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Everything is Political with Evan Soloman – Marco Mendicino Interview

Liberal MP-elect Marco Mendicino, who took out former finance minister Joe Oliver, talks about justice issues, C-51 and who might make it in to Trudeau's cabinet

<https://soundcloud.com/everythingispolitical/eip-10-21-15-marco-mendicino-interview>

Marco Mendicino on Liberal government's priorities

MP-elect Marco Mendicino discusses the new Liberal government's priorities

<http://www.cbc.ca/player/News/Politics/Power+%26+Politics/ID/2677542966/>

Marco Mendicino wins in Eglinton- Lawrence, knocks off Joe Oliver

**Mendicino was elected for the Liberals in Eglinton-Lawrence.
Wendy Gillis, Toronto Star, October 19 2015**

In a significant and rare upset, a Toronto lawyer with no political experience upset a sitting finance minister in the federal election Monday night.

Liberal candidate Marco Mendicino knocked off Conservative candidate Joe Oliver amidst a tidal wave of Liberal red across the country.

Mendicino's campaign party burst into raucous cheers first as Justin Trudeau's Liberal party ticked into majority territory, then again moments later as early polls showed Mendicino with a small but promising lead.

As more results poured in from across the North Toronto riding, Mendicino's lead continued to grow, and grow.

In his defeat, Oliver becomes only the third federal finance minister to ever lose during a re-election bid.

Some speculated the area's demographics could play an important role: The riding has large Italian and Jewish populations. Oliver is Jewish and Mendicino is Italian.



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Mendicino first made waves in July, when he defeated former [Conservative MP Eve Adams](#) for the Liberal nomination.

The former federal prosecutor turned private-practice lawyer knew he had his work cut out for him: while he has no political experience, he was hoping to unseat a federal finance minister. As Rocco Piccininno, president of the Liberal riding association in Eglinton-Lawrence, told the Star early in the election, it was going to be a “tremendously, tremendously” difficult fight.

Oliver, a 75-year-old investment banker, took the riding from Liberal veteran Joe Volpe during the Liberal collapse in 2011. He began serving as Stephen Harper’s finance minister in March 2014.

Oliver was criticized for [being absent and inaccessible to media during the election](#), particularly as questions about the economy loomed large. In August, he pulled out of a speech at an exclusive downtown Toronto men’s club after a Liberal candidate called him out for speaking at a “men’s only” event. The president of the venue later said the room where Oliver was set to speak is open to women.

Early in the election, [a poll of Eglinton-Lawrence](#) residents, conducted prior to the NDP naming its candidate, showed 41 per cent of residents planned to vote for Oliver, followed by 34 per cent for Mendicino. The poll found that 46 per cent of Oliver’s supporters were 45 to 54 years old, and 63 per cent had a household annual income of \$60,000 to \$80,000.

But by late September, it seemed Oliver had slipped, trailing Mendicino. A Forum poll showed Mendicino earning 44 per cent of Eglinton-Lawrence’s support, and Oliver with 38 per cent.

In August, the New Democratic Party candidate was named: well-known prairie politician Andrew Thomson.

Running in a riding never been held by the party, Thomson touted his political experience: He was Saskatchewan’s former NDP finance minister and served as a member of the province’s legislative assembly for 12 years. After leaving Saskatchewan in 2007, he moved to Toronto to work for IT company Cisco Systems, developing its business overseas.

In Ottawa-Vanier, Liberals party as Mauril Bélanger is re-elected

Elizabeth Payne, Ottawa Citizen, October 22 1015

By the time Liberal incumbent Mauril Bélanger took the microphone to give his eighth victory speech as MP for Ottawa-Vanier Monday night, a Liberal majority had already been declared. The crowd was ecstatic.

“I want to thank Stephen Harper for allowing us to beat him,” Bélanger said to wild cheers from.



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Buoyed by a red wave sweeping Canada, there was a festive atmosphere at Bélanger's victory party held at Vanier's Knights of Columbus hall.

The room erupted when the long-time Liberal incumbent was declared winner in the heavily francophone riding.

"What a great result tonight. Thank you for the impressive vote of confidence you have given me today and the support and encouragement you have shown me," said Bélanger.

Among supporters on hand was Ontario Attorney-General Madeleine Meilleur, who represents the same riding provincially. She called the election results a referendum on Stephen Harper's politics of division. Harper, she said had "damaged Canada's brand."

Ottawa-Vanier has long been one of the safest Liberal ridings in the Ottawa area, sending a Liberal to Parliament in every election since the riding was formed in 1935.

Bélanger, a one-time associate defence minister, who was first elected in 1995, was heavily favoured to win the riding, especially given the Liberal sweep.

"I think it's amazing" Bélanger supporter Wendy Camp said of the results showing the Liberal party would form a majority government led by Justin Trudeau. Camp is the widow of former Conservative strategist Dalton Camp. She began supporting Belanger, she said, after becoming disaffected with the Conservatives.

Bélanger faced a tough challenger in Emilie Taman, a federal prosecutor forced to give up her job to run as an NDP candidate in the riding. The daughter of former Supreme Court of Canada justice Louise Arbour, Taman gathered support from former Liberals and Conservatives, many of whom said they believed it was time for a change in the riding. Her own experience in the public service resonated with many in the riding, she said.

On Monday night, Taman said she had no regrets. "There's no crying in politics, there's no crying in baseball."

"I had a great time. I really did. I'm overwhelmed by emotion just from the quality of the people around me."

And the woman who was forced to give up her job to seek a job as an MP, said she would run again, but isn't sure what comes next.

"I learned so much. I've never been involved in a campaign before and I was lucky enough to get, in particular, an amazing group of women around me, my campaign manager was a woman, my office manager was a woman."



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Taman said she felt the riding was still in play right until the end, but then the Liberal wave began sweeping the country.

“When I saw what happened on the East Coast, I mean, Megan Leslie is a classmate of mine from law school. When I saw her lost her seat, I thought, ‘Uh, that’s not good for me.’ I also have a cousin running in Quebec, I didn’t see if she lost her seat, but I have a feeling she might have. So in that respect, it’s really devastating, we lost some amazing MPs.”

In the end, she said, the Liberals “played their own type of politics of fear and sort of bullied people into supporting them and that’s a sign that something is not right with our electoral system.”

The NDP had targeted Ottawa-Vanier as a riding it could win. Taman and supporters dared to dream that she could overthrow the Liberal dynasty, and that the mood for change across the country would translate into change in Ottawa-Vanier as well.

It was a formidable goal. The Liberal party’s local machinery and fundraising abilities in the riding are legendary. Ottawa-Vanier is one of the 20 richest federal riding associations in the country — the only Liberal one on the list. Bélanger not only pioneered a monthly fundraiser from local party members to help keep the coffers full between elections, but made sure the riding association had enough money in the bank to pay for more than one campaign. And his riding’s proximity to Parliament Hill means he is a familiar face with community associations and groups in the riding.

But opponents from both Conservative David Piccini’s and Taman’s team said they believed the Liberals were feeling the heat in Ottawa-Vanier and there was a mood for change. Ultimately, their candidates ran neck-and-neck against each other, well behind Belanger.

“This an experience I’m not closing the book on,” said Piccini. “This is just the first chapter.”

“If you listen to the media alone you’d be led to believe this was a two-horse race between a star, cabinet-material NDP candidate and a long-time Liberal incumbent.” Piccini said the results in Ottawa-Vanier showed that analysis was wrong and a “grass roots movement is what’s needed.”

Taman’s campaign officials say they had numerous former Liberals volunteer for their campaign. She also received support from some non-traditional sources. Former Progressive Conservative cabinet minister David Kilgour and his wife Laura hosted a fundraising event for Taman attended by former ambassador Paul Heinbecker, among others.

Conservative candidate Piccini, former executive assistant to Conservative Trade Minister Ed Fast and coach of the men varsity soccer team at the University of Ottawa, said he has also sensed a mood for change in the riding.



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Also running in the riding which includes some of Ottawa's wealthiest as well as its poorest neighbourhoods, were candidates for the Green, Libertarian and Marxist-Leninist parties. Green candidate Nira Dookeran, an English-as-a-second-language teacher, said she was pleased by the support for the party's policies. Libertarian candidate Coreen Corcoran is a technical writer who has lived in the U.S. and the UK. Christian Legeais ran for the Marxist-Leninist party.

PS unions want to return to table with a new Liberal mandate

Kathryn May, Ottawa Citizen, October 20, 2015

Federal unions are charging ahead to press the new government for a mandate to negotiate sick-leave benefits for Canada's public servants.

The Liberals appealed to public servants during the election with a package of promises that would repair a deteriorating relationship with government and bring back the collective bargaining rights.

