

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

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## **SYSTEME DE PAIE FEDERAL - Les ratés de Phénix reportent les économies**

**Hélène Buzzetti, Le Devoir, le 8 septembre 2016**

Le nouveau système de paye du gouvernement fédéral ne permettra pas de dégager d'économies substantielles au cours de sa première année d'existence. Les gains d'efficacité anticipés seront presque complètement annulés par les coûts supplémentaires payés par Ottawa pour régler les défaillances du système.

Le système de paye Phénix devait permettre au gouvernement fédéral d'économiser 70 millions de dollars par année. Mais mercredi, les fonctionnaires ont indiqué que les efforts déployés pour régler les ratés du système coûteront cette année entre 45 et 50 millions. À cela s'ajouteront les dédommagements que le gouvernement s'est engagé à verser à ses travailleurs qui auraient eu à payer des frais d'intérêts parce qu'ils ont raté des échéances faute de salaire.

« *On n'a pas de chiffre* » sur l'ampleur de ces dédommagements, a admis la sous-ministre de Travaux publics et Services gouvernementaux, Marie Lemay. Le bureau de réclamation devrait être mis en place la semaine prochaine et les fonctionnaires pourront alors acheminer leurs demandes.

Le dernier bilan fait état de 59 employés qui n'ont pas été payés du tout et de 335 personnes à risque d'éprouver des problèmes parce qu'elles viennent de quitter leur emploi dans la fonction publique ou d'en décrocher un. Enfin, il y a encore 67 500 fonctionnaires (sur un total de presque 300 000) qui ne reçoivent pas le bon salaire parce que les diverses primes auxquelles ils ont droit ou leurs prestations de congé de maternité ne sont pas versées correctement. Le nombre de cas diminue et l'objectif est toujours de régler tous ces cas d'ici l'Halloween.

### **IBM reçoit 6 millions de plus**

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

Mme Lemay a par ailleurs révélé que la firme IBM, qui a fourni le système informatique au gouvernement fédéral au coût de 141,8 millions de dollars, recevra 6 millions de plus que prévu pour sa peine pendant cette période de transition houleuse. « *S'il y a des défauts, ils doivent réparer, il y a des retenues et tout un processus prévu au contrat. Mais ces 6 millions sont pour des tâches additionnelles que nous n'avions pas prévues* », a justifié Mme Lemay.

IBM effectue désormais la maintenance en soirée plutôt que le jour et offre une veille 24 heures sur 24, 7 jours sur 7. N'est-il pas étrange que la firme informatique ayant fourni le système défaillant reçoive un supplément pour régler la défaillance ? Mme Lemay affirme qu'il n'en est rien.

« [Le problème] *n'est même pas dans la partie informatique, technique. C'est vraiment plus dans la partie mise en oeuvre et transformation. [...] IBM n'est pas responsable de comment nous, on interagit avec le système, et c'est cette partie qu'on a vraiment sous-estimée.* »

### **Arrérages syndicaux**

Par ailleurs, les syndicats de fonctionnaires font eux aussi les frais de ces dérapages. Les cotisations syndicales prélevées à même le salaire des employés ne sont pas toutes versées. Par exemple, l'Institut professionnel de la fonction publique du Canada, qui compte 55 000 membres, évalue à 385 000 \$ son arriéré (sur des cotisations annuelles totales d'environ 40 millions). Ottawa n'a pas l'intention de verser de montant forfaitaire d'ici à ce que la situation se règle, a indiqué Mme Lemay.

## **Federal government to spend at least \$40M to fix its troubled pay system**

**The new pay system was supposed to centralize the handling of the huge federal payroll, but its rollout led to employees being underpaid, overpaid or not paid at all  
Canadian Press, The Toronto Star, September 7 2016**

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

The federal government says it's going to cost at least \$40 million to \$50 million this year to straighten out its troubled new pay system.

However, officials say they are starting to see progress in their efforts to resolve the problems, and hope to be done by Oct. 31.

Marie Lemay, deputy minister of Public Services and Procurement Canada, says there are about 67,500 cases of federal workers with outstanding pay issues, down from more than 80,000 in mid-July.

The Phoenix pay system was supposed to centralize the handling of the huge federal payroll, but its rollout led to employees being underpaid, overpaid or not paid at all.

Lemay says there were always glitches in the system because of the size of the payroll, the number of people moving in and out of the public service and the complexity of the pay scales.

In the past, though, the magnitude of the problem was hidden by the decentralized system. The new program was supposed to save the government \$70 million a year, but Lemay says that won't happen this year.

"I am confident that we will see savings in the future years," she told a news briefing on Wednesday.

Right now, she said, the emphasis is on making sure people get paid correctly. The government has promised to pay out-of-pocket expenses for public servants who didn't get paid and had to resort to running up credit cards.

It also says that people who were paid too much will have to pay the money back, but over time.

## **Phoenix toll on public servants getting worse**

**Kathryn May, Postmedia, September 10 2016**

The president of Alterna Savings, a credit union that counts federal employees as half of its members, says the emotional and financial toll caused by the government's troubled Phoenix pay system is getting worse.

Rob Paterson said the problems have gone beyond the initial delays, disruption and

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

inconvenience of not getting paid properly.

He said Phoenix's problems have now dragged on for more eight months and that even those with a savings cushion typically don't have the money to cover more than a couple of months of household expenses in the event of emergency. He said the rule-of-thumb among financial planners is that you should have about three months in emergency savings.

"We are at the point when many would have exhausted their rainy-day funds," Paterson said.

In fact, the Canadian Payroll Association released a survey this week showing nearly half of working Canadians live paycheck to paycheck.

About 48 per cent of the 5,600 working Canadians surveyed said it would be hard to make ends meet if their paycheques were delayed even a week. Almost one in four don't think they could come up with \$2,000 if an emergency cropped up in the next month.

On top of that, Paterson said fall is when many people face the added financial pressures of paying for holidays and school tuition, and when they start saving for Christmas and planning RRSP or TFSA contributions.

Paterson said it's important the government meet its Oct. 31 deadline to clear the backlog and get the dust settled around Phoenix. This week, officials at Public Services and Procurement Canada revealed it will cost as much as \$50 million this year to fix Phoenix but insisted the department is on track to meet the Oct. 31 deadline.

"It's starting to get worse not just because of the time but the time of year," Paterson said.

"People are sending their kids back to school; paying off vacation, university tuition. ...We have had people in tears at our branches over this.

"This is a first for me. I have never seen a problem like this — and affect such a large group of individuals."

