

Press Clippings for the period of December 15th to the 22nd, 2014
Revue de presse pour la période du 15 au 22 décembre, 2014

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



Senators vote to approve Conservatives' union bill despite error in legislation

BILL CURRY, The Globe and Mail, December 16, 2014

Senators voted 45 to 21 to give final approval to a Conservative bill related to unions even though the legislation contains obvious errors.

Two Conservative Senators - Nancy Ruth and John Wallace - voted against the bill.

The vote to send the bill into law was one of the last orders of business before the Senate rises for the holidays.

Bill C-525 changes federal labour laws in a way that labour groups say will make it easier to decertify a union and harder to form a union. The bill replaces the current petition-style process for forming a union with a new system that would involve a secret ballot and a higher threshold of support.

Supporters of the bill, like the Canadian LabourWatch Association, argued the bill protects workers from intimidation should they choose not to support unionization in their workplace.

“Focusing on the ease or difficulty of unionization misses the point of the legislation,” Conservative Senator Scott Tannas told the Senate Monday evening. “It’s about having a fair process. Specifically, a secret ballot vote will allow employees to voice their true opinion without fear of intimidation from unions or from employers.”

The bill received three consecutive days of hearings last week before the Senate legal and constitutional affairs committee, which discovered mistakes with the bill. Because of

amendments made by a committee in the House of Commons, the Conservative private members bill as currently drafted makes reference to sections of the Public Service Labour Relations Act that would no longer exist.

Senate Liberals and at least one Conservative Senator raised concerns with passing the bill as is, rather than fixing the error with an amendment and sending it back to the House of Commons. However the Conservative majority on the committee argued that an amendment would effectively kill the bill because of the length of time it would take for the House of Commons to deal with an amendment.

As a result, the committee reported the bill back to the Senate with no amendments but issued a note urging the government to bring in a new law that fixes the mistake before Bill C-525 comes into effect.

“Honestly, it’s beyond embarrassing, colleagues,” pleaded Liberal Senator Joan Fraser late Monday evening as Senators debated the bill. The opposition put forward amendments to fix the error but they were defeated. Two Conservative Senators, Diane Bellemare and John Wallace, abstained.

The debate is prompting arguments inside the Senate about whether Senators are performing their most basic duties.

Catherine Ebbs, Chairperson of the Public Service Labour Relations and Employment Board, told Senators the error will mean the board will lose some existing powers to make regulations.

“The impact of this change is not trivial because our current specific regulations will be effectively removed from our toolkit to deal with applications for certification,” she said. “However, I do not believe that it is fatal to the board’s powers to seek information from a council of employee organizations in the context of certification. There are other methods that the board could use.”

The House of Commons is now on recess until Jan. 27.



Tories appoint two conservative law professors as judges

SEAN FINE, The Globe and Mail, December 17, 2014

Justice Minister Peter MacKay has appointed two of the country's most conservative law professors as judges in Ontario, one of whom has publicly criticized the court he is about to join.

The appointments come in a year when Ottawa has faced controversy over judicial appointments, and for suspending parliamentary hearings into new Supreme Court judges.

Grant Huscroft, who teaches constitutional law at Western University in London, Ont., will become the first non-judge named to the province's highest court since the Conservative government came to power in 2006.

He said in a 2012 television interview that judges on the Ontario Court of Appeal – the court he is joining – went too far when they described the Conservative government's mandatory minimum sentence of three years for illegal gun possession as cruel and unusual punishment and struck it down.

In a newspaper comment piece, he also denounced the Supreme Court's rejection last spring of a judge appointed by Prime Minister Stephen Harper, calling the 6-1 ruling in the case of Justice Marc Nadon "as bad a decision as the court has made in recent memory."

Prof. Huscroft, who co-edited a 2004 book on the Constitution with Mr. Harper's first chief of staff, political scientist Ian Brodie, has taken a public position on other hot-button issues, such as assisted suicide, saying there is no need for the Supreme Court to second-guess the judgment of Parliament.

The government also appointed Bradley Miller, another conservative constitutional specialist from Western, to Ontario's Superior Court of Justice, the province's top trial court.

Prof. Miller espouses a form of "originalism" – a view of the Constitution held by conservative judges such as Antonin Scalia and Clarence Thomas in the United States, but almost totally rejected in Canada. (Originalism holds that the Constitution means what its authors wanted it to mean and should not be interpreted based on later social changes, whether in 1982 in Canada or in 1787 in the United States.) Prof. Miller and Prof. Huscroft co-edited a book called *The Challenge of Originalism* in 2011.

Prof. Huscroft did not respond to requests for comment. Prof. Miller referred questions to Regional Senior Judge Thomas Heeney.

Direct appointments of non-judges to the Ontario Court of Appeal were common until 2002, when a Liberal government picked Toronto lawyer Robert Armstrong.

Reaction to the appointment from the legal community was varied. A Toronto criminal lawyer was upset, saying the government has ignored excellent lawyers for years for Ontario appeal court positions. (The lawyer did not wish to be named, expecting some day to appear before the new judges.) A senior judicial source, who also did not wish to be named, was also critical. "If you were trying to identify the leading constitutional

scholars of the far right, you'd probably have Grant Huscroft at the top of the list," the source said, calling him "anti-Charter [of Rights] and basically, anti-equality rights."

Bruce Ryder of Osgoode Hall, a liberal law professor, cheered the announcements. Pointing also to the government's appointment of University of Alberta law professor Wayne Renke to the Alberta Court of Queen's Bench, who unlike the two Western professors fits solidly in the legal community's mainstream, he said: "For a government that is famously anti-intellectual, the appointment of three professors to the bench is a particularly welcome surprise."

Prof. Miller has a doctorate in law from Oxford University, and has practised constitutional and commercial law in Toronto. Prof. Huscroft, who received his law degree from Queen's University in Kingston in 1984, taught law at the University of Auckland, New Zealand, from 1992 to 2001. He has been the chair of Ontario's Health Services Appeal Review Board since 2008. Prof. Huscroft and Prof. Miller together established the Public Law and Legal Philosophy Research Group in 2008, which organizes conferences and publishes papers on the Constitution.

Prof. Huscroft expressed a restrained view of a judge's role in an article he wrote for The Globe and Mail two years ago. "The truth is that judges have no greater insights than the people when it comes to debating the important moral and social issues of the day. The basic tools of legal reasoning are not well suited to the resolution of complex moral and social issues."



Same-sex marriage harms free speech, new Ontario judge wrote in 2012

SEAN FINE, The Globe and Mail, December 18, 2014

A law professor named an Ontario judge this week wrote two years ago for a conservative, U.S.-based institute that the legalization of same-sex marriage in Canada has harmed religious freedom and free speech, and led to the "indoctrination" of children in public schools.

Bradley Miller, a constitutional specialist at Western University in London, Ont., said the "new orthodoxy" about gay marriage in Canada means that those who object to it are treated as bigots and denied their rights as parents, workers, pamphleteers or religious believers. He also said parents who do not want their children hearing discussions on the subject would have to pull them out of public schools.

Prof. Miller will become one of about 550 judges appointed by the Conservative government since it came to power in 2006, out of 840 full-time jurists on federally appointed courts, including superior and appeal courts of provinces. Justice Minister Peter MacKay announced his appointment on Monday, effective Jan. 16, at a time when Ottawa is under fire for cancelling parliamentary involvement in Supreme Court appointments.

Public hearings are not held for new judges on other federally appointed courts. The appointments this week of Prof. Miller and Grant Huscroft, both conservative constitutional specialists from Western University, are raising questions in the legal community over the government's choices.

"The new curricula are permeated by positive references to same-sex marriage, not just in one discipline but in all. Faced with this strategy of diffusion, the only parental defense is to remove one's children from the public school system entirely," Prof. Miller wrote in *Public Discourse*, an online publication of the Witherspoon Institute, a U.S. research centre that says it seeks "to enhance the public understanding of the moral foundations of free societies."

He said that while the goal of promoting tolerance of all people is laudable, "the means chosen to achieve it is a gross violation of the family. It is nothing less than the deliberate indoctrination of children (over the objections of their parents) into a conception of marriage that is fundamentally hostile to what the parents understand to be in their children's best interests."

Prof. Miller did not respond to a request for comment on Tuesday. A spokeswoman for Mr. MacKay's office said the government is "committed to ensuring that the legal excellence and merit Canadians expect continues to be the priority consideration in the selection of judges."

Prof. Miller argued against same-sex marriage on behalf of an interfaith coalition in an Ontario case in 2003, and in the same-sex reference case before the Supreme Court of Canada in 2004. (Mr. MacKay also promoted another lawyer who represented a group opposing gay marriage in that case, Justice David Brown of the Ontario Superior Court of Justice, to the Ontario Court of Appeal this week.)

Legal scholars said in interviews that Prof. Miller's comments do not mean he is unfit for the bench, as long as he is willing to put aside his views and keep an open mind.

"It's perfectly normal for a Conservative government to appoint judges an NDP government wouldn't appoint," said Robert Leckey, a McGill University law professor. Pointing to Ottawa's decision not to have a public hearing for its new appointee to the Supreme Court last month, Montreal lawyer Suzanne Côté, he said that it is a good thing that there is transparency about Prof. Miller's views.

Dennis Baker, a political scientist at the University of Guelph, said the impact of same-sex marriage on religious freedom "is a reasonable subject for a Canadian law professor to address." He called Prof. Miller a "thoughtful, rigorous and serious scholar."

University of Toronto political science professor emeritus Peter Russell, citing a century-old dictum of U.S. Supreme Court justice Benjamin Cardozo, said judges are obliged to put aside their prejudices and interpret the law in a way that works for all of society. But courts need a range of viewpoints, he said.

“The important thing is that there be a balance of outlook [in judicial appointments] that matches reasonably well the balance of argument and outlook in the country.”

Bruce Ryder, a law professor at Osgoode Hall who cheered Mr. MacKay’s appointments of academics, questioned the balance of the Conservative government’s choices.

He called Prof. Miller’s views “troubling, as they express an exaggerated concern about the impact of same-sex marriage on civil liberties while disregarding the importance of protecting the equality rights of gays and lesbians,” and said that his appointment “is a further example of the tendency of the Harper government to appoint judges whose political views align with its own, rather than on the basis of merit and diversity concerns.”



Suzanne Côté waged \$200,000 tax battle over clothes with Quebec tax agency

Madame Justice Suzanne Côté battled five years with Revenu Québec to be able to deduct more than \$200,000 in clothing and “personal care” expenses from her annual earnings.

Allan Woods, Toronto Star Quebec Bureau, December 17, 2014

MONTREAL—The newest member of the Supreme Court of Canada is a corporate law expert, but a lengthy fight to be able to deduct more than \$200,000 in clothing and “personal care” expenses from her annual earnings has given her a unique window into the tax system.

Madame Justice Suzanne Côté battled five years with Revenu Québec, the provincial tax agency, after she claimed annual expenses of \$50,000 to buy work clothes for each of three years from 2004 to 2006. During that same period, the top-flight Montreal lawyer claimed more than \$25,000 in expenses related to personal care, as well as other miscellaneous items.

Court documents show that Côté made claims for tax deductions totalling \$204,685 over those three years and that those claims were rejected by the Quebec tax agency. The

documents were obtained by the Journal de Montréal, which first reported on their existence Wednesday. The newspaper provided those documents to the Star.

The lawyer with 34 years' experience took Revenu Québec to court in 2009 to have its ruling overturned. In a May 2009 court filing, she argued that her job required her to "incur various expenses for the purchase of clothing and uniforms to be used at the office, in court and during professional activities."

She denied that the claims were for personal clothing and argued that they were "reasonable."

"The expenses are related to the running of a business by the claimant and were incurred to earn a salary," she argued in her claim.

Revenu Québec noted in a statement of defence that it began auditing Côté's expense claims in 2007 and that she refused on four separate occasions to provide receipts or other documents that would justify her claims.

The documents that tax auditors were seeking were eventually filed as exhibits in the court case, but were removed from the public court file when the two sides reached an out-of-court settlement on Sept. 13, 2012. That settlement makes it impossible to know what types of clothing items or personal care services Côté claimed as work-related expenses, what final agreement was reached between Côté and the Quebec government, or how much she eventually paid in taxes.

A spokesperson for the Supreme Court of Canada said that Côté had declined an interview request on the matter. But she got the backing of the Prime Minister's Office on Wednesday.

"The matters between Justice Côté and Revenu Québec were resolved years ago," said spokesman Carl Vallée.

Dick Pound, a Montreal tax lawyer who is perhaps better known as the former president of the World Anti-Doping Agency (WADA), said disagreements over allowable tax deductions for work clothing have a long history stretching back to jazz pianist Oscar Peterson, who tried to deduct the cost of his ubiquitous dinner jackets as a work-related expense.

Plainclothes police officers, however, were allowed to deduct the costs of a specially tailored suit jacket to accommodate weapons carried in a shoulder holster, Pound said.

"There's been an expansion of the concept of what you have to do as a lawyer, as an RCMP officer or an entertainer to earn your living," he said. "There's a range of honest disagreement that is entirely normal in tax matters. In my experience, 95 per cent of all disagreements with taxation authorities end up being settled. Sensible people come to sensible conclusions."

Côté was named to the top court last month by the Conservative government after the retirement of Justice Louis LeBel.

Vallée said Côté is one of the most experienced litigators in the country and that her appointment was supported by the Quebec government, members of the province's legal community and the Canadian Bar Association among others.



Cyberbullying, prostitution bills among the few to make it to finish line

Just 8 government-driven bills made it to Royal Assent during a fractured fall sitting

Kady O'Malley, CBC News, December 17, 2014

From the Oct. 22 terror attacks to the harassment allegations that shook Parliament Hill culture to the core, it's fair to say there was considerably more political drama going on outside the House of Commons than on the floor of the chamber this fall.

Over an 11-week sitting, which began Sept. 15 and wrapped up Dec. 12, just 10 government-proposed bills made it to the parliamentary finish line. Five of those were unfinished business from the previous session, which was prorogued by Prime Minister Stephen Harper in 2013.

Among the most contentious proposals to make what was ultimately a triumphant return appearance was C-13, which had been introduced in similar, if not identical form on two previous occasions (2009, 2010), when it was presented as an attempt to reconcile police powers with the latest technological advances.

Revamped and rebranded as a response to cyberbullying — and in particular, to the case of Nova Scotia teenager Rehtaeh Parsons — it included long-promised measures to assist police in dealing with what the bill described as 'online crimes', most notably broader powers to compel internet service providers to turn over subscriber data, including private communications.

Despite the very public misgivings articulated by no less an authority than the federal privacy commissioner, the bill received Royal Assent earlier this month.

Other warmed-over initiatives brought back and pushed through this session:

- **Overhauling Canada's copyright and trademark laws to better combat counterfeit goods (C-8).**

- **Incorporating a laundry list of administrative changes related to airline security (C-3).**
- **Adding new penalties for trafficking in contraband tobacco (C-10).**
- **Implementing the Convention on Cluster Munitions (C-6).**

Major overhaul

Not everything on the House agenda was a re-run, of course.

With one eye fixed on the countdown clock triggered by last year's landmark Supreme Court ruling, the government shepherded a major rewrite of Canada's prostitution laws through Parliament in what was, at least by recent standards, near record time: Just six months from introduction to final approval.

As was the case with C-13, its progress was far from controversy-free.

At both the House and Senate justice committees, legal experts, sex workers and their advocates, and other concerned parties collectively delivered a dire warning on what would ensue from what they saw as a fundamental failure to address the concerns articulated by the court in its initial ruling. Namely, ensuring that the law not contribute to making sex work an unsafe occupation.

In contrast, the Conservatives' efforts to tighten the rules on reporting adverse drug reactions garnered near universal support. C-17, or "Vanessa's Law," was adopted by the House at third reading without the need for a recorded vote.

Also passed without a recorded vote was S-5, which will create the Nááts'ihch'oh National Park Reserve. It was supported by all parties, albeit with some grumbling from the opposition benches over cuts to Canada's park service.

The proposed Canada-Korea free-trade deal introduced in September, meanwhile, was opposed by just two MPs: Green Party Leader Elizabeth May and her caucus colleague, Bruce Hyer.

Finally, the now traditional fall omnibus budget bill made it through both houses in time to make it to Royal Assent.

Backbenchers get results

On the private members' business front, May was one of a handful of MPs to successfully see a bill through to the end this fall.

Her roadmap for kickstarting a federal strategy for Lyme disease received Royal Assent, as did Conservative MP Dave Mackenzie's proposal to tighten the rules for escorted absences by inmates.

Earlier this fall, Gov. Gen. David Johnston signed off on backbench bids to celebrate National Hunting, Fishing and Trapping Heritage Day, Lincoln Alexander Day and

National Health and Fitness Day, which were sponsored by Conservative MP Rick Norlock and Conservative Senators Don Meredith and Nancy Greene Raine, respectively.

Another late addition to the calendar was Pope John Paul II Day, which was championed in the Commons by Conservative MP Wladyslaw Lizon and given the nod by the Senate on Tuesday evening.

Also in the final batch of private members' bills to be put before Johnston for final approval:

- Conservative MP Rob Clarke's proposal to require First Nations communities to publish bylaws and other information.
- And Conservative MP Blaine Calkins' effort to ensure union registration and decertification votes are conducted via secret ballots.

When MPs get back to work in January, the first orders of business for what will likely be the last sustained burst of legislative activity before the next election will likely be the government's proposal to make it more difficult to set up InSite-style community-based safe injection centres, as well as the draft victims' bill of rights.

Conservative MP Michael Chong will also put his now considerably watered-down attempt to rebalance the political power structure to the House for a final vote, although the likelihood of it making it through the Senate before the lifespan of the 41st Parliament runs out seems slim.

Stay tuned, more to come

There will, of course, also be a budget, which could drop any time between mid-February and the end of March, depending on just how much fine-tuning Finance Minister Joe Oliver does in the event that plummeting oil prices wreak havoc on his fiscal forecasts.

All told, MPs are slated to spend just over 15 weeks in the House between Jan. 26 and the scheduled end of the sitting on June 23 — at which point the election campaign will undoubtedly, if unofficially, get underway.

(That is, unless the prime minister chooses to pull the plug this spring, which is still very much his exclusive prerogative to do, even under a fixed election date law.)

Given that relatively short time line, it's a good bet the government will be aiming to have a considerably longer list of legislative achievements to present to Canadians when they hit the hustings.

Près de 68 000 fonctionnaires ont quitté

Paul Gaboury, Le Droit, le 18 décembre 2014

Depuis l'arrivée au pouvoir du gouvernement Harper en 2006-2007, près de 68 000 fonctionnaires fédéraux occupant un poste permanent ont choisi de leur plein gré de quitter la fonction publique pour prendre leur retraite.

Et après une certaine accalmie observée lors des deux dernières années au cours desquelles le fédéral a imposé des compressions budgétaires importantes à sa fonction publique, le nombre de départ à la retraite totalise 4091 seulement que pour les six premiers mois de l'exercice budgétaire 2014-2015 dans l'ensemble des ministères et organismes fédéraux, selon des chiffres obtenus par LeDroit en vertu de la Loi d'accès à l'information.

Si la tendance se maintient d'ici le 31 mars 2015, le nombre de départs pourrait ainsi surpasser celui de l'année 2013-2014, qui avait été de 7732, en hausse par rapport aux 7 447 de 2012-2013.

C'est en 2009-2010 et en 2010-2011 que le nombre de retraites a été le plus élevé des huit dernières années avec respectivement 8 830 et 8 549 départs.

Leur nombre avait commencé à diminuer par la suite, avant de connaître une certaine remontée cette année si on en croit les derniers chiffres obtenus.

Les plus touchés

Certains ministères ou organismes fédéraux comme l'Agence du revenu du Canada (ARC), la Défense nationale, Emploi et Développement social, Services correctionnels et Travaux publics et services gouvernementaux ont été les plus touchés en enregistrant le plus de départs à la retraite de tout l'appareil fédéral.

Au cours des dernières années, c'est l'Agence du revenu du Canada qui a terminé au premier rang pour les départs à la retraite de tous les ministères et organismes fédéraux. Au cours des quatre dernières années, 1 339 employés en moyenne ont quitté pour la retraite à l'ARC, une tendance qui se maintient puisqu'au cours d'avril à septembre dernier, 769 ont déjà quitté. À ce chapitre, la Défense nationale arrive au deuxième rang, suivi dans l'ordre d'Emploi et développement social, Services correctionnels et Travaux publics et services gouvernementaux.



Tribunal rejects breastfeeding discrimination complaint from public servant

Don Butler, The Ottawa Citizen, December 15, 2014

A federal tribunal has ruled that while parents have a legal responsibility to nourish their children, how they do so is a question of choice. 'Breastfeeding is one such choice, but it is not the only one.'

A federal tribunal has ruled that while parents have a legal responsibility to nourish their children, how they do so is a question of choice. 'Breastfeeding is one such choice, but it is not the only one.'

A federal tribunal has rejected a public servant's complaint that Industry Canada discriminated against her on the basis of her gender and family status when it refused to let her work from home while breastfeeding.

In a 50-page decision, the Public Service Labour Relations and Employment Board said the case brought by Laura Flatt, a radio spectrum management officer in Industry Canada's Burlington, Ont., office, raised a complex issue that occupied a "grey area" in law.

Had Flatt's complaint been upheld, Treasury Board lawyer Richard Fader told the board, it could have had "profound impacts" on the public service.

Flatt, pregnant with her third child, went on maternity leave in March 2012. After her first two children, her employer had agreed to let her work one day a week from home and four days a week in the Burlington office.

In November 2012, about four months before her maternity leave expired, Flatt emailed her employer to ask if she could "telework" from home five days a week for a year so she could continue to breastfeed her new son.

She didn't receive a formal reply for nearly two months, a delay that was very stressful, she testified. When the answer finally came, it was no.

According to evidence presented by Industry Canada at the board's hearing in July, the department had decided in April 2012 that, due to downsizing, it could no longer allow employees to telework, except under exceptional circumstances.

Between 2009 and 2013, the number of personnel in the spectrum management operations branch, where Flatt worked, shrunk from 17 to 11, the board's decision reports.

Allowing Flatt to work from home five days a week would cause an undue hardship for a small workforce and the employer's operations, the government argued.

At first, Flatt, who commutes an hour each way to work, responded to her employer's decision by proposing to work from home two days a week and three days in the office, nipping out to a daycare near her office to breastfeed during her shift.

Her idea was initially accepted, but the department later changed its mind, saying it was only willing to allow her to telework one day a week. As an alternative, it said Flatt could take an extended leave of absence without pay.

In the end, the negotiations reached an impasse. Flatt restated her desire to telework five days a week and when her employer again refused, she filed a grievance on March 28, 2013, alleging discrimination on the grounds of gender and family status.

"I have a need to change the way I work because of breastfeeding," she said in her grievance. "Management has forced me into an unsuitable situation and the hardship of having to take leave without pay."

Flatt took an unpaid leave to continue breastfeeding, but was forced by financial considerations to return to work in October 2013, six months earlier than she had hoped.

In its decision last month, the board said Flatt's grievance "raises difficult questions to which there have been few logical answers."

After reviewing decisions in four related cases, the board found that "discrimination on the basis of breastfeeding, if it is discrimination, is discrimination on the basis of family status rather than sex or gender."

After further analysis, it concluded that Flatt had not made out a prima facie case of discrimination.

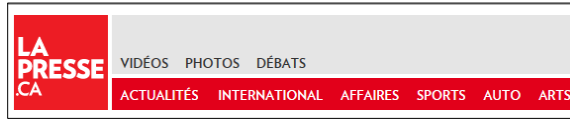
While parents have a legal responsibility to nourish their children, how they do so is a question of choice, the board said. "Breastfeeding is one such choice, but it is not the only one."

In Flatt's case, the board said, there was no evidence of any physical condition or illness that made breastfeeding a necessity.

Moreover, Flatt "never explained why teleworking five days per week was necessary for her child when teleworking two days in the past with her previous children had been sufficient."

The board also found that Industry Canada had met its obligation to accommodate Flatt to the point of undue hardship. "It did try within the restraints under which it was operating

to accommodate the request,” its decision says, but Flatt “ultimately refused to yield from her original request.”



Une fille s’essaie

Louise Leduc, **La Mère Blogue**, La Presse, le 16 décembre 2014

Il y a à mon avis beaucoup de bonnes raisons de permettre à ses employés de travailler de la maison, au moins quelques jours par mois : des raisons environnementales, de circulation, de conciliation travail-famille... Mais l’allaitement? Non, ce n’est pas une bonne raison, vient de trancher un tribunal fédéral.

Voyant son congé de maternité tirer à sa fin, une fonctionnaire du gouvernement canadien a demandé à son employeur de pouvoir faire du télétravail à son retour afin de continuer d’allaiter.

Si son employeur, Industrie Canada, l’avait autorisée à travailler de la maison un jour par semaine lors de ses deux grossesses précédentes, cette fois, cela lui a été refusé en raison de séries de compressions qui augmentent la tâche de chacun et qui limitent maintenant le télétravail à sa plus simple expression dans son département.

Sa plainte pour discrimination – sur la base du sexe et de son statut de mère – n’a pas passé la rampe. Dans la décision, le tribunal rappelle que l’on allaite par choix, qu’il existe d’autres options pour nourrir son enfant et que dans ce cas précis, aucune maladie ne laissait supposer que le bébé – qui avait un an – avait absolument besoin d’être nourri au sein.

Cette histoire m’a autant fait sourciller que cette recommandation des autorités publiques québécoises qui encourage les mères à allaiter jusqu’à ce que l’enfant ait deux ans...

AJOUT: Une copine, qui était de retour au bureau après un an, vient de me signaler qu’elle a allaité son enfant jusqu’à ce qu’il ait 2 ans, et ce, sans même qu’elle ait besoin de tirer son lait au bureau. J’ai pensé que cela apporterait un peu de lait au moulin !



Federal parties step up fundraising drives in possible sign of early election: Graves

By TIM NAUMETZ, *The Hill Times*, December 16, 2014

The three major parties are squeezing donors almost daily as the end of 2014 nears, and Ekos pollster Frank Graves says the intensity and campaign messaging, combined with a plunge in government revenues from low oil prices, adds to the likelihood Prime Minister Stephen Harper will call an election well before the current Parliament's expiry date next fall.

"There has been a lot of good luck and he's handled it well, but this meltdown in oil, that's really bad luck and if that keeps going that does all kinds of damage," Mr. Graves said Monday.

The annual fourth-quarter pitch for cash from party supporters began in earnest as one final drive before the holidays, with the Conservatives focusing more on criticizing their opponents, particularly Liberal Leader Justin Trudeau.

The first email out of the NDP gates, beginning a day after the other two parties on Dec. 2, actually focused on surveying party members and recruiting volunteers for election campaign organizers rather than fundraising, although the party quickly swung into financing mode.

By last weekend, when the Liberal party says it reached a target of soliciting \$1-million in the first half of December, boosted in part with a draw for the chance to win a day on the 2015 election campaign plane with Justin Trudeau, the Conservative party had blitzed out its first moderately negative pitch with open-mouth photos of Mr. Trudeau and NDP Leader Tom Mulcair digitally patched together shoulder to shoulder.

"If you want this guy [smiling photo of Mr. Harper] to beat these guys [open-mouth photos of Mr. Trudeau and Mr. Mulcair], we need you to chip in \$35 right now," the email from Conservative Party headquarters in Ottawa said.

Election themes and text dominate the fundraising emails from each of the parties, with Liberals promising "every dollar you donate will go to our 2015 election fund, and the deposit on our campaign plane."

Mr. Graves agreed all signs—economic, Parliamentary and political—point to the increasing likelihood of an election possibly as early as March.

The constant ramp-up of candidate nominations over the past two months, and the government yet again time-allocating a rush of bills through the Commons and quickly passing bills through the Senate before its winter recess on Tuesday, were all signs the government may be thinking of an election well before the scheduled fixed election date of Oct. 19, 2015, Mr. Graves told *The HillTimes*.

“You’ve got public coffers that are probably going to start collapsing, if oil prices keep coming down. We gave away all the money and now we’re in shit again,” said Mr. Graves.

“What he (Mr. Harper) has right now is a situation where it looks pretty competitive,” Mr. Graves said.

“He could actually pull it off. If I was him, if I was advising him, which is not likely, but if I was I would say ‘absolutely, go’, I would go for sure,” he said. “Right now would be an extremely tight election, and I wouldn’t be surprised to see some of the same hijinx that went on last time.”

The Conservatives, dominant in fundraising as they have been since Mr. Harper became leader and led the party through three elections before his 2011 majority government, have faced a greater challenge from the Liberals since Mr. Trudeau became leader in April 2013.

In 2012, after the disastrous 2011 election campaign under former leader Michael Ignatieff, the Liberal party raised only \$2.7-million in the final quarter of the year, compared to the \$5-million the Conservatives hauled in.

For the final quarter of 2013, however, the Liberals nearly doubled the amount they raised during the same three months in 2012, taking in \$4.6-million under Mr. Trudeau and a new fundraising organization he and his top advisers hammered together.

The Liberal formula is now based, in the same manner as the Conservatives, on many smaller donations through the year from tens of thousands of supporters rather than the big-money donations from fewer donors in the past.

The NDP, although now the second party in the Commons as official Opposition, has remained third in fundraising despite the party’s success in Quebec in 2011. The NDP raised only \$2.4-million in the final quarter of 2012, but increased the take to \$3.6-million for the final quarter last year.

Mr. Graves said all polls suggest a tight race once more between the three parties, with the Liberals under Mr. Trudeau ahead of the NDP led by Mr. Mulcair.

The veteran pollster found in a survey released this week that 60 per cent of voters would support a post-election coalition between the Liberals and the NDP, with Mr. Trudeau as prime minister.

But he told The Hill Times he has found, in the short day that passed after iPolitics published the results, that there is no appetite among the Liberals, or likely the NDP, for such a prospect.

He added, however, a majority of Canadian voters, outside Conservative supporters, would have no appetite for a Conservative government emerging from a close election.

“Let’s say the Conservatives win three more seats, with a little less percentage of the vote, which is quite possible, are we going to say ‘Well, okay, take over?’” said Mr. Graves.

“I think the public would be on Parliament Hill with pitchforks and torches if Stephen Harper were to resume leadership. After all the discontent we’ve seen amongst the 70 per cent that are currently not supporting him, it just wouldn’t fly.”



Emplois fédéraux: la part de Gatineau atteint 20,6 %

Paul Gaboury, Le Droit, le 16 décembre 2014

Malgré la construction de plusieurs nouvelles tours à bureaux loués par le gouvernement fédéral à Gatineau, le nombre de fonctionnaires y a légèrement diminué depuis deux ans, passant de 30 676 en mai 2012 à 30 538 en mai 2014.

En même temps, la part d'emplois fédéraux à Gatineau par rapport à Ottawa a légèrement augmenté, passant de 18,9 % en 2012 à 20,6 % en 2014, encore en deçà de l'objectif de 25 % fixé par le gouvernement.

Selon des données obtenues à la suite d'une demande d'informations faite par la députée néo-démocrate Françoise Boivin, on comptait un total de 148 368 emplois fédéraux dans la région de la capitale nationale le 1er mai 2014. De ce nombre, 30 538 emplois (20,58 %) se trouvaient sur la rive québécoise à Gatineau, alors qu'Ottawa en comptait 117 830.

En 2012, année où les tours à bureaux n'étaient pas encore occupées, la part de Gatineau atteignait 18,9 %, soit 30 676 sur un total de 161 685 emplois fédéral dans la région de la capitale nationale.

Si on prend seulement les chiffres pour l'administration centrale, ce qui exclut les employés d'agences fédérales et d'autres organismes, on atteint le chiffre de 25,06 % pour Gatineau en 2014, ce qui représente une hausse relativement importante de près de 4 % par rapport à 2012, alors à 21,5 %.

Les données représentent le nombre total d'employés qui ont reçu un chèque de paye en mai 2014, ce qui inclut tous les employés actifs occupant des emplois à durée indéterminée (permanent), à durée déterminée, occasionnels et étudiants, mais pas ceux en congé sans solde.

Ces chiffres incluent les emplois de l'administration publique centrale et les organismes distincts, les membres des Forces armées canadiennes, de la GRC et d'entreprises non commerciales, ainsi que d'autres organismes et entreprises fédérales.

Dans sa demande, la députée Boivin espérait obtenir les données sur les emplois perdus cette année à Gatineau à la suite des compressions budgétaires, mais les ministères et organismes n'ont pas été en mesure de répondre à cette question.

Situation « en stagnation »

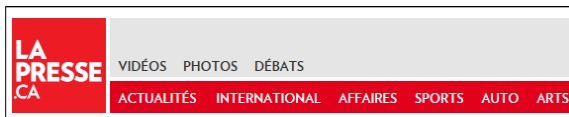
Les nouveaux immeubles du 22, rue Eddy, du 30, rue Victoria et du 455, boulevard de la Carrière ont été construits et loués par le gouvernement fédéral pour accueillir près de 6 200 employés fédéraux pendant 25 ans. C'est la région de la capitale nationale qui, de toutes les régions au pays, a été la plus touchée par les 19 200 abolitions de postes annoncées dans le budget 2012.

Pour la députée néo-démocrate de Gatineau, Françoise Boivin, l'impact des nouvelles constructions pour combler le déficit d'emplois fédéraux par rapport à Ottawa ne s'est pas vraiment fait sentir en raison des compressions budgétaires imposées par le gouvernement Harper depuis 2012.

« Pour ma part, je ne vois pas grand changement. Avec les compressions, la construction de ces tours à Gatineau louées par le gouvernement nous a permis de ne pas souffrir autant. C'est assez stagnant. Moi, j'ai hâte d'avoir les chiffres de cette année, parce que nous n'avons pas encore le portrait complet de ces abolitions de postes dans les différents ministères », a indiqué la députée Boivin.

Le fédéral n'a jamais pu tenir sa promesse d'une répartition des emplois fédéraux de 25-75 entre Gatineau et Ottawa lorsqu'il a démoli une partie du centre-ville de Hull.

« Pour chaque 1 % d'écart, des promoteurs m'ont indiqué que cela représente un million de pieds carrés d'espaces de bureaux. C'est énorme. Alors il faut continuer à revendiquer notre part », a soutenu la députée Boivin.



Des modifications importantes au régime de retraite

Denis Lessard, La Presse, le 16 décembre 2014

(Québec) Le gouvernement Couillard propose des modifications importantes au régime de retraite des 541 000 employés du secteur public. Pour assurer la pérennité du régime, soutient le président du Conseil du trésor, Martin Coiteux. Pour accélérer les départs et faire des économies aux dépens des services publics, rétorquent les syndicats.

À l'issue d'une longue série de points de presse, lundi, une chose paraissait évidente après que le gouvernement eut rendu publiques ses offres à la table centrale de négociation: une collision est à prévoir entre le gouvernement et ses employés dans les prochains mois.

«On dirait que le gouvernement s'ennuie du bruit des casseroles», a lancé en réaction Louise Chabot, porte-parole du Secrétariat intersyndical des services publics. Les syndicats accueillent avec «une grande colère et indignation» ces propositions, «une insulte» pour les employés. Selon Sylvain Malette, le président de la Fédération autonome de l'enseignement, Québec vient par ses offres de reléguer aux oubliettes des années de progression dans ses relations de travail. À la veille des Fêtes, de telles offres témoignent d'un mépris profond du gouvernement à l'égard de ses employés, insiste-t-il. «On se demande si ce n'est pas la suite du film Le père Noël est une ordure!», a-t-il lancé.

«Si on avait moins pris le gouvernement comme le père Noël, on ne serait peut-être pas dans cette situation», a répliqué Martin Coiteux, président du Conseil du trésor. Curieusement, le ministre Coiteux est resté vague sur toutes les dispositions touchant la Sûreté du Québec (SQ). Le gouvernement s'est engagé à établir les salaires des agents sur la base de ce qui est payé à d'autres corps policiers. Aussi, il n'a pas clarifié la position de Québec sur les régimes de retraite de la SQ, payés aux deux tiers par les fonds publics. «Ultimement», après quelques années, l'objectif général reste un partage à 50-50, a-t-il dit, sans s'engager sur la ronde actuelle.

«On aurait voulu négocier...»

En matinée, le négociateur en chef du gouvernement, Maurice Charlebois, dévoilait aux centrales la proposition gouvernementale. Une convention collective de cinq ans, qui commence par deux années de gel salarial. Une augmentation de 1% est prévue pour chacune des trois dernières années du contrat. «Un canyon» sépare les offres des revendications syndicales, observe Régine Laurent, présidente de la Fédération des infirmières. «On aurait voulu négocier...», a-t-elle laissé tomber avant de corriger en disant que les syndicats discuteront avec Québec, mais qu'il faut s'attendre à ce que leurs instances repoussent sans appel ces propositions.

Les centrales voulaient un total de 13,5% d'augmentations sur trois ans. Selon Martin Coiteux, répondre aux demandes syndicales aurait coûté 10,3 milliards de dollars sur trois ans, une augmentation réelle de 28% de la rémunération. Les offres patronales «raisonnables et réalistes» représentent la capacité de payer du gouvernement, qui n'entend pas reporter l'atteinte du déficit zéro, prévue pour le prochain budget. Les syndiqués obtiendront, le 31 mars, 1% d'augmentation négociée dans la précédente convention. En outre, 40% d'entre eux progressent encore dans les échelles salariales, ce qui représente en moyenne pour ce groupe une augmentation de 3,6%.

Retraite

C'est du côté du régime de retraite que le gouvernement fait les changements les plus profonds, même si M. Coiteux s'est bien gardé d'en préciser la portée financière. Pour «assurer la pérennité du régime», des changements fondamentaux doivent être apportés, selon lui.

Québec propose de faire passer, à partir de 2017, de 60 à 62 ans l'âge minimum pour obtenir sa pension sans pénalité actuarielle, pour les employés qui ont suffisamment d'ancienneté. Québec veut aussi que la rente se calcule sur le salaire moyen des huit dernières années d'un employé plutôt que sur les cinq dernières, comme c'est le cas actuellement. Aussi, on veut que la pénalité pour un départ anticipé à la retraite soit de 7,2% par année au lieu des 4% actuels.

Aussi, objectif plus obscur, Québec veut «instaurer un mécanisme d'ajustement automatique de l'âge d'admissibilité à la retraite sans réduction, en fonction de l'évolution de l'espérance de vie».

Pour les syndicats, il est clair que ces dispositions vont entraîner des départs massifs d'employés plus âgés, qui décideront de partir avant qu'on ne leur impose les nouvelles règles. La qualité des services, le transfert des connaissances en souffriront. Sans répondre aux questions, le ministre Coiteux a soutenu que l'objectif n'était pas de réduire les effectifs et que ces mesures ne compromettraient pas le pouvoir d'attraction du secteur public. Aussi, il a soutenu ne pas avoir de simulations, de prévision sur le nombre de syndiqués susceptibles de partir avec les nouvelles règles.

«C'est un gouvernement qui n'aime pas ses salariés, qui veut les chasser de la fonction publique, qui veut les appauvrir», a soutenu Régine Laurent, présidente de la Fédération des infirmières. Militante syndicale depuis des décennies, elle ne se souvient pas d'une ronde de négociations où les parties se sont trouvées aussi éloignées.

De l'avis syndical, avec une attaque incompréhensible envers les régimes de retraite des employés de l'État, le gouvernement Couillard va déclencher des départs massifs, «le salut sera dans la fuite», pense Mme Laurent.

Selon Serge Cadieux, secrétaire de la FTQ, ces demandes patronales sur le fonds de retraite sont injustifiables. Le REGOP, la caisse de retraite des fonctionnaires et salariés du secteur public, «est en santé, en équilibre, ne fait pas de déficits» contrairement aux régimes de certains groupes d'employés municipaux, a-t-il relevé.

Réactions des autres partis

La Coalition avenir Québec (CAQ) a désapprouvé la voie empruntée par le gouvernement Couillard. Le gel salarial «devrait être la dernière option envisagée». L'abolition de structures peut donner plus de marge de manoeuvre, selon la CAQ. «Il faut plus de flexibilité dans la rémunération des employés de l'État. La stratégie du mur-à-mur devrait être proscrite, car certaines catégories d'employés mériteraient des augmentations», observe Claude Surprenant, critique de son parti pour le Conseil du trésor.

Selon Québec solidaire, les propositions du gouvernement «sont une gifle au visage» des employés, à qui on ne propose «qu'appauvrissement et précarité». Selon Françoise David,

ces «offres qui sont véritablement des demandes patronales sont complètement idéologiques et affaibliront nos services publics». Le Parti québécois n'avait pas de commentaires; il sollicite la bonne foi des deux parties dans la négociation à venir.

Selon la députée de Gouin, le gouvernement libéral est en train de «commander» une «crise sociale».



Les fonctionnaires du secteur public perdront des congés de maladie

Le Devoir, La Presse Canadienne, 17 décembre, 2014

Québec — Après avoir appris lundi que leur salaire allait être gelé pendant deux ans, les fonctionnaires ont découvert mercredi que leur banque de congés de maladie ne serait plus ce qu'elle était.

Québec a présenté mercredi une partie de ses offres sectorielles, autres que salariales, aux représentants syndicaux de la fonction publique, annonçant un processus de négociations difficile.

En conférence de presse, les porte-parole du Syndicat de la fonction publique du Québec (SFPQ) ont exprimé leur désarroi devant le sort que leur réserve leur employeur, surtout sur cette question des congés de maladie.

Actuellement, les fonctionnaires ont droit à 12 congés de maladie par année et peuvent les cumuler indéfiniment s'ils ne les prennent pas, si bien que plusieurs d'entre eux peuvent ainsi partir plus rapidement à la retraite à la fin de leur carrière grâce à des semaines, voire des mois, de congés de maladie accumulés.

Cette époque semble révolue. On passera désormais de 12 à 7 jours de maladie par an. Les journées non prises ne pourront plus être accumulées, et seront remboursées à 70 % de leur valeur à la fin de chaque année.

Résultat à court terme: des milliers de fonctionnaires âgés vont précipiter leur départ à la retraite pour tirer profit des conditions actuelles, selon un des vice-présidents du SFPQ, Christian Daigle, qui craint ainsi la perte d'une précieuse expertise au sein de l'État.

Au cours de la dernière année, 2013-2014, la facture des congés de maladie non utilisés pour les années passées a atteint 111 millions au total, pour les fonctionnaires et les enseignants québécois.

Pour le moment, au moment de la retraite, un fonctionnaire peut monnayer la moitié de sa banque de congés de maladie, jusqu'à un maximum de 66 jours

«On considère que c'est une attaque [du gouvernement] envers ses employés et nous devons y répondre», a résumé en conférence de presse une des vice-présidentes du SFPQ, Maryse Rousseau, qui prévoit des négociations «ardues»

Le gouvernement est en train de créer une véritable «panique» chez ses employés, selon elle.

Québec veut aussi réduire le nombre de jours de libération syndicale et ne plus payer pour les activités syndicales

On va aussi resserrer les critères des réclamations d'heures supplémentaires, particulièrement lors des déplacements ailleurs au Canada et à l'étranger.

Les dépenses admissibles pour remboursement lors des déplacements des fonctionnaires seront revues à la baisse.

Lundi, le gouvernement a proposé à ses employés un contrat de cinq ans comportant une augmentation salariale de trois pour cent. Québec prévoit un gel les deux premières années, suivi d'une hausse de 1 % de la rémunération les trois années suivantes. Le gouvernement veut aussi faire passer l'âge de la retraite de 60 à 62 ans.

M. Daigle estime que le gouvernement, dans ce contexte, aura de plus en plus de difficulté à recruter et retenir des gens de qualité dans la fonction publique.



Le gouvernement met la hache dans le cumul des congés de maladie

Michel Corbeil, Le Soleil, le 17 décembre 2014

(Québec) Le gouvernement Couillard veut mettre un terme au cumul des congés de maladie chez les fonctionnaires. Il vise à diminuer l'allocation de temps pour libération syndicale. Il ne donne aucun signe qu'il entend remettre en question la sécurité d'emploi.

Le Syndicat de la fonction publique du Québec est revenu désabusé d'une rencontre avec le Conseil du trésor, portant sur les aspects qui ne sont pas liés au salaire dans le renouvellement des conventions collectives des employés de l'État. Le Syndicat défendant les professionnels du gouvernement, lui, s'est dit «consterné» par l'ensemble des propositions patronales.

«Sans grande surprise, le gouvernement ne nous a pas fait de cadeau avec ses demandes», a laissé tomber Maryse Rousseau, vice-présidente au SFPQ. «Parce qu'il est vraiment en demande.»

Les négociateurs du syndicat représentant 32 000 personnes ont précisé que la partie patronale veut ramener de 12 à 7 jours les journées pour congé de maladie. Celles-ci seraient payées, en fin d'année, aux employés qui ne les utiliseraient pas.

Surtout, Québec veut éliminer en cinq ans les banques de congés pour maladie que se sont constituées certains fonctionnaires. Sa proposition est de le faire en ne remboursant que 70 % de leur valeur, a signalé Christian Daigle. Pour les deux syndicalistes, la question des congés pour maladie constituera «la principale perte» pour les syndiqués dans ce qui leur a été dévoilé, en matinée.

Selon le SFPQ, la vaste majorité de ses membres n'ont que peu de journées accumulées dans leur réserve. Mme Rousseau a qualifié de «mythe» la rumeur voulant que des fonctionnaires aient dans leur banque 250 ou 300 jours de congé à prendre. «C'est vraiment une minorité.»

A-t-il été question de la permanence d'emploi des employés de l'État? a-t-on demandé à Maryse Rousseau. «Ce n'est pas venu sur la table», lors de la réunion, a-t-elle répondu.

«Vous comprendrez que ce seront des négociations ardues», a repris Mme Rousseau en rappelant que le gouvernement n'offre que très peu (3 % sur cinq ans) en matière de rémunération. Conjugué aux changements que le gouvernement veut apporter au régime de retraite, notamment en haussant l'âge pour y accéder sans pénalité à 62 ans, Maryse Rousseau a prédit des départs massifs vers la retraite.

Selon elle, 2000 à 3000 personnes pourraient se prévaloir d'une préretraite. Au lendemain du dévoilement des offres générales, lundi, a-t-elle mentionné, «les téléphones ont déjà commencé à sonner chez nous. [...] Ç'a créé une panique. Avec les conditions que nous avons, la fonction publique ne sera certainement pas attractive.»

Même discours chez les professionnels

Le président du Syndicat des professionnels du gouvernement du Québec est sur la même longueur d'onde que ses collègues du SFPQ. Richard Perron s'est montré «consterné de voir le gouvernement foncer dans la mauvaise direction» avec ses propositions.

Le leader syndical a vu une nette contradiction entre les offres du Conseil du trésor et les bons mots du premier ministre Philippe Couillard qui n'hésite pas à vanter la qualité des employés de l'État.

Le gouvernement «est en train de dégrader» l'ensemble des conditions de ses travailleurs. «Déjà que les salaires ne sont pas au rendez-vous, pensez-vous que les jeunes vont vouloir venir travailler» pour l'État? a-t-il poursuivi.

Richard Perron a avancé que le gouvernement Couillard est en train de provoquer «un exode vers la retraite». Un tel mouvement ne fera qu'accentuer la perte d'expertise au sein de l'État, a-t-il plaidé. Il s'est cependant refusé à avancer un chiffre sur le nombre de personnes susceptibles de précipiter leur départ.

Le président du SPGQ n'a pas voulu identifier la proposition qui heurte le plus ses membres. Il a plutôt décrit le tableau général que présente le gouvernement. «C'est le manque de respect et de considération» qui ferait le plus mal, a-t-il évoqué.

M. Perron a indiqué que les offres sectorielles, portant sur les banques de congés et la libération pour activités syndicales, sont les mêmes que celles présentées au SFPQ. Les représentants des deux syndicats ont souligné que les offres sectorielles sont partielles.

Volonté inébranlable

Le président du Conseil du trésor, Martin Coiteux, a affiché la volonté inébranlable d'abolir la formule permettant aux fonctionnaires de mettre en réserve les congés de maladie qu'ils n'utilisent pas et de s'en servir pour partir plus tôt vers la retraite.

«C'est le gros bon sens», a fait valoir M. Coiteux aux journalistes. Dans les réseaux de l'éducation et de la santé, cette disposition n'existe pas et «il faut ramener les choses dans des proportions plus raisonnables».

Le député-ministre de Nelligan a qualifié la disposition de «très généreuse. Ça donne lieu à une dette pour le gouvernement, qui est énorme.»

M. Coiteux s'est cependant refusé à fournir le moindre chiffre sur le passif que cela engendre. «Ça vaut beaucoup, beaucoup d'argent», s'est-il borné à répéter.



Province and unions clash over sick-day changes

The Montreal Gazette, La Presse Canadienne, December 17, 2014

After learning on Monday that their salaries will be frozen for the next two years, public servants discovered on Wednesday that their bank of sick days will also be changing.

The province presented sections of its sectoral offers (not including salary offers) to union representatives, kicking off what promises to be a difficult negotiation process.

During a news conference, spokespersons for the union representing public sector workers (SFPQ) expressed their dismay at the proposals, especially those concerning sick days.

At the moment, public servants have the right to take 12 sick days per year and can carry them over indefinitely if they are not used. Many can therefore retire earlier at the end of their careers thanks to these accumulated weeks — or even months — of sick days.

That era appears to be over. The number of sick days granted each year is expected to drop from 12 to seven. Days that are not taken will no longer be carried over, but the employee will be compensated at 70 per cent of the value of those days at the end of each year.

The short-term result, according to SFPQ vice-president Christian Daigle, will be that thousands of aging public servants will rush to retire sooner to take advantage of the current system. This could result in a major loss of expertise, he noted.

At the time of retirement, a public servant can currently monetize half of his or her unused sick days, up to a maximum of 66 days.

“We consider this an attack (by the government) on its employees and we must respond,” said another SFPQ vice-president, Maryse Rousseau, adding that the government is creating “panic.”

Fonctionnaires: moins de 5000 départs, prédit Québec

Denis Lessard, La Presse, le 19 décembre 2014

Les syndicats du secteur public prédisent un véritable exode vers la retraite d'employés qui voudront éviter les nouvelles dispositions envisagées par le gouvernement Couillard. Pour le président du Conseil du trésor, Martin Coiteux, ces départs resteront peu nombreux, avec moins de 5000 retraites devancées. «Ce sera marginal», prédit-il.

Le ministre Coiteux affirme ne pas avoir de simulations formelles prédisant le nombre des employés qui décideront de raccrocher leurs patins, alors que Québec a annoncé, cette semaine, son intention de rendre la retraite moins attrayante. «Il y a 15 000 personnes qui partent chaque année. Il est possible qu'il y ait quelques devancements dans les deux prochaines années, 2000 ou 5000 de plus. C'est marginal», lance le ministre dans une entrevue accordée jeudi à La Presse.

«Il est possible que quelques personnes décident de hâter leur départ, mais il se peut aussi que d'autres décident de prolonger», selon lui. Certains se diront peut-être qu'il vaut mieux faire «quelques mois de plus» pour atteindre la pleine retraite après 35 ans de service, risque-t-il.

On est, selon lui, bien loin des 37 000 départs déclenchés par le programme de retraites accélérées mis en place sous Lucien Bouchard en 1997. «À l'époque, on voulait équilibrer les finances publiques précisément grâce à ces départs à la retraite. Il y en avait 8000 par année et on avait presque quadruplé ces chiffres», rappelle M. Coiteux. Le gouvernement avait alors largement sous-estimé le ras-le-bol de ses employés. Ils avaient été deux fois plus nombreux que prévu à se présenter à la sortie.

«Nous, ce n'est pas notre plan de match. On ne veut pas précipiter des départs», insiste-t-il. L'accroissement de l'espérance de vie fait grimper rapidement le coût du régime : les syndiqués qui payaient 5% de leur salaire pour leur cotisation au régime il y a dix ans en paient actuellement 12,75% et seront bientôt à 15% si un coup de barre n'est pas donné. Le gouvernement y va d'une contribution identique, qui dépasse le milliard par an. «Pour prévenir cette explosion des coûts, on fait des propositions quand même acceptables», martèle M. Coiteux. «Cela leur enlève de l'argent de poche à chaque paye!», insiste-t-il. Il ne doute pas que le ton des négociateurs syndicaux sera moins tranchant que celui de leurs dirigeants, cette semaine. «On ne peut pas faire ce qu'on a fait pour les garderies, les municipalités, les médecins et aller signer une convention collective qui va nous ajouter 3 milliards d'obligations», résume-t-il.

Dans ses propositions cette semaine, Québec fait passer de 60 à 62 ans l'âge minimum pour pouvoir prendre sa retraite sans pénalité actuarielle.

En outre, il propose que la rente de départ soit calculée sur la base des huit dernières années à l'emploi - au lieu de cinq comme aujourd'hui. Enfin, la pénalité actuarielle passerait de 4,2 à 7% par an pour ceux qui devancent leur départ. Beaucoup de régimes publics ont repoussé l'âge de la retraite, parfois jusqu'à 67 ans, observe M. Coiteux.

Il soutient ne pas être surpris des réactions véhémentes des centrales au dépôt des offres patronales cette semaine. «C'est un peu normal qu'au début d'une négociation, les syndicats souhaitent camper leurs positions», observe-t-il. Pour lui, les leaders syndicaux ne devraient pas être surpris, puisque dès septembre, on leur avait fait le tableau de la situation financière du gouvernement. M. Coiteux reconnaît toutefois que jusqu'à cette semaine, jamais Québec n'avait laissé entrevoir qu'il réviserait le régime de retraite des employés de l'État.

Hausses salariales «déconnectées»

Le ministre clame «ne pas être content de ce [qu'il voit]», alors qu'on apprend que les employés d'Hydro-Québec bénéficieront de hausses salariales de 12,4%, dont 4,2% dès le 1er janvier prochain. Au même moment, les employés de l'État se font offrir un gel salarial de deux ans. «C'est déconnecté de la réalité actuelle. Je ne pense pas que cela corresponde à la réalité», tranche M. Coiteux, rappelant que cette augmentation avait été accordée en 2013, non pas par le gouvernement actuel, mais par celui de Pauline Marois, qui avait prédit l'équilibre budgétaire en 2013-2014. «Je ne suis pas heureux de voir ça, mais on ne peut pas revenir sur des choses qui ont été signées», dira-t-il.

Il élude les questions quand on lui demande si l'obligation de décréter ultimement les conditions de travail serait, pour lui, un échec personnel.

En 2005, le gouvernement Charest avait dû imposer les conditions de travail, faute d'entente avec le Front commun. «Le succès est d'en arriver à une entente, sur la base de propositions réalistes. Les syndicats proposent de hausser les impôts, et il n'en est pas question.»

Sur les négociations à venir avec les policiers de la Sûreté du Québec, il y a des principes «vers lesquels on doit tendre». La contribution des policiers ne correspond qu'au tiers de leur régime de retraite, alors que tous les autres employés versent la moitié. Il y a l'objectif général et la vitesse à laquelle on peut y arriver, observe le ministre Coiteux.



Assisted suicide: Canadian Medical Association quietly preparing for ‘all eventualities’

SHARON KIRKEY, POSTMEDIA NEWS, December 20, 2014

The nation’s largest doctors’ group is quietly preparing for possible changes in federal laws governing physician-assisted death, as support among its own members for medical aid in dying grows.

The Canadian Medical Association has consulted medical associations in jurisdictions around the world where euthanasia or assisted suicide is legal to devise possible protocols for Canada if the federal law is changed.

The powerful doctors’ lobby says it would be naïve not to prepare for “all eventualities” as the country awaits a **Supreme Court of Canada** ruling over whether the federal prohibition outlawing assisted suicide is unconstitutional.

“I think we’re looking at the possibility that the court will refer this back to the lawmakers,” said Dr. Jeff Blackmer, the CMA’s director of ethics.

The Supreme Court could strike down Canada’s ban on assisted suicide and give Parliament one year to craft new legislation, as it did with prostitution.

“They could suggest some framework from the bench that we might want to be in a position to comment on fairly quickly. Or there could be a long period for reflection and committee hearings that we would want to be prepared for,” Blackmer said.

“We’re preparing for all eventualities, and that (a lifting of the ban) is absolutely one of them.”

If there is a change in law, Blackmer said doctors opposed to physician-assisted death “will be looking to us for protection of their conscience and their right not to participate.”

“(Doctors) who do support a change in legislation will be looking to us to help make sure that legislation is crafted in a way that make sense from a medical standpoint,” he said. “Whether or not you agree with this, as a physician, I think you still want to see your medical association at the table when those discussions are happening.”

The organization’s polling shows that 20 to 30 per cent of doctors would be prepared to help terminally ill patients end their lives, should physician-assisted death become

legalized, and that a noticeable shift is occurring, with more doctors moving from “undecided” to “pro,” particularly in the area of assisted suicide, Blackmer said.

With assisted suicide, the doctor would prescribe a lethal dose of drugs that patients would take themselves.

Euthanasia means the active termination of a life by the doctor, usually by lethal injection.

The CMA has spent the past year consulting medical associations in Oregon, Washington, Montana, Vermont and New Mexico, U.S. jurisdictions where physician-assisted death is legal, to find out “what has worked, what hasn’t worked and how Canada can learn from those experiences,” Blackmer said.

“We’ve also had long conversations with the Netherlands, Belgium and Switzerland,” he said.

“We’re now in the process of internal consultation and thought processing to look at some of the options and possibilities, to try to come up with a reasonable suggested framework and approach.”

For decades, the CMA’s position on euthanasia was unequivocal: the organization opposed doctor-hastened death in any form. But this summer, the CMA’s general council voted to allow doctors to follow their conscience when deciding whether to participate in medical aid in dying.

In a recent article in the journal *HealthcarePapers*, Blackmer and past CMA president Dr. Louis Hugo Francescutti said many doctors remain “terrified” by the prospect of a change in federal law.

When a doctor enters a patient’s room, “their purpose is clear: to cure when possible, to care always,” they wrote. “The fact that they might actively hasten the patient’s death does not enter into the equation.”

In an interview, Blackmer said some doctors see aid in dying as an extension of compassionate, end-of-life care.

“And then there are others who say, very clearly, ‘this is not why I became a physician. It was to protect life, to maintain life — certainly to alleviate suffering whenever possible, but not to prematurely end life. That was never part of the deal.’ ”

But, over the past two years, the CMA has held a series of public, as well as doctor-only town hall meetings and online consultations. As doctors learn more about the experiences in other jurisdictions, “more and more doctors are saying, ‘Okay. I feel more comfortable, like there might be a scenario one could imagine where this type of intervention wouldn’t be abused,’” Blackmer said.

“Where it would be the really exceptional patient that would need this, and that we could set up some sort of system where we make sure that the vulnerable, and other people are protected, and where physicians have support to participate.”

Blackmer said it’s a “fool’s game” to try to predict which way the Supreme Court will rule. “But we’re trying to at least look at some of the options that they might have at their disposal.”

He said doctors, and the public, are becoming more comfortable about talking about death and dying “They are not taboo subjects in the same way they were.”

The Supreme Court heard arguments in October over whether the criminal ban on assisted suicide violates the Charter of Rights and Freedoms.

Judgments are normally rendered, on average, six months after a hearing.



Feds to spend millions on custom news stories, tweets and Facebook posts

Brett-Ruskin, Global News, December 17, 2014

HALIFAX – The federal government is looking to spend millions on advertorials, Facebook, Pinterest and Twitter.

The investments are outlined in two documents published Wednesday on the Canadian government’s procurement site.

One document states Health Canada will hire a contractor to write and post pictures on government social media accounts. The posts would help inform parents and teens on a variety of topics including healthy eating, bullying, drugs and pregnancy.

The budget for the social media campaign is capped at \$590,000, the document states.

A second document offers notice that next year the government will spend \$1,250,000 on customized news stories.

The sole-sourced contract will pay News Canada to “provide feature news production, distribution, monitoring and analysis services to inform and educate Canadians on public issues.”

News Canada provides copyright-free content for print, online and broadcast news outlets. Each story is free to publish but contains information sponsored by private companies.

The document states News Canada will write news stories on behalf of the federal government for two years, with an option to extend the contract to a third year.

The maximum total cost for three years of advertorial writing, plus social media posting is \$4,340,000.



Nova Scotia loosens ban on naming Rehtaeh Parsons

The Globe and Mail, The Canadian Press, December 17, 2014

Nova Scotia’s Attorney-General says no one will be prosecuted for identifying Rehtaeh Parsons as the victim in a recent high-profile child pornography case unless her name is used in a derogatory manner.

A judge placed the mandatory ban on Parsons’s identity in May in the case of two young men who were charged with child pornography offences.

Last month, the Halifax Chronicle-Herald identified Parsons as the victim in the case when one of the young men pleaded guilty in youth court.

He will be sentenced in January for distributing a sexually graphic image of the 15-year-old girl, who died last year following a suicide attempt.

The other young man was given a conditional discharge for making child pornography.

Attorney-General Lena Metlege Diab says the directive to Nova Scotia’s Public Prosecution Service says no breach of the ban identifying Parsons as the victim in the case by the media or in any forum will be prosecuted, unless her name is used in a derogatory way.

The judge in the case had noted in May after he brought in the ban that the Criminal Code required him to implement it but he also said the Crown prosecution service could decide not to prosecute if it was broken. That route wasn't taken until Diab's directive was issued Wednesday.

Diab said a number of factors were weighed in making her decision.

"This decision wasn't made lightly," she said in a statement. "I carefully considered the original intent of the law to protect victims, and I listened to the views of Rehtaeh's parents, supporters, legal experts and Nova Scotians. This directive strikes the right balance."

Both of Parsons's parents opposed the ban. Her father often wore T-shirts bearing her name in court.

Police have investigated a number of complaints since the ban was imposed and have not laid any charges.

The director of public prosecutions said the directive clarifies the approach his office should take.

"Consultations with the attorney general have resulted in a directive which provides the public with a better understanding of those situations where prosecutorial discretion will be exercised to deal with publication ban breaches," said Martin Herschorn. "Clarity was needed, and that's what this directive does."



ONTARIO JUDICIAL APPOINTMENTS ANNOUNCED

OTTAWA, December 16, 2014 – The Honourable Peter MacKay, P.C., Q.C., M.P. for Central Nova, Minister of Justice and Attorney General of Canada, today announced the following appointments:

The Honourable David M. Brown, a judge of the Superior Court of Justice in Toronto, is appointed a judge of the Court of Appeal for Ontario to replace Mr. Justice S.T. Goudge, who elected to become a supernumerary judge as of January 31, 2014.

Mr. Justice Brown was appointed a judge of the Superior Court of Justice in 2006, and at the time was a partner with the firm Stikeman Elliott LLP in Toronto, where he practised civil and commercial litigation.

Mr. Justice Brown is the president of the Ontario Superior Court Judges' Association. He received a Bachelor of Laws in 1981 from the University of Toronto and a Master of Laws in Constitutional Law in 2005 from Osgoode Hall Law School, and was admitted to the Bar of Ontario in 1983.

The Honourable Grant Huscroft, a professor at the University of Western Ontario in London, is appointed a judge of the Court of Appeal for Ontario, to replace Mr. Justice M. Rosenberg, who elected to become a supernumerary judge as of March 5, 2014.

Mr. Justice Huscroft received a Bachelor of Arts from the University of Western Ontario in 1981, a Bachelor of Laws from Queen's University in 1984, and a Master of Laws from the University of Auckland in 1984. He was admitted to the Bar of Ontario in 1987 and is a past member of the High Court of New Zealand.

Mr. Justice Huscroft has been a professor at the Faculty of Law for the University of Western Ontario since 2002 and was the Associate Dean, Academic, from 2006 to 2008. At the Faculty of Law, University of Auckland, he was a tenured lecturer from 1992 to 2001, and Director of Postgraduate Studies from 2000 to 2001. As well, he was a visiting professor at the Faculty of Law, McGill University, in 1998 and a counsel for the Ontario Ministry of Labour from 1987 to 1991. He has published legal research extensively and has been cited by courts and scholars internationally since 2000. He is a member of the Society of Ontario Adjudicators and Regulators and of the Health Services Appeal and Review Board.

The Honourable Douglas C. Shaw, a judge of the Superior Court of Justice in Thunder Bay, is appointed Regional Senior Judge of the Northwest Region, to replace Madam Justice H.M. Pierce, who resigned as Regional Senior Judge effective July 31, 2014.

Mr. Justice Shaw was appointed a judge of the Superior Court of Justice in 2005. He received a Bachelor of Laws in 1973 and a Master of Arts in 1970, both from the University of Toronto, and was admitted to the Bar of Ontario in 1975. He practised with Atwood Shaw Labine until the time of his appointment.

The Honourable Helen M. Pierce, Regional Senior Judge of the Northwest Region, Superior Court of Justice, is transferred back to the regular judicial complement (Thunder Bay), to replace Mr. Justice D.C. Shaw, who was appointed Regional Senior Judge.

Madam Justice Pierce was appointed a judge of the Superior Court of Justice in 2001 and Regional Senior Judge in 2009. She served in that position until July 31, 2014.

Madam Justice Pierce received a Bachelor of Laws from Queen's University in 1980 and was admitted to the Bar of Ontario in 1982. Prior to her appointment to the bench, she was a sole practitioner in Sault Ste. Marie.

The Honourable C. Frederick Graham, a judge of the Superior Court of Justice, is appointed a judge of the Family Court Branch, and is transferred to replace Madam Justice L.M. Olah (Barrie), who elected to become a supernumerary judge as of October 21, 2014.

Mr. Justice Graham was appointed a judge of the Superior Court of Justice in Barrie in 2004. Prior to his appointment, he was a Senior Assistant Crown Attorney for Simcoe County. He received a Bachelor of Laws from the University of Western Ontario in 1978 and a Master of Laws from King's College at the University of London in 1993.

The Honourable Wendy L. MacPherson, a judge of the Superior Court of Justice, is appointed a judge of the Family Court Branch, and is transferred to replace Madam Justice J.W. Scott (St. Catharines), who elected to become a supernumerary judge as of November 10, 2014.

Madam Justice MacPherson was appointed a judge of the Superior Court of Justice in Kitchener in 2009. Prior to her appointment, she was a partner with Martin Sheppard Fraser LLP in Niagara Falls and practised family law.

Madam Justice MacPherson received a Bachelor of Arts in 1980 and a Bachelor of Laws in 1983, both from Queen's University. She was admitted to the Bar of Ontario in 1985.

The Honourable Ivan S. Bloom, a lawyer with the Public Prosecution Service of Canada in Toronto, is appointed a judge of the Superior Court of Justice, to replace Madam Justice S.S. Seppi (Brampton), who elected to become a supernumerary judge as of January 8, 2014.

Mr. Justice Bloom received a Bachelor of Arts (Political Science) from McMaster University in 1972 and a Bachelor of Laws from the University of Toronto in 1974. He was admitted to the Bar of Ontario in 1976 and was appointed Queen's Counsel in 1991.

Mr. Justice Bloom has been a Crown Counsel with the Ontario Regional Office of the Public Prosecution Service of Canada (formerly the Department of Justice) since 1980, where his main area of practice was criminal law and constitutional law. In Hamilton, he was a lawyer with Dubeck & Dudzic from 1977 to 1980, and with Katz, Swanborough from 1976 to 1977. He is a member of the Advocates' Society, the Canadian Bar Association, the Conference of French Speaking Members from Common Law Provinces and Territories and the Association des juristes d'expression française de l'Ontario. He has litigated before all levels of court, including the Supreme Court of Canada.

The Honourable George W. King, a lawyer with McTague Law Firm in Windsor, is appointed a judge of the Superior Court of Justice to replace Mr. Justice S. Rogin (Windsor), who elected to become a supernumerary judge as of April 11, 2014.

Mr. Justice King received a Bachelor of Laws from the University of Western Ontario in 1980. He joined the McTague Law Firm after being admitted to the Bar of Ontario in 1982. He is a member of the Canadian Bar Association and the Essex Law Association and has been listed in The Best Lawyers in Canada, in the field of labour and employment law, since 2006.

The Honourable Grant R. Dow, a lawyer with Flaherty Dow Elliott & McCarthy LLP in Toronto, is appointed a judge of the Superior Court of Justice, to replace Madam Justice R.E. Mesbur (Toronto), who elected to become a supernumerary judge as of June 30, 2014.

Mr. Justice Dow received a Bachelor of Arts (with Distinction) from Brock University in 1978 and a Bachelor of Laws from the University of Western Ontario in 1981. He was admitted to the Bar of Ontario in 1983 and he was certified as a Specialist in Civil Litigation in 1997. He had been a Law Society of Upper Canada Specialist Certification Interview Panellist since 2003.

Mr. Justice Dow has been a partner with Flaherty Dow Elliott & McCarthy since 1994 and was an associate with Gilbert Wright & Flaherty from 1983 to 1988, and partner from 1988 to 1994. While there, he practised insurance law, personal injury and motor vehicle litigation. He is a member of the Canadian Bar Association, the Medical Legal Society, the Advocates' Society, the Metropolitan Toronto Law Association and the Durham Law Association.

The Honourable W. Danial Newton, a lawyer with CARREL+Partners LLP in Thunder Bay, is appointed a judge of the Superior Court of Justice to replace Mr. Justice B.A. Glass (Oshawa), who elected to become a supernumerary judge as of July 31, 2014, and whose position was transferred to Thunder Bay.

Mr. Justice Newton received a Bachelor of Arts from the University of Western Ontario in 1979 and a Bachelor of Laws from Osgoode Hall Law School in 1982. After being admitted to the Bar of Ontario in 1984, he joined CARREL+Partners LLP, where he practised civil litigation. He was elected a Fellow of the American College of Trial Lawyers in 2012. He had been a Clinical Instructor at Lakehead University Faculty of Law since 2013, a director of The Advocates' Society since 2012, and is a certified Advocacy Trainer. He has also been a member of the Ontario Trial Lawyers Association since 2006, and was a member and past director of the Thunder Bay Law Association.

The Honourable Russell M. Raikes, a lawyer with McKenzie Lake LLP in London, is appointed a judge of the Superior Court of Justice to replace Mr. Justice J.M. Donohue (Sarnia), who elected to become a supernumerary judge as of May 4, 2014.

Mr. Justice Raikes received a Bachelor of Laws from the University of Windsor in 1982 and was admitted to the Bar of Ontario in 1984. He has been a lawyer with McKenzie Lake Lawyers LLP since 2012 and had previously been with Cohen Highley LLP (1984-2011), where he practised civil and commercial litigation, real estate law, Aboriginal law and employment law. He was chair of the International Bar Association (Indigenous Peoples Section) from 2005 to 2010.

The Honourable Suhail A.Q. Akhtar, a lawyer with the Ministry of the Attorney General in Toronto, is appointed a judge of the Superior Court of Justice, to replace Mr. Justice G. Czutrin (Toronto), who was appointed to the position of Senior Family Judge on December 31, 2013.

Mr. Justice Akhtar received a Bachelor of Laws (Hons.) from the University of London (U.K.) in 1983 and trained as a Barrister at Law of England and Wales from Inns of Court School of Law in 1984. He was admitted to the Bar of Ontario in 1998. He has been with the Crown Law Office (Criminal) since 2013. Prior to that, he was with the Scarborough Crown Attorney's Office from 2009 to 2013 and 1998 to 2005; on secondment with the Ministry of the Attorney General – Guns and Gangs Initiative from 2005 to 2009 in Toronto; as a Crown Prosecutor, Crown Prosecution Service in England from 1992 to 1996; a legal assistant with Barlow Lyde and Gilbert in 1990; and a barrister in the Chambers of John Spokes, Q.C. from 1988 to 1990.

The Honourable Sean F. Dunphy, a lawyer with Russell Hill Advisory Services Inc. in Toronto, is appointed a judge of the Superior Court of Justice, to replace Mr. Justice D.M. Brown, who was appointed to the Court of Appeal for Ontario.

Mr. Justice Dunphy received a Bachelor of Laws from the University of Toronto in 1986 and was admitted to the Bars of Ontario in 1985 and British Columbia in 1992. He has been the principal at Russell Hill Advisory Services Inc. since 2012, where he is co-head of the firm's National Insolvency and Restructuring Practice. He was previously an associate with Stikeman Elliott from 1985 to 1991, and a partner there from 1991 to 2012. He was a member of the Insolvency Institute of Canada and has published numerous journal articles. He was a frequent lecturer and panellist on insolvency and securities law at professional conferences across Canada.

The Honourable Mario D. Faieta, a lawyer with the Ontario Ministry of the Environment in Toronto, is appointed a judge of the Superior Court of Justice, to replace Madam Justice G.F. Speigel (Toronto), who elected to become a supernumerary judge as of July 22, 2014.

Mr. Justice Faieta received a Bachelor of Science from the University of Toronto in 1981 and a Bachelor of Laws from the University of British Columbia in 1984. He was admitted to the Bar of Ontario in 1986 and joined the firm Piscelli & Faieta, Barristers & Solicitors in 1986, where he practised environmental law, administrative law and insolvency law until 1987. He had been counsel with the Ontario Ministry of the Environment since 2004; with the Ministry of Municipal Affairs and Housing from 2000 to 2004; the Environmental Assessment Board, the Environmental Appeal Board; and the Environmental Compensation Corporation from 1992 to 2000. He was with the Crown Law Office – Civil Law from 1991 to 1992, counsel with the Ontario Environmental Compensation Corporation from 1989 to 1991 and a claims analyst with the Ontario Criminal Injuries Compensation Board from 1987 to 1989. He was the Associate Editor of the Canadian Environmental Law Reports.

The Honourable Benjamin T. Glustein, a Master with the Ontario Superior Court of Justice in Toronto, is appointed a judge of the Superior Court of Justice, to replace Madam Justice N.E. Garton (Toronto), who elected to become a supernumerary judge as of April 15, 2014.

Mr. Justice Glustein received a Bachelor of Laws and a Bachelor of Civil Law from McGill University in 1989 and was admitted to the Bar of Quebec in 1990 and the Bar of Ontario in 1993. In 1990, he was Law Clerk to Madam Justice l'Heureux-Dubé of the

Supreme Court of Canada. He had been a Master with the Ontario Superior Court of Justice since 2006, and had been previously with Borden Ladner Gervais LLP in Toronto and an associate with Ogilvy Renault (now Norton Rose LLP) in Montréal. He had been an adjunct professor with the University of Toronto Law School for Advanced Legal Research and Writing since 2005. He was a member of the E-Discovery Implementation Committee from 2004 to 2010 and a speaker at numerous conferences, including the Toronto Lawyers' Association, the Advocates' Society, the Law Society of Upper Canada and the Ontario Bar Association.

The Honourable J. Michal Fairburn, a lawyer with Stockwoods LLP in Toronto, is appointed a judge of the Superior Court of Justice, to replace Madam Justice K.M. van Rensburg (Brampton), who was appointed to the Court of Appeal for Ontario on October 1, 2013.

Madam Justice Fairburn received a Bachelor of Laws from the University of Toronto Law School in 1990 and was admitted to the Bar of Ontario in 1992. She joined the Crown Law Office of the Ministry of the Attorney General and was Crown Counsel from 1992 to 2007 and General Counsel from 2007 to 2013. She had been partner with Stockwoods LLP since 2013.

Madam Justice Fairburn was appointed a Fellow of the American College of Trial Lawyers in 2011, has been a member of the Federation of Law Societies since 2003 and was a member of the Board of Directors of the Advocates' Society from 2010 to 2013.

The Honourable Bradley W. Miller, a professor at the University of Western Ontario in London is appointed a judge of the Superior Court of Justice to replace Mr. Justice A. Goodman (London), who was transferred to Kitchener to replace Mr. Justice P.J. Flynn, who elected to become a supernumerary judge effective January 16, 2015. This appointment is effective January 16, 2015

Mr. Justice Miller received a Bachelor of Commerce and a Bachelor of Laws in 1992, both from the University of British Columbia. He received a Master of Laws (magna cum laude) in 1994 from the University of Edinburgh and a Doctorate in Philosophy (Law) from the University of Oxford in 2004. He was admitted to the Bar of British Columbia in 1993 and the Bar of Ontario in 2002.

Mr. Justice Miller had been a tenured associate professor in the Faculty of Law at the University of Western Ontario, working in the areas of constitutional theory, constitutional law and philosophy of law since 2011, and an assistant professor from 2005 to 2011. He had been an associate counsel in Miller Thomson's Litigation Group in Toronto since 2012, an associate with Lerner LLP in Toronto from 2002 to 2011, with Garton & Harris, Barristers & Solicitors from 1995 to 1997, and with Bell Spagnolo & Co. from 1994 to 1995, both in Port Coquitlam, British Columbia. His main areas of practice were commercial litigation, class actions, administrative law, constitutional law and human rights law.

The Honourable Alexander D. Kurke, a lawyer with the Ontario Ministry of the Attorney General in Sudbury, is appointed a judge of the Superior Court of Justice, to replace Mr. Justice E. Koke (Sault Ste. Marie), who was transferred to Parry Sound to

replace Mr. Justice J.S. O'Neill, who elected to become a supernumerary judge as of April 14, 2014.

Mr. Justice Kurke received a Bachelor of Arts (Latin) from Columbia College in New York in 1983. He received a Master of Laws in 1987 and a Doctorate in Philosophy in 1989, both from the University of Michigan. He received a Bachelor of Laws from the University of Toronto in 1992 and was admitted to the Bar of Ontario in 1994.

Mr. Justice Kurke had been an assistant Crown attorney in Sudbury since 1994 and held various team leader positions. His main area of practice was criminal and quasi-criminal law. He was a member of the Ontario Crown Attorneys' Association, and of the Sudbury District Law Association. He was the author of several articles on DNA and current legal issues.

The Honourable Robin Y. Tremblay, a lawyer with the Ontario Ministry of the Attorney General in Kapuskasing, is appointed a judge of the Superior Court of Justice, to replace Madam Justice C. MacDonald (Cochrane), who was transferred to Timmins, to replace Mr. Justice R.A. Riopelle, who elected to become a supernumerary judge as of January 8, 2014.

Mr. Justice Tremblay received a Bachelor of Laws from the University of Ottawa in 1994 and was admitted to the Bar of Ontario in 1996. He had been Crown attorney for the District of Cochrane North since 2001 and had been an assistant Crown attorney from 1999 to 2001. Prior to that, he was a partner with Perras Gauthier Mongenais Tremblay in Kapuskasing from 1996 to 1999. He had been a trainer with the French Language Institute for Professional Development since 2005, and with the Centre canadien de français juridique presenting French-language legal terminology seminars for provincial court judges and lawyers since 2010.

The Honourable Laura A. Bird, a lawyer with the Ontario Ministry of the Attorney General in Toronto, is appointed a judge of the Superior Court of Justice to replace Mr. Justice E.B. Minden (Newmarket), who elected to become a supernumerary judge as of June 24, 2014.

Madam Justice Bird received a Bachelor of Laws from Osgoode Hall Law School in 1994 and was admitted to the Bar of Ontario in 1996. She had been general counsel at the Metro West Crown Attorney's Office in Toronto since 2012. She had held various positions with the Crown Attorney's office since 1996. She had an independent criminal practice from 2006 to 2007 and was an assistant Crown attorney in Newmarket from 2005 to 2006. Madam Justice Bird was a member of the Ontario Crown Attorneys' Association, was a lecturer for numerous courses and was a frequent panellist at conferences on Charter applications, gang evidence and cross-examination.

The Honourable Catrina D. Braid, a lawyer with the Public Prosecution Service of Canada in Kitchener, is appointed a judge of the Superior Court of Justice to replace Madam Justice W.L. MacPherson (Hamilton), who was transferred to St. Catharines to replace Madam Justice J.W. Scott, who elected to become a supernumerary judge as of November 10, 2014.

Madam Justice Braid had been senior counsel and team leader for the Public Prosecution Service of Canada in Kitchener since 2005, and was previously legal counsel on the Major Case Team, Superior Court Team, and appellate counsel at the Ontario Court of Appeal with the Department of Justice, Federal Prosecution Service, in Toronto from 2000 to 2004. She had been an associate with Hobson, Taylor in Waterloo from 1996 to 2000. She had been a co-op program mentor for the Law Society of Upper Canada Equity and Diversity Mentorship Program since 2001 and had provided training to the Waterloo Regional Police on the subject of informants and search issues since 2005.

The Honourable William M. Le May, a lawyer with Hicks Morley LLP in Toronto, is appointed a judge of the Superior Court of Justice to replace Madam Justice L.L. Snowie (Brampton), who elected to become a supernumerary judge as of May 25, 2014.

Mr. Justice Le May received a Bachelor of Commerce from Queen's University in 1993 and a Bachelor of Laws from the University of Toronto in 1996. After being admitted to the Bar of Ontario in 1998, he joined the firm Hicks Morley, where he became a partner in 2004 and where he practised labour law, employment law and insurance law. He has been an executive member of the Ontario Bar Association, Labour and Employment Law Section; a speaker at events for the Human Resources Professionals Association (HRPA); at conferences of the Ontario Association of Fire Chiefs; and at conferences of the Ontario Municipal Human Resources Association. He has been listed in the legal directories Lexpert and The Best Lawyers in Canada (2012 and 2013) in the area of labour law.

NOMINATIONS À LA MAGISTRATURE DE L'ONTARIO

OTTAWA, le 16 décembre 2014 – L'honorable Peter MacKay, C.P., c.r., député de Nova-Centre, ministre de la Justice et procureur général du Canada, a annoncé aujourd'hui les nominations suivantes :

L'honorable David M. Brown, juge de la Cour supérieure de justice à Toronto, est nommé juge de la Cour d'appel de l'Ontario. Il remplace monsieur le juge S.T. Goudge, qui a choisi de devenir juge surnuméraire à compter du 31 janvier 2014.

Monsieur le juge Brown a été nommé juge de la Cour supérieure de justice en 2006, alors qu'il était associé au cabinet Stikeman Elliott à Toronto, où il exerçait dans les domaines du droit civil et du droit commercial.

Monsieur le juge Brown est président de l'Association des juges de la Cour supérieure de l'Ontario. Il a obtenu un baccalauréat en droit de l'Université de Toronto en 1981 et une maîtrise en droit constitutionnel de l'école de droit Osgoode Hall en 2005, puis il a été admis au Barreau de l'Ontario en 1983.

L'honorable Grant Huscroft, professeur à l'Université Western Ontario à London, est nommé juge de la Cour d'appel de l'Ontario. Il remplace monsieur le juge M. Rosenberg, qui a choisi de devenir juge surnuméraire à compter du 5 mars 2014.

Monsieur le juge Huscroft a obtenu un baccalauréat ès arts de l'Université Western Ontario en 1981, un baccalauréat en droit de l'Université Queen's en 1984 et une maîtrise en droit de l'Université d'Auckland en 1984. Il a été admis au Barreau de l'Ontario en 1987 et est un ancien membre de la Haute Cour de Nouvelle-Zélande.

Monsieur le juge Huscroft a été professeur à la Faculté de droit de l'Université Western Ontario depuis 2002 et doyen associé aux affaires académiques de 2006 à 2008. Il a été professeur permanent à la Faculté de droit de l'Université d'Auckland de 1992 à 2001 et directeur des études supérieures de 2000 à 2001. Il a aussi été professeur invité à la Faculté de droit de l'Université McGill en 1998 et avocat au ministère du Travail de l'Ontario de 1987 à 1991. Il a publié de nombreux articles de recherche juridique et a été maintes fois cité par les tribunaux et les universitaires partout dans le monde depuis 2000. Il est membre de la Society of Ontario Adjudicators and Regulators et de la Commission d'appel et de révision des services de santé.

L'honorable Douglas C. Shaw, juge de la Cour supérieure de justice à Thunder Bay, est nommé juge principal de la région du Nord-Ouest. Il remplace madame la juge H.M. Pierce, qui a démissionné de sa fonction de juge principale de la région le 31 juillet 2014.

Monsieur le juge Shaw a été nommé juge de la Cour supérieure de justice en 2005. Il a obtenu un baccalauréat en droit en 1973 et une maîtrise ès arts en 1970, tous deux de l'Université de Toronto, et il a été admis au Barreau de l'Ontario en 1975. Avant sa nomination à titre de juge, il exerçait au cabinet Atwood Shaw Labine.

L'honorable Helen M. Pierce, juge principale de la région du Nord-Ouest, Cour supérieure de justice, est transférée de nouveau à l'effectif judiciaire régulier (Thunder Bay). Elle remplace monsieur le juge D.C. Shaw, qui est nommé juge principal régional.

Madame la juge Pierce a été nommée juge de la Cour supérieure de justice en 2001 et juge principale régionale en 2009. Elle a occupé cette dernière fonction jusqu'au 31 juillet 2014.

Madame la juge Pierce a obtenu un baccalauréat de l'Université Queen's en 1980 et a été admise au Barreau de l'Ontario en 1982. Avant sa nomination à la magistrature, elle exerçait le droit seule à Sault Ste. Marie.

L'honorable C. Frederick Graham, juge à la Cour supérieure de justice, est nommé juge de la division de la Cour de la famille. Il est transféré afin de remplacer madame la juge L.M. Olah (Barrie), qui a choisi de devenir juge surnuméraire à compter du 21 octobre 2014.

Monsieur le juge Graham a été nommé juge de la Cour supérieur de justice à Barrie en 2004. Avant cette nomination, il était avocat de la Couronne supérieur adjoint pour le Comté de Simcoe. Il a obtenu un baccalauréat en droit de l'Université Western Ontario en 1978 et une maîtrise en droit de King's College, University of London, en 1993.

L'honorable Wendy L. MacPherson, juge à la Cour supérieure de justice, est nommée juge de la division de la Cour de la famille. Elle est transférée afin de remplacer madame

la juge J.W. Scott (St. Catharines), qui a choisi de devenir juge surnuméraire à compter du 10 novembre 2014.

Madame la juge MacPherson a été nommée juge de la Cour supérieure de justice à Kitchener en 2009. Avant cette nomination, elle était associée au cabinet Martin Sheppard Fraser à Niagara Falls, où elle exerçait en droit de la famille.

Madame la juge MacPherson a obtenu un baccalauréat ès arts en 1980 et un baccalauréat en droit en 1983, tous deux de l'Université Queen's. Elle a été admise au Barreau de l'Ontario en 1985.

L'honorable Ivan S. Bloom, avocat au Service des poursuites pénales du Canada à Toronto, est nommé juge de la Cour supérieure de justice. Il remplace madame la juge S.S. Seppi (Brampton), qui a choisi de devenir juge surnuméraire à compter du 8 janvier 2014.

Monsieur le juge Bloom a obtenu un baccalauréat ès arts (Sciences politiques) de l'Université McMaster en 1972 et un baccalauréat en droit de l'Université de Toronto en 1974. Il a été admis au Barreau de l'Ontario en 1976 et nommé conseiller de la reine en 1991.

Monsieur le juge Bloom était procureur de la Couronne au Bureau régional de l'Ontario du Service des poursuites pénales du Canada (anciennement le ministère de la Justice) depuis 1980. Ses principaux domaines de pratique étaient le droit criminel et le droit constitutionnel. Il a travaillé comme avocat au cabinet Dubeck & Dudzic de 1977 à 1980 et au cabinet Katz, Swanborough de 1976 à 1977, tous les deux situés à Hamilton. Il est membre de The Advocates' Society, de l'Association du Barreau canadien, de la Conférence des juristes d'expression française des provinces et territoires de common law et de l'Association des juristes d'expression française de l'Ontario. Il a plaidé à toutes les instances, y compris devant la Cour suprême du Canada.

L'honorable George W. King, avocat au cabinet McTague à Windsor, est nommé juge de la Cour supérieure de justice. Il remplace monsieur le juge S. Rogin (Windsor), qui a choisi de devenir juge surnuméraire à compter du 11 avril 2014.

Monsieur le juge King a obtenu un baccalauréat en droit de l'Université Western Ontario en 1980. Après son admission au Barreau de l'Ontario en 1982, il a joint le cabinet McTague. Il est membre de l'Association du Barreau canadien et de la Essex Law Association, et il figure dans le répertoire juridique The Best Lawyers in Canada, dans les domaines du droit du travail et de l'emploi, depuis 2006.

L'honorable Grant R. Dow, avocat au cabinet Flaherty Dow Elliott & McCarthy à Toronto, est nommé juge de la Cour supérieure de justice. Il remplace madame la juge R.E. Mesbur (Toronto), qui a choisi de devenir juge surnuméraire à compter du 30 juin 2014.

Monsieur le juge Dow a obtenu un baccalauréat ès arts (avec distinction) de l'Université Brock en 1978 et un baccalauréat en droit de l'Université Western Ontario en 1981. Il a été admis au Barreau de l'Ontario en 1983, est spécialiste agréé en contentieux des

affaires civiles depuis 1997 et a été membre des comités d'entrevues pour l'agrément des spécialistes du Barreau du Haut-Canada en 2003.

Monsieur le juge Dow est associé au cabinet Flaherty Dow Elliott & McCarthy depuis 1994 et a été avocat au cabinet Gilbert Wright & Flaherty de 1983 à 1988, puis associé de 1988 à 1994. Il exerçait dans le domaine du droit des assurances, du contentieux en matière de préjudices personnels et du contentieux relatif aux véhicules à moteur. Il est membre de l'Association du Barreau canadien, de la Medical Legal Society, de The Advocates' Society, de la Metropolitan Toronto Law Association et de la Durham Law Association.

L'honorable W. Danial Newton, avocat au cabinet CARREL+Partners à Thunder Bay, est nommé juge de la Cour supérieure de justice. Il remplace monsieur le juge B.A. Glass (Oshawa), qui a choisi de devenir juge surnuméraire à compter du 31 juillet 2014 et dont le poste a été transféré à Thunder Bay.

Monsieur le juge Newton a obtenu un baccalauréat ès arts de l'Université Western Ontario en 1979 et un baccalauréat en droit de l'école de droit Osgoode Hall en 1982. Après son admission au Barreau de l'Ontario en 1984, il a joint le cabinet CARREL+Partners, où il a exercé dans le domaine du contentieux des affaires civiles. Il a été nommé membre (Fellow) de l'American College of Trial Lawyers en 2012. Il est enseignant clinique à la Faculté de droit de l'Université Lakehead depuis 2013, directeur de The Advocates' Society depuis 2012, et il est formateur agréé en plaidoirie. Il est également membre de l'Ontario Trial Lawyers Association depuis 2006 et membre et ancien directeur de la Thunder Bay Law Association.

L'honorable Russell M. Raikes, avocat au cabinet McKenzie Lake à London, est nommé juge de la Cour supérieure de justice. Il remplace monsieur le juge J.M. Donohue (Sarnia), qui a choisi de devenir juge surnuméraire à compter du 4 mai 2014.

Monsieur le juge Raikes a obtenu un baccalauréat en droit de l'Université de Windsor en 1982 et a été admis au Barreau de l'Ontario en 1984. Il exerce le droit au cabinet McKenzie Lake Lawyers depuis 2012 et a exercé auparavant au cabinet Cohen Highley (1984-2011), dans les domaines du contentieux des affaires civiles et commerciales, du droit immobilier, du droit autochtone et du droit du travail. Il a été président de l'Association du Barreau international, Section des peuples autochtones, de 2005 à 2010.

L'honorable Suhail A.Q. Akhtar, avocat au ministère du Procureur général à Toronto, est nommé juge de la Cour supérieure de justice. Il remplace monsieur le juge G. Czutrin (Toronto), qui a été nommé juge principal de la Cour de la famille le 31 décembre 2013.

Monsieur le juge Akhtar a obtenu un baccalauréat en droit (avec distinction) de la University of London (Royaume-Uni) en 1983 et son titre d'avocat en droit de l'Angleterre et du pays de Galles de l'école de droit Inns of Court en 1984. Il a été admis au Barreau de l'Ontario en 1998. Il travaille au Bureau des avocats de la Couronne (droit criminel) depuis 2013. Avant cela, il a travaillé au Bureau du procureur de la Couronne à Scarborough de 2009 à 2013 et de 1998 à 2005, a été en détachement au ministère du Procureur général, Initiative de lutte contre les armes et les gangs, de 2005 à 2009, à Toronto, a travaillé comme procureur de la Couronne en Angleterre, au Crown

Prosecution Service, de 1992 à 1996, a été assistant juridique au cabinet Barlow Lyde and Gilbert en 1990 et avocat auprès du juge en chambre John Spokes, c.r. de 1988 à 1990.

L'honorable Sean F. Dunphy, avocat au cabinet de conseil Russell Hill à Toronto, est nommé juge de la Cour supérieure de justice. Il remplace monsieur le juge D.M. Brown, qui a été nommé juge à la Cour d'appel de l'Ontario.

Monsieur le juge Dunphy a obtenu un baccalauréat en droit de l'Université de Toronto en 1986 et a été admis au Barreau de l'Ontario en 1985 et au Barreau de la Colombie-Britannique en 1992. Il était directeur du cabinet de conseil Russell Hill depuis 2012, où il a codirigé la pratique nationale d'insolvabilité et de réorganisation du cabinet. Il a été avant cela avocat au cabinet Stikeman Elliott de 1985-1991 et associé de 1991-2012. Il a été membre de l'Institut d'insolvabilité du Canada et il a publié de nombreux articles. Il a été invité fréquemment à titre de conférencier et d'expert sur le droit de l'insolvabilité et des valeurs mobilières à des conférences partout au Canada.

L'honorable Mario D. Faieta, un avocat du ministère de l'Environnement de l'Ontario à Toronto, est nommé juge de la Cour supérieure de justice, en remplacement de madame la juge G.F. Speigel (Toronto), qui a choisi de devenir juge surnuméraire le 22 juillet 2014.

Monsieur le juge Faieta a reçu un baccalauréat ès sciences de l'Université de Toronto en 1981 et un baccalauréat en droit de l'Université de la Colombie-Britannique en 1984. Il a été reçu au Barreau de l'Ontario en 1986 et la même année, il s'est joint au cabinet juridique Piscelli & Faieta, Barristers & Solicitors, où il a pratiqué le droit de l'environnement, le droit administratif et le droit en matière d'insolvabilité jusqu'en 1987. Il est conseiller juridique au ministère de l'Environnement de l'Ontario depuis 2004; il a été conseiller juridique au ministère des Affaires municipales et du Logement de 2000 à 2004; il a été conseiller juridique auprès de la Commission de l'évaluation environnementale, de la Commission des appels en matière environnementale et de la Société d'indemnisation environnementale de 1992 à 2000. Il a travaillé au Bureau des avocats de la Couronne - droit civil de 1991 à 1992, a été conseiller juridique auprès de la Société d'indemnisation environnementale de l'Ontario de 1989 à 1991 et analyste des réclamations à la Commission d'indemnisation des victimes d'actes criminels de l'Ontario de 1987 à 1989. Il a été rédacteur en chef adjoint des Canadian Environmental Law Reports.

L'honorable Benjamin T. Glustein, un protonotaire auprès de la Cour supérieure de justice de l'Ontario à Toronto, est nommé juge de la Cour supérieure de justice en remplacement de madame la juge N.E. Garton (Toronto), qui a choisi de devenir juge surnuméraire le 15 avril 2014.

Monsieur le juge Glustein a obtenu un baccalauréat en droit et un baccalauréat en droit civil de l'Université McGill en 1989 et il a été admis au Barreau du Québec en 1990 et au Barreau de l'Ontario en 1993. En 1990, il a été l'assistant judiciaire de la juge l'Heureux-Dubé de la Cour suprême du Canada. Il était protonotaire auprès de la Cour supérieure de justice de l'Ontario depuis 2006, et il a exercé précédemment au sein du cabinet Borden Ladner Gervais s.r.l. à Toronto et a été associé chez Ogilvy Renault (maintenant Norton Rose s.r.l.) à Montréal. Il était professeur adjoint à la faculté de droit de l'Université de

Toronto, programme avancé de recherche et de rédaction, depuis 2005. Il a été membre du E-Discovery Implementation Committee de 2004 à 2010 et conférencier devant plusieurs auditoires, notamment la Toronto Lawyers' Association, l'Advocates' Society, le Barreau du Haut-Canada et l'Association du Barreau de l'Ontario.

L'honorable J. Michal Fairburn, une avocate du cabinet Stockwoods s.r.l. à Toronto, est nommée juge de la Cour supérieure de justice en remplacement de madame la juge K.M. van Rensburg (Brampton), qui a été nommée à la Cour d'appel de l'Ontario le 1er octobre 2013.

Madame la juge Fairburn a obtenu un baccalauréat en droit de l'Université de Toronto en 1990 et elle a été reçue au Barreau de l'Ontario en 1992. Elle s'est jointe au Bureau des avocats de la Couronne du ministère du Procureur général et a été avocate de la Couronne de 1992 à 2007 et avocate générale de 2007 à 2013. Elle est membre du cabinet Stockwoods s.r.l. depuis 2013.

La juge Fairburn a été nommée membre de l'American College of Trial Lawyers en 2011, est membre de la Fédération des ordres professionnels de juristes depuis 2003 et a été membre du conseil d'administration de l'Advocates' Society de 2010 à 2013.

L'honorable Bradley W. Miller, professeur à l'Université Western Ontario à London, est nommé juge de la Cour supérieure de justice. Il remplace le juge A. Goodman (London), qui a été transféré à Kitchener pour remplacer le juge P.J. Flynn, qui a choisi de devenir juge surnuméraire le 16 janvier 2015. Sa nomination entrera en vigueur le 16 janvier 2015.

Monsieur le juge Miller a obtenu un baccalauréat en commerce et un baccalauréat en droit en 1992, tous deux de l'Université de la Colombie-Britannique. Il a obtenu une maîtrise en droit (magna cum laude) en 1994 de l'Université d'Édimbourg et un doctorat en philosophie (droit) de l'Université d'Oxford en 2004. Il a été reçu au Barreau de la Colombie-Britannique en 1993 et au Barreau de l'Ontario en 2002.

Le juge Miller a été professeur associé permanent à la faculté de droit de l'Université Western Ontario, œuvrant dans les domaines de la théorie constitutionnelle, du droit constitutionnel et de la philosophie du droit depuis 2011, et professeur assistant de 2005 à 2011. Il était avocat-conseil associé auprès du cabinet Miller Thomson's Litigation Group à Toronto depuis 2012, a été associé chez Lerner s.r.l. à Toronto de 2002 à 2011 et a exercé au sein des cabinets Garton & Harris, Barristers & Solicