

Press Clippings for the period of November 15th to 21st 2016 / Revue de presse pour la période du 15 au 21 novembre 2016

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It's a 'pivotal moment,' PIPSC says after feds finally ask public servants to help fix Phoenix pay problem

'I think we're at a pivotal moment now where the department has accepted that it isn't going to get to a solution without working with its professional public servants,' says PIPSC president Debi Daviau.

Rachel Aiello, The Hill Times, November 21 2016

Months after the problem-plagued government's rollout of its new Phoenix pay system, the federal government is now welcoming the help of public servants to get things back on track and the unions are calling it a "pivotal moment," after arguing from the outset that federal employees were capable of doing the job themselves.

The Public Services and Procurement Department has brought many departments' compensation advisers to the Phoenix satellite pay offices to work on their departments' backlogged cases over the last few months, while the Professional Institute of the Public Service of Canada (PIPSC) union put a call out to its members last week, which include computer and information specialists, to apply to help fix Phoenix.

"These [compensation advisers] are people that understand collective agreements and understand Phoenix so we are more than happy to have them come and work on their own files in our satellite units," Public Services deputy minister Marie Lemay told reporters during last week's update in Ottawa at the National Press Theatre.

PIPSC president Debi Daviau said that while public servants could have done the entire pay system update themselves, and were "largely bypassed on every aspect of this project until now," Public Services has finally realized the role the government's own internal specialists can play.

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“[Public Services has] been working months upon months trying to affect solutions without engaging their public servants, and I think we’re at a pivotal moment now where the department has accepted that it isn’t going to get to a solution without working with its professional public servants and has thus reached out to us explicitly in establishing ways of working together flexibly and quickly in order to assist them to correct the issues and to get to a steady state,” Ms. Daviau said in an interview.

In partnership with the department, PIPSC is looking to create a core group of computer and information system members with PeopleSoft application development and system administration experience to work with Public Services’ Chief Information Officer Branch to fix, enhance, and maintain the Phoenix pay system software into the future.

“Alas, being unable to affect the solution without us, they have accepted that we were right, that they do need us, and we’re just happy to engage in the solution now,” Ms. Daviau said.

As well, Public Services is running a pilot project aimed at speeding up the transaction process by having its own department’s HR staff fill out more of the information for terminations before it goes to the Miramichi, N.B., pay centre. If it works, it could be spread government-wide, said Ms. Lemay.

“Those are the types of things we’re looking at also to see how we can—what kind of adjustments we can make—and talking with departments, engaging with departments, engaging with our employees and with the unions makes all the difference,” said Ms. Lemay.

Public Service Alliance of Canada national vice-president Chris Aylward said the Public Services is finally listening and its “collaboration on this seems to be moving forward in a very positive way.”

Mr. Aylward said that while the department should have been listening to workers from the beginning, the lines of communication have opened up and the department now seems willing to compromise and work with the unions to make Phoenix work.

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The department is also in the process of training 91 new compensation advisers. These new employees join a number of recent hires as the government has scrambled to get employees paid correctly and on time.

In the lead-up to Phoenix's launch, the government laid off "over half of the compensation advisers," Public Services and Procurement Minister Judy Foote (Bonavista-Burin-Trinity, N.L.) told reporters in the House of Commons foyer on Oct. 31.

As of last week, Public Services said 18,000 employee cases remained in the backlog of pay issues, including many that predate the Phoenix rollout, and an additional two months of work is left to address the cases that have continued to come in above the daily flow of transactions because only 20 to 30 per cent of cases are being processed within the service standard of 20 days. The backlog at its height this summer was about 82,000 cases. Public Services won't say how many federal public servants have reported new issues with their pay since the initial backlog was captured.

Ms. Daviau said at this point she would prefer the effort be spent to resolve the issue rather than putting time into finding out how accurate the total number of pay cases there are.

Public Services said it's going to try to clear as much as it can before the end of the year to minimize the tax risk for public servants. For the cases that aren't likely to be resolved by then, and for any public servants who have had Phoenix issues with their pay, the Canada Revenue Agency has set up a direct call line for Phoenix-related calls. It's also included a new Phoenix payroll-specific tax information on its website.

"We have found a very good compromise going forward to at least minimize, certainly, the impacts on employees and on their taxation of their income," said Mr. Aylward, who said he was personally involved in bringing forward this option for employees.

Unions say strike over contracts 'a long ways away,' but not off the table

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Meanwhile, bargaining continues between the unions and the Treasury Board Secretariat as the two sides attempt to reach agreement on new contracts after many public servants have gone years with expired contracts. Unions say a strike isn't off the table until agreements are reached, but the possibility of one is "a long ways away," as Mr. Aylward put it.

On Nov. 10, PSAC, which represents more than 170,000 government employees, including 90,000 who have been on expired contracts for about two years, announced its request for mediation and a return to the table within two weeks, after a marathon 10 days of contract negotiations with the Treasury Board left "important issues of fairness" unresolved.

The main points of contention through these negotiations have been employee raises and sick leave.

"We've gone as far as we can. This government promised to respect public-service workers and restore the integrity of the public services Canadians rely on. They have not yet delivered on that promise," PSAC national president Robyn Benson said on Nov. 10.

According to a negotiations process explainer on PSAC's website, a strike vote would come if an impasse is declared in bargaining, or if the non-binding proposals for settlement were not agreeable. For the national president to call a strike, the membership vote would have to be favourable to it, and setting up the vote itself could take months.

"We're not even talking strike at this point. We are committed to negotiating a fair deal for our members," said Mr. Aylward.