Looming over contract negotiations is the \$900 million the Conservatives booked as savings by abolishing millions of days in unused, banked sick leave.

"Out of the gate, the priority has to be the government's mandate at the bargaining table which was focused on sick leave," said Debi Daviau, president of the Professional Institute of the Public Service of Canada. "We will be seeking information early on about free and fair negotiations and what they plan to do with the cloud of C-59 hanging over our heads."

The unions went to court during the election to stop the Conservatives from using the legislation it passed in C-59, which gave Treasury Board President Tony Clement the power to unilaterally change existing contracts and impose whatever sick leave he wanted.

The Liberals are unlikely to use that legislation based on its promise to bring back labour rights to public servants and table a new mandate to negotiate a new sick-leave deal.

But some say the Liberals are limited in what they can do at the table because of the \$900 million in savings.

"A problem is that any incoming government is going to realize that some of what the Tories were doing made sense and can't just be undone," said one official. "They may want to go back to the old days, but it's not the old days anymore."

Any new mandate, however, will have to wait until after a cabinet is formed Nov. 4.



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Ron Cochrane, co-chair of the joint union and management National Joint Council, said unions interpreted the Liberals' promise to mean that it wouldn't impose Clement's new short-term disability plan. Instead, it will keep the existing sick-leave regime or will fix the problems identified during a disability management review several years ago.

On top of sick leave, the various unions have their own concerns that they hope the Liberals will fix.

Chris Aylward, vice-president of the Public Service Alliance of Canada, said one of its top priorities is re-opening the nine veterans' offices the Conservatives closed across the country.

He said PSAC will also be pressing to repeal legislation that changed labour rules for federal employees, took away pay equity rights, and weakened health and safety protection. It also wants to repeal labour legislation that made it harder to organize workers and forced unions to disclose its financial transactions.

"We call on the new government to act on these promises without delay," said PSAC President Robyn Benson.

Emmanuelle Tremblay, president of the Canadian Association of Professional Employees, said the union wants to bring back "a professional public service able to fuel public policy discussions through independent scientific analysis – a public service that serves the needs of Canadians rather than politicians."

On Tuesday, Prime Minister-designate Justin Trudeau said he would stick to his promises, including his commitment to "work with and respect" the public service and run a government that will look "at evidence and listen to scientists."

L'AFPC prête à discuter avec le gouvernement Trudeau

Paul Gaboury, Le Droit, le 21 octobre 2015

Les dirigeants de l'Alliance de la fonction publique du Canada (AFPC) n'ont pas perdu de temps. Ils ont déjà entamé le processus pour discuter des négociations avec le nouveau gouvernement libéral de Justin Trudeau.

L'élection d'un nouveau gouvernement libéral majoritaire pourrait chambarder l'agenda des négociations, déjà entamées depuis plusieurs mois entre le gouvernement et 17 syndicats pour le renouvellement d'un total de 27 conventions collectives.

Depuis le début des rencontres, le gouvernement conservateur avait fait de la question des congés de maladie l'enjeu principal. Il avait aussi confirmé, avec les mesures budgétaires prévues dans la loi C-59, son intention de modifier unilatéralement le régime actuel pour



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imposer un nouveau régime d'assurance-invalidité. En même temps, le gouvernement Harper avait indiqué qu'il allait abolir les banques de congé de maladie accumulées des employés fédéraux.

Depuis le début des négociations, les syndicats s'y sont farouchement opposés, réclamant plutôt des améliorations au régime actuel.

La position des libéraux

Au cours de la dernière campagne électorale, le chef libéral et premier ministre désigné, Justin Trudeau, a affirmé dans une entrevue exclusive au Droit que la décision du gouvernement Harper d'imposer un nouveau régime de congés de maladie à ses employés «n'est pas justifiée» et qu'elle a été prise uniquement «pour des raisons politiques», plutôt que d'être basée «sur des faits».

Lors d'un point de presse pendant la campagne, les candidats libéraux de la région ont déclaré qu'un gouvernement libéral donnera un nouveau mandat aux négociateurs.

«Nous voulons revenir au premier principe, celui de la négociation», avait expliqué le candidat libéral dans Gatineau, Steven MacKinnon.

Toutefois, les libéraux n'avaient pas voulu dévoiler s'ils allaient proposer de maintenir le régime de congés de maladie actuel, le bonifier comme le souhaitent les syndicats, ou négocier dans le but d'en implanter un nouveau.

