Phénix: l'objectif du 31 octobre ne sera pas atteint

Paul Gaboury, Le Droit, le 19 octobre 2016

Même si les équipes travaillent sans relâche, l'objectif du 31 octobre que s'était fixé le gouvernement fédéral pour résoudre les cas problèmes de paye de 82 000 fonctionnaires fédéraux liés au système Phénix ne sera pas atteint, selon toute vraisemblance.

« Si on se fie au rythme où vont les choses, il pourrait en rester encore 15 000, peut-être 10 000 cas à régler à cette date. Nous allons quand même tout faire pour y arriver », a indiqué la sous-ministre des Services publics et de l'Approvisionnement, Marie Lemay, lors de sa dernière mise à jour dans le dossier Phénix, mercredi.

La sous-ministre a admis que le travail pour régler plusieurs dossiers était plus complexe que prévu, et qu'il faudra sans doute « deux à quatre semaines » de plus pour venir à bout de la tâche.

« Les agents de rémunération travaillent les soirs, les fins de semaines et pendant les congés », a indiqué Mme Lemay. Les 50 millions $ pour corriger les problèmes restent encore dans la mire malgré tout.

Ainsi, plus de 12 824 autres dossiers ont été réglés au cours des deux dernières semaines, ce qui porte leur nombre à 51 000, ou près de 62 % des 82 000 cas qui étaient en arriéré à Miramichi, à la fin juin. Il reste donc près de 31 000 autres cas à régler.

Plusieurs dirigeants syndicaux avaient déjà averti les responsables du ministère que l'objectif était irréaliste. Le printemps dernier, ils avaient aussi demandé au ministère de mettre un frein à la phase II du projet Phénix, en raison des nombreux problèmes identifiés par les employés travaillant au Centre de paye de Miramichi.

« Nous savions que c'était ambitieux, le 31 octobre, comme objectif. Mais vous savez, ce n'est pas noir ou blanc. On a déjà réglé 50 000 dossiers. Ce n'est pas comme si rien n'avait été fait. Les agents de rémunérations continuent à travailler sans relâche. Si ce n'est pas le 31 octobre, on va le reconnaître. On a toujours dit que nous serions transparents », a souligné Mme Lemay.

Dans sa mise à jour, la sous-ministre a indiqué que près de 79 employés n'avaient pas eu de paye cette semaine. Le dossier de plus 894 autres employés ayant quitté pour un congé de maternité ou de paternité ou pour la retraite n'avaient pu être traités à temps. Ils continuent à recevoir leur paye, mais n'ont pas eu les documents appropriés pour corriger le changement.

Par ailleurs, plus 1400 fonctionnaires ont demandé une avance salariale en remplissant un formulaire à cet effet du ministère. Ce chiffre ne comprend toutefois pas les demandes faites directement aux ministères.

Quant au bureau de réclamations du Secrétariat du Conseil du Trésor, il a reçu 92 demandes de plus de 500 $ pour des frais financiers payés par des employés en raison des problèmes de paye. Seulement un petit nombre d'employés ont toutefois reçu un chèque de remboursement, puisqu'ils doivent attendre que leur dossier passe toutes les étapes. Ce chiffre n'inclut pas les demandes de moins de 500 $ faites directement aux ministères.

Public servants' disability claims stuck in Phoenix pay-system backlog

Kathryn May, The Ottawa Citizen, October 23 2016

The federal government’s insurer has set aside more than $45 million to cover sick and injured public servants whose disability claims are trapped in the Miramichi pay centre backlog because of the Phoenix debacle.

Sun Life Financial advised Treasury Board and the health plan’s management board that the “abnormal delays” caused by the Phoenix backlog prompted the insurance company to set aside the additional reserves for claims it knows public servants have filed but can’t be processed until the pay centre sends the information.

Disability experts have estimated about 570 people’s claims are caught in the backlog, but the union representing the compensation advisers at Miramichi believes as many 2,000 claims could be languishing.

Donna Lackie, president of the Government Services Union, said ill and injured employees who have exhausted their sick leave or employment insurance benefits have no income while waiting for their claims to be processed. Unlike other employees who aren’t getting paid because of Phoenix foulups, they can’t seek priority or emergency payments because they are on leave from work.

Lackie said many of these claims involve employees who struggle with recurring and chronic illnesses so they often don't have any sick leave left to carry them while waiting for disability. Their files are complicated and take hours of work often needing manual verification.

Historically, nearly half of all health claims from public servant are for mental health issues, led by depression and anxiety.

"We have been pleading to the department for help for so long to ensure they provide the disability management support necessary to get these files processed," said Lackie. "These people are in limbo and out of sight because they are not in the workplace"

Public Services and Procurement Canada said the delays are "completely unacceptable" and a "dedicated team" of compensation advisers was being set up at Miramichi to deal with the disability cases on a "priority basis."

In an email, the department said employees waiting for word on their claims should contact the department immediately through the Phoenix feedback form or the call centre so their case can be flagged as a priority.

Sun Life has received fewer claims every month since the first phase of Phoenix was rolled out in February. As of Oct. 1, the number of claims had fallen by nearly 21 per cent compared with the previous year, dipping to 2,219 claims compared with 2,973, a difference of 574 claims.

At first, the disability plan's management board was puzzled by the drop in claims. Some questioned whether it was the "Trudeau effect", that public servants were happier and filing fewer mental health claims than under the previous Conservative government.

But Sun Life solved the mystery when it realized employees were falling through the cracks because the insurance company wasn't getting all the information it needed to confirm and process the claims.

Sun Life needs information from three parties to assess a claim: the employer, the employee and the attending physician. It received "partial information" from employees and physicians but not the information from government, which includes confirmation that applicants work for the government and how much they earn.

Sun Life set aside the $45 million based on its long-time experience as the government's insurer and on the partial information it had already received from the employees and their physicians.

Sun Life has also assured the disability plan's management board that these delayed claims would be given priority for processing when it gets the information.

"This isn't Sun Life's fault. The problem is not with Sun Life Financial but with the problems at the public service pay centre in Miramichi, " said one official who works with disability plan.

It's an industry practice for insurance companies to put aside contingency funds —known as the Incurred But Not Reported Reserve (IBNR) — for claims they expect but might not have been filed yet. The $45 million, taken from the plan's $345 million surplus, was in addition to funds Sun Life had already set side.

Transfers between the disability plan's surplus and the IBNR to cover anticipated claims are routine but this move is an "extraordinary measure" because of the Phoenix foulups, said one disability official.

Sun Life wouldn't comment on the impact of the Phoenix fiasco but in an email said: "As a service provider to the federal government, we are working closely with them and have implemented processes to ensure continuity of services."

Phoenix is also creating havoc for public servants who are returning to work after being on disability.

Disabled employees typically return to their jobs part-time on a graduated work schedule. Under the plan, Sun Life will top up their part-time hours to that of their regular salaries. But Phoenix has problems processing part-time hours, so the information Sun-Life needs to pay the top-up isn't getting sent and the employees aren't getting paid.

The number of disability claims sitting in the queue raises the question of whether a new backlog has been growing at Miramichi since July 1.

PSPC calls all files since July 1 "new cases" and resists calling those sitting in the queue a backlog, even though it is taking much longer to process than expected. Only about 30 per cent of new cases are meeting the departments service standards.

For PSPC, the only "backlog" is the pay problems of the 82,000 public servants as of June 30 that it was racing to eliminate by Oct. 31. The department has admitted it probably won't meet that deadline and that 15,000 cases might remain.

But the unions have argued a new backlog has cropped up since July because Miramichi is only handling the pay transactions of 46 departments. The remaining 55 departments, which don't use Miramichi, have their own compensation advisers and face the same Phoenix glitches.

It's unclear how many cases they have sitting in a queue. Marie Lemay, PSPC's deputy minister, acknowledged these departments also face delays but the volume of work is "manageable."

Public Services bracing for Phoenix pay delay backlog to remain past promised deadline

With just over a week left before the government's self-imposed Oct. 31 deadline to have all pay issues resolved, Deputy Minister Marie Lemay says department is 'a bit behind'
Rachel Aiello, The Hill Times, October 19 2016

With less than two weeks remaining before the promised deadline to have all Phoenix pay system issues resolved, Public Services and Procurement Deputy Minister Marie Lemay says the department is running behind and anticipates that not all of the approximate 31,000 remaining cases will be cleared up in time.

"We are tracking a bit behind our projected schedule. So this is because of the complexity of the files that we are currently handling," Ms. Lemay told reporters this afternoon.

In July, at the height of reports from federal public servants that they were having pay problems as a result of the new government-wide Phoenix payroll system, there were around 82,000 cases filed, which the government vowed to have resolved by Oct. 31.

"We are driving very hard towards our Oct. 31 deadline and we believe that the bulk of our backlog will be eliminated by this date, however it is possible that we will have a limited number of cases that will require additional time," Ms. Lemay said.

Since the last update on Oct. 5, the department has closed 12,824 cases bringing the overall resolved cases to "over 51,000 closed employee cases," or around 62 per cent of the original backlog. This leaves around 31,000 cases left to resolve.

Ms. Lemay said the source of the further delays is that a number of the cases the pay advisors are now working on are outdated, complicated, and are taking longer to resolve than expected.

"There are some things in there that are really old … this is the nature of the HR and pay business," Ms. Lemay said.

Some of the remaining pay cases date back a number of years, and are not a result of the Phoenix roll out, but had been on the books for some time. The department is going to assign the most experienced pay advisors to these cases, and is aiming to have them completely resolved within one or two pay periods after the Oct. 31 deadline.

Public Services says it is continuing to prioritize employees receiving no pay, or who are at risk of not receiving pay, and will continue to address those issues as they arise going forward, but will have the backlog of these issues cleared within one pay period in the case of no pay, or within six weeks for those at risk of receiving no pay.

It's the remaining cases which include overpay, underpay, entitlement, or extra duty pay that still have yet to be worked through.

In addition, the compensation office that has been set up to reimburse employees for damages has yet to start sending out cheques in all departments. As of last Friday, Oct. 14, 92 applications for compensation had been made.

While working to correct these problems, the department has hired additional temporary staff in pop-up pay centres as well as opening a call centre to answer employee questions and flag pay cases. For now, Ms. Lemay says the pay advisors will be kept on until the department is able to meet its service standards 95 per cent of the time, which includes response times for resolving cases—which in some cases, is only being met 30 per cent of the time currently.

The Phoenix system was projected to save the government $67.2-million a year. However, the government is already expecting to pay $50-million to resolve the fallout of the problem-plagued system, and says that total is expected to increase once the cost for compensation is included.

The new automated payroll program replaced a 40-year-old payment system for all Government of Canada employees, and was rolled out in two phases beginning in February and encompassing the total number—an estimated 300,000—of employees as of May.

Ms. Lemay has said the majority of the problems can be attributed to the department underestimating how long it would take to train staff on the new Phoenix computerized pay system. As well, at the time Phoenix went live, there was already a backlog of more than 40,000 files with issues that had to be resolved.

The two biggest federal public service unions, the Public Service Alliance of Canada and the Professional Institute of the Public Service, have said Public Services Minister Judy Foote (Bonavista — Burin — Trinity, Nfld.) has been inaccessible throughout the Phoenix fiasco pay system and that was "disingenuous" when admitting how much she knew about the issues facing the payroll program.

Throughout the controversy, the House Government Operations and Estimates Committee has held emergency meetings on the Phoenix issues, and has heard from senior departmental officials who could not account for what, when, or why the minister was, or wasn't briefed on certain aspects of the pay system roll out.

The system was first set to launch last July ahead of the election call, and then again in October, but both times the department—specifically associate assistant deputy minister of accounting, banking and compensation Rosanna Di Paola, who had been its main point of contact—listened and agreed with PSAC's suggestion to wait. However, attempts to halt it rolling out in February were unsuccessful, as were pleas from both PSAC and PIPSC (whose members at this point started to experience pay issues) in April when the remaining users were migrated over.

Ms. Di Paola has since been shuffled out of her position leading the implementation of Phoenix and is now working as a "special adviser" in the department. She was replaced by Marc Lemieux, who previously worked with Ms. Lemay at the regional agency Canada Economic Development for Quebec Regions before Ms. Lemay joined the Public Services department in April.

"She remains a member of my executive team, this new role will see her focus on important projects," Ms. Lemay told reporters.

Ms. Foote has asked Auditor General Michael Ferguson to investigate the planning and implementation of the Phoenix system, and her department is also planning its own internal evaluation of what went wrong.

Government falling behind in clearing Phoenix payroll backlog by Oct. 31 deadline

51,000 of more than 80,000 pay problem cases have been resolved
Chloe Fedio, CBC News, October 19 2016

The federal government all but confirmed it will not meet its self-imposed Oct. 31 deadline to deal with a backlog of Phoenix payroll issues despite doubling down on the promise just two weeks ago.

Marie Lemay, the deputy minister in charge of the file, said the government is "tracking a bit behind," with 30,000 out of more than 80,000 cases still unresolved with less than two weeks to the deadline.

Lemay said the "bulk" will be cleared in time but that some of the most complex cases — those requiring "time-consuming, manual calculations" — might not.

"We're still driving for the 31st. We're going to give it our best shot," she said during a Wednesday afternoon update on the payroll mess. "We continue to make progress but we still have much work to do."

When the Phoenix payroll system was introduced across the country, employees began reporting problems. The government acknowledged in July that more than 80,000 public servants had reported trouble with their pay, with the majority being underpaid. Others were overpaid or not paid at all.

Some cases "date back several years" and require more research, said Lemay.

"It is important to note that we're focused on speed, as well as care. We must make sure that we're not creating new problems by solving old ones."

The government's deadline is for dealing with the cases filed by federal workers before June — not new cases filed later.

The government has also committed to dealing with new, high priority cases within two weeks of a claims, and new priority cases within six weeks of the claims.

849 new priority cases

When the Phoenix payroll system was introduced across the country, employees began reporting problems. The government acknowledged in July that more than 80,000 public servants had reported trouble with their pay, with the majority being underpaid. Others were overpaid or not paid at all.

Lemay said during the last update on Oct. 5 that the government had resolved 38,228 cases and was "on target" to meet the Oct. 31 deadline. On Wednesday, she said an additional 12,824 cases had been resolved, for a total of more than 51,000 cases closed.

Since the last update on Oct. 5, Lemay said there have been 894 new priority cases. Those cases were prompted by employees going on maternity or parental leave, or employees leaving the public service.

"The majority of these employees are still receiving their salary but have yet to be transitioned to employment insurance or pension," she said, adding that these priority cases would be addressed within six weeks.

There have also been 79 new cases that are not considered high priority — all of which have been resolved or will be resolved by the next pay period, she said.

Wednesday's technical briefing is the first since Rosanna Di Paola, the bureaucrat who oversaw the Phoenix pay system for years, was shuffled into another role at Public Services and Procurement Canada.

Lemay said Di Paolo has "worked diligently to launch Phoenix over the last three years," and remains a member of her executive team.

Justice Committee calls on Wilson-Raybould to clean up 'hodgepodge' Criminal Code

In a letter sent to the Justice Minister, committee members signalled interest in helping her remove outdated, unconstitutional clauses in the law, parallel to a newly underway justice system review.
Rachel Aiello, The Hill Times, October 17 2016

Justice Minister Jody Wilson-Raybould is being called on by members of the House Justice Committee to table legislation that would clean up the "hodgepodge" of outdated and unconstitutional provisions in the Criminal Code of Canada.

The longer such provisions of the Criminal Code remain in place, the more likely it is that judges and prosecutors to make mistakes resulting in mistrials and appeals, the committee is arguing.

In an effort to change this, the House Justice and Human Rights Committee wrote to the Ms. Wilson-Raybould (Vancouver-Granville, B.C.), seeking her commitment to get moving on

a mandated review of the criminal justice system and embark on a housecleaning exercise: repealing all the parts of the Criminal Code that are no longer applicable.

Last Thursday, the minister told *The Hill Times* in an email that the broader criminal justice system review has gotten underway. She said that during the break in House business last week, Ms. Wilson-Raybould consulted stakeholders, met with her provincial counterparts, and held regional roundtables in Moncton, N.B., and Halifax.

"Given that the last broad review of the criminal justice system occurred in the 1980s, an in-depth examination of how the system is currently working will assist in identifying gaps and pressure points to ensure an efficient and effective justice system," Ms. Wilson-Raybould said in the email. She said taking an "in-depth look" at the justice system is a priority for her.

Liberal MP Chris Bittle (St. Catharines, Ont.), a member of the House Justice Committee, told *The Hill Times* he could see this being a two-stage process, where Parliamentarians can "eliminate what needs to be eliminated right away," as the Minister gets to work consulting on the broader review. "It's not the big sexy Criminal Code review. It's technical, it's legal, but I think it's important at the end of the day. … And if we can clean up the Criminal Code a bit before we get into a broader Criminal Code review, then I think that's something we should take advantage of," said Mr. Bittle.

On Sept. 27, during an in-camera meeting on committee business in Centre Block, the legal-minded members of the House Justice and Human Rights Committee got on the topic of the recent Travis Vader murder case, spurring this idea.

The case saw Alberta Justice Denny Thomas convict Travis Vader of second-degree murder in September for the deaths of Marie and Lyle McCann, a senior couple who have been missing since 2010. However, shortly after the ruling was read, and unconventionally televised, legal experts pointed out the high likelihood the conviction would be appealed and possibly deemed a mistrial, based on the fact that Justice Thomas in his ruling relied heavily on Sec. 230 of the Criminal Code, which had been ruled unconstitutional back in 1990. This has been seen in legal circles as a serious error, and explained by the fact that the section remains a part of the Criminal Code, like many other unconstitutional parts.

In the context of this case, and considering that the justice minister has been mandated to conduct a review of the criminal justice system, the committee unanimously agreed—on the suggestion of Liberal MP committee Chair Anthony Housefather (Mount Royal, Que.)—to send the justice minister a letter signed by the chair and co-chairs, Conservative MP Ted Falk (Provencher, Man.) and NDP MP Murray Rankin (Victoria, B.C.), to recommend her department prioritize tabling a bill that would repeal "all provisions of the Criminal Code that have been found to be unconstitutional or inoperative."

The letter also stated the committee would be willing to help with this mammoth task of tidying up the Criminal Code, and requested the minister respond and provide a list of all outdated and unconstitutional provisions that remain in the law.

"Such legislation would avoid mistrials and appeals and reduce undue delays and costs. It would also increase public confidence in the criminal justice system," the letter reads.

In an email to *The Hill Times* Mr. Housefather said the committee felt the upkeep of removing inapplicable sections of the Criminal Code has been "long neglected" and "induces judges and prosecutors to commit legal errors."

Conservative MP Michael Cooper (St. Albert-Edmonton, Alta.), deputy Conservative justice critic and member of the House Justice Committee, told *The Hill Times* the Vader verdict brought the need to update the Criminal Code back into the public eye, and the committee was in agreement that it could play a role in making sure the code is an accurate statement of the law

"In light of the fact that there are a number of sections of the Criminal Code that are outdated, that have been declared unconstitutional in some cases for 20 or 25 years, we thought it's important that the minister make updating the Criminal Code, by removing those unconstitutional provisions, a priority," said Mr. Cooper.

Other outdated parts of the code include Sec. 159 that criminalizes anal intercourse, Sec. 71 that could put you in jail for challenging or accepting an attempt to duel, and Sec. 322 that addresses a variety of thefts, including from an oyster bed.

"It's something I think can pass through quickly and avoid future confusion for our courts," said Mr. Bittle, speaking to the number of provisions that are "laying around that don't need to be there."

The committee has not yet formally heard back from the minister, but in her response to *The Hill Times*, Ms. Wilson-Raybould echoed the committee's sentiment, saying "many recent reforms have often focused on very particular issues and have been implemented through a piecemeal, rather than a comprehensive, long-term strategic approach, and have led to court challenges."

Members concede it will be a daunting and not straightforward task to undertake, given the many years that have gone by without a government or group of Parliamentarians eager to pursue tidying up the Criminal Code.

"The Criminal Code is one of the worst pieces of legislation that is on the books for the federal government, not because of its intention and its purpose, but it's just that things have been put together and in places that may not belong and it becomes sometimes a hodgepodge of issues put together," said Mr. Bittle.

He said it will be a delicate process, considering there are so many judicial decisions that are based on the wording as it exists, and if that gets changed in this process, it could impact how the courts interpret the law.

"It's up there with the Income Tax Act in terms of lack of readability and difficulty, so a broad Criminal Code review is a daunting, difficult undertaking that I know a lot of previous justice ministers have said they want to do, but it's easier said than done," he continued.

The House Justice Committee is one of the busiest committees each Parliament. Its plate is already beginning to fill for the remainder of the session.

Likely next up before the committee will be Bill C-16, the government's trans bill of rights, which is being debated at second reading this week in the House. As well, Mr. Bittle said he's anticipating the committee will be tasked with studying the government's marijuana legalization legislation in the "near future." It's expected the legislation will be introduced in the spring.
"So a Criminal Code review is on our agenda; the difficulty is finding the time for it," he said.

Wilson-Raybould's office releases name of new judge

Justice withheld name of new indigenous judge Friday
Leslie MacKinnon, iPolitics.ca, October 22 2016

The office of Justice Minister Jody Wilson-Raybould has revealed the name of one of two indigenous judges appointed Thursday: Edmonton prosecutor George Fraser.

The office told *iPolitics* Friday it could not reveal which judge was indigenous without his permission. On Saturday, the minister's office released the name and identified him as Métis.

On Thursday, Wilson-Raybould spoke to reporters about the appointments of 24 new federally-named judges. "Well, the judges range from British Columbia to the Atlantic," she said. "There are 24 judges, 14 of which are women. There are two self-identified indigenous judges."

One of those new appointees is Justice D. Timothy Gabriel of Nova Scotia, who is being elevated to the province's Supreme Court. Gabriel was the first Mi'kmaq judge appointed provincially, and remains the only indigenous judge in Atlantic Canada.

The severe shortage of indigenous peoples on the federally-appointed bench has been problematic for Canada.

Andrew Griffith, a multiculturism expert and former director general in the federal Immigration department, wrote on the subject in *Policy Options* in May: "In the North, despite the large Indigenous population, there are no Indigenous judges. Quebec has relatively few visible minority judges and no Indigenous judges. Saskatchewan and Manitoba, despite their large Indigenous populations, have relatively few Indigenous judges."

The search for more indigenous judges has been an urgent one for the Liberal government. Wilson-Raybould herself is First Nations, and her new judicial appointment process, announced yesterday, will screen new candidates for the currently-vacant judicial advisory committees across the country to ensure they "are representatives of the diversity of the country."

Indigenous peoples in many provinces are incarcerated in numbers far beyond their share of the population.

Supreme Court of Canada Chief Justice Beverley McLachlin in recent speeches has emphasized the importance of appointing more indigenous judges — although that did not happen Monday, when Justice Malcom Rowe of Newfoundland and Labrador was named to fill a vacancy on her court.

Plan to address long court delays, judge shortage in Alberta revealed this week

Nancy Hixt, Global News, October 18 2016

Alberta's justice minister promises a plan is in the works to address what some are calling a worsening crisis in the court system.

"We know Albertans are concerned about the court system and we, along with Alberta's Crown Prosecution Service, have been working diligently to address the impacts the Jordan decision will have in Alberta," Kathleen Ganley said Tuesday in a statement to Global News.

"We are also working to address the shortage of federally-appointed justices on the Court of Queen's Bench. This is extremely concerning to our government," she added.

Ganley admits filling the vacancies on the Court of Queen's Bench in Alberta won't happen overnight.

The minister said she will be able to share further details later this week. In the meantime, she said she's "confident from my discussions with the federal justice minister that Ottawa is aware of the severity of this issue and level of concern we have, and understand they will be moving quickly."

The "Jordan decision" is the landmark Supreme Court of Canada ruling that set out a new framework for determining whether a criminal trial has been unreasonably delayed.

According to the decision, an unreasonable delay would be presumed should proceedings – from the date of charge to conclusion of a trial – exceed 18 months in provincial court or 30 months in superior court.

The R. vs. Jordan ruling also notes there can be exceptional circumstances in "particularly complex" cases that would allow for an exception.

Experts point to a lack of judges as the root of the problem.

"In Calgary, long delays have been a problem for some time now," defence lawyer Balfour Der said.

"The problem is largely that there isn't court time available. While there is physical space in the court houses there just aren't enough judges to occupy all of the rooms."

Since the Jordan ruling was made last summer, already one first-degree murder case has been thrown out in Alberta.

Der has three Jordan applications pending; all of them on murder charges.

And he predicts more accused criminals will walk free before this crisis situation is fixed.

"Realistically there can be people charged with murder, people charged with shoplifting and everything in between, that will have their charges stayed. They will walk out of a jail because of delays," Der said.

Der believes any measures put in place to deal with the fallout of the court backlog will be too late for many cases.

"There's got to be a period, I foresee of at least a half-a-year going forward for a year, where there's nothing that's going to be able to do about those cases. There's nothing that can be done to speed those cases up," Der said. "It's a possibility that any accused, regardless of the charge, will have their charges stayed because of delay."

Transgender rights bill passes key Commons vote, heads to committee

The Canadian Press, The Globe and Mail, October 18 2016

A bill meant to enshrine the rights of transgender people by adding gender identity and expression to human rights and hate crime laws is heading to the justice committee.

The House of Commons voted by a margin of 248 to 40 to pass the legislation, known as Bill C-16, at second reading.

Justice Minister Jody Wilson-Raybould and New Democrat MP Nathan Cullen – political rivals who have found common ground on the issue of trans rights – hugged each other on the floor of the House after the vote.

The legislation would, if passed, make it illegal under the Canadian Human Rights Act to deny someone a job – or otherwise discriminate against them in the workplace – on the basis of they gender they identify with or outwardly express.

It would also amend the Criminal Code so that gender identity and expression would be included in hate speech laws.

The bill will ultimately have to get through the Senate, where an earlier private member's bill put forward by NDP MP Randall Garrison was gutted and died when the 2015 election was called.

Public servant with Asperger's wins battle in discrimination complaint

Don Butler, The Ottawa Citizen, October 19 2016

A Federal Court judge has ordered the Canadian Human Rights Commission to restart its investigation into a discrimination complaint from a public servant diagnosed with Asperger's syndrome.

Robert Dupuis, who has worked at Statistics Canada since 1990, filed the complaint with the commission in 2011, alleging that his employer had discriminated against him on the basis of his disability.

The commission spent 15 months investigating the complaint before dismissing it in October 2015.

Its decision noted that Statistics Canada had implemented accommodation measures recommended by Health Canada and had tried to accommodate Dupuis for several years before demoting him.

The commission also found that Statistics Canada had made a reasonable offer of settlement to Dupuis during a failed attempt at conciliation.

Dupuis sought judicial review by the Federal Court of the commission's decision to dismiss his complaint, alleging that it had treated him unfairly in the investigation process.

He also argued that the commission erred in concluding he had been reasonably accommodated by his employer and that it should not have relied on the settlement offer, which he alleged was not reasonable, in its reasons for dismissing his complaint.

Dupuis was diagnosed in 2004 with Asperger's syndrome, a developmental disorder characterized by difficulties in social interaction and non-verbal communication as well as restricted and repetitive patterns of behaviour and interests.

Following his diagnosis, Health Canada recommended three accommodation measures that could improve his job performance.

In a 2005 followup report, Health Canada made four additional suggestions for accommodating him, including getting a consultant to come into the workplace to help him.

While Statistics Canada acted on most of the recommendations, it never hired an expert to assist it in accommodating Dupuis while he was a subject matter/information technology officer, a job classified at the S1-03 level.

Despite the accommodation measures, Dupuis received a succession of unsatisfactory performance reviews and was gradually assigned reduced responsibilities. He was demoted to a clerical position in 2008.

However, he didn't report for work in his new position and instead went on a medically approved stress leave until 2012.

While still on leave, he filed his complaint with the human rights commission, claiming that Statistics Canada had discriminated against him on the basis of his disability and had failed to properly accommodate him.

In her decision, Judge Anne Mactavish, a former chair of the Canadian Human Rights Tribunal, noted the sufficiency of Statistics Canada's efforts to accommodate Dupuis was "front and centre" in his human rights complaint.

However, the human rights commission's investigator never addressed the agency's failure to hire a consultant to assist in accommodating Dupuis in his S1-03 position, she said.

"Rather, the investigator simply concluded that Statistics Canada had done everything that it could to try to accommodate Mr. Dupuis' disability, without success, leaving it with no alternative but to demote him to a clerical position, three levels below his SI-03 position," her decision says.

"The failure of the investigator to engage with this key evidence means that the commission decision lacks the justification, transparency and intelligibility required of a reasonable decision," Mactavish concluded.

Moreover, the commission's assessment of the reasonableness of Statistics Canada's settlement offer to Dupuis was based on the investigator's finding that it had fully implemented the accommodation measures recommended by Health Canada, she continued.

But the fact that the investigator never considered Statistics Canada's failure to hire a consultant "undermines the reasonableness" of the finding that it had fully discharged its duty to accommodate Dupuis, Mactavish said.

That, in turn, calls into question the reasonableness of its assessment of the agency's offer of settlement, she said.

Mactavish ordered the commission to set aside its decision dismissing Dupuis' human rights complaint and sent it back for further investigation.

Ottawa offre de la flexibilité aux juges

Marie Vastel, Le Devoir, le 22 octobre 2016

Le gouvernement libéral veut redonner aux juges du pays la discrétion d'imposer ou non les suramendes compensatoires aux contrevenants qui n'ont pas les sous pour les payer. La pénalité financière avait été rendue obligatoire par les conservateurs, mais avait été dénoncée depuis à plusieurs reprises par des juges du pays.

Ottawa rétablit ainsi les normes en place avant le changement apporté par les conservateurs en 2013. La suramende compensatoire pouvait, à l'époque — et pourra à nouveau —, ne pas être imposée par un juge *« si le contrevenant le convainc que le paiement de la suramende compensatoire lui causerait un préjudice injustifié »*, stipule le projet de loi C-28, déposé vendredi par la ministre de la Justice, Jody Wilson-Raybould.

La ministre aurait-elle pu accorder une pleine et entière discrétion aux magistrats ? *« Dans le passé, des juges dispensaient des individus de la suramende compensatoire, et nous estimons que des contrevenants qui ont la capacité de payer devraient payer »*, a fait valoir la ministre Wilson-Raybould, en notant que ces sommes servent ensuite à financer des programmes provinciaux de services aux victimes.

À la suite du changement conservateur, plusieurs juges avaient refusé d'imposer la suramende compensatoire de 100 $ ou 200 $ à des contrevenants sans le sou ou sans-abri. La suramende peut aussi représenter 30 % d'une amende infligée. Une juge d'Ottawa avait quant à elle imposé une amende de 1 $, pour que le total après suramende n'atteigne que la modique somme de 1,30 $. D'autres l'avaient carrément déclarée inconstitutionnelle, arguant que la juge imposait une peine cruelle et inusitée.

« On revient en fait au régime antérieur, qui était de dire d'examiner tout de même la capacité de payer », résume Julie Desrosiers, professeure de droit à l'Université Laval. Une souplesse importante, explique-t-elle, car autrement, des itinérants écopaient de suramendes compensatoires et, faute de paiement, pouvaient se retrouver en prison. *« Ça coûte cher, pour des* peanuts*. Et ça n'aide personne »*, note Mme Desrosiers.

Le changement libéral a cependant fâché les conservateurs. *« L'annonce d'aujourd'hui nous prouve encore une fois que les libéraux sont plus intéressés à trouver des excuses aux criminels plutôt que de rendre justice aux victimes d'actes criminels »*, a reproché le député Alain Rayes.

Le néodémocrate Murray Rankin est lui aussi déçu, mais parce qu'il aurait préféré que la ministre Wilson-Raybould lève entièrement l'obligation d'imposer ces amendes punitives. *« C'est un bon début* […]. *On aurait pu simplement permettre aux juges de décider sans ce genre de demi-mesure où l'on doit évaluer des mots comme "contrainte excessive" et essayer de voir ce que ça veut dire »*, a déploré le député.

La suramende compensatoire était considérée comme l'une des peines minimales instaurées par le gouvernement conservateur de Stephen Harper, puisque le montant était fixe et inévitable. La ministre Wilson-Raybould a notamment la tâche de revoir *« les réformes de la détermination des peines »*, comme le stipule sa lettre de mandat du premier ministre. Le gouvernement libéral n'a toutefois encore rien annoncé en la matière.

New legislation will empower judges to waive victim surcharge

Gloria Galloway, The Globe and Mail, October 21 2016

The federal government will give judges discretion to tell impoverished criminals they do not have to pay the victim surcharge that is required of people convicted of committing an offence.

Judges currently can raise the surcharge but they may not cancel it in cases where convicts have no means to pay. That has created what one judge called "a tax on broken souls." In some cases, judges have ignored the law by refusing to order the surcharge be paid, or have set it at a nominal rate well below the mandatory threshold established by Parliament.

The victim surcharge has also led to a number of challenges under the Charter of Rights and Freedoms on behalf of offenders who could have an unpaid fee hanging over their heads in perpetuity.

Justice Minister Jody Wilson-Raybould introduced legislation on Friday that will give judges limited discretion to waive the victim surcharge in cases where paying it would pose an economic hardship – or when it is simply impractical because the criminal has no money.

"I believe, and this legislation bolsters the reality, that we need to provide some discretion to judges having regard to the individual circumstances of the offenders that appear in front of them," Ms. Wilson-Raybould told reporters. "Imposing a victim surcharge on somebody that is a marginalized person, that has an absolute inability to pay because of their financial circumstances, whether that be homelessness or not being employed, does not bolster a fair justice system."

The surcharge was made mandatory by the Conservative government in 2013. It amounts to 30 per cent of any fines imposed by the court or, if there is no fine, a penalty of at least $100 for each summary conviction and at least $200 for each indictment. That money is used to pay for services for victims and their families.

The current law does give judges the choice of allowing an offender to work for credits to pay off his or her debt. But not all provinces have that sort of program in place and some say it would be too expensive to establish.

The surcharge forces offenders to take some responsibility for the impact of their crimes on victims, said Ms. Wilson-Raybould. For that reason, it will remain in place in most cases and judges who waive the penalties will be required to explain their decisions.

But the fact there is no means test for the victim surcharge has created situations like that of Shaun Michael, a homeless Inuit man living on $250 a month, who faced $900 in surcharges for resisting a police officer's attempt to apprehend him when he was grossly intoxicated. In that case, Justice David Paciocco of the Ontario Court of Justice in Ottawa ruled the surcharge to be cruel and unusual punishment, and therefore unconstitutional – a ruling that was subsequently overturned by a higher court.

Anthony Moustacalis, the president of the Criminal Lawyer's Association, welcomed the proposed change, saying it would fix what has become a difficult situation.

But Rob Nicholson, the Conservative justice critic who served as justice minister for several years when his party was in power, said he believes a mandatory victim surcharge is a good thing.

"The Conservative party believes that the victims should always be the central focus of the criminal justice system," he said. "I think she [Ms. Wilson-Raybould] should have just left it alone, I think the system has worked well, that's the bottom line.

Supreme Court upholds principle of joint sentencing submissions

Says B.C. judge was wrong to ignore plea bargain
Beatrice Britneff, iPolitics.ca, October 21 2016

In a decision issue Friday morning, the Supreme Court of Canada unanimously overturned a judgment by the British Columbia Court of Appeal which held that a B.C. trial judge was right to ignore a plea bargain in a criminal case.

Speaking for the court, Justice Michael Moldaver upheld the importance of joint sentencing submissions to the criminal justice system. He ruled that judges should abide by what's known as the "public interest" test when determining the appropriateness of a plea bargain — under which trial judges "should not depart from a joint submission unless the proposed sentence would bring the administration of justice into disrepute or is otherwise not in the public interest."

The appeal arose from a criminal trial in the B.C. Supreme Court, in which Matthew John Anthony-Cook was convicted of manslaughter. Anthony-Cook, who has a history of mental health and addiction problems, was asked to leave a Vancouver mental-health drop-in centre after causing a disturbance. Outside, he got into an altercation with one of the centre's male volunteers. Anthony-Cook punched the volunteer twice in the head, causing the man to fall backwards. The volunteer hit his head on the pavement and died of a skull fracture.

Anthony-Cook pled guilty to the manslaughter charge in court. His counsel and the Crown prosecutor agreed on an 18-month jail sentence, which they jointly recommended to the court. However, the sentencing judge made the rare move of rejecting the plea bargain and imposed a harsher sentence of two years plus three years probation on Anthony-Cook. The judge ruled that a lesser sentence would be "unfit" given "the need for denunciation, deterrence, and protection of the public."

Anthony-Cook fought the judge's rejection of counsel's joint submission — not the finding of guilt — in the B.C. Court of Appeal. But that court backed the tougher sentence, saying the judge in question gave "careful consideration" to the "fitness" of the sentence.

The Criminal Code stipulates that "the court is not bound by any agreement made between the accused and the prosecutor" — and so the main issue facing the Supreme Court of Canada justices was determining what standard a sentencing judge should apply in deciding whether to accept or reject a plea bargain in future cases.

The court's judgment argued a "stringent test" around plea bargains is needed because they are "vitally important to the well-being of our criminal justice system, as well as our justice system at large."

"Guilty pleas save the justice system precious time, resources, and expenses, which can be channeled into other matters. This is no small benefit," the court's judgment reads. "To the extent that they avoid trials, joint submissions on sentence permit our justice system to function more efficiently.

"Without them our justice system would be brought to its knees, and eventually collapse under its own weight."

For plea bargains to be possible, Moldaver argued that the parties in a case must have "a high degree of confidence that they will be accepted." He added that both Crown and defence counsel are "entirely capable of arrive at resolutions that are fair and consistent with the public interest."

Five associations applied to intervene in the case, including the British Columbia Civil Liberties Association, the Attorney General of Ontario and the Ontario branch of the Criminal Lawyers' Association.

The BC Civil Liberties Association had argued that a trial judge "should not lightly disregard a joint sentencing submission agreed to by Crow and defence counsel."

"Only when the joint submission would produce a clearly unreasonable or demonstrably unfit sentence should the submission be rejected."

Ottawa nomme 24 nouveaux juges

Du nombre, on compte 14 femmes et deux autochtones

Mélanie Marquis, Le Devoir, le 21 octobre 2016

Critiquée depuis des semaines pour sa lenteur à pourvoir les sièges de juges vacants à travers le pays, la ministre de la Justice du Canada, Jody Wilson-Raybould, a finalement annoncé une vague de nominations jeudi.

Au total, ce sont 24 magistrats — dont 14 femmes et deux autochtones — qui ont été nommés par le gouvernement fédéral. La plupart d'entre eux pourvoient des sièges vides en Alberta et en Ontario, mais aussi en Colombie-Britannique, au Manitoba et en Nouvelle-Écosse.

Du côté du Québec, le juge Patrick Healy, de la Cour du Québec à Montréal, a été nommé juge puîné de la Cour d'appel du Québec. Il remplacera le juge J.A. Léger, dont la démission a pris effet le 11 septembre 2015.

L'arrivée d'un nouveau contingent de juges était attendue avec grande impatience dans plusieurs provinces, où les délais dans le système de justice pénale commençaient à poser de sérieux problèmes.

« La nomination de 24 nouveaux juges répond aux besoins urgents qu'avaient exprimé les juges en chef des provinces et territoires », s'est réjouie Mme Wilson-Raybould.

La ministre a cependant plaidé que « plusieurs facteurs » ralentissaient le système de justice pénale, et qu'elle avait l'intention de s'y attaquer de concert avec ses homologues provinciaux et territoriaux.

Malgré ces 24 nominations, il reste toujours environ 40 postes de juges à pourvoir dans les cours supérieures à travers le pays.

Nouveau processus

Les prochains magistrats seront désignés en vertu du nouveau processus de nomination dévoilé jeudi par la ministre Wilson-Raybould.

Le nouveau processus passe notamment par une refonte des comités consultatifs indépendants à la magistrature.

La taille de ces comités est rétablie à sept membres, les membres de la magistrature y siégeant retrouvent leur droit de vote, et la catégorie des candidats « fortement recommandés » est recréée.

« J'ai espoir qu'au début de l'an prochain, nous pourrons être en mesure de faire une nouvelle ronde de nominations », a offert Mme Wilson-Raybould.

Jody Wilson-Raybould Names 24 New Judges, Unveils Big Changes To Appointment Process

Joanna Smith, Huffington Post, October 20 2016

Justice Minister Jody Wilson-Raybould appointed or promoted 24 judges Thursday as she unveiled sweeping changes to the way jurists in this country are appointed.

"We're confident that it is going to result in (a) diversity of candidates putting their name forward," Wilson-Raybould said of the overhauled appointment process, which had become a source of controversy in recent years.

The Liberal government had been under increasing pressure — including from Supreme Court Chief Justice Beverley McLachlin this summer — to fill empty seats on federal benches, a backlog that had climbed to 61 vacancies.

The situation in Alberta was becoming especially dire. Court of Queen's Bench Chief Justice Neil Wittman repeatedly warned that vacancies were causing trial delays, with wait times for criminal cases of more than a year — more than two years in civil matters.

In Edmonton earlier this month, the case of a man charged with murder in a prison stabbing was tossed out because it took more than five years for the trial to start — a violation of his right to have his case heard within a reasonable time.

The new appointments include five to Alberta's Court of Queen's Bench, which is also losing two of its existing judges to the province's Court of Appeal.

6 appointments in Ontario

Six appointments are in Ontario — including one promotion from Superior Court to the Ontario Court of Appeal — as well as three each in British Columbia, Manitoba and Nova Scotia, one in Quebec and one to the Tax Court of Canada.

The appointments will address "the urgent needs that we've heard from the chief justices in the respective provinces and territories, so that is going to assist with respect to having more resources in terms of judges on the bench," Wilson-Raybould said.

"I had the opportunity to speak with my provincial and territorial counterparts to recognize that there are many factors that lead to delay in the criminal justice system and we are all committed to collaboratively working towards identifying those and addressing them."

14 women, 2 indigenous jurists

The appointments also include 14 women and two who self-identify as indigenous, Wilson-Raybould said, with increased diversity being a goal going forward.

The new Superior Courts appointments process will incorporate some elements of the new way of creating a shortlist of candidates to the Supreme Court of Canada.

That process, which includes requiring candidates to fill out a lengthy questionnaire, culminated earlier this week in Prime Minister Justin Trudeau nominating Justice Malcolm Rowe of St. John's, N.L. — the first Newfoundlander ever named to the high court.

"We learned from the development of that process, recognize that we want to have a bench that reflects the diversity of Canada," she said.

Disbanding judicial advisory committees

The government is also disbanding the current judicial advisory committees that screen potential candidates for federally appointed judicial positions.

They will form new ones with seven members, no longer requiring one of them to be a representative from the law enforcement community and allowing judges on the committees to vote, which reverses changes the Conservatives had brought in.

The committees themselves will also be created with an eye to diversity.

The Liberals' new discussion paper on Bill C-51 reads like a defence of the bill it's supposed to fix

Kyle Curlew, rabble.ca, October 24 2016

The Liberal Government has recently released a document called Our Security, Our Rights: National Security Green Paper. The Green Paper was meant to kick off a series of public consultations by providing a list of helpful speaking points. The document opens with a stated goal to meet the Liberal Party election promises to amend the "problematic elements" of the Anti-Terrorism Act (Bill C-51).

Though after reading through its many sections, it seems apparent to me that the Green Paper was written to defend the act from its many criticisms. A ridiculous reversal in the light of Trudeau's promises.

The Liberal government has made it clear that they will not be using a critical lens to understand the consequences of this bill. The government will instead choose to fumble with security theatre as opposed to taking an informed stance that balances the needs for security with our democratic rights to Charter freedoms.

Even the Privacy Commissioner had something to say about the tone of the Green Paper. Privacy Commissioner Therrien reported, "I'm also troubled by the tone of the government's discussion paper -- it focuses heavily on challenges for law enforcement and national security agencies, which doesn't present the full picture. Canadians should also hear about the impact of certain surveillance measures on democratic rights and privacy. A more balanced and comprehensive national discussion is needed."

If the Green Paper is to be the primary document for government engagement with the public on one of the most controversial bills in Canadian history, then the discussion is already rigged

in favor of a bloated national security apparatus. This process of public consultation is a farce in the face of a government that has been calling for transparency and accountability.

The Green Paper is a delay tactic for the Liberal Government, allowing the "problematic elements" to become more embedded in Canadian intelligence and policing.

This is not to say that I am against the existence of organizations like the Canadian Security Intelligence Service (CSIS) or the Communications Security Establishment (CSE) -- however, echoing the Privacy Commissioner's concerns, there must be mechanisms in place to hold these organizations accountable to the public interest.

We need conversations. Unfortunately, academics who are in a position to oppose such bills are unbelievably silent.

The loudest voices have been Craig Forcese and Kent Roach, Canadian legal scholars who specialize in national security law. In their recent response to the Green Papers they have highlighted some major concerns. Here are some highlights: Expanded powers of CSIS to conduct threat reduction; Reversal of the Courts role in upholding the Canadian Charter of Rights and Freedoms, to sanctioning violations of it; and embedding the ability to target "threats" unrelated to terrorism.

Since the advent of CSIS, they were mandated to only collect intelligence. They were not allowed to engage physically with any targets. The expanded powers provided to them by C-51 allow CSIS to interrupt or disrupt terrorists (or other "problematic" targets). They are also given the ability to obtain warrants in secret that violate the Charter. According to a report from the Security Intelligence Review Committee (SIRC), these powers have been used approximately twenty-four times.

These expanded powers are connected to the controversial role-reversal of the courts. According to Forcese and Roach, the courts are traditionally responsible for upholding the Charter to protect the rights and freedoms of Canadian citizens. However, under Bill C-51, the courts are now able to, in secret, issue warrants to CSIS to sanction violations of the Charter.

According to legal scholar Ryan Alford, this new power allows the government to sanction indefinite arrests without explicit cause. This results in the court being able to sanction violations of non-derogable human rights set down by the International Covenant on Civil and Political Rights (ICCPR). This is an International agreement that the Canadian government agreed to uphold. And the UN has already called out it's concerns about such things.

Finally, Bill C-51 kicks the doors wide open for intelligence and policing agencies to be able to use Anti-Terrorism laws on Canadians who are not terrorists. The reasoning for this is rooted in recent history. After the 9/11 attacks, national security became a major concern. This led to a new category of threat called Multi-Issue Extremism (MIE) that inevitably came to encompass hosts of visible minorities including "Aboriginal extremists" and environmental activists.

Activists are already targets of the national security apparatus. We can deduce from this that C-51 will become a tool to dismantle "illegitimate protest," including groups like Idle No More and Greenpeace who practice strategies of civil disobedience.

The security theatre continues with a constant flow of plot twists. The public consultation process seems to be the first step in positioning the Liberal Government to defend the "problematic elements" of the Anti-Terrorism Act. This is no surprise.

However, this is still a Public Consultation. We have until December 1 to come up with responses -- and I urge you to contribute. Even if the state ignores the public contributions, at least there will be a paper trail of concerned citizens. They can't say they had the support of the people.

This week's C-51 hearings may have been flawed, but we made sure your message was heard loud and clear

Marie Aspiazu, rabble.ca, October 21 2016

It's been a busy week on the privacy front, as we've been working hard to make sure your voices get heard on Bill C-51, the reckless, dangerous, and ineffective spying legislation passed by the previous Conservative government. This week we delivered your voices in both parliamentary and government consultations -- but we had move fast to ensure we could do so.

Here's why: less than two weeks ago, right before the Thanksgiving long weekend, we received a press release from SECU -- Parliament's Standing Committee on Public Safety and National Security -- informing us that they would host a series of public hearings on Bill C-51, starting on October 17 in Vancouver. That's right, the public (including groups like ours) was given little over a week's notice for crucial consultations that will shape Parliament's approach to this highly controversial legislation.

Despite the short notice, the team here swung into action and came up with a plan to get the message out to our supporters right across Canada, to spread the word to encourage as many people as possible to show up.

Come Monday, we gathered our talking points -- based principally on what you, our supporters, have told us are your biggest concerns -- and headed to the hearing in Vancouver where our Executive Director, Laura Tribe, testified on behalf of 300,000 Canadians who have restlessly voiced their opposition to this dangerous deal in the past year. Check out the video right here!

We arrived at the hotel where the hearings were taking place, to find a room with fewer than 100 seats for the public, which, thanks to the short notice and lack of publicity, were not even filled by the time the hearing started. Despite that, testimonies were delivered by a wide array of citizens: from a raging granny, to people worried about the impact of Bill C-51 on our basic freedoms, and not least our good friends at the BCCLA.

Just as the hearing started, our hearts were warmed by the sound of protesters speaking up outside -- their voices were heard loud and clear inside the hearing. And it was great to see a number of these protestors come into the hearing to also deliver their views directly to the MPs present. Once the hearing came to an end some of the members of the Committee came up to us and thanked us for attending. Not surprisingly, they mentioned they had a busy week ahead, as the hearings were crunched back to back, with one each day this week.

The time for each speaker was limited to three minutes, after which they would turn off the microphone and proceed to the next testimony if there weren't any questions. Most of the people who testified seemed prepared, often bringing hand-written notes with them to the mic, and made a concise point within the allowed time, which comes to show that people really do care deeply about Bill C-51 and privacy issues.

In a nutshell: the hearing happened, as promised, and the doors were open to the public. It is also fair to say that the MPs, in general, seemed approachable and open to what people had to say. But attendance was limited, which can be heavily attributed to the fact that there was very little notice given to the public -- in fact, many of the people testifying said they found out about the hearing just that very day. The lack of publicity is just not good enough given the powerful Public Relations tool available to parliamentary committees.

The committee members also made it very clear that they were not the government and that they were there to listen to our concerns more than anything. Which is perhaps why when I stood up to tell the MPs that I hear everyday from people worried about their privacy, and to ask them the straightforward question, "Why hasn't the government repealed Bill C-51?," they answered with a bland and disappointing, "We can't answer that. Thank you."

In other instances, the members of the Committee even tried to justify some of the big problems with Bill C-51 (or with the government's skewed Green Paper), much to the public's disappointment.

On the whole, many of the problematic aspects we observed first-hand in Vancouver on Monday -- such as the lack of publicity leading to not-great attendance -- seem to have been repeated as the committee moved east across the country. Motherboard's Jordan Pearson, for example, was highly critical of the execution of the hearings in Toronto and pointed out a lack of engagement on behalf of the Parliamentary Committee.

That said, as much as these problems are worrying (and worthy of criticism), it's really important that we redouble our efforts to make sure decision-makers hear from Canadians loudly and clearly that Bill C-51 needs to be repealed, and that we need strong privacy rule to keep us safe.

On Wednesday we did just that -- as our Executive Director Laura Tribe took part in a Civic Society Roundtable, organized by Justice Minister Jody Wilson-Raybould and Public Safety Minister Ralph Goodale. Laura set out in no uncertain terms how opposed Canadians are to Bill C-51, and why we need action from the government to address the terrible privacy deficit left by their predecessors.

So, yes, it's been a busy week...but trust us, we're just getting started! Given the problems we've encountered so far, it's now more important than ever that we flood the government's consultation with thousands and thousands of signatures and comments to show them that we will not stop until we win the change Canadians deserve.

So, I invite you to use our powerful SaveOurSecurity tool to tell the government not only what's wrong, but how to make it right this time. We also provide helpful talking points to help you craft your response, along with links to useful resources for those who want to dig deeper.

It is crucial that as many people as possible speak up now -- we can't afford to give the government any excuse to turn a blind eye to the thousands of people telling them to "Repeal C-51, now!" So, if you've yet to do so, take action right now and help spread the word to everyone you know on Facebook and Twitter.