would understand that we must absorb our share of the cuts. But as the numbers from the Public Service Commission show, that is not the case.

During the current federal election campaign, there are a number of important issues where the federal leaders and their candidates need to clearly state their positions. It seems to me that a commitment to return those jobs and salaries back to Prince Edward Island should be a priority.

## **Digging deeper into the federal 'surplus'**

**Jim Stanford, rabble.ca, September 15, 2015**

This week Stephen Harper's Conservatives are trumpeting the announcement of a small surplus (\$1.9 billion) for fiscal year 2014-15. The political symbolism of this "good news" is a welcome change for them from a string of negative economic reports (most importantly, news that Canada slipped into recession in the first half of 2015) that has damaged their traditional claim to be the best "economic managers" for the country. Let's take a deeper look at the surplus, where it came from, and what it means.

The original budget for 2014-15 (tabled in March 2014) anticipated a very small deficit of \$2.9 billion. That planned deficit was tiny by any measure: equal to just 1 per cent of federal revenues, and 0.15 per cent of GDP. In effect, it was a "rounding error" in the grand scheme of federal fiscal affairs. And even then, it was already obvious that the government could -- if it wanted too -- eliminate the deficit through accounting adjustments (such as decisions regarding

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the timing of major expenditures, or the booking of particular one-time costs). Given the political emphasis which the Conservatives placed on eliminating the deficit, this was always a strong possibility. Remember, the Conservatives originally planned to eliminate the deficit by the 2014-15 fiscal year, in line with their 2011 promises to balance the books before implementing their major tax cut proposals. Then-finance minister Jim Flaherty preferred to be cautious, however, about the precise timetable for returning to balance.

By April of this year (when the government brought down its 2015-16 budget), its deficit estimate had shrunk further to \$2 billion -- despite the negative impact of lower oil prices on federal finances. Now the government has booked an equally tiny surplus, on the other side of the ledger. Whether it was a deficit or a surplus, a budget gap of this magnitude is economically irrelevant. Only politicians care whether the final balance is a couple of billion dollars above balance, or a couple of billion below. For economic purposes, the surplus announcement will have no effect.

Indeed, declaring a positive year-end budget "surprise" is a tried-and-true finance minister's trick, one that was originally perfected by Paul Martin. The idea is to under-promise and over-deliver: it is always better to exceed expectations than fall short of them. And it is always better to front-end-load bad news, saving the good news for later. So finance ministers now routinely build ample cushion into their various projections (and not just in the explicit "contingency fund" which is included in each federal budget). Then, at the end of the year, they stand in triumph, claiming their "prudent management" is what delivered the good end result. The fact that the government passed special regulations authorizing Finance Canada to make this announcement in the middle of an election campaign, reveals their long-standing expectation that the news would be helpful to their campaign. It is no more a surprise than the fact the sun rose this morning in the east.

The Conservative government has been criticized (including by the Parliamentary Budget Office) for its routine practice of underspending Parliament-approved budgets in many departments, and approved but unspent allocations were a significant factor in this week's announced surplus. Lapsed funds totaled \$8.7 billion in fiscal 2014-15, higher than expected in the budget, and continuing a trend of higher-than-normal lapses. The short financial summary from Finance Canada does not provide details on which departments accounted for the biggest amounts of lapsed funds. In the past, substantial lapsed funds were booked in departments such



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as including veterans' affairs, youth job-creation, and security. We won't know until the release of detailed public accounts how much was underspent in each area.

Another factor which can affect a small balance (up or down) is the timing of various revenues and expenses, and the treatment of accounting issues like depreciation of public capital. Here, too, we do not have enough information from this summary report to know if timing decisions affected the balance one way or the other. We should note that the government's net debt rose by \$4.7 billion during the year, and it had a net financial requirement (to fund operations) of \$2.7 billion. In other words, the government was still borrowing money, even though it declared a (paper) surplus. This difference can arise because of accounting treatment of fixed assets, etc., which reduce the apparent deficit even though the government still needs to borrow. The directional gap between a positive surplus and continued cash borrowing, suggests that these timing issues were likely important to the achievement of the "official" surplus -- but again we won't be able to tell for sure until the full public accounts are released.

We can be sure, however, that surplus funds siphoned from the Employment Insurance system account for more than the entire \$1.9-billion surplus for the federal budget as a whole. EI revenues exceeded EI expenses by \$4.5 billion for 2014-15, according to the Finance Canada summary. That means that for every \$1 in bottom-line surplus declared by the government, \$2.38 was reallocated away from the EI system. The EI surplus arises because benefit eligibility has been tightened so aggressively, and most unemployed Canadians can no longer qualify for benefits. (At present, under 40 per cent of officially unemployed Canadians qualify for regular EI benefits.) Yet Canadian workers (and their employers) still pay into the system. The resulting surplus becomes a convenient slush fund for subsidizing other government fiscal priorities -- in this case, declaring victory over the deficit in the middle of an election. Without this transfer from the EI program, the federal government (excluding EI) would have recorded a \$2.6-billion deficit (approximately equal to what the government originally predicted for the year).

While the existence or disappearance of a small deficit is economically irrelevant, the means by which the budget was balanced is important. In the Conservative government's case, this was accomplished through a sustained, premature and damaging fiscal tightening that began shortly after the government received its majority mandate in 2011. Since then, discretionary federal spending has been reduced through announced cutbacks that now cumulate to close to \$15 billion per year (three-quarters of a percent of GDP). David MacDonald and Kayle Hatt have documented these cutbacks in their CCPA report *At What Cost?* Meanwhile, employment in the

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broader federal public service has been cut since mid-2011 by close to 50,000 positions. Real, crucial public services have been damaged by this austerity: services ranging from Coast Guard bases to veterans' offices to Statistics Canada to food and railway safety inspections. Moreover, this austerity undermined Canadian growth and job-creation, leaving the macroeconomy already-weak when oil prices turned down. In this regard, the Conservatives' unnecessary austerity absolutely contributed to the recession which Canada experienced in the first half of this year.

In sum, the small surplus for 2014-15 does not represent a "triumph of good fiscal management." To the contrary, it represents the extent to which Canadian economic policy has been subverted to short-term political calculus.

## **Deputy ministers' performance pay, bonuses up 140 per cent under Harper**

**Elizabeth Thompson, iPolitics.ca, September 17, 2015**

Performance pay for the federal government's top decision makers has risen 140 per cent since Prime Minister Stephen Harper came to office, with the average deputy minister quietly pocketing twice as much performance pay as they did when the Conservatives first came to power, iPolitics has learned.

The average "at risk" pay that went out to 97 of Canada's 99 deputy ministers in 2013/14 totaled \$48,615. On top of that, eight deputy ministers received a bonus averaging \$20,575. The performance pay comes on top of the base salary for deputy ministers which ranges from \$192,600 to \$326,500.

While the increase in public base salaries for deputy ministers over the years has tended to mirror the modest increases negotiated with Canada's public service unions, the increase in the far less public performance pay has risen exponentially under Harper's watch.

According to figures quietly published on a government website earlier this month, performance pay for 99 deputy ministers totalled \$4.8 million in 2013/14 – a 140 per cent increase from 2006-07, when 84 deputy ministers shared \$2.02 million.

While the overall performance pay envelope for deputy ministers rose by 5.3 per cent between 2012/13 and 2013/14, in part as a result of the addition of nine deputy ministers, the average at risk pay cheque was down 6.8 per cent.





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Since the Conservatives came to power in 2006, average hourly wages for Canadians have risen by only 24.5 per cent. Public service executives, or EX's, fared better with a 65 per cent increase in their performance pay since Harper came to power.

Between 2006 and 2013, the wages of federal public servants rose by about 17.2 per cent. Unionized public servants do not generally receive performance pay or bonuses. The chief executive officers of Canada's crown corporations have also been pocketing big increases in performance pay since Stephen Harper came to power.

Spending on performance pay for CEOs jumped from \$694,900 in 2006/07 to \$1.4 million in 2013/14 — an increase of 98.2 per cent.

The average performance pay per CEO was \$44,439 on top of their salaries, which range between \$124,700 and \$523,900. The overall performance pay for CEOs for 2013/14 was down from a high of \$2 million in 2012/13 when the average cheque per CEO was \$56,544.

Although performance pay is intended to reward – or punish – performance, every single CEO received at least some performance pay each year since at least 2005/06.

Among deputy ministers, the proportion who received no performance pay during the time of the Harper government has ranged from two per cent in 2013/14 to 13.2 per cent in 2008/09. The number of deputy ministers at the other end of the scale, who received a bonus on top of at risk pay also varied, from 6.1 per cent in 2010/11 to 14 per cent in 2011/12.

When it comes to doling out performance pay, executives and deputy ministers are evaluated on how successful they have been in running their own departments and in implementing objectives set by the government.

In 2013/14, the objective set by the government centred on continuing its cost cutting plan.

“To renew and transform business processes through the effective implementation of cost-reduction and efficiency improvement initiatives as identified in Deficit Reduction Action Plan (DRAP) and other government-wide or departmental initiatives, in keeping with the Government's commitment to return to balanced budgets in 2015.” The same objective was set for the 2014/15 fiscal year.

However, the corporate priorities posted by the Privy Council for 2015/16 this summer indicate those objectives may be about to change. Instead of focusing on cutting jobs, the corporate priorities for 2015-16 list recruiting and developing talented public servants to serve Canadians in the future and improve workplace health, which union leaders say has taken a hit during the past few years.





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“The Public Service must show leadership in building a healthy, respectful and supportive work environment,” the government wrote. “Undertaking concrete actions to support open and stigma-free dialogues in the workplace on mental health and to identify and remove barriers in the workplace to the accommodation of employees with mental health challenges.” Fighting harassment on the job will also be a priority. “Implementing measures to foster a workplace that does not tolerate harassment or discrimination and where all employees are respected,” the instructions read.

The deputy ministers and executives who do the best job implementing those goals, may be the ones who pocket the biggest performance pay increases next time around.

## **Winnipeg cold water scientist takes heat for running as Conservative**

**U of M's Gordon Giesbrecht says 'funding for research has never been higher'**

**Chris Glover, CBC News, September 18, 2015**

The union that represents most Canadian scientists doubts that a Winnipeg Conservative, who is also a cold water scientist, can warm relations between the party and the scientific community.

University of Manitoba scientist Gordon Giesbrecht is running for the Tories in Winnipeg South.

Giesbrecht, best known by the popular nickname "Professor Popsicle," studies human responses to exercise in extreme environments. His work is often featured on television, including multiple appearances on the CBC's Rick Mercer Report.

Peter Bleyer, a special advisor to the president of the Professional Institute of the Public Service of Canada (PIPSC), says under the Conservative government, budgets for federal science-based departments have been slashed and scientists have been muzzled.

"For us it's really about making sure that whatever the next government is that gets elected, [it] turns the page on this terrible and shameful record on science of this government," he said. "It's hard to imagine that adding one person is going to change the character of a government."

However, PIPSC does want to see more scientists in politics.



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"Frankly, the Conservative Party could probably use a little more input from scientists, so that's good," Bleyer said referring to Giesbrecht.

The union says it's non-partisan and will not endorse any party, but it has distributed content to its members with a tough critique of the Conservatives' record on science. It says by 2016, it expects more than 5,000 jobs would be lost from science-based departments in the federal government.

Biologist **Michael Rennie** said he was barred from speaking to the media about his work. He was a researcher at the Experimental Lakes Area research station in Northern Ontario that was run by the Department of Fisheries and Oceans.

The Conservatives took the research station off the government books earlier this year and turned it over to a non-profit organization, the International Institute of Sustainable Development.

In May, hundreds of members from public service unions, including PIPSC, gathered in white lab coats on Parliament Hill to protest what they saw as Stephen Harper's "**war on science**," staging a mock funeral to mark the death of evidence.

Professor Popsicle defends Tories

Giesbrecht says the Conservatives have increased funding to scientific research year-over-year.

"Funding for research has never been higher," he said. "It's gone up every year in all of the regularly funded sources from the federal government in the last nine years."

He applauded several new science-based initiatives including the government's Canada First Research Excellence Fund announced in July. The fund invests \$1.5 billion over seven years to encourage scientific research at Canadian universities.

Giesbrecht said he's met with the Conservative minister responsible for science several times and has a good working relationship with him.

"I also look forward to getting to Ottawa to talk with people like Minister [Ed] Holder, the Minister of [State] Science and Technology to push for even more funding and more exciting things in research," he said. Giesbrecht argued some of the cuts, including the ELA, amount to a shift in priorities.

"The ELA is a small budget item. It affected a lot of people in our riding. So it made a big splash here," he said. "That was a re-distribution, a re-prioritization of funding.... It does not in anyway

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signify that the prime minister and the Conservative government don't value research because, again, the total research funding has only gone up."

Liberal Winnipeg South candidate Terry Duguid, who is also a former city councillor, and has made three bids at winning a federal seat, said as he campaigns voters are surprised his opponent is a Conservative.

"People are very puzzled why a scientist would be running for the Conservatives," Duguid said. "You know the Conservatives have made savage cuts to science and scientists. Scientists are muzzled and people are just curious and puzzled why a scientist would run for the Conservative party."

Duguid said he would like to challenge Giesbrecht to a debate specifically about the government's record on science.

## **Use PS expertise to help Syrian refugees, ex-bureaucrats urge in letter**

**Kathryn May, Ottawa Citizen, September 15, 2015**

A group of former Immigration ministers and senior bureaucrats are appealing to the Conservative government to "think big" and use the expertise of the public service for an action plan to get more Syrian refugees into Canada.

An impressive line-up of 24 former deputy ministers, two Privy Council clerks — the country's top bureaucrat — and ministers appealed to Prime Minister Stephen Harper in an open letter to announce a plan and the federal government "the key lever for further progress" will implement it.

"As former federal ministers and deputy ministers, appreciative of what it takes to translate political announcements into realities, we urge Mr. Harper to think big and not let the exigencies of the election campaign diminish the call to action," said the letter, published in the Globe and Mail.

The letter drives home that the implementation of an action plan "with all hands on deck" to fast-track applications is the bureaucracy's job but it needs the political direction to do it.

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The former bureaucrats stressed there is nothing in the caretaker convention, which kicks in during the election campaign to limit the government to routine decisions, to prevent a response to a crisis, especially when there is all-party support.

All the parties have committed to bringing in at least 10,000 Syrian refugees. Finance, Treasury Board, Citizenship and Immigration, Defence and Foreign Affairs play key roles in assembling the personnel, such as visa and security officers, and setting aside funding.

After fierce pressure from the provinces, mayors and refugee advocacy groups, the government recently announced that Canada will provide \$100 million in additional humanitarian assistance for the millions of Syrians crammed into refugee camps. A second announcement aimed at removing the barriers and speeding up the process of resettling refugees in Canada is also expected.

The letter noted that public service has experience in managing the mass movement of refugees from Bosnia, Kosovo, Uganda and Vietnam, and it can determine the numbers Canada can absorb from Lebanon, Turkey, Jordan and Europe.

“Its goal should be to increase the overall Canadian commitment to numbers of refugees and significantly simplify administrative burdens for both private sponsors and immigration officials,” said the letter.

The letter said Canada can still fast-track refugee applications and provide adequate security clearance. It said security risks could be minimized by focusing on the resettlement of families with children or Canadian connections.

“Nor should Canada’s commitment to continuing the fight against Islamic State stop humanitarian initiatives. Public policy often has multiple objectives and there is no reason the two cannot proceed on parallel tracks.”

The letter was signed by:

Ron Atkey, former minister responsible for immigration

Elinor Caplan, former minister responsible for immigration

Barbara McDougall, former minister responsible for immigration

Jocelyne Bourgon, former clerk of the Privy Council

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Don Campbell, former deputy minister of foreign affairs

Mel Cappe, former clerk of the Privy Council

Margaret Catley-Carlson, former deputy minister of health

Wendy Dobson, former associate deputy minister of finance

David Dodge, former deputy minister of finance

Michel Dorais, former deputy minister of immigration

John Edwards, former associate deputy minister of immigration

Ivan Fellegi, former deputy minister and chief statistician

Ian Glen, former deputy minister and chief of Communications Security Establishment

Ian Green, former deputy minister of health

Fred Gorbet, former deputy minister of finance

Pierre Gravelle, former deputy minister of revenue

Peter Harder, former deputy minister of foreign affairs

Nicole Jauvin, former deputy minister of public safety

André Juneau, former deputy minister of infrastructure

De Montigny Marchand, former deputy minister of foreign affairs

Alan Nymark, former deputy minister of environment

Ray Protti, former director of CSIS

Morris Rosenberg, former deputy minister of foreign affairs

John Sims, former deputy minister of justice

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Blair Seaborn, former deputy minister of environment

Georgina Steinsky, former deputy minister of Public Works and Government Services

George Thompson, former deputy minister of justice

## Supreme Court of Canada - Cour suprême du Canada

### **Federal government to appeal decision lifting niqab ban during citizenship ceremonies**

**Fannie Olivier, The Canadian Press, September 16, 2015**

The Conservatives said Wednesday they want the Supreme Court of Canada to consider the issue of whether face coverings can be banned from citizenship ceremonies.

This comes in the wake of a Federal Court of Appeal decision that tried to quickly quash that ban so that at least one woman could get the right to vote next month.

But whether Zunera Ishaq will be able to vote on Oct. 19, as the appeal court justices hoped, remained unclear as the government did not say whether it also intends to seek a stay of Tuesday's decision.

"At that one very public moment of a public declaration of one's loyalty to one's fellow citizens and country, one should do so openly, proudly, publicly without one's face hidden," Conservative Jason Kenney told reporters in Calgary Wednesday.

"The vast majority of Canadians agree with us and that is why we will be appealing this ruling."

Ishaq, a devout, 29-year-old Muslim woman, had refused to take part in a citizenship ceremony because she would have to show her face, thanks to a rule change implemented by Kenney in 2011 when he was immigration minister.

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She challenged the rule in Federal Court and won. The ruling said the policy violated the Citizenship Act, which says candidates for citizenship must be allowed the greatest possible religious freedom when they take the oath.

The government appealed but lost. The three-judge appeal panel ruled from the bench, saying they wanted to proceed quickly so that Ishaq could become a citizen in time to vote.

In order for her to do that, the Citizenship and Immigration Department must formally invite her to a ceremony. Several are scheduled in Ontario between now and Oct. 19 and one of her lawyers said Wednesday there is no reason she couldn't be added to the list.

The department did not immediately answer questions about whether it would do that, or if the government would seek a stay of the judgment pending the Supreme Court's decision on whether to hear the case.

"In my view, they either have to give her her citizenship or seek a stay," said Lorne Waldman, one of Ishaq's lawyers. "We're waiting to see what they are planning to do."

People seeking to appeal a decision to the Supreme Court have 60 days from the date of the decision to file the required paperwork. In this case, the government has to act by mid-November.

It could take the Supreme Court up to three months to decide whether to hear the case and if it goes to trial, the decision could take months.

A Conservative government wouldn't take any chances, said Denis Lebel, Prime Minister Stephen Harper's Quebec lieutenant.

If re-elected, the Conservatives will re-introduce and adopt legislation banning face coverings during citizenship oaths within 100 days, he said.

"When a government tables legislation, it's more than just desire," Lebel said. "We have the political belief that this is the way it has to be."

The niqab ban was inspired in part by Quebec's experience with the so-called charter of values, a document introduced by the Parti Quebecois government which banned the display of overtly religious symbols by people in the public sector.



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While the charter was extensively criticized and partly blamed for the defeat of the PQ government in 2014, the issue of the niqab still resonates in the province, where the Conservatives hope to increase their seat count.