Talks between PIPSC and the Treasury Board continue as well, and Ms. Daviau says she's hopeful about the progress that is being made, but there's still a ways to go before the end of the year, especially on a wage increases. She said the government is still offering a 0.5 per cent increase, whereas the union would like to see a figure closer to three per cent, which reflects inflation, Ms. Daviau said.

"We are making progress and gaining momentum towards getting these agreements in place before the end of the year. Don't get me wrong; it's not all agreement. There are several sticking points still."

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PIPSC represents more than 57,000 employees, 40,000 of which are working for the government on expired contracts.

“If we fail to make progress by the end of the year, we to will be in a position to declare in impasse by end of December but are still extremely hopeful that will not be required,” she said.

Phénix: les informaticiens appelés à l'aide

Paul Gaboury, Le Droit, le 16 novembre 2016

En plus des 18 000 dossiers de fonctionnaires en arriéré avant juin dernier à régler, le ministère a aussi pris du retard dans le traitement de 200 000 transactions de paye, l'équivalent de deux mois de travail, accumulés dans le système pendant la période de juillet et août dernier.

Ainsi, près de 90% des 82 000 dossiers de fonctionnaires qui étaient en arrière avant juin ont pu être réglés. Mais le ministère a, pour la première fois, révélé que le personnel doit aussi faire face à un flux de transactions qui n'ont pu être traitées depuis juillet.

Environ 80 000 transactions qui découlent de revenus supplémentaires, ou autres, arrivent dans le système tous les mois, et les mesures prises permettent désormais de traiter plus de 100 000 transactions. Il faudra donc plusieurs mois avant de passer à travers le flux de 200 000 transactions qui se sont accumulées depuis juillet.

Actuellement, la norme de service de traitement «dans les 20 jours» n'est atteinte que dans 20 % des transactions. La sous-ministre n'a pas voulu se risquer à dire quand tout sera réglé.

«C'est clair que nous avons encore beaucoup à faire. Il ne faut pas juste attendre l'état de stabilité», a admis mercredi Marie Lemay, sous-ministre des Services publics et de l'Approvisionnement, lors de sa dernière mise à jour sur le système de paye Phénix.

Appel à l'aide

À court d'idées, le gouvernement a lancé un «appel à l'aide» aux 13 000 informaticiens fédéraux de l'Institut professionnel de la fonction publique afin qu'ils contribuent par leur expertise à trouver des solutions pour corriger les lacunes du système Phénix.

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La démarche a été entreprise, jeudi, à la suite d'une entente entre l'Institut professionnel de la fonction publique du Canada et le ministère des Services publics et de l'Approvisionnement, responsable du système de paye Phénix.

Les employés recherchés sont des gestionnaires et des programmeurs du système PeopleSoft (niveaux CS02 et CS03)» peut-on lire dans le message dont nous avons obtenu copie, signé conjointement par Debi Daviau, présidente de l'Institut professionnel de la fonction publique, et la sous-ministre Marie Lemay.

Depuis le début de la saga Phénix, l'Institut professionnel avait reproché au gouvernement de ne pas avoir su impliquer ses propres informaticiens lors de la mise en oeuvre du système Phénix, pour lequel un contrat a été octroyé à IBM.

«Cet avancement répond à notre demande incessante auprès du gouvernement afin qu'il utilise à bon escient l'expertise de ses propres effectifs de TI pour mener à bien le projet. Nous sommes heureux de voir que le gouvernement reconnaisse enfin que son personnel en place est le plus apte à résoudre la crise» a-t-on fait valoir jeudi à l'Institut professionnel.

Pour la sous-ministre Lemay, cet appel aux informaticiens est «très positif», un signal que le gouvernement souhaite faire appel à l'expertise de ses propres employés pour tenter de trouver des solutions aux problèmes Phénix.

Le sous-ministre Lemay a aussi indiqué que 91 nouveaux stagiaires s'étaient inscrits à un programme de formation d'un an comme agent de rémunération. Ces nouveaux agents de rémunération vont être prêts à combler les postes rendus vacants par l'attrition naturelle, a indiqué Mme Lemay.

Un représentant de l'Agence du revenu du Canada a aussi indiqué que diverses mesures sont prises pour venir en aide aux fonctionnaires qui pourraient avoir des problèmes avec leur déclaration de revenus à la suite des problèmes avec Phénix. Ils peuvent trouver diverses informations sur le site de l'ARC, qui a aussi une ligne téléphonique pour répondre aux questions.

Phénix: deux mois pour être payé

La Presse canadienne, Le Devoir, le 17 novembre 2016

Tandis que le gouvernement fédéral tente toujours de corriger les ratés du système de paie Phénix, le traitement régulier des salaires connaît des retards considérables. Depuis la fin du printemps, plus de 80 000 employés de la fonction publique ont reçu des chèques de paie

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incorrects : rémunération trop faible, montant versé en trop ou, dans les cas plus problématiques, pas de salaire du tout.

La sous-ministre des Travaux publics et des Services gouvernementaux, Marie Lemay, a indiqué mercredi que 18 000 de ces cas restaient à régler. Ce total s'élevait cet été jusqu'à 40 000 dossiers par période de rémunération.

Elle explique que l'objectif est que les fonctionnaires fédéraux reçoivent leur dû dans les 20 jours suivant le dépôt de leur réclamation de paie régulière. Or, cette cible ne serait atteinte que dans 20 pour cent des cas. Ainsi, la vaste majorité des employés sont contraints d'attendre jusqu'à deux mois, voire plus, pour toucher leur salaire.

Phoenix pay queue grows by 200,000 transactions, unknown number of public servants affected

Kathryn May, The Ottawa Citizen, November 17 2016

The senior bureaucrat overseeing the effort to fix the federal government's Phoenix pay system says another 200,000 transactions have piled up in the queue since July.

Marie Lemay, Public Services' deputy minister, said these transactions are on top of the thousands of outstanding pay issues, affecting 82,000 public servants, that comprised the government's original, pre-July backlog.

The department has whittled that backlog down to 18,000 people.

What the government did not reveal during a briefing Wednesday is how many public servants are affected by the newly accrued 200,000 transactions that are waiting to be processed.

Lemay said the rollout of the new Phoenix pay system dramatically slowed down pay processing over the summer as employees and compensation advisers became accustomed to the new system, which has been riddled with glitches and problems that are still being ironed out.

"Our earlier slowdown caused the number of transactions in the system to expand so that we now have more than two months of additional work to process. This is over and above the new transactions that are entering the system," Lemay said.

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Lemay wouldn't set a target day for clearing the queue but said she was confident that processing time will speed up and that employees will be paid within the department's "service standards" of 20 days.

"Over the next several months, we will return to normal processing times. At that point, we will be consistently meeting our service standards, and employees will see transactions processed more quickly."

There has been much speculation about size of the queue waiting to be processed by the pay centre in Miramichi, N.B., a pile that unions argue has been growing steadily since July 1. The department has resisted calling those cases a backlog and this is first time it has revealed the size of the queue.

Debi Daviau, president of the Professional Institute of the Public Service of Canada, said counting transactions versus people was "apples and oranges."

"It doesn't provide helpful analysis on the magnitude of the problem and it doesn't matter, because the magnitude is horrendous. Every problem is critical and should be managed ASAP," she said. "I can tell you, it wouldn't surprise me if those 200,000 transactions are 200,000 people affected by Phoenix since July."

The 200,000 transactions in the queue come from 46 departments that rely on Miramichi for pay services. The other 55 departments manage their own compensation with in-house pay advisers and have also faced Phoenix glitches. It remains unclear if they have a queue of cases waiting to be processed, further muddying the full scope of the problems.

With Phoenix, Lemay said the Miramichi pay centre receives about 80,000 new pay requests every month from the 46 departments it serves. Ideally, this workload should be handled cleared within the department's service standard of processing transactions within 20 days.

But Lemay said processing speed "dropped sharply" after the Phoenix rollout in April. In May, only 40,000 transactions were handled. The hiring of more than 200 compensation advisers and employees getting used to the system, boosted processing to about 100,000 transactions a month in September and October.

Now that the department is churning out more files than it brings in, Lemay said the 200,000 files in the queue should start disappearing. She said all these transactions were entered directly into Phoenix so need less manual intervention, which means the queue should disappear faster than the original backlog.



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The department, however, is still slow when it comes to meeting its service standards. She said it has only turned files around within its service standard about 20 to 30 per cent of the time.

Wednesday's was the first briefing since the department confirmed it missed its Oct. 31 deadline to clear the backlog of pay problems for more than 82,000 public servants.

Lemay said the remaining 18,000 cases from that backlog pre-date Phoenix. They are several years old and require many "time-consuming calculations."

She said the department had made these a priority so they can be done by the end of end of year to minimize the tax implications for employees.

The department has steered clear of setting any deadlines for clearing files or fixing Phoenix but a big looming deadline is year end when Phoenix has to churn out T-4 slips for 300,000 employees.

The department said T-4 slips will be issued but all fixes may not have been completed and could requirement adjustments in the next year.

The backlog cases are now handled by a dedicated team in Miramichi and all the other compensation advisers, including those temporarily hired at the various satellite offices, are handling regular pay transactions.

Trudeau government to update federal rules for service in English, French

Official languages commissioner, minority groups have called for an update to Canada's Official Languages Act

Elizabeth Thompson, CBC News, November 16 2016

Prime Minister Justin Trudeau's government took the first step Thursday to modernizing the rules that govern how the government provides services in English and French..

Treasury Board President Scott Brison and Canadian Heritage Minister Mélanie Joly announced consultations on updating the Official Language Regulations, which outline where the government provides services in both official language.

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The consultations and hearings will take place over the coming two years, culminating in revised regulations in the spring of 2019, before the next election. In the meantime, the government will impose a moratorium on any changes to where bilingual services are offered.

"The government is announcing a moratorium that will ensure that 257 service points will continue to offer services in French and English until regulations that are more modern and more representative of the reality of those communities are developed," said Brison.

Brison said the government also wants to look at how changes in technology that have taken place since the regulations were last revised can help it provide bilingual services.

"We have the potential to offer more services in both French and English today, in more places and in more ways than we would have dreamed in 1991."

Under the Official Languages Act, federal government institutions are obliged to provide services to the public in both English and French in the National Capital Region, as well as across the country "where there is significant demand for communications."

If an English community in Quebec, or a French-speaking community elsewhere in Canada, is too small to qualify, federal government institutions — from Service Canada to the local post office — aren't obliged to offer services in the minority language.

- [Air Canada, CBSA top list of bilingualism complaints](#)
- [Elections Canada falls short in bilingual services, audit finds](#)

The government uses census results to determine what constitutes significant demand and the regulations spell out how many people have to list a minority language for an area to qualify for bilingual service.

Minority language groups, however, have at times complained that the regulations are too restrictive and don't always take into account everyone who would like to be served in a minority language.

The 2011 census found there were a million Quebecers whose first official language spoken was English and a million people living outside Quebec whose first official language spoken was French.

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[In his final report](#) as Official Languages Commissioner last May, Graham Fraser listed providing government services in minority official languages as a priority.

He recommended that the Treasury Board do an evaluation of "the effectiveness and efficiency of its policies and directives" for implementing the rules governing communications and services to the public.

"A minority community can be thriving and growing, but if the majority grows faster, services are lost. This is simply unfair," Fraser said at the time. "Bill S-209 provides a way of addressing the injustice, as would a revision of the Official Language Regulations."

Official Languages Act 'outdated'

Bill S-209, tabled by Senator Maria Chaput before she retired, would update that section of the Official Languages Act to determine which areas are entitled to bilingual services according to the number of people who know an official language and a community's vitality — rather than according to mother tongue.

"Official language minority communities have changed a lot over the past 20 years, but the regulation governing provision of services to those communities dates back to 1991," Chaput told the Senate last February.

- [English-only RCMP officers on Parliament Hill spark complaints](#)

"The government's methods for calculating the size of official language communities are outdated, and those communities, and Canada's linguistic duality, suffer as a result," she said, calling the matter "urgent."

"Reducing services because of incorrect and outdated definitions leads to assimilation and flies in the face of the Official Languages Act."

Chaput's bill is currently at the second reading stage in the Senate.

Minority language groups welcomed the government's announcement.

Sylviane Lanthier, president of the Federation Canadienne des communautés francophones et acadienne du Canada, said the rules haven't been reviewed in a generation.

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"Francophone communities have changed and evolved since then and the people in Canada who would like to use French have changed as well."

Jim Shea, president of the Quebec Community Groups Network, said his group supports moves to modernize the Official Languages Act.

"The QCGN welcomes an open process that ensures the regulatory framework supporting the Official Languages Act remains relevant and flexible while preserving continuity of the federal government's duty towards the linguistic rights of Canadians."

Justice delayed: the law of unintended consequences

Benjamin Perrin, The Globe and Mail, November 19 2016

First, commit murder. Then, wait to see if you get charged. Next, if charged, bring pretrial motions (e.g. demand more disclosure). Wait, and then apply for a stay of proceedings due to "unreasonable delay" under the Charter of Rights and Freedoms. Finally, obtain a stay, then walk out the front door of the courthouse.

An outside observer of our criminal justice system could be forgiven for thinking that it is really that easy to get away with murder.

Under the Supreme Court of Canada's new test in *R. v. Jordan*, if the time from charges are laid to the actual or expected end of trial is more than a year and a half in Provincial Court, or more than two and half years in Superior Court (where the most serious charges are heard), then an accused is presumed to have suffered unreasonable delay under Section 11(b) of the Charter.

Unless the Crown can meet the stringent test for "exceptional circumstances" or there are obvious defence delay tactics or waivers of delay, the charges will be stayed. There is no need to show that any prejudice was suffered because of the delay. The seriousness of the charges is irrelevant.

The fallout from this summer's decision in the *Jordan* case is beginning to be felt. This week in Ottawa, first-degree-murder charges against Adam Picard were stayed because of a four-year delay. Mr. Picard says he is innocent and, by law, is presumed to be. Yet we will never know the truth about these allegations. The victim's family is devastated. The case represents a colossal

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failure of our criminal justice system. The judge noted that a stay means there is no determination of guilt or vindication for the accused.

The Picard case is not an isolated incident. Last month in Edmonton, first-degree-murder charges against Lance Matthew Regan were stayed because of unreasonable delay, with the judge citing *R. v. Jordan*. Alberta prosecutors have announced that they are reviewing around 400 criminal charges they have flagged as at risk of a similar fate. Child-sex offences and drug-trafficking charges have also been stayed in Ontario and British Columbia.

There is plenty of blame to go around for this situation. First, the presumptive “ceilings” *R. v. Jordan* set for unreasonable delay are not based on adequate data – the majority relied on data from the Surrey Provincial Court alone, where that case originated. It’s a bit like assuming there is one national standard for housing prices, ignoring that you can buy a half-dozen bungalows in rural Quebec for the price of one teardown house in Vancouver.

The Supreme Court was flying blind when it set the standards in *R. v. Jordan* and had no idea what impact its decision would have. The ruling may have the unintended consequence of police delaying charges until cases are virtually ready for trial so they do not run the risk of their being tossed for delay – a potential risk to public safety.

Parliament should streamline the Criminal Code, focus it on serious offences and abolish unnecessary procedures. This must be a top priority for Jody Wilson-Raybould, the Attorney-General of Canada and Minister of Justice.

The provinces are responsible for administering the criminal justice system, including the courts, prosecutors and police. Resources should be prioritized to deal with serious cases – no murder charge should ever be delayed to the point it gets stayed.

Ontario’s system, like many, is in desperate need of an overhaul. Ontario has the highest number of criminal charges stayed or withdrawn (for various reasons) of anywhere in Canada at 43.1 per cent on average, in comparison with a mere 8.6 per cent in Quebec. Thousands of cases clog up the system in Ontario that never go anywhere, while serious cases languish. Unlike in Quebec, police in Ontario directly lay charges without pre-charge approval by a Crown prosecutor. This needs to change.

Our courts must modernize. In many places, judges waste their time scheduling court appearances. For example, in Newfoundland and Labrador, one study found that up to 72 per cent of a court’s sitting time is spent on scheduling hearings.