«Le gouvernement conservateur a enlevé l'option de maintenir le régime actuel. Ce que nous voulons faire, c'est de remettre cela sur la table de négociation et négocier de bonne foi avec les syndicats, ce que les conservateurs n'ont pas fait depuis neuf ans», avait souligné le libéral Greg Fergus, élu lundi dans Hull-Aylmer.

Les libéraux s'étaient engagés à accélérer le processus pour mettre en oeuvre dans la fonction publique fédérale la Norme nationale sur la santé mentale et la sécurité psychologique en milieu de travail. Dans ce dossier, une entente de principe entre le gouvernement conservateur et l'AFPC a été conclue pour la mise sur pied d'un groupe de travail pour étudier la possibilité de la mettre en oeuvre.

Major hiring needed to change public service culture, expert says

'Key gaps in major program areas' left by hiring freeze, Carleton University professor argues

CBC News, October 21 2015



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The public service needs to start hiring to create a new culture that moves away from the "antagonism and cynicism" fostered by the Conservative government, a public policy expert told CBC Radio's *Ottawa Morning*.

Robert Shepherd, a professor of public policy at Carleton University, said there is a lot riding on prime minister-designate Justin Trudeau's message of hope and promises made by the incoming Liberal government.

Shepherd said he believes a new culture is imminent and needed, but will take time.

"Public servants have been in a desert for 10 years. There's been very little public policy happening in Canada. What's the last major discussion this country has had in the last 10 years? I can't remember," he told *Ottawa Morning* host Robyn Bresnahan on Wednesday.

"Public servants are wanting to engage. They want to get into these questions but they've had their heads down."

Public service change likened to U.S. under Obama

Shepherd said senior managers in government departments have been "disenfranchised" as they answered to Conservative directives, which disconnected them from many public servants.

There was little defence for the public service when it came to controversial government decisions, Shepherd added. That also led to a smaller public service, which now needs to hire to rebuild.

"I don't think it has much choice. The public service has been frozen on hiring for some time. That's left some key gaps in major program areas ... not enough resources to carry out the job or there's not enough talent to carry out the job," Shepherd said.

He also expects major changes in public service leadership over the coming months after several reviews are conducted. Shepherd compared the current attitude to how the U.S. public service felt when Barack Obama became president.

"It reminded me of the U.S. moving from George Bush to President Obama. Under the Conservatives down there, the public service had the same sorts of complaints: very antagonistic relationship, very negative, a lot of top-down control," Shepherd said.



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After a decade-long Conservative reign, what's on Trudeau's justice agenda?

Sean Fine, *Globe and Mail*, October 20 1015

Following the decade-long reign of a prime minister determined to erase the Liberal Party's imprint on the justice system, Justin Trudeau inherits a tough-on-crime approach and judicial appointment processes vastly different than the ones left behind by his party forebears. Here are 11 pressing items on the next prime minister's justice agenda.

1. Legalization of marijuana: A big job. Also the one most closely associated with the prime minister-designate. Decriminalizing would be a simpler, halfway step – say, by authorizing police to fine those caught smoking a joint. Mr. Trudeau's approach raises questions about taxation, health and the role of the medical profession, use by teenagers, impaired driving, consumption rates and the involvement of organized crime. His platform promises a federal-provincial task force, assisted by police, health and addictions experts, to design a sales and distribution system with "appropriate federal and provincial excise taxes." It also promises an increase in penalties for illegal trafficking (as opposed to the soon-to-be legal kind), selling to minors and driving under the influence.

2. Bill C-51: The Liberals voted for the Conservatives' popular anti-terror bill drafted this year in the wake of two terror attacks in Canada, including one on Parliament itself, but the party platform said they will "repeal the more problematic elements," including the clause purporting to allow judges to authorize civilian spies to violate Charter rights. They also promised to create an all-party oversight committee for national security matters. On a signature file of the Conservatives, will there be anything left once the Liberals start tweaking and repealing?

3. Right to die: Fraught. Last February, the Supreme Court affirmed a right to an assisted suicide for individuals with a "grievous and irremediable medical condition causing enduring suffering," whether physical or psychological. The court suspended its unanimous ruling for one year to give governments time to draw up rules if they wished. So the Trudeau government has four options: set up a consultation process, perhaps similar to the one for marijuana legalization, to create rules around who qualifies and how; leave the Conservatives' consultative panel in place, though two of the three panelists opposed the right to an assisted death; scrap that panel and do nothing; or plead for an extension from the Supreme Court. Not a partisan issue, but a governance issue on which a new group can make its mark, for better or worse.