Bloc Quebecois Leader Gilles Duceppe said he agrees with the Conservative position on the citizenship ceremony but took it farther.

"There should be a law clearly stating that ... voting, citizenship ceremonies and government services offered and received all be conducted with the face uncovered," he said while campaigning in Montreal.

Liberal Leader Justin Trudeau framed it as a matter of protecting minority rights.

"In any situation where a government chooses to limit or restrict individual rights or freedoms, it has to clearly explain why," he said in Calgary. "This government has not done that."

Ontario's attorney general said if leave to appeal to the Supreme Court is granted the province will intervene "to defend the rights and freedoms we hold dear," as it did before the Federal Court of Appeal.

"Ontario's position before the court was that the federal policy in question goes against our deeply held views on equality and tolerance for the religious beliefs of everyone in our society, and it is inconsistent with Canadian values of inclusion and diversity," Madeleine Meilleur said in a statement.

## Bill C-377 - An Act to amend the Income Tax Act (requirements for labour organizations) - Loi modifiant la Loi de l'impôt sur le revenu (exigences applicables aux organisations ouvrières)

### **Bill C-377 may inadvertently impose costly reporting requirements on investment funds**



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### **Jonathan Willson and Kathleen Elhatton-Lake, Canadian Securities Law, September 9<sup>th</sup> 2015**

On June 30, 2015, [Bill C-377](#), a private member's bill that is intended to mandate disclosure of union financial activities, received Royal Assent (S.C. 2015 c.41). Subject to certain exceptions, this controversial bill adds a provision to the [Income Tax Act](#)(Canada) which will require "labour organizations" and "labour trusts" to provide extensive disclosure regarding their financial activities to the Canada Revenue Agency. According to the legislation, the [Canada Revenue Agency](#) will make this disclosure available to the public, including by way of "publication on the departmental Internet site in searchable format". These reporting requirements will apply to fiscal periods beginning after December 31, 2015.

This legislation is of potential concern to the investment fund industry principally because of the breadth of the definition of a labour trust which reads as follows:

"labour trust" means a trust or fund in which a labour organization has a legal, beneficial or financial interest or that is established or maintained in whole or in part for the benefit of a labour organization, its members or the person it represents.

Based on a literal interpretation of the "labour trust" definition, any investment fund in which a labour organization has made a financial investment could be subject to these rules. Similarly, the "labour trust" definition could also capture any investment fund in which a member of a labour organization holds an interest. While it is unlikely that the definition of labour trust (and by extension, the legislation as whole) was intended to apply so broadly, the wording of the definition makes it difficult to interpret the legislation in a more circumspect manner. The [Investment Funds Institute of Canada](#) (IFIC), among other organizations, submitted [comments](#) on the bill which passed without any amendment to address this issue. The breadth of the definitions of "labour trust" and "labour organization" also raises the possibility of their applying to non-residents. To our knowledge, neither the Department of Finance nor the Canada Revenue Agency has commented officially on the potential scope of this legislation.

## **La loi C-377, au coeur des enjeux électoraux**

**Takwa Souissi, Le devoir, 12 septembre 2015**

En pleines négociations au Québec, le monde syndical se prépare à de chaudes luttes cet automne, sans perdre de vue les élections fédérales. Son but: évincer le gouvernement conservateur, qui lui mène la vie dure depuis de nombreuses années.

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Un des meilleurs exemples du conflit opposant le gouvernement et les syndicats ? La loi C-377, adoptée dans la controverse en juin dernier après des années de tergiversations. Cette loi modifiant la loi sur l'impôt obligera dès le 1er janvier prochain toutes les organisations syndicales à dévoiler publiquement toute dépense de plus de 5000 \$ ainsi que tout salaire de plus de 100 000 \$. Pour les uns, il s'agit d'un enjeu de transparence et de démocratie. Pour les autres, ce n'est rien de moins qu'une attaque idéologique.

Rappelons que C-377 suit l'adoption de C-525, qui oblige la tenue d'un scrutin secret lors d'une demande d'accréditation syndicale, et de C-4, projet de loi mammoth qui a resserré plusieurs règles régissant les relations de travail au fédéral, dont le refus d'accomplir un travail considéré dangereux, le recours à l'arbitrage et la détermination des services essentiels.

Il faut dire aussi que ce dernier projet de loi a été adopté dans des circonstances quelque peu irrégulières. D'initiative privée à l'origine, le projet présenté par le député conservateur Russ Hiebert a rapidement bénéficié de l'appui inconditionnel du gouvernement... et de sa majorité. « *C'est une stratégie qu'utilise beaucoup Harper, soit celle de piloter en coulisses un projet de loi d'apparence privée* », affirme Serge Cadieux, secrétaire général de la FTQ. Cela permet notamment au gouvernement de contourner le test juridique normalement obligatoire.

Pour qu'il soit adopté avant la fin de la session parlementaire, les sénateurs conservateurs ont par ailleurs dû casser une décision du président du Sénat qui souhaitait prolonger le débat entourant le projet de loi. Si l'on additionne tous ces facteurs, il n'y a rien d'étonnant à ce que la grogne se fasse sentir face à cette nouvelle législation, qui est la première du genre à être passée au pays.

Une chose est sûre : la petite histoire de la loi C-377 est loin d'être terminée. Déjà, sept provinces canadiennes, dont l'Ontario et la Saskatchewan, ont dévoilé leur intention de la contester devant les tribunaux, affirmant que la législation n'est rien de moins qu'inconstitutionnelle. Ainsi, elle empiéterait sur le champ de compétence des provinces, qui régissent normalement le domaine des relations de travail. La loi serait également susceptible de violer le droit à la vie privée protégé par la Charte canadienne des droits et libertés, en dévoilant des informations personnelles comme le salaire de certaines personnes.



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Outre les syndicats, de nombreux individus et organisations se sont prononcés contre l'adoption de la loi C-377, y compris le commissaire à la protection de la vie privée du Canada et l'Association du Barreau canadien.

Pour le gouvernement, la loi C-377 a pour but d'accroître la transparence et la responsabilisation des institutions publiques que sont les syndicats. Il cite à cet effet un sondage Nanos mené en 2011, selon lequel 83 % des Canadiens interrogés ont dit que les syndicats devraient être tenus de divulguer comment sont dépensées les cotisations syndicales.

*« Nous n'avons aucun problème avec la transparence, notre budget et nos états publics sont d'ailleurs déjà publiés sur notre site. Mais on veut pouvoir garder l'information stratégique »,* explique Jean Lortie, secrétaire général de la CSN. *« Ça crée un déséquilibre, puisque l'employeur va pouvoir aller voir les dépenses que nous engageons, alors que nous n'avons pas accès aux leurs »,* explique-t-il. Il peut également s'agir d'informations délicates, comme des coûts requis pour l'évaluation psychiatrique d'un travailleur en conflit de travail.

Même son de cloche du côté de la CSQ, qui considère que les renseignements demandés ne relèvent pas du gouvernement ou de la sphère publique : *« Sur les questions de cotisations, on est redevables aux membres qui les votent, point à la ligne, clame Louise Chabot, présidente de la CSQ. Ce projet de loi, poursuit-elle, va plutôt servir à surveiller de manière étroite les montants que nous accordons aux actions politiques, à l'éducation, aux relations de travail, aux luttes sociales, etc. »*

C'est qu'il y a un véritable deux poids deux mesures dans la volonté de transparence sous-tendant la loi C-377 puisqu'elle ne vise que les syndicats, tandis que des milliers d'autres organisations professionnelles ou communautaires qui bénéficient pourtant d'avantages fiscaux n'y seront pas soumis.

Ce n'est pas un secret : les syndicats comptent s'investir pendant la campagne électorale, afin de maximiser les chances de renverser le gouvernement majoritaire de Stephen Harper. Or, cela doit être fait dans un certain cadre.



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Ainsi, les statuts et règlements de la CSN interdisent à la centrale d'appuyer directement un parti politique, par exemple. Tout comme c'est le cas pour la CSQ, d'ailleurs. « *Cela ne nous empêchera pas de nous impliquer activement pour sortir les conservateurs, en évaluant dans chaque circonscription le meilleur candidat à appuyer dans ce sens* », dit Jean Lortie.

Même stratégie du côté de la FTQ. « *Nous avons déjà rendu notre position publique : nous allons cibler 11 circonscriptions où les conservateurs ont une chance de l'emporter, et concentrer nos efforts à ces endroits*, explique Serge Cadieux. *Nous avons formé au-dessus de 500 militants qui vont intervenir auprès des membres à ce niveau-là.* »

La FTQ, la CSN et la CSQ sont par ailleurs toutes membres de la Coalition des Sans-Chemise, une organisation non partisane dont le but est d'améliorer le programme d'assurance-emploi. Les Sans-Chemise ont le statut de « *tiers* » auprès du directeur des élections du Canada, ce qui leur permet légalement de poser, comme les partis fédéraux, des publicités à saveur électorale. « *Plusieurs ne le savent pas, mais il s'agit d'un parti politique, mais qui ne présente aucun candidat. C'est ce qui nous permet de les appuyer* », confirme Louise Chabot.

Du côté de la CSN, on insiste également sur le fait que la loi électorale est respectée à la lettre. « *Nous n'engageons aucuns frais pour les Sans-Chemise, qui forment par ailleurs une coalition permanente, qui précède les élections* », souligne Jean Lortie. De plus, depuis le 2 août, date de déclenchement de la campagne, la CSN n'engage aucune dépense électorale. « *On l'a fait avant. Et il reste une foule de moyens de nous impliquer autrement : conférences de presse, débats-midi, manifestations, etc.* », confirme-t-il. C'est que la loi électorale prévoit des plafonds de dépense stricts et non remboursables pour les tiers qui souhaitent s'impliquer dans la campagne, et leur interdit de contourner les règles en s'associant à d'autres dans le but de hausser les plafonds.

Bref, s'ils doivent demeurer prudents pour ne pas contrevenir à la loi, il est évident que les syndicats ne ménageront pas leurs efforts pour s'unir contre un gouvernement qui, depuis des années, démontre son dédain pour le monde syndical.



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## **Sick Leave – Congé de maladie**

### **‘We’re not going to pay people who are not sick’: Harper says sick leave changes will strengthen public service**

**Mark Kennedy, National Post, September 14, 2015**

Conservative Leader Stephen Harper says public servants in the national capital should not be worried if his party gets re-elected to govern in the Oct. 19 election.

However, he warned that reforms to sick leave and disability benefits will be designed to strengthen the system so it helps people who are “actually ill.”

As well, he thinks most public servants “respond positively” to the Tories’ efforts to run the federal government “efficiently.”

Harper made the comments Sunday in response to a question at a campaign news conference held at a private manufacturing factory, where he warned supporters that Canadians could lose their jobs if either the Liberals or New Democrats gain power and raise taxes.

Harper was asked about how, as prime minister, he is the “boss” of the region’s single largest employer and that federal public servants are worried about their jobs, benefits and pensions.

“They really should not be worried,” said Harper.

“I think as you see in the last few years, obviously we’ve made sure that our operations are more efficient. That’s an ongoing job. Any management is responsible for making sure that its operation remains efficient.”

In the 2012 budget, the Conservative government slashed federal spending by billions of dollars and eliminated about 20,000 jobs.

“But where we have reduced numbers we have done so largely by attrition and made sure that people are treated very generously and fairly,” said Harper.

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Currently, sick leave is the big issue at the ongoing round of collective bargaining with the unions that has slowed down since the federal election campaign began in early August.

Thirteen of the 17 federal unions recently filed a motion seeking an injunction to stop the government from invoking the new powers it gave itself in C-59, the budget omnibus bill, to unilaterally impose a new sick-leave agreement.

Unions have filed constitutional challenges against the bill that allows the Conservatives to override the Public Service Labour Relations Act and impose a new deal whenever it wants. They argue the changes violate the right to free and collective bargaining as guaranteed by the Charter of Rights and Freedoms.

The Conservatives want to scrap the existing sick leave regime and replace it with a new short-term disability plan.

The government proposes reducing the number of annual sick days a year from 15 to six and abolish much of the 15 million days of banked unused sick leave.

The Conservatives' legislation leaves the timing for a deal wide open but Treasury Board President Tony Clement has said he wants a deal before the Oct. 19 election.

"We are committed to a strong package of employee benefits, but one that is in line with what exists in the private sector — not out of line with that," Harper said Sunday.

"We're reforming sick leave and disability benefits to make sure that sick leave and disability benefits are there, and in fact, the system is stronger for people who are actually ill and need help.

"But we're not going to pay people who are not sick, sick leave."

Harper received a strong round of cheers and applause from supporters at his campaign event when he delivered this blunt warning.

"Look, this is the responsible thing to do," he said.

Harper said his party has done "very well" in the National Capital Region in recent years.

"In fact, it's been one of our stronger parts of Ontario.





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“And part of the reason for that is that the vast majority of public servants, they join the public service because they want to contribute to the country. They want to be productive. They want to contribute.

“They expect as taxpayers themselves that things will operate effectively and efficiently and that big proportion of the public service responds very positively to what we are doing.”

Harper’s remarks were in stark contrast to what former prime minister Jean Chretien told a crowd of Liberal supporters just a day earlier in Ottawa-Vanier.

In his speech Saturday at candidate Mauril Belanger’s office, Chrétien spoke strongly about how things have gone sour for the federal bureaucracy and diplomats since the Conservatives took power in 2006.

He said Canadian ambassadors abroad don’t have the freedom they should have to do their jobs.

“The ambassadors are well-educated with a lot of experience. If they have to talk to the chamber of commerce in one town in the country where they are, they have to send their speech to a kid in Ottawa in the PMO to approve it. Come on. It’s unacceptable.”

Chrétien, who first came to the House of Commons in the early 1960s, said he learned a long time ago that bureaucrats “are not partisan. They are there to do a good job.

“For me, if you are succeeding as a minister, they succeed. If they fail, you fail, too. So they are your partners.

“It’s why we were enjoying good relations and it was working. And the mood was, in the bureaucracy, when we were there, much better than it is today.”

Earlier this month, Ottawa Centre NDP candidate Paul Dewar said repairing federal politicians’ relations with public servants would be an NDP government’s top local priority.

When asked what is the most-neglected federal project in the capital, Dewar replied: “It is the deterioration in the relation between public servants and the government.”

“I think that’s something that really has undermined our city and its reputation, frankly. It’s no longer something that’s just in the bubble. It’s across the country, frankly.”



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## Fact check: Harper says public sector workers shouldn't fear a Conservative victory

Nora Loreto, Rabble.ca, September 15, 2015

**The claim: Public sector workers should not fear a Conservative victory. "They really should not be worried," Harper said. Is this true?**

In the *National Post* yesterday, Conservative Leader Stephen Harper said that federal public sector workers have nothing to fear if his party is re-elected.

He was speaking specifically to public sector workers in the federal bureaucracy, not other workers, like Posties who have everything to fear of a Harper victory.

Should public sector workers breathe easy now that Harper has calmed their fears?

Probably not.

One of the biggest changes that Harper hopes to oversee is to ensure that sick benefits only help people who are "actually ill." The assertion, of course, is that public sector workers have nothing to fear if they only take sick days when they are sick.

This isn't actually about sick leave, though the soundbite is a piece of Conservative gold.

This past year, the Conservatives passed Bill C-59 which fundamentally changed how workers could access sick and long-term disability leaves. The changes would pull \$900 million worth of benefits away from public sector workers. This change was a key part of how the Conservatives managed to balance this year's budget.

Federal public sector workers are able to bank sick days to be used when needed. This is most significant when a worker needs to take a short-term leave for illness (fewer than 13 weeks). This benefit was achieved through many rounds of collective bargaining: both the Treasury Board and the workers' union have agreed to organize sick days in this way.

Under Bill C-59, the Federal government is trying to circumvent the process of collective bargaining and simply impose a new sick day regime. "What they certainly have done is said that they will reach in, anytime in the four years, pull [sick leave] out of the collective

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agreement and impose a short-term disability program on us," said PSAC president Robyn Benson at the time to [rabble.ca](http://rabble.ca). This attack on workers' rights has driven 13 of the 17 unions that represent federal public sector workers to file with the Ontario Superior Court and a Charter Challenge to stop the clear attack on workers' rights.

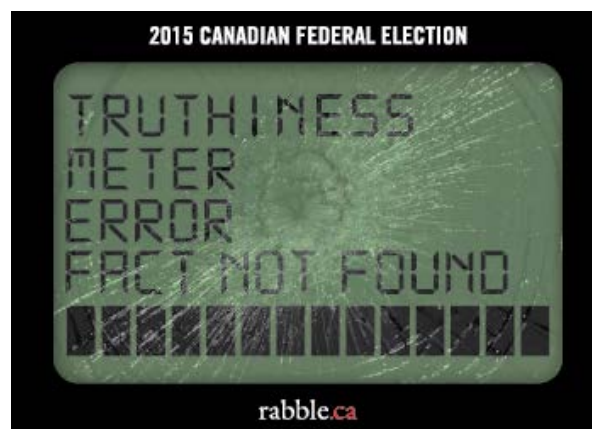
If the Conservatives get away with imposing the changes to sick leave, the unions are effectively rendered useless: if management can ignore collective bargaining, the role of protecting workers will no longer be necessary.

The Conservatives have consistently attacked unions since taking power. They have used bureaucratic measures to undermine unions, attack workers and undermined regulations that have made Canadians less safe.

Federal workers have also been targeted for political activity. This week, "Harperman" singalongs are happening across Canada to support Tony Turner, a federal scientist, who wrote and recorded a song that protests Harper's record. He was subsequently suspended from work after allegations that the song puts him in a conflict of interest. Turner studies migratory birds for Environment Canada.

Public workers who are happy to place their lives in the hands of Stephen Harper might have nothing to fear, but workers who believe in free and fair collective bargaining, who have opinions and who value the neutrality of the bureaucracy should be skeptical of Harper's promise to be nice.

**Verdict:**



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## Bill C-4

# **Liberals, Conservatives must join NDP in supporting safer workplaces: Steelworkers Says Bill C-4 limits workers' rights**

**Canadian Labour Reporter, September 14 2015**

The Harper Conservatives and Trudeau Liberals must join NDP leader Tom Mulcair and commit to making federally regulated workplaces safer, according to the United Steelworkers (USW).

"There are 1,000 work-related deaths in Canada each year and thousands more workers suffer serious injuries," said USW national director Ken Neumann.

"Canadians need a government that will rescind legislation that increases the risks faced by workers in federally regulated workplaces," Neumann said.

The USW is leading a national campaign, "Stop the Killing, Enforce the Law," calling for greater enforcement of the Westray amendments to the Criminal Code aimed at holding employers and their directors accountable for workplace deaths and injuries.

"As a union that is actively campaigning across the country to eliminate workplace deaths, we see first-hand how Canadians need stronger — not weaker — occupational health and safety protections," said Stephen Hunt, USW western Canada director.

"New Democratic Leader Tom Mulcair has already publicly committed to repeal the regressive measures imposed by the Conservatives when they passed Bill C-4," Hunt noted. "It's time for all federal leaders to make the same commitment."

Bill C-4 changed the definition of a workplace hazard by removing all references to potential or future danger, including exposure to hazardous substances and long-term physical strain experienced by workers.

The legislation also removed all independent health and safety officers, limited the rights of workers to refuse unsafe work and prevented public servants from accessing the Canadian Human Rights Commission and Tribunal over workplace discrimination.



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The changes made by the Conservatives affect workers in federally regulated industries such as railways, airlines and airports, telecommunications, radio and television broadcasting, uranium mining, fisheries and banking.