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Unlike the medical system, our justice system typically runs without any kind of triage. It's an antiquated first-come, first-served model. If our medical system ran that way, people would die waiting in an emergency room where people with a broken toe who come in first are treated first, while gunshot victims bleed to death waiting patiently in line.

Like the medical system, lives are at stake. Change is desperately needed.

Ottawa judge stays 1st-degree murder charge over trial delay

**Adam Picard was charged in the 2012 death of construction worker Fouad Nayel
CBC News, November 15 2016**

The mother of Fouad Nayel says the justice system has failed her family after an Ottawa judge stayed a first-degree murder charge against the man accused of killing her son because the case took too long to get to trial.

- [Supreme Court sets new deadlines for completing trials](#)

Nicole Nayel had gone to court on Tuesday not knowing what to expect. But she was not expecting the man accused of killing her son to walk free.

"They had so much evidence ... and now it's down the drain," she said.

A day earlier, jury selection was set to begin in the first-degree murder trial of 33-year-old former Canadian soldier Adam Picard. But Ontario Superior Court Justice Julianne Parfett had adjourned the proceedings to consider an earlier request by defence counsel Lawrence Greenspon to stay the trial.

Greenspon had argued that, in light of [the Supreme Court of Canada's new rules](#) for what constituted a reasonable time for an accused to be tried, the four years it took to get Picard's case to trial violated his Charter rights to be tried within a reasonable time.

On Tuesday, Parfett reluctantly agreed and stayed the charges against Picard.

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'I felt so numb'

"I felt so numb," said Nayel. "I didn't understand at first what she was saying, because I didn't expect this. I've been waiting so long [for] justice to get served and I end up shocked, shocked with the result, because I feel the system failed us big time."

Fouad Nayel was 28 years old when he disappeared in June 2012. The construction worker's car was later found in September and his body was discovered in November in a wooded area near Calabogie, Ont., about 100 kilometres west of Ottawa.

Following an autopsy, Ontario Provincial Police and Ottawa police determined foul play was involved in Nayel's death. Police told CBC News at the time they believed he was shot to death and that drugs played a role in the killing.

Picard was arrested and charged in December. He had served in the Canadian military in Afghanistan and was studying to be a chef at Le Cordon Bleu in Ottawa at the time of his arrest. He was also an acquaintance of Nayel.

Accused now free, pending any appeal

With Tuesday's decision, Picard was able to walk out of the courthouse after years in custody, said Greenspon.

He said his client is incredibly relieved to be able to return to his life and has maintained, from the beginning, that he was innocent of the charge.

Greenspon said to his knowledge it's the first time since the Supreme Court's decision this summer that a first-degree murder charge has been stayed in Ontario over unreasonable delays.

"What the Supreme Court of Canada found was that there had developed a culture of complacency within the system and that cases were taking longer and longer to get to trial," he said.

The Nayel family blames the delays on Picard switching lawyers. But Greenspon says the Crown refused to expedite the case by reassigning its prosecutors.

The Crown has 30 days to appeal the decision.

Nayel, meanwhile, said she feels betrayed by the court.

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"[It] feels so unfair for someone to walk away on the street after what he's done to us," she said.

Federal government has 'made good' on promise to unmuzzle scientists

Colette Derworiz, Calgary Herald, November 15 2016

One year after government scientists were effectively unmuzzled, the federal science minister says they've come a long way with the policy but there's still a change in culture taking place in the departments.

The commitment by the Trudeau government last fall included appointing a chief science officer, allowing scientists to speak freely about their work and considering more science in government decisions.

"Our first act as government was to reinstate the long-form census because we need the evidence," Science Minister Kirsty Duncan said in an interview last week after speaking on the issue to the [Canadian Science Policy Conference](#) in Ottawa. "Our second act was to unmuzzle our scientists."

Prior to the Liberals gaining power, [concerns were raised by federal government scientists](#) across every department that they couldn't speak openly about their work.

It included a policy under the Conservative government that they must get pre-approval from their minister's office before speaking to journalists.

The requirement was immediately lifted by the Trudeau government, but there have still been examples in the past year of the cumbersome pre-approval process.

Scientists in some departments, such as Natural Resources Canada and Fisheries and Oceans Canada, have been able to speak immediately when a journalist calls.

In other federal departments, including Parks Canada, they are still being required to go through an approval process that can take days or even weeks.

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One example in February saw a reporter accidentally receive a list of scripted questions and answers for a Banff National Park scientist from a national communications officer before he was allowed to speak on a research paper that he co-authored.

Duncan said they made the official changes to the [government's policy on communications](#) in the spring.

"In May, we made good on our promise and put in place a new policy that allows communicators, including scientists, to speak in an official capacity without [being designated](#) — that's a real change from the previous government," she said. "It means scientists can speak in an official capacity where they have direct responsibility and expertise on science and technical matters related to their work.

"They need to be able to work and share that information with Canadians. We know there is a culture change that needs to be made."

In August, Duncan said she and a colleague wrote a letter to all departments to remind them of that policy.

There are still some signs it has not been fully embraced.

Earlier this month, a veterinarian with the Canadian Food Inspection Agency couldn't do an interview after her talk at a Banff conference because she wasn't approved to speak to the media. A Banff National Park scientist, meanwhile, was able to speak freely.

Katie Gibbs, executive director of [Evidence for Democracy](#), said federal science policy has generally improved in the past year.

"It's been mixed results, with the balance on good," she said. "We've definitely made some progress ... the first thing they did was bring back the long-form census.

"There have been movements on the chief scientist file so that's good to see."