4. Supreme Court appointment process: Parliament's involvement is dead; Stephen Harper killed it. Now what? In 2004, the Liberals created a parliamentary hearing, with the Justice Minister publicly explaining the government's choice of a new Supreme Court judge. In 2005, the Liberals created a selection committee to take a medium-sized list of five to eight candidates down to a short list of three for the Prime Minister to choose from; the committee featured parliamentarians, legal experts and laypeople. Mr. Harper went further than the Liberals: He put his Supreme Court appointee in the hot seat in a parliamentary hearing, in a major contribution



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to transparency. He also kicked the legal community and laypeople off the selection committee, putting his party's representatives in the majority in the last Parliament. But then he killed his own reforms after The Globe revealed the machinations behind the failed 2013 appointment of Supreme Court justice Marc Nadon. Parliament is no longer involved in the selection at the front end or the hearing at the back end. Will Mr. Trudeau tolerate such secrecy in the Charter age – the age his father did so much to create?

5. Judicial appointment process (lower courts): The Conservatives made major changes to the 17 committees across Canada that screen candidates for federally appointed courts, such as superior and appeal courts in the provinces. They gave the government's appointees a voting majority. (The country's chief justices protested, but to no avail.) They put a police representative on the committees. They took away the committees' power to say which candidates they "highly recommend." The result: The government could put its imprint deeply on the bench in an opaque system. Will the Liberals look for new, more democratic models, perhaps by adding laypeople to the committees?

6. Solitary confinement: The high-profile suicides of Ashley Smith and Eddie Snowshoe in federal prison during the Conservative years in power drew attention to Canada's use of extended segregation. Ms. Smith spent nearly a year in solitary, Mr. Snowshoe 162 days. And the numbers in solitary have been on the rise under the Conservatives. Former Supreme Court justice Louise Arbour says it should be scrapped as a "barbaric cultural practice" – a reference to a Conservative law proscribing honour killings and forced marriages. The Conservatives defended the use of solitary by saying they are rebalancing the justice system, to make it fairer to victims. Will the Liberals take another look?

7. Undoing the tough-on-crime agenda:

i. Dealing with court challenges (criminal): Challenges are before the courts on mandatory minimum sentences for growing six or more marijuana plants; on a victim surcharge that all convicted criminals must pay, including impecunious ones; on the stripping of citizenship from convicted terrorists who are dual citizens; and on the doubling of the waiting period to receive a pardon for certain crimes. (To name a few.) The Liberals will need to decide whether to continue the fight for these Conservative-era laws or drop the laws.

ii. Reducing the number of prisoners: The number of federal prisoners rose to an all-time high under the Conservatives, even as the crime rate fell. And the costs rose sharply, too, even as many federal departments had their budgets cut. What will the Liberals do about it? Will they restore the conditional sentences – usually known as house arrest – created in 1996 by Liberal justice minister Allan Rock?

iii. Addressing the rising proportion of aboriginal prisoners: The tough-on-crime agenda has fallen most harshly on aboriginals, who now make up 23.2 per cent of the 15,000-plus federal prisoners, though they are just 4 per cent of the population. Despite a Liberal sentencing law that requires special treatment in sentencing for aboriginals, their numbers have soared under the Conservatives. Will a Liberal government give this area extra attention?



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iv. Abolishing mandatory sentences: A key battleground between Parliament and the judges. The Conservatives tied judges' hands by creating a whopping 60 minimums for drugs, guns, sex offences and other crimes. The Liberals say they don't believe in mandatory minimums for most crimes. But by excising them, they run the risk of being seen as soft on crime, perhaps even tolerant of child sexual abuse.

v. Changing the ground rules for murder, sentencing and non-violent crime: The Conservatives got rid of the faint-hope clause that gave convicted murderers a chance at parole after 15 years. They also allowed parole-eligibility periods to be added together, so that multiple killers may face 50, 75 or more years in prison. Their Truth in Sentencing Act, though watered down by the Supreme Court from the stated objective of one day credit for each day in pretrial custody, did reduce the near-automatic credit for each day served to 1.5 days, down from two. And the Conservatives abolished near-automatic early parole for first-time non-violent federal offenders. Would the Liberals see a political gain in messing with any of that?