He said the pay problems have now morphed into a tax problems, particularly for the public servants who have been overpaid or not paid at all. He said those forced to cash in RRSPs to make ends meet, for example, can't replace the money they withdrew and will have to pay tax on it.

Marie Lemay, deputy minister at Public Services and Procurement Canada, said this week the

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

department is racing to have as many pay problems resolved by year-end so T4 slips can be issued for the tax season. The Canada Revenue Agency has even posted tax advice for public servants affected by Phoenix glitches.

Alterna has long history with the public service dating back to 1908, when the Civil Service Co-op was created for federal employees. Today, public servants account for about half of its 130,000-strong membership and two-thirds are in Ottawa.

With that connection, Paterson said, Alterna tried to help public servants who face financial pressures because they haven't been paid. So far, about 1,000 have sought help.

The first Phoenix rollout began in February and problems began to appear immediately but the government proceeded with the second rollout as planned in April.

By summer, Paterson said, public servants were showing up at Ottawa branches distraught and the credit union decided it needed a plan to help them. With bills to pay, members wanted to cash out RRSPs, set up lines of credit or stop payments on life insurance to make ends meet.

Alterna sent newsletters and launched a Twitter campaign aimed at public servants, offering stop-gap measures such as unsecured lines of credit with interest-only payments; overdraft protection; waiving fees for NSF cheques and offering skipped loan or mortgage payments.

He said people are also embarrassed when they can't pay bills. Alterna will vouch for them, explaining to other institutions the financial problems are caused by Phoenix, which helps restore confidence among creditors.

"This is not their fault. They have done nothing wrong. The problem is with the employer making payroll," Paterson said.

The government has promised to reimburse out-of-pocket expenses public servants may have faced because of pay foul-ups. The Treasury Board is unveiling a new claims process next week that will require public servants to provide receipts and documents to back up their claims.

The government has also agreed to let public servants who were overpaid repay that money slowly over time rather than clawing it back all at once.

But Paterson said the next challenge is what kind of longer-term solutions the credit union can offer "to bridge that gap a little longer" if the problems persist after the Oct. 31 deadline.

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

"This has been a testament to public servants because I don't know how many other employees would continue to work if they were not getting paid," he said.

## **Phoenix Falling - Phoenix has manager feeling powerless to help employee with son battling cancer**

**Ashley Burke, CBC News, September 9 2016**

A manager with the federal public service is frustrated that after six months he still cannot do half his job on a given day because of the Phoenix payroll fiasco.

Nathan Nash, a manager with Public Services and Procurement Canada, says the worst part is, despite all his efforts, he can't formally approve one of his employees to take leave as her teenage son undergoes chemotherapy for stage four cancer.

*'On a given day I cannot do up to 50 percent of my job.'* - *Nathan Nash, Manager with Public Services and Procurement Canada*

"I'm really worried right now that I'm not being able to manage my staff," said Nash. "It's having a huge impact on what I can do at the job and obviously what the taxpayers are paying me to do."

Nash blames the backlog of Phoenix cases for tying up workers at the government's Pay Centre in Miramichi, N.B.

Since he started a new job in February, he says pay advisors still haven't transferred his human resources files over to his new department.

Without those files, Nash says he can't access the IT tools on his computer to see the files of his 14 employees to evaluate their performance.

And in the case of Kalisa Dickenson, officially grant her leave. Dickenson expects to be off work for six months as her 14-year-old son Tanner undergoes chemotherapy for advanced Lymphoblastic lymphoma.

Dickenson isn't working, but because her leave hasn't been processed, the government is still paying her a full salary.

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

She's worried about spending that money because eventually she will have to pay it back. On top of that, she can't apply for employment insurance because she hasn't officially been granted leave by her manager so she doesn't have a record of employment.

To make matters worse, no one else can access Dickenson's pay files either, because her records also stuck in limbo at her last department. She landed her new job in June, two months before her son found a lump on his pelvis and she had to stop showing up to work to take him to the Children's Hospital of Eastern Ontario for treatment.

"I just want my son to be ok," said Dickenson. "And I know he's going to be. I'm going to make sure he is."

'It's going to be such a disaster'

But she said the payroll issues aren't helping.

"It's extremely stressful and it does keep me up at night," said Dickenson. "It's going to be such a disaster. The problem is they are going to be coming after me later to claw back all sorts of money that I'm not sure I'm going to have. I know that the way the federal government comes back for things is not always a pretty scene."

"It's extremely stressful and it does keep me up at night." - *Kalisa Dickenson, public servant*

Nash, acting as Dickenson's manager, contacted the Phoenix call centre in Toronto for her to handle both of their cases.

But Nash says an employee from the call centre reading a script told him there was nothing that could be done because their are considered "priority 3 cases" and would not be handled at the satellite centre.

"They were not opening any new cases," said Nash. "I was disappointed. But I was more disappointed for the employee. She's taking care of her sick child. She doesn't need to be spending her time on the phone spending time on this elusive file that exists but nobody can access it."

Marie Lemay, the deputy minister in charge of Phoenix explained in an update earlier this week that all of the "priority 3" cases that come in after June and not considered part of the 82,000 backlog cases that are being handled by new satellite pay centres.

Instead, they are normal files that will be processed through Miramichi.

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

That means Nash needs to call the Miramichi pay centre to open up a file for both himself and Dickenson. But he says the only number listed online is for the central call centre in Toronto.

"As a manager who is proud of my employees... it's really frustrating to have to go back and say 'I'm sorry, I'm out of options, there's nothing else I can do for you,'" said Nash.

As for Dickenson, she's so worried about money she's crowd funding to pay for the 20 percent of Tanner's medication her benefits don't cover and extra expenses to travel to CHEO for treatment.

"You can't predict cancer, let alone in your child," said Dickenson.

"This is just another stressor I don't need on top of everything else."

## **The “Charter Party’s” new dance with the judiciary**

**The Liberal government is rediscovering the role of Parliament in articulating the meaning of Charter rights.**

**Joanna Baron, Geoff Sigalet, Policy Options, September 8 2016**

In the wake of the Harper government’s electoral defeat, Canadians may have had cause to wonder how the new Liberal government would fashion its relationship to the judiciary and particularly the Supreme Court of Canada. The Harper government’s relationship with the country’s highest court, and indeed with the Charter of Rights and Freedoms itself, was widely viewed as an acrimonious one. Some critics characterized the Harper government’s relationship to the Court vis-à-vis the Charter as a constant tug of war: Parliament pushing unconstitutional legislation and the Court responding with activist judicial decisions. In contrast, the Liberals have been portrayed as the “Charter Party,” in part because the Charter was largely the result of Pierre Trudeau’s constitutional wrangling and is central to the party’s brand. This notion is often linked to trust in an activist judiciary construed as supreme interpreter and protector of the Charter. Given the power of this self-image, many commentators could be forgiven for thinking that any constitutional rope pulling between the Court and Parliament would cease with the election of the Liberals, ushering in a period of tranquil coexistence between the Court and its political patron.