Gibbs said there's some work needed on science integrity policy and science communications.

"We've seen some movement on that, which has been great," she said, "but we're also hearing from government scientists that there is still a lot of confusion."



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A recent informal survey by Evidence for Democracy, which promotes science in decision making, showed about a third of federal government scientists believe there's more work to be done.

Outstanding issues appear to be at a management level, said Gibbs.

Still, Duncan said she's heard from many scientists that it's improving.

"People really feel the change in culture and they are really grateful for the change in policy," she said. "This takes time. It really is a big culture change."

Un pays avec deux langues officielles, pas un pays bilingue

Daniel LeBlanc. Le Droit, le 14 novembre 2016

Nombreux sont les gens à dire que le Canada est un pays avec deux langues officielles, et non pas un pays bilingue. À première vue, on pourrait croire qu'il s'agit de deux faits semblables, mais la nuance est de taille et plusieurs intervenants se sont fait un devoir de le rappeler lundi à Gatineau lors de la dernière table ronde organisée en marge des consultations pancanadiennes sur les langues officielles.

Cinq mois après son lancement par la ministre du Patrimoine canadien, Mélanie Joly, ce vaste processus de consultation d'un océan à l'autre s'est clos dans la région après avoir permis de tâter le pouls des citoyens de 22 villes, dont St-John's, Fredericton, Sudbury, Toronto, Regina et même Whitehorse.

Présent à l'activité, le président d'Impératif Français, Jean-Paul Perreault, n'a pas tardé à citer un exemple frappant qui avait mené l'organisme à porter plainte au Commissariat des langues officielles, et qui, selon lui, prouve que davantage d'importance est accordée à l'anglais au détriment de la langue française.

«Quand les gens arrivaient que ce soit par la route à la frontière ou aux aéroports internationaux de Montréal ou d'Ottawa, il était inscrit aux kiosques que les agents des services frontaliers étaient anglophones ou encore bilingues. Je ne sais pas si vous comprenez la force du message, mais ça veut dire qu'il y a deux langues au pays, l'anglais et le bilingue. L'anglophone a accès à tous les services, le francophone, lui, devra partager les quelques-uns qu'il a avec les anglophones. Ça, c'est l'image projetée par le Canada à l'image internationale», a-t-il lancé.

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Le député d'Edmonton-Centre et secrétaire parlementaire de la ministre Joly, Randy Boissonnault, qui a participé à la majorité des tables rondes, croit que le jeu en a valu la chandelle.

«Ce que je retiens, c'est la fierté et l'identité profonde que les Canadiens ont au sujet du bilinguisme. Beaucoup de groupes ont demandé plus d'appui du gouvernement et il y a aussi un désir pour avoir plus d'immigration francophone dans les provinces à l'extérieur du Québec», a-t-il dit.

Prochaines étapes

Maintenant le processus de consultation est chose du passé, les prochaines étapes à l'agenda sont l'organisation d'un forum avec des *leaders* en décembre et l'élaboration des priorités par le ministère en vue de la création d'un plan d'action 2018-2023.

Le projet de loi sur les transgenres est adopté aux Communes

Melanie Marquis, Le Devoir, le 19 novembre 2016

Le projet de loi du gouvernement contre la discrimination fondée sur l'identité et l'expression de genre a été adopté aux Communes et est maintenant entre les mains des sénateurs.

La mesure législative C-16 a passé l'étape de la troisième lecture aux Communes, vendredi après-midi, à la satisfaction de la ministre de la Justice du Canada, Jody Wilson-Raybould.

« Tous les Canadiens devraient se sentir en sécurité en étant eux-mêmes. Notre force en tant que nation repose sur notre diversité et notre inclusivité », a-t-elle déclaré par voie de communiqué.

« C'est notre responsabilité de reconnaître et de réduire la vulnérabilité des personnes transgenres et de diverses identités de genre à la discrimination, à la propagande haineuse et aux crimes motivés par la haine, et d'affirmer leur égalité dans la société canadienne », a enchaîné Mme Wilson-Raybould.

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Dans les dernières minutes du débat en Chambre, vendredi matin, la députée conservatrice Michelle Rempel avait exhorté ses collègues de l'aile droite sociale à mettre de côté leur dogmatisme et à appuyer le projet de loi.

Son appel, livré dans un discours convaincu, semble avoir été entendu par les élus puisqu'il n'y a pas eu assez de députés conservateurs pour bloquer le cheminement de C-16, ni même le retarder en forçant un vote en troisième lecture.

L'élue albertaine avait plaidé qu'il fallait opter pour « *l'égalité plutôt que le dogme* » et affirmé que son parti devait prouver aux Canadiens qu'il est capable de « *faire preuve de compassion* », réfutant « *l'argument selon lequel ce projet de loi empiéterait sur la liberté religieuse* ».

Et à ceux qui « *portent des jugements de valeurs* » en insinuant que les transgenres « *sont les prédateurs dans les toilettes* », Michelle Rempel avait rappelé que « *les recherches indiquent qu'ils sont, au contraire, vulnérables, dans ces endroits publics* ».

Le spectre de la prédation sexuelle et de la pédophilie dans les toilettes et les vestiaires avait déjà été agité par le sénateur conservateur Donald Plett en 2015, alors qu'un comité de la chambre haute se penchait sur un projet de loi d'initiative parlementaire similaire à C-16.

La mesure législative C-279 parrainée par le néodémocrate Randall Garrison était finalement morte au feuillet — un sort qu'ont subi d'autres projets de loi sur les transgenres au cours des dernières années au Parlement — après avoir été adoptée aux Communes en 2013.

Cette fois-là, en 2013, seule une petite poignée de conservateurs, soit 18 élus sur une possibilité de 164, avait appuyé le projet de loi en troisième lecture. Michelle Rempel faisait partie de la majorité des députés de sa formation qui avait voté contre le projet de loi.

« *J'avais conclu qu'il ne serait rien de plus qu'une action symbolique pour la communauté transgenre* », a-t-elle expliqué, en entrevue à sa sortie des Communes, vendredi.

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« J'avais tort. Au cours des trois dernières années, j'ai vu cette communauté subir de l'intolérance et encore plus de discrimination. [...] C'est pour cela que le Parlement doit selon moi adopter ce projet de loi », a offert l'élue de Calgary.

Il y a trois semaines, en comité parlementaire, son collègue manitobain Ted Falk a soutenu que le gouvernement tentait de régler un problème qui n'existe pas en élaborant une mesure législative essentiellement parce que *« des gens ont été efficaces dans leur militantisme »*.

Il avait reproché à la ministre Wilson-Raybould de n'avoir pu fournir, de mémoire, des données sur la discrimination dont sont victimes les transgenres.

Reste à voir si les sénateurs conservateurs auront raison de C-16 comme ils avaient saboté sa version précédente. Toutefois, les conservateurs ne contrôlent plus la majorité des sièges au Sénat.

Le projet de loi C-16 amenderait le Code criminel pour clarifier *« qu'une infraction motivée par des préjugés ou de la haine fondés sur l'identité ou l'expression de genre constitue une circonstance aggravante que le tribunal doit prendre en compte lorsqu'il détermine la peine à infliger »*.

Liberals move to repeal Criminal Code anal sex provision

Joanna Smith, The Globe and Mail, November 15 2016

The Liberal government is moving to repeal a law that courts and critics have long said unfairly criminalizes the sexual activity of gay and bisexual men.

"Canadians expect their government and their laws to reflect their values," Justice Minister Jody Wilson-Raybould said Tuesday after tabling legislation to repeal a provision of the Criminal Code on anal intercourse.

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“Our society has evolved over the past few decades and our criminal justice system needs to evolve as well.”

The law currently bans the sexual act, but there is an exception for heterosexual married couples and consenting adults of either sex over age 18, as long as it does not involve more than two people and is done without anyone watching.

Courts have found the provision to infringe on equality guarantees under the Charter of Rights and Freedoms, since 16- and 17-year-olds can consent to all other forms of sexual activity.

The proposed legislation known as Bill C-32 would repeal section 159 of the Criminal Code and prevent charges being laid against those 16 and older who engage in consensual anal intercourse.

The legislation came as Prime Minister Justin Trudeau named Liberal MP Randy Boissonnault his special adviser on LGBTQ2 issues.

The MP for Edmonton Centre will work with advocacy groups to promote equality for lesbians, gays, bisexual, transgender, queer, questioning and two-spirited people — a term used broadly to describe indigenous people who identify as part of the community.

Boissonnault, who is openly gay, will also explore the possibility of an apology to LGBTQ2 people whose lives and careers were disrupted by government policies over the decades, or even formal pardons for those convicted under laws now considered discriminatory.

No specific timeline was given.

“I’m heading into this with the express interest of getting this right, but also building for the future,” Boissonnault said at a news conference alongside Wilson-Raybould.

“We are going to need to do a lot of outreach with a lot of members in the community from coast to coast to coast,” said Boissonnault, who will stay on as parliamentary secretary to the minister of Canadian Heritage.

The government says the appointment is part of its broader effort to ensure all Canadians are treated equally and with respect.

“We have made great strides in securing legal rights for the LGBTQ2 community in Canada — from enshrining equality rights in the Charter to the passage of the Civil Marriage Act,” Trudeau said in a statement.

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“But the fight to end discrimination is not over and a lot of hard work still needs to be done.”

Egale Canada Human Rights Trust issued a report in June urging the federal government to repeal section 159 as part of a broader call to end — and apologize for — discrimination sanctioned by the state.

The report said judges in several jurisdictions have ruled the section unconstitutional, but that police officers have continued to charge people under it.

The LGBTQ2 community will use Bill C-32 “as a springboard” to get more of the changes called for in the report, said Egale executive director Helen Kennedy, who attended the Parliament Hill news conference Tuesday.

“I would rather be standing here today than fighting this government down the block in the Supreme Court,” she said.

“I think this is a very healthy situation for our communities to be in today and we’re very grateful.”

Ottawa change les dispositions du Code criminel sur les relations sexuelles anales

Raphaël Bouvier-Auclair, ICI Radio-Canada, le 15 novembre 2016

Avec le changement proposé par les libéraux fédéraux, les jeunes de 16 et 17 qui ne sont pas mariés ne seront plus pénalisés s’ils pratiquent des relations sexuelles anales de manière consensuelle.

La diversité et l’inclusion font partie depuis longtemps des valeurs que les Canadiens ont adoptées. Les Canadiens tiennent à ce que leur gouvernement et leurs lois incarnent ces valeurs.

Judy Wilson-Raybould ministre de la Justice

Il s’agit du dernier d’une liste de changements qui ont été apportés au Code criminel dans ce domaine.

Changements à l’article 159 du Code criminel :

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- 1892 : les relations anales, qualifiées de « sodomie », sont interdites dans le premier Code criminel
- 1969 : les relations anales consensuelles entre époux et personnes âgées d'au moins 21 ans sont décriminalisées
- 1988 : Le mot sodomie est changé pour « relations sexuelles anales ». L'âge de consentement passe de 21 à 18 ans.
- 2016 : Le gouvernement propose de faire passer l'âge de consentement de 18 à 16 ans.