And what measures would they create on the other side to show that they are not wimps on crime? The platform offered minor ideas, such as increasing the maximum sentence for repeat wife abusers.

8. Reviving a law reform body: In the Conservatives' first year in power, they abolished the Law Commission of Canada, an independent body set up in 1971 (when it was known as the Law Reform Commission) to give independent advice on law to the Canadian government. Will the Liberals give it life again?

9. Funding Charter challenges: Also in their first year, the Conservatives killed government funding for the Court Challenges Program, which the Liberals set up in 1994 to subsidize language and equality court cases under the Charter of Rights and Freedoms. The Charter is now three decades old, but the successful challenges keep coming – or at least, they did during the Harper years. Will the funding return?

10. Barbaric cultural practices hotline: Will the Liberals, who accused Mr. Harper of dividing the country during the election, change the name of this law? Scrap the snitch line? Abolish the law altogether, in recognition that the elements in it (such as forced marriage and honour killings) are already illegal?

11. Dealing with court challenges (non-criminal): In the niqab case, which became a hot-button election issue, a Muslim woman challenged the government's 2011 ban on the wearing of a face veil during the citizenship oath. Lower courts rejected the ban, and the Conservative government asked the Supreme Court to hear its appeal of those rejections. Separately, the Federal Court in Ottawa called the Conservatives' health-care cuts to refugees "cruel and unusual treatment" under the 1982 Charter – the only time a non-criminal law has been described this way. And a civil-servants' union is challenging Bill C-59, which gives the government the power to remove sick leave and impose disability plans outside of collective agreements. The Liberals could stop the challenges by throwing out these laws.



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Les syndicats réclament du changement «sans tarder»

Paul Gaboury, Le Droit, October 20 2015

Après avoir mené une bataille sans merci pour déloger les conservateurs, les syndicats du secteur public fédéral ont salué la défaite du gouvernement conservateur de Stephen Harper et exigé des libéraux qu'ils remplissent «sans tarder» les promesses faites pendant la campagne, «pour redresser les torts causés par les conservateurs et améliorer les relations de travail au sein de la fonction publique fédérale.»

Les syndicats demandent au nouveau gouvernement libéral d'abroger les dispositions des lois qui ont modifié la législation du travail, imposé des réductions salariales, retiré le droit à l'équité salariale, affaibli les protections en matière de santé et sécurité au travail et permis au gouvernement de retirer unilatéralement les dispositions sur les congés de maladie dans les conventions collectives.

«Nous enjoignons aux libéraux d'oser une nouvelle façon de faire de la politique et de concert avec les députés démocrates et tous les autres élus progressistes, de travailler pour remettre le Canada sur les rails» a fait savoir Robyn Benson, présidente de l'Alliance de la fonction publique du Canada (AFPC).

«Nos membres ont traversé une période très difficile avec un gouvernement hyperpartisan, dont les stratégies et les politiques étaient fortement empreintes de mépris pour la fonction publique, a renchéri la présidente de l'Institut professionnel de la fonction publique du Canada, Debi Daviault. Nos membres sont impatients de voir leur nouveau premier ministre respecter sans tarder les principales promesses qu'il a faites pendant sa campagne».

La présidente de l'Association canadienne des employés professionnels, Emmanuelle Tremblay, rappelle que les libéraux se sont engagés à redonner leur indépendance aux fonctionnaires, à traiter les syndicats qui les représentent avec respect et à abroger les lois adoptées par les conservateurs «qui ont perverti la libre négociation collective».

«Il nous reste maintenant à nous assurer que le gouvernement libéral va entreprendre le travail de réparation», a-t-elle déclaré, rappelant notamment aux libéraux leurs promesses de «négocier de bonne foi» avec les syndicats de la fonction publique et de permettre à la fonction publique «de rendre des services efficaces en toute indépendance et de manière professionnelle».

Public servants happy, but still cautious

Julienne Bay, Ottawa Sun, October 20 2015

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Ottawa's public servants went to work yesterday with an extra spring in their step.

Fearing more cuts if the Stephen Harper Conservatives were re-elected, government workers are happy to "have a government that could look at us as allies instead of enemies," said B, who, despite the change in government, wished to remain anonymous.

B, who has worked in the federal government for 17 years, said morale has been at the workplace in the last few years, mainly caused by lack of freedom, "micromanagement," and the widely publicized issue of "muzzling" scientists.

"We're looking for little more freedom ... more happy workers produce better work, right?" B said.

However, there may be some residual paranoia as about 20 government workers declined to share their views on the election results -- even under anonymity -- when asked on the streets of Ottawa Tuesday afternoon.

B called this the "chill effect" -- the fear of "saying something wrong" or not being able to talk to the media directly as public servants under the Tory government.

While it may take a while for attitudes to change, people are more optimistic about how the Liberals will mend the relationship between the unions and government, B said.

Chris Aylward, national executive vice president of the Public Service Alliance of Canada (PSAC), said this year's election result was largely due to votes from the public servants.

"Our message was to get out and vote ... and think about the cuts," Aylward said. "Our members ... knew what they had to do."

He added the public servants are counting on prime minister-designate Justin Trudeau to keep his promises of supporting public service.

"I know that our members are very proud for work they do ... You'll see their morale increase," Aylward said.

Trudeau's to-do list? Huge, democratic reform at all levels

Adam Dodek, Special to the Globe and Mail, October 20 2015

Adam Dodek is a founding member of the University of Ottawa's Public Law Group and the author of [The Canadian Constitution](#) (Dundurn 2013).

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Every new government preaches change and reform. However, most new governments soon find the levers of power so attractive that they conclude that such changes are no longer necessary. The Harper government demonstrated this in spades. The challenge for the new Trudeau government is to avoid falling into this same pattern. Can Justin Trudeau's new government meet the challenge of the need as well as the public appetite for reforms to our democratic institutions?

Mr. Trudeau's democratic to-do list is a long one. Over the past decade, many of our key democratic institutions have been attacked, ignored or willfully neglected by the Harper government. To be clear, in many cases – like the concentration of power in the PMO – Mr. Harper did not create the problem, but continued and exacerbated it.

On the PMO, Mr. Trudeau must avoid the temptations of his predecessors to overly concentrate power in his small coterie of advisers and micro-manage all government files and messaging the way that Mr. Harper did. Like Blue Jays manager John Gibbons, Justin Trudeau has been handed a strong team of MPs by Canadians from which to fill out his cabinet line-up card. Mr. Trudeau must choose his cabinet carefully and wisely but then let them do their job. He must also rely on the advice and expertise of the federal public service.

Sadly, the phrase “public service renewal” has become so cliché over the past two decades as to have become nearly devoid of any content. The federal public service is in need of far more than renewal. It needs resuscitation, reinvigoration and a metaphorical group hug. Many public servants have felt under attack and operated in a culture of fear over the past decade. The new Trudeau government must show them that their advice will be valued, even if not always followed.

However, the public service is also in need of an intervention. For far too long before the Harper government took office, the federal public service has been championing secrecy over disclosure, bureaucratic resistance over cooperation and risk management over public engagement. True renewal will require new and strong leadership, a long-overdue updating of access to information laws and moving to a culture of proactive disclosure. The results of the election show that Canadians were strongly dissatisfied with the government of Stephen Harper. It is probably not a stretch to say that the results can also be interpreted as an indictment of Ottawa and the federal government generally.

Mr. Trudeau succeeded electorally because he was able to connect to Canadians, often through the media. That openness to the media is critical for a well-functioning democracy; the Prime Minister and members of his cabinet should not get to pick and choose when and who to speak to in the media. The Prime Minister and the members of his cabinet hold office as a public trust to Canadians and have a duty to engage with the media on a daily basis.

In the House of Commons, Mr. Trudeau has his work cut out for him. His father famously said that MPs were “nobodies”; Mr. Trudeau will have a large caucus and will face a strong opposition. He must allow them to be “somebodies” and treat dissent as welcome, not as an act of political treachery.



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On the Senate, Mr. Trudeau must follow through on his promise to change the way that appointments are made. He must also seize the opportunity to change how the Senate does business. During the transition, he should call in the Senate leaders from both the Liberal and the Conservative parties and issue them a basic ultimatum: either they get their own house in order or he will get the House of Commons to get it in order for them: by passing strict legislation on Senate oversight, transparency and disclosure.

This is only the beginning of a democratic reformation. But it is a necessary beginning.

Will Justin Trudeau keep fighting Stephen Harper's court battles?

Conservative 'tough-on-crime' agenda and immigration changes drew flurry of charter challenges

Jason Proctor, CBC News, October 25 2015

Bahareh Esfand couldn't vote for Justin Trudeau, but she sees the prime minister-designate's victory reflected in her own Federal Court battle

For the past year, the Coquitlam, B.C., woman has locked horns with a Conservative government bent on winning the right to remove her permanent resident status.

It's a [complicated story](#): Esfand came to Canada from Iran in 2006 with her political refugee husband, but the minister of citizenship and immigration wants to strip her of refugee status for returning to see her ailing mother.

Regardless, the battle is almost pointless, because even if the government won, it's unlikely they could deport a hard-working, non-criminal mother of a Canadian-born child and wife of a newly minted Canadian citizen.

As if to put a fine point on all of that, Federal Court Judge George Locke sided with Esfand this week in a scathing decision that suggests the outgoing government was "more concerned with removing refugee status than granting it."

'They've got a lot of decisions to make'

Esfand claims Stephen Harper's government threw her life off balance in a bid to score an ideological point.

In that, she wouldn't be alone. Canada's courts are packed with claimants alleging their rights were violated by an agenda that purported to be tough on bogus refugees and tough on crime.



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But her case also raises a question. What next? Even before Locke handed down his decision on Esfand, Ottawa announced plans to appeal if they lost.

But will Trudeau want to continue fighting Harper's battles?

"They've got a lot of decisions to make," said Josh Paterson, executive director of the B.C. Civil Liberties Association.

"They're going to have to take a good, hard look at the whole suite of laws that have been passed by the current government and the legal challenges that are out there and figure out what to do."

Broadly speaking, the cases in front of appeal or Federal Court judges involve either broad Charter of Rights challenges to legislation or specific cases where the application of policy allegedly undermines the intent of a law.

Issues range from [mandatory minimum](#) sentences, [victim surcharges](#), the [Fair Elections Act](#), [refugee health care](#) and [Bill C-51](#) to the controversial [niqab issue](#) — just for a start.

'Is this where we want to put our resources?'

Esfand's lawyer, Douglas Cannon, says her situation is typical of the cases that have bogged down his immigration law practice.

She was identified as part of a Conservative policy to "cessate" refugee status for asylum seekers who no longer needed Canada's protection. Not a bad idea for scammers, but devastating when zealously applied to permanent residents caught unawares after years of building lives and families in a country they considered a new home.

In one case, a judge accused the government of "lying in the weeds" to pursue blameless refugees. Locke called Esfand's treatment "nonsensical" and "absurd." But Ottawa just kept appealing.

"A new government is going to have to step back and say: 'Is this where we want to put our resources?' " Cannon says.

"What's really offensive about it is how much money it costs to do this."

Vancouver lawyer David Fai has fought challenges to Harper laws before a variety of judges.

He just won a [ruling in Vancouver provincial court](#) calling mandatory victim surcharges cruel and unusual punishment. The Crown has filed notice to appeal.

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And in January, the Supreme Court of Canada is set to hear Fai's appeal on behalf of [Joseph Ryan Lloyd](#), an addict who claims mandatory minimum sentences for drug offences violate the Charter of Rights.

Trudeau has said he would rethink mandatory minimums except in extreme cases.

'A waste of public money'

Fai feels it would be "a waste of public money" to go ahead with appeals involving legislation the new government plans to repeal.

Like Cannon, he says the outgoing government seemed content to fight losing battles and then blame the judiciary for thwarting public will.

"These decisions by the previous government were not being made based on evidence," he says. "They were being made based on ideology or politics."

That was the [allegation made by Edgar Schmidt](#), former general counsel for the legislative branch at the Department of Justice, who was suspended without pay in 2012 after becoming a whistleblower.

He claimed the federal justice minister was failing in his duty to tell Parliament when a proposed law is "consistent" with the charter. In fact, he claimed the government was approving legislation with "five per cent or less" chance of being upheld by the courts.

Paterson is hoping that might change under the new government, along with the reintroduction of a body like the Law Reform Commission, to independently assess legislation. The old one was scrapped by the Conservatives in 2006.

But he points out that the pre-Trudeau Liberals have also fought their share of losing court battles.

"I'm not sure everything will automatically change," he says. "There's no particular party that has had a monopoly on passing bad, unconstitutional legislation."

For now, Esfand hopes she has seen the inside of a Canadian courtroom for the last time. Stephen Harper has yet to remove her from Canada, but she feels she did her piece to get him out of office.

"I told people what happened to me because of the Conservative government," she says. "So I kept asking people: 'Go and vote.' "