Yet the role of the “Charter Party” vis-à-vis the courts appears to be subtly changing as the Liberals rediscover both the role Parliament plays in articulating the indeterminate meaning of

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

Charter rights and the unprecedented way today's judiciary asserts supremacy by presenting its own constructions of such rights as determinate and final. Together, these discoveries could ultimately spur the fulfilment of the Charter's promise as a text inviting the determination of the rights of Canadians in a dialogue between a democratically responsible Parliament and a more deferential judiciary.

Justice Minister Jody Wilson-Raybould recently asserted Parliament's responsibility for determining the meaning of Charter rights in dialogue with the courts. This is evident in the text of the government's legislative response (Bill C-14) to the Supreme Court's *Carter* decision regarding assisted suicide and in her comments in the House regarding amendments to the legislation.

In *Carter v. Canada*, the Supreme Court held the Criminal Code's section 241(b) prohibition on assisted suicide to be an unjustifiable violation of Canadians' section 7 Charter rights to life, liberty and security of the person in cases where "competent" adults experience "grievous and irremediable medical conditions." The Court suspended its declaration of invalidity for 12 months and invited Parliament to "reconcile" the Charter rights of patients and physicians. This invitation to Parliament to interpret the Charter within boundaries set by the Court implies a view of Parliament as a partner in an interinstitutional dialogue concerning rights. After the Harper government's defeat on October 19, the task of drafting a response fell to Wilson-Raybould's office. Bill C-14 recognizes the Court's view that an absolute prohibition on assisted suicide violates section 7 rights, but it limits the right to assisted suicide to cases where the death of an individual is "reasonably foreseeable." The legislation also includes a number of protections for physicians and safeguards meant to shield vulnerable individuals. The legislation itself is thus an example of Parliament asserting its constitutional role in constructing the meaning of the indeterminate Charter rights to life, liberty and security of the person.

During the parliamentary debates about Bill C-14, Wilson-Raybould explained that, first, the Supreme Court itself recognized that it is "the role of Parliament to craft a complex regulatory regime...and that such a regime would be given a high degree of deference by the courts"; and, second, that in reviewing previous parliamentary responses to Supreme Court nullifications, "it could not be presumed, just because Parliament's scheme looked different from what the court had envisioned, that it was unconstitutional."

*The minister seems to prefer a more collaborative dialogue with the judiciary, but her comments suggest Parliament has a role in constructing the meaning of Charter rights.*

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

Wilson-Raybould was referring to the 1999 Supreme Court case *R. v. Mills*, in which the Court reviewed the constitutionality of legislation governing the disclosure of records in sexual assault proceedings. Notably, in *Mills*, Parliament not only enacted a scheme that “looked different” from what the majority of the Court envisioned in its previous decision delineating a constitutional regime for records disclosure (*O’Connor*) but passed a law that essentially legislated the dissenting opinion in that decision. In *Mills*, the Court acknowledged that “Parliament may build on the Court’s decision, and develop a different scheme as long as it meets the required constitutional standards.” This constituted, in the words of Kent Roach, an “in your face” disagreement with the *O’Connor* majority. The minister seems to prefer a more collaborative dialogue with the judiciary, but her comments in Parliament clearly draw upon the “dialogue theory” that Parliament has a role in constructing the meaning of Charter rights — even contesting tenuous judicial rights constructions.

Wilson-Raybould’s approbation of court-legislature dialogue on Charter rights has been highlighted in her recent appointment of Grégoire Webber as a legal affairs adviser. Webber is one of the most sophisticated constitutional theorists in Canadian academia, and he also happens to be a proponent of “dialogue theory.” While Webber is clearly of the opinion that one promise of the Charter involves the judicial protection of rights, he has also written in support of the responsibility of Parliament in promoting and constructing the meaning of rights in dialogue with the courts. He has also critiqued aspects of the reasoning of the Court in *Carter*.

Some have argued that C-14 is unconstitutional because it is incompatible with *Carter*. This is, strictly speaking, false. The Constitution does not bar Parliament from participating in constitutional interpretation. It specifies the supremacy of the Constitution rather than the interpretive supremacy of the judiciary. In fact, the Charter itself grants Parliament the ability to override judicial decisions concerning many of its rights (including section 7 rights) using the notwithstanding clause, section 33. While section 33 has fallen into disuse, it was a deliberately chosen provision of the Charter meant to help guarantee the legislative responsibility for rights construction. If the Liberals continue to take this vision of parliamentary responsibility for interpreting Charter rights seriously, it could prove a welcome revitalization of the “Charter Party.”

It remains to be seen, though, whether the Supreme Court will hold up its end of the dialogue bargain. The Court increasingly acts more like a superlegislator than like a final court of appeal. This superlegislator tendency was glaringly evident in the 2015 *Saskatchewan Federation of Labour* case, in which the Supreme Court of Canada, with scant justification, overturned its own recent binding precedent. To wit: in the first two of the “labour trilogy” of cases decided between 2011 and 2015, the Supreme Court explicitly held that the Charter’s section 2(d)

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

guarantee of freedom of association did not encompass a constitutional right to strike. The Court said the opposite in the *Saskatchewan* case and attempted to minimize its apparent inconsistency by stating that the right to strike was protected where the prohibition “interfered with the right to meaningful collective bargaining” (while stating, for the first time, that it had come to view the right to strike as “essential” to the bargaining process). It is telling that Justice Abella regally introduces her reasons in *Saskatchewan Federation of Labour* with her conclusion: “It seems to me to be the time to give this right constitutional benediction.” And thus, the Court has effectively dug out its own pipeline to accelerated constitutional amendment, fashioning new constitutional guarantees that modify Canadians’ everyday rights and obligations without any troublesome negotiations and consultation with the public.