Un nouveau conseiller pour les causes LGBTQ2

En plus de cette modification au Code criminel, le gouvernement a annoncé la nomination d'un conseiller spécial auprès du premier ministre pour les causes LGBTQ2. Le député d'Edmonton-Centre, Randy Boissonault, lui-même homosexuel, a été désigné pour accomplir cette tâche.

Les dossiers qui vont l'occuper au cours des prochains mois sont nombreux.

Le gouvernement a par exemple annoncé plus tôt cette année que les hommes [devront attendre un an au lieu de cinq ans après leur dernier rapport sexuel avant de donner du sang](#). Certains groupes exigent que cette exigence soit abolie.

Puis il y a la question des excuses publiques que réclament de nombreux membres de la communauté LGBTQ2. Dans le passé, certains ont perdu leur emploi, que ce soit dans les Forces canadiennes ou dans la fonction publique, à cause de leur orientation sexuelle.

C'est le cas de Martine Roy, de Fierté au travail Canada, qui a été renvoyée de l'armée dans les années 1980.

Ce n'est pas mes compétences qu'on mettait en cause. C'était mon orientation sexuelle qui n'a rien à voir avec mon travail ou avec mes compétences. Alors, tu fais quoi lorsque tu sors de quelque chose comme ça?

Le nouveau conseiller spécial du premier ministre veut prendre le temps de bien consulter avant de présenter des excuses en bonne et due forme. Le gouvernement promet aussi d'évaluer la possibilité d'offrir des compensations.

Sweating the details at Shared Services: What it will take to reset it

James Bagnall, The Ottawa Citizen, November 19 2016

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Can Shared Services Canada be saved?

The government's five-year-old central computer services agency has been unable to deliver any of its main projects on time — not telecom, email or data centres.

Not only have promised savings failed to materialize, the Liberal government has had to fork over more than \$400 million to keep the old technologies running longer than planned. Further claims on the national treasury may be necessary.

Shared Services has committed to unveiling a revised master plan, with the first part to be delivered by Dec. 1. The agency will explain how it intends to repair broken projects and then transfer more than 14,000 software applications — from budget programs to human resources — to a new electronic backbone. The original deadline for this massive, multi-tiered transformation was 2020. This will almost certainly be extended.

Nevertheless, Michael Wernick, the clerk of the Privy Council Office, has made it clear that Shared Services is here to stay — that the days of individual departments managing their own information technology are over. So, at the very least, the Liberal government intends to try to salvage the troubled agency.

There is no shortage of advice. Shared Services has been consulting widely with Canadians and industry experts. The Auditor General and a House of Commons committee have offered independent assessments. A second Commons committee is preparing one.

Treasury Board — which sets guidelines for the government's use of information technology — recently hired Gartner Group, an international consultant, to recommend how Shared Services should get its projects back on track. Its report is due by March 31.

No doubt, many of these ideas will be sound. That's never been the problem with Shared Services. The notion of consolidating email systems, telecommunications networks and data centres to achieve economies of scale makes perfect sense.

The problem always has been sweating the details — how to install new IT systems while smoothly decommissioning the old stuff.

Hands-on experience and expertise is vital, but so is relative freedom to act in the face of changing circumstances — even if this means making mistakes. And this is where government has a problem.

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It's not just that its top mandarins lack knowledge and interest in IT. It's that the entire procurement system and its political overseers suffocate rather than expedite the rollout of large IT projects.

This is messy stuff — software underpinning data centres and telecommunications networks evolves constantly. Upgrading applications across dozens of federal departments inevitably produces conflicts. Programmers and their managers must be free to resolve them — and to drop approaches that aren't working. The job demands constant testing and feedback at a very micro level.

Shared Services' first chief operating officer, Grant Westcott, had nearly four decades of experience in government and the private sector — where he was instrumental in consolidating IT systems at the Canadian Imperial Bank of Commerce. But at Shared Services, nearly every move he made was constrained.

At CIBC, Westcott would have been given a budget, a mandate and left alone to get on with it. Had his projects been late and run over budget, it's unlikely he would have lasted there nearly a decade. In the event, Westcott and his team streamlined the bank's telecommunications systems and collapsed 22 data centres into just two, trimming CIBC operating costs significantly.

However, the federal government doesn't allow for this sort of flexibility. Procurement documents contain page after page of technical requirements for programmers and IT consultants. The projects are over-engineered, in other words, in a usually forlorn effort to mitigate most conceivable risks.

Budgets and timelines are spelled out in meticulous detail — even though relatively little is known during the earliest stages about how projects will actually progress. And, of course, there is often extensive cabinet oversight of projects that are costly, late or affect government websites. Which is to say, most of them.

According to experts hired to do these projects, what is needed are wins — IT projects that succeed. And the best way to make these happen is to start with small steps — manageable projects or parts of projects that work. The more of these that Shared Services can string together, the more other federal departments will be willing to let it handle.

This would also make things much easier for Shared Services president Ron Parker — instead of continually revising deadlines for his agency's main projects, he would be able to point to services actually being performed. Far more satisfying — assuming his people can get things done.



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Clarification: Shared Services has committed to detailing by Dec. 1 the level of IT service it intends to provide other departments, along with expectations of IT security. The full master plan will be approved by cabinet later. An earlier version of this story suggested the revised plan would be ready Dec. 1.