There are a number of reasons to object to the posture adopted by the Court in recent years. An appellate court entering legislative territory on the country’s most fundamental and divisive policy questions erodes the legislative function. But, more practically, we ought to consider the particular expertise and procedures of the Court as an institution. Its expertise is in jurisprudence and its own precedent, and markedly not the heterogeneous and contingent perspectives of the Canadian people, particularly those whose everyday rights and duties stand to be fundamentally changed by assisted-dying legislation. The Supreme Court again attempts to resolve the problem of its limited institutional capacity, and the problem of grappling with the complex moral implications of regulating assisted death — a practice that a majority of Canadian doctors remain unwilling to participate in — by heavy deference to the trial judge’s “findings of legislative and social facts.” In *Carter*, the Court did not merely strike down the prohibition on assisted dying as unconstitutional but also directed Parliament that in order to pass constitutional muster, an assisted dying bill would need to “reconcile the competing rights of physicians and patients” (a task that is, perhaps, impossible to conclusively perform). The Court, then, not only invalidates but also enacts legislation. But a trial judge’s findings of fact that inform his or her findings on social facts are an ephemeral snapshot, a set of conclusions drawn from one fallible individual on the basis of a few lawyer-selected “experts.” It cannot approach the dynamism or negotiated wisdom that emerges from stakeholder consultations and energetic Commons debate.

*The question of whether the courts share interpretive authority over the Constitution with Parliament is not merely an academic one but of present consequence.*

The question of whether the courts share interpretive authority over the Constitution with Parliament is not merely an academic one but of present consequence. Constitutional challenges to the freshly enacted Bill C-14 are already under way. A 25-year-old woman suffering from spinal muscular atrophy, Julia Lamb, cannot access physician-assisted death under C-14 as her death is not reasonably foreseeable in the near future. Her esteemed lawyer,

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

Joe Arvay, claims C-14 is unconstitutional per *Carter*. In recent court submissions, Arvay accused the government of engaging in an abuse of process by claiming that the Court's pronouncements on Charter guarantees of assisted dying are no longer the last word now that a comprehensive regulatory regime for assisted dying has been enacted by Parliament. In other words, according to Arvay, the courts ought to respond to Lamb's request for recognition of her constitutional right for access to assisted suicide as though Bill C-14 was never drafted, deliberated upon and passed. This can't be right.

It remains to be seen how the courts will respond to these challenges, but we suggest that members of the judiciary reconcile themselves to the notion that theirs is not the exclusive and final interpretation of the nuances of Charter rights. A more appropriate choreography of Court-Parliament relations would involve some explicit recognition of judicial humility, born from an understanding of the Court's limited functions and its necessarily incomplete solutions to complex social problems.

## **Le gouvernement Trudeau discute de sécurité nationale avec les Canadiens**

**Genevieve Garon, ICI Radio-Canada, le 8 septembre 2016**

À compter d'aujourd'hui, les Canadiens peuvent participer en ligne à une vaste consultation instaurée par le gouvernement de Justin Trudeau sur toutes les questions relatives à la sécurité nationale.

Jusqu'au 1er décembre, le gouvernement libéral recueillera les opinions et les conseils tant des experts que des citoyens. Le tout afin de pouvoir proposer, l'an prochain, un projet de loi destiné à remplacer la Loi antiterroriste qu'avait adoptée le gouvernement de Stephen Harper le 6 mai 2015.

Les dossiers sur lesquels les Canadiens peuvent se prononcer touchent notamment :

- les mesures de lutte contre le terrorisme prévues au Code criminel;
- l'échange de renseignements entre les institutions de sécurité nationale;
- les mesures visant les capacités d'enquête, la prévention et la réduction des menaces.

### **Les Canadiens appelés à parler des « éléments problématiques »**

À Edmonton, jeudi, le ministre de la Sécurité publique, Ralph Goodale, a décrié le fait que les Canadiens n'avaient pas pu se prononcer sur le projet de loi C-51, qui a mené à la Loi antiterroriste des conservateurs. Le ministre de la Sécurité publique assure que cette fois-ci, les Canadiens

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

auront leur mot à dire sur les « éléments les plus problématiques » de cette loi, que Justin Trudeau s'était engagé à modifier.

En mai 2015, Justin Trudeau avait voté en faveur du projet de loi conservateur. Mais il avait promis de modifier cette loi une fois au pouvoir, pour protéger les libertés civiles.

Rappelons que la Loi antiterroriste a soulevé des inquiétudes, notamment quant aux pouvoirs accrus qu'elle confère aux forces de sécurité. Elle donne par exemple le pouvoir nécessaire au service de renseignement pour déjouer les complots terroristes potentiels, lui permettant même d'enfreindre la Charte des droits et libertés, pour peu qu'il obtienne l'aval d'un juge avant de passer à l'action.

### **Concilier protection et respect des droits et libertés**

Lors d'une conférence de presse tenue en compagnie de la ministre de la Justice, Jody Wilson-Raybould, M. Goodale a assuré que le gouvernement Trudeau a la ferme intention de déposer un projet législatif qui respectera la Charte canadienne des droits et libertés tout en protégeant la population de manière efficace. « Il faut atteindre ces deux objectifs simultanément », a-t-il affirmé.

Le ministre de la Sécurité publique rappelle que le Canada est un pays démocratique et inclusif, dans lequel la société civile peut livrer des plaidoyers et contester. Dans ce contexte, dit-il, « il nous faut une définition plus précise de la propagande ». Il dit encore, relativement aux listes d'interdiction de vols dans le secteur du transport aérien, qu'il faut agir avec discernement.

« On veut spécialement que les Canadiens nous disent ce qui doit être corrigé du projet de loi C-51 du précédent gouvernement », a déclaré Ralph Goodale

### **Prévenir les tragédies liées à la radicalisation**

Avec son secrétaire parlementaire, Michel Picard, Ralph Goodale dit avoir eu des rencontres avec des experts, des groupes et des individus sur ces questions de sécurité nationale. « Il y a au moins quatre projets de lois qui sont liés à tout ça », a-t-il précisé.

Et, d'ajouter M. Goodale, les initiatives se sont multipliées depuis l'arrivée au pouvoir des libéraux pour doter le pays d'un « Cadre de sécurité nationale ».

Par exemple, par le projet de loi C-22 déposé en juin dernier, [le gouvernement veut instaurer un comité sur la sécurité nationale et le renseignement](#) composé de parlementaires. Ottawa travaille aussi à la création d'un bureau pour prévenir la radicalisation. « On veut être parmi les meilleurs au monde pour détecter - surtout les jeunes qui s'engagent dans l'avenue destructrice de la violence », affirme Ralph Goodale.

On veut prévenir les tragédies avant qu'elles ne surviennent.

Ralph Goodale, ministre de la Sécurité publique du Canada

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

Enfin, dans le dossier de la cybersécurité, le gouvernement Trudeau procède à un réexamen complet des capacités du Canada. Des améliorations doivent notamment être apportées à la frontière canado-américaine.

Dans la foulée de cet exercice de consultation, le secrétaire parlementaire de Ralph Goodale réunira à huis clos à Sainte-Julie, en banlieue de Montréal, samedi matin, des experts en sécurité publique tels que le directeur adjoint du Service de police de la Ville de Montréal, Didier Deramond. Une rencontre publique sera tenue dans l'après-midi. D'autres rencontres de ce type seront organisées dans d'autres villes ultérieurement.

## **Liberals identify 10 key national security issues for public consultations**

**Review deals with problems Liberals have identified with Anti-terror Act**  
**Catharine Tunney, CBC News, September 8 2016**

The Liberal government is asking the public to weigh in online on what it sees as 10 key national security topics, ranging from threat reduction to terrorist financing, as it moves toward amending the Anti-terrorism Act.

"We want to hear from Canadians about what needs to be fixed about the previous government's Bill C-51," announced Ralph Goodale, minister of public safety and emergency preparedness at a news conference in Edmonton on Thursday.

"I think Canadians welcome actually being engaged."

The Liberals' discussion paper outlines the government's main issues and asks the public specific questions on each topic.

The subjects are:

- Accountability.
- Prevention.
- Threat reduction.
- Domestic national security information sharing.
- Passenger protect program.
- Criminal Code terrorism measures.

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

- Terrorist entity listing procedures.
- Terrorist financing.
- Investigative capabilities in a digital world.
- Intelligence and evidence.

The consultation form includes questions such as, "What should the role of the government be in efforts to counter radicalization to violence?" and "In what circumstances, if any, should investigators have the ability to compel individuals or companies to assist with decryption?"

Goodale's department said it's also open to general feedback and people can email in with other topics of concern.

The public safety minister, flanked by Justice Minister Jody Wilson-Raybould, stressed that the government's policy has not been set and the consultations were meant as a conversation starter.

Canadians have from Sept. 8 until Dec. 1 [to weigh in online](#).

Goodale said that because the consultation is online "it's a low-cost endeavour."

### [Security balanced with rights and freedoms](#)

During the 2015 election campaign, the Liberals promised to repeal what they called the "problematic elements" of Bill C-51, brought in under the previous Conservative government. The Liberals, then with third-party status, did vote to support the controversial anti-terrorism legislation, arguing they could change it if they took power.

Bill C-51, now known as the Anti-terrorism Act, allows Canada's intelligence agencies to share Canadians' personal information more widely with meaningful parliamentary oversight. Authorities can detain someone for up to seven days if it's believed a terrorist event may occur.

In his mandate letter, Prime Minister Justin Trudeau tasked Goodale to introduce new legislation that balances security with Canadians' rights and freedoms.

The Liberal campaign platform also promised to guarantee:

- That all Canadian Security Intelligence Service warrants would respect the Charter of Rights and Freedoms.
- Ensure that Canadians are not limited from lawful protests and advocacy.
- Sharpen the definition of terms like "terrorist propaganda."

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

- Require the Communications Security Establishment to obtain a warrant to engage in the surveillance of Canadians.
- Require a statutory review of the full Anti-Terrorism Act after three years.

### [More legislation coming](#)

The Liberals have checked off some of the promises that had been on that to-do list.

After ISIS sympathizer Aaron Driver was killed by police last month in Strathroy, Ont., Goodale said the government is in the final stages of hiring a senior adviser who will spearhead [an anti-terror program to counter radicalization](#), with a new national office opening sometime in the fall.

Following news that a six-year-old boy had been flagged on Canada's no-fly list, the Liberals announced they've created [an office to assist passengers mistakenly barred from flights](#).

And earlier this summer the minister helped announce new legislation to [create a joint oversight committee with robust powers to scrutinize national security](#) matters.

The nine-member committee would consist of seven MPs and two senators who would have the clearance required to explore "any and every dimension of national security that they want to look at," Goodale said at the time.

Micheal Vonn, policy director for the B.C. Civil Liberties Association, praised the consultations.

"Right now, we don't even have a way to meaningfully assess the efficacy and legality of Canada's national security activities. We need serious evidence-based reform, not legislative tweaking," he said in a release.

## **Concerns over Bill C-51 prompt CSIS to brief other agencies on operations**

**Colin Freeze, The Globe and Mail, September 8 2016**

A controversial law that allows Canada's spies to engage in terrorism-disruption campaigns may pose problems for federal police and diplomats. For this reason, they are being given a peek at some CSIS operations – and even allowed to challenge them.

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

Newly released records suggest that Bill C-51, the controversial 2015 omnibus bill that overhauled the Canadian Security Intelligence Service, has sent ripples throughout the federal-security bureaucracy. CSIS's so-called "threat-reduction activities" (or TRAs) have prompted fears of unintended fallout.

To mollify concerns, the spy agency has committed to giving potentially affected agencies a heads up about what it is doing, according to [records recently released to The Globe and Mail](#) via access to information laws.

For example, an "enhanced consultation memo" was recently signed between CSIS and Global Affairs Canada.

While much is redacted in the undated document, CSIS promises to loop in foreign-affairs functionaries about things it is doing. "The Service will provide intelligence assessments ... of TRA measures which have a foreign policy component."

On Nov. 24, 2015, CSIS Director Michel Coulombe and RCMP Commissioner Bob Paulson co-signed a memo where they agreed to have their lieutenants brief each other on counterterrorism probes. CSIS's "new mandate to reduce threats" could potentially increase the likelihood of the agencies "adversely affecting each other."

So, "when CSIS is considering the use of threat-reduction measures, CSIS will initiate strategic case-management discussions with the RCMP on the target of the measure," the memo says.

It then adds that the RCMP can try to block any CSIS actions that could impair police investigations.

"The RCMP may indicate that it needs time to review the information discussed to assess any potential conflict," it says. Should the two agencies end up at loggerheads, "the matter will be referred for a more senior level discussion."

The memo came shortly after Liberal Prime Minister Justin Trudeau gave Public Safety Minister Ralph Goodale the job of undoing "the problematic elements" of C-51.

During the 2015 election, the incumbent Conservatives had put their political muscle behind the law. While the Liberals also voted for the legislation, they were lukewarm about it.

One year later, the Liberals have taken no legislative steps to alter C-51, although on Thursday, the minister did announce he has launched a website where Canadians can weigh in with opinions. "The government wants to know what you think about CSIS's new threat-reduction mandate," it reads at one point.

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

What will make this consultation exercise unique and challenging is the fact that the public knows almost nothing about how CSIS wields its threat-reduction powers.

Mr. Coulombe, the spy chief, told Parliament in March that such powers have been exercised only a couple of dozen times since the bill passed. Prior to that, he once testified that C-51 could allow CSIS to “go into disrupting a financial transaction,” or “disabling a mobile device” or “tampering with equipment.”

Yet these are among the more innocuous kinds of questionable tactics that global spy agencies engage in. The law says that CSIS officers cannot physically harm a suspect, but it can consider violating his or her Charter rights – so long as the minister and a Federal Court judge first approve.

The fears in the federal bureaucracy have less to do with human rights than the lessons of bitter experience and bureaucratic rivalry. It’s no secret that diplomats hate the prospect of being sandbagged should their spy colleagues get caught doing things the host country would consider illegal.

There are no territorial limits on where CSIS can use its new powers.

Within Canada, legal land mines can and do erupt in cases when CSIS and the RCMP trip over the same group of suspects. The two agencies are fundamentally different animals – while police hope to prosecute criminals in open courts, CSIS officers have no powers of arrest and will fiercely resist any attempts to make them testify in court.

Crown lawyers have shown in the past they will scuttle a long-standing prosecution if the alternative is risking a CSIS source or method. This makes the so-called “TRAs” potentially problematic – a years-long RCMP prosecution could be blown, for example, if the Crown wanted to protect details of a past CSIS operation that surfaced in the disclosure.

The “One Vision 2.0” memo signed by Mr. Paulson and Mr. Coulombe aims to build on a running RCMP-CSIS dialogue that anticipates and pre-empts such problems. Somewhat uncharacteristically, the federal spy agency has agreed to keep copious records of its threat-reduction activities, just in case a court should ever need to see them.

“CSIS agrees to make and preserve a precise, detailed record ... [for] any threat reduction activity it undertakes,” the memo says.

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

## **Canadians lack faith in upper ranks of public service: survey**

**Kathryn May, The Ottawa Citizen, September 6 2016**

Canadians don't have a lot of trust in senior bureaucrats to "do the right thing" in managing federal operations and delivering services.

The findings of a survey, conducted by Environics Institute and the Institute on Governance, into how Canadians view accountability and oversight in government underscore a troubling level of mistrust among Canadians in their government, both elected officials and public servants.

Canadians put more faith in front-line public servants delivering services — as long as they have the resources and authority to do the right thing — than they do for MPs and senior bureaucrats.

The majority have at least some trust in front-line workers and MPs, but views of senior public servants are almost equally divided between some trust and little or no trust.

At the same time, Canadians overall perceptions about government and its effectiveness — even among its harshest critics who believe government is broken — improved significantly since a similar survey in 2014, which some attribute to the "Trudeau Effect."

The two surveys into Canadians' views into how we are governed were conducted 18 months apart. One survey was conducted during the final stretch of the Conservatives' near decade in power, and the second was conducted during the early months of the Liberal government of Justin Trudeau.

The latest study was conducted online in February with 2,000 Canadians over the age of 18.

In that survey, only six per cent of those surveyed expressed a lot of trust in senior public servants compared with 18 per cent who reported trusting front-line federal workers.

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

Maryantonett Flumian, president of the Institute on Governance, said Canadians' growing trust appears to rest with the prime minister, not government institutions such as the public service.

That, she argued, poses a big challenge for the public service.

Expectations of Prime Minister Justin Trudeau and his government are running high, but it's the public service that has to deliver on their promises. She said the bureaucracy's bungling of its new pay system and foul-ups installing a new email system raise questions about management.

"It's Trudeau they trust, not the public service," she said. "Now the question: Is the public service up to the challenge?"

"A public service mired in trying to think through how to manage a new pay system and consolidate email systems is not a good match for the aspirations of an activist government and a Canadian populace who seem to have elected this government with a blank cheque."

Canadians in the survey pointed to the public service and the Senate as two federal institutions that need changes. Those surveyed said the Senate needs a bigger overhaul than the public service and they ranked Senate fixes as a top priority.

About 56 per cent of those surveyed said the Senate needs major changes and 23 per cent said minor reforms. For the public service, 33 per cent said it needs major change and 47 per cent thought minor changes were needed.

In all cases, support for major changes is strongest among two groups:

- Those who also said they feel the government is broken; or
- Those who said they had faced bad service or an unpleasant experience dealing with government over the past year.

The trust in front-line public servants ranged from 18 per cent, who said they have a lot of trust for them; 45 per cent who had some trust and 26 per cent who have little or no trust.

Next came MPs. About eight per cent of respondents had lots of trust for them; 46 per cent had some trust and 38 per cent had little or no trust.

Senior bureaucrats came at the bottom of the list, with only six per cent of Canadians saying they have a lot of trust in them; 40 per cent said some trust and 44 per cent have little or no trust at all.

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

Canadians who reported higher level of trusts for the three federal players tended to be over 60, have high levels of education and income, reported a positive experience dealing with government over the past year, and generally feel government is working.

Trust in senior bureaucrats is higher in urban areas and lower in Quebec. Confidence in front-line workers is higher among men and those born in Canada.

The image of the public service also took a considerable beating during the previous Conservative government's era of spending cuts, when the service was portrayed as bloated and its employees as overpaid.

More rules and procedures were introduced to make sure public servants were accountable, particularly with the passing of the Conservatives' signature Federal Accountability Act.

In his latest book, *What is Government Good At*, Donald Savoie, the Canada Research Chair in Public Policy and Governance, said the public service is "collapsing under its own weight," churning out performance and evaluation reports to comply with rules that mean nothing to Parliament and Canadians.

The institute's Flumian said the "compliance overdrive" created by the accountability act has stifled creativity and experimentation needed for "greater policy innovations."

"One of the dirty little secrets that no one talks about is the impact of compliance over the past decade with more rules built up at the centre of government. It resulted in managerial leadership that was told to manage better, not innovate.

The Liberals pledged to change that and came in with promises to seek advice from public servants while restoring trust and the reputation of the public service.

Michael Wernick, Canada's top bureaucrat, has said the public service has to streamline its rules and processes, change how work is done, and shift the culture to results.

The survey suggests Canadians think public servants need rules to do their jobs properly but that accountability should be based on the results achieved, not simply for following procedures and rules.

In fact, even those who don't think there are enough rules don't want to keep adding more rules and oversight if they delay decisions, slow down government and innovation and cost more money.

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

About 68 per cent agreed, strongly or somewhat, that accountability should be based in what's accomplished, not how rules were followed. About 17 per cent disagreed and 16 per cent had no opinion.

Similarly, 70 per cent agreed the work of government should be based on principles rather than detailed rules.

Online surveys don't have a margin of error but the two samples were weighted by region, age and gender to match Canada's population.

## **Whom do we trust? The survey says ...**

### **Front-line workers**

45% have some trust  
21% have little trust  
18% trust them a lot  
10% can't say  
6% no trust at all

### **MPs**

46% some trust  
28% little trust  
10% no trust at all  
9% cannot say  
8% trust a lot

### **Senior Public Servants**

40% some trust  
31% little trust  
13% no trust at all  
10% cannot say  
6% trust a lot

## **Phoenix Falling - Federal workplace charity donations delayed over Phoenix fears**

**Uncertainty over ongoing payroll problems has some public servants rethinking automatic deductions**

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

**Ashley Burke, CBC News, September 7 2016**

When the federal government rolls out its annual workplace charitable campaign this morning, it will advise departments to delay collecting pledges from employees until the dust from the Phoenix pay system fiasco settles.

The precaution — a first in the campaign's history — comes as some public servants say they're afraid to sign up for automatic payroll deductions over fears it could lead to other problems with their pay.

Since January, more than 80,000 public servants have reported being overpaid, underpaid or not paid at all during the government's transition to the new Phoenix pay system.

Some said they've maxed out credit cards, taken out loans, gone on stress leave or even quit their jobs entirely over the debacle.

'I just don't want to go through the headache ... I wouldn't want it to affect my pay.'-  
*Emmanuelle Parker, Statistics Canada employee*

Statistics Canada worker Emmanuelle Parker hasn't been affected by the Phoenix mess, and wants it to stay that way.

"I just don't want to go through that headache," said Parker. "I wouldn't want it to affect my pay. I would be on the safe side and not contribute for this year anyway."

The federal public service is the single largest workplace contributor to the campaign, raising \$33.6 million for 5,600 charities last year. Of that, \$5.3 million went to campaign co-manager United Way and charities under its umbrella.

So far the Phoenix fallout hasn't reached United Way Ottawa, according to the non-profit organization's president and CEO, Michael Allen.

"We've seen no disruption or blips at all in the context of our giving from federal public servants," said Allen.

But with current pledges set to expire in the new year, that could change.

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

## **Most signed up for automatic withdrawal**

Currently more than 70 per cent of the 38,986 federal public servants who contribute to the campaign have their donations automatically deducted from their pay. But they signed up before the Phoenix problems began, and some may think twice before renewing their pledges.

Public servant Jennifer Arkell has donated generously to the campaign for a decade, but is considering holding off.

"I'd certainly be hesitant," said Arkell, whose pay hasn't been affected by the Phoenix problems. "Do you really want to rock a boat that's not rocked right now?"

United Way Ottawa says it's well aware of the apprehension among public servants, and is taking steps to manage and mitigate their concerns.

"We want to be respectful, and there's a sense it's inopportune to ask them to give to their community when they themselves are struggling," said Allen.

## **Holding off until Oct. 31**

Instead of asking public servants for their pledges today, the workplace campaign is recommending federal departments hold off until Oct. 31, when the minister overseeing the fix of the Phoenix payroll system promised many of the issues would be resolved.

For the next two months the campaign will focus on reminding public servants why donating is so important, and sharing personal stories about how their donations help improve the lives of seniors, new Canadians, people with disabilities and children at risk.

"We believe the campaign will be successful again this year," wrote the chair of this year's campaign, William Pentney, in an email to CBC News. "Public servants have a strong tradition of giving generously ... even when campaigns have unfolded during challenging periods."

The workplace campaign plans to reveal its dollar goal at its launch with the Governor General at Rideau Hall at 11:45 a.m.

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

## **Future of Public Health Care at Stake in Major New Trial**

**Private clinics' constitutional challenge, starting Tuesday, aims to end ban on extra billing.**

**Andrew MacLeod, The Tyee.ca, September 6 2016**

A legal battle that begins in Vancouver Tuesday could open the door for doctors to begin extra-billing patients and threatens public health care, says a health policy researcher following the case.

“A lot of the media has pushed the case as a patients’ rights case,” said Colleen Fuller, a board member of the Independent Patient Voices Network. “There is nothing in the court case about the right of patients to pay.”

Canadians already pay a lot privately, including for prescription drugs, compared with many countries with similar public health care systems, Fuller said. “We pay for a lot of health care already and it’s a burden on most families. It isn’t a ‘right,’ it’s a burden.”

The B.C. Supreme Court case, spearheaded by Cambie Surgeries Corporation owner Brian Day, is about whether doctors should be able to extra bill patients or their private insurance companies for services already paid for through the public system, she said. “They want a multi-payer system.”

The Medicare Protection Act, with a few exceptions, prohibits doctors from charging patients directly for services that are insured through the public system. The law says people should have “reasonable access” to care that is universal and unimpeded by user fees or extra billing.

In 2012, a B.C. Medical Services Commission audit stemming from a 2008 complaint found Cambie Surgeries Corporation and the closely related Specialist Referral Clinic (Vancouver) Inc. were guilty of extra billing on a “recurring basis” and had broken the act.

### **Win would help poor, says Day**

The Cambie clinic offers a variety of surgical procedures, including orthopaedic, eye and dental, with fees ranging up to \$15,000. The audit found almost \$566,000 in allegedly illegal charges, including \$500,000 in extra-billing.

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

Day, who told The Tyee that the audit numbers were “fabricated,” responded to the commission’s steps to stop extra billing at his clinic by launching the constitutional challenge. Besides the clinics, the eight plaintiffs include six patients. Two have died since the lawsuit was filed, Day said.

“The medicare system in Canada is not fulfilling its promise,” Day said. “And I believe our constitutional challenge will allow it to fulfill its promise of access for everyone.”

About 80,000 British Columbians are waiting for surgery and two million Canadians are on wait lists for a wide variety of health care services, he said. “It’s reached critical proportions that have worsened in the almost eight years it’s taken to get to trial.”

Day denied the case is really about doctors being able to charge more for services than the public system pays. “It’s a fight for poor Canadians,” he said. “They’re the ones who are suffering under the health system.”

European countries with hybrid private-public health care systems have seen their wait lists disappear, he said. That helps the poorest people, who tend to have the hardest time getting access to the health system, he said.

Day also said that with 13 provinces and territories each running their own health care systems, Canada spends a lot more on bureaucracy than many other countries. Introducing private competition to end their “monopoly” would force them to become more efficient, he said.

### **Higher costs, poorer outcomes**

But Fuller, in a report on the case published by the Canadian Centre for Policy Alternatives in 2015, found two-tier health care does not improve access. In *Cambie Corp. Goes to Court: The Legal Assault on Universal Health Care*, she found that wait times were no shorter in countries where the health care system has a parallel private tier.

“In fact, private payment options increase wait times for those who rely on the public system and increase costs overall while providing poorer patient outcomes,” according to the CCPA’s summary of the report.

Fuller said she’s apprehensive about the outcome of the court case, given the Supreme Court of Canada’s decision in the 2005 Chaoulli case that overturned Quebec’s ban on selling private insurance to cover medically necessary care.

“I think Canadians should be really concerned,” she said.



Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

The defendants in the case are three parts of the B.C. government: the Medical Services Commission, the Health Ministry and the Attorney General.

“The priority of the Medical Services Commission, and the Ministry of Health, is to uphold the Medicare Protection Act and the benefits it safeguards for patients in this province,” a spokesperson for the ministry said in an emailed statement. “We expect and require these clinics to come into full compliance with the law, and we remain fully committed to seeing out this case to its resolution.”

The federal government has been granted intervener status in the case and is expected to argue strongly against two-tier health care.

#### **‘Attack’ on public health care: critic**

Wait lists for health care are too long, but the Cambie case won’t help, said Adam Lynes-Ford, a campaigner with the BC Health Coalition, which advocates for public health care and also has intervener status in the case.

“If Brian Day wins, the evidence shows many Canadians won’t be able to afford health care and many of us would end up waiting longer for the care that we need,” Lynes-Ford said.

The majority of Canadians believe access to health care should be based on need, not ability to pay, he said. “This case attacks that premise and those values,” he said. “It has such profound stakes for so many people in this country.”

Gayle Duteil, president of the British Columbia Nurses’ Union, said there is already a shortage of operating room nurses in British Columbia and expanding the number of private clinics would draw more nurses from the public system.

The case is a “direct attack on public health care,” Duteil said, and threatens the universal system is the safest, most efficient and most cost-effective.

If Day wins, she said, wait times will increase.

Participants say they expect it will take Justice John Steeves six to eight months to hear the case.

Whoever wins, the decision likely be appealed to the B.C. Court of Appeal and the Supreme Court of Canada.

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

## **Jody Wilson-Raybould lays out vision for UN Indigenous rights declaration**

**Wilson-Raybould spoke to annual gathering of B.C. cabinet ministers and First Nations leaders  
Laura Kane, CBC News, September 7 2016**

Canada must adopt the United Nations Declaration on the Rights of Indigenous Peoples in a way that translates into real change for its Aboriginal citizens, federal Justice Minister Jody Wilson-Raybould said today.

She faced criticism earlier this summer after telling an Assembly of First Nations meeting that her government would not directly adopt the declaration into law, but rather implement it through consultation.

On Wednesday, Wilson-Raybould told an annual gathering of British Columbia cabinet ministers and First Nations leaders that it's important to appreciate why Canada cannot simply incorporate the declaration "word for word" into law.

"The hard and sometimes painful truth is that many of our current realities do not align with the standards of the United Nations declaration, and as such they must be systemically and coherently dismantled," she said.

The declaration spells out rights that constitute the minimum standards for "the survival, dignity and well-being of the Indigenous peoples of the world." One central article recognizes the right to self-determination and notes Indigenous peoples have the right to lands, territories and natural resources that they traditionally owned or occupied.

## **Indian Act inconsistent with UN declaration**

Canada officially removed its objector status to the declaration in May, almost a decade after it was adopted by the United Nations.

Wilson-Raybould said she was inspired by a conversation with a Maori leader during a recent trip to New Zealand. The woman told her that adopting the UN declaration was meaningless, if it didn't result in real change.

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

"She basically told our delegation that in her opinion, rights are essentially nothing if you do not have the will or the power to act on them — to get, as she said, out of bed in the morning," the justice minister said.

Wilson-Raybould, a former B.C. Assembly of First Nations regional chief, said the Indian Act is inconsistent with the UN declaration, but questions need to be considered before the federal law is overhauled, such as how bands want to move toward new models of self-government.

The implementation of the declaration has to take into account specific constitutional and legal contexts in Canada as well as the wishes of Aboriginal groups, she said. The federal government must also determine which laws need to be amended and how, she added.

## **Grand chief blasts province**

Earlier Wednesday, the annual gathering got off to a rocky start when the leader of the Union of B.C. Indian Chiefs berated the provincial government for its decisions on the environment and resource development.

Grand Chief Stewart Phillip delivered a speech immediately after Aboriginal Relations Minister John Rustad at the opening of the meeting of dozens of Aboriginal leaders and government officials in Vancouver.

Rustad touted the B.C. Liberal government's work on First Nations issues, including its promise to establish bus service along the so-called Highway of Tears and a recently announced economic agreement with the B.C. Assembly of First Nations.

But Phillip, referring to Rustad's speech, told the crowd that if it takes that many words to describe how well a relationship is working, then the relationship isn't working at all.

He criticized Premier Christy Clark's government for its decision to build the Site C dam in northern B.C. over the opposition of local First Nations and said the last time Aboriginal people had a responsive government was when Gordon Campbell was premier.

Rustad was not immediately available to respond to Phillip's comments.

Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période du 7 au 12 septembre 2016

## **Transgender rights supported by most Canadians, poll finds**

**84% support legislation protecting gender identity from discrimination in Canadian Human Rights Act**

**Justin McElroy, CBC News, September 7 2016**

With the federal government hoping to pass legislation [guaranteeing legal and human rights protection to transgender people](#), a new opinion poll appears to show the public firmly on their side.

Eighty-four per cent of people surveyed by the Angus Reid Institute said they would support adding gender identity as a prohibited ground for discrimination under the Canadian Human Rights Act — one of several questions in a poll on transgender issues where a firm majority said Canadians should "accept, accommodate, and move on."

The poll "paints a picture of an accommodating, tolerant society — one that views increasing acceptance of transgender people as a sign of social progress," said the institute in a statement.

At the same time, 70 per cent of survey takers agreed with the statement "Society is too fixated on issues related to transgender people."

However, 70 per cent of Canadians also said that society adopting a more fluid concept of gender would be a good thing, and 59 per cent of people said that identification cards should either include a third option to indicate gender, or not include gender at all.

When it came to the debate over [washrooms in elementary schools](#), perhaps the mostly visible debate on transgender rights in recent years, Canadians also expressed support.

Asked about a trans girl or trans boy using the washroom that corresponded with their gender identity, approximately 67 per cent said it was acceptable.

The federal government [introduced Bill C-16](#) in May, which would ensure legal and human rights protection to transgender people across Canada, but it has not been passed yet.



Press Clippings for the period of September 7<sup>th</sup> to 12<sup>th</sup> 2016 / Revue de presse pour la période  
du 7 au 12 septembre 2016

The online survey, conducted by the Angus Reid Institute from July 26 to August 2, was  
completed by a randomized sample of 1,416 Canadian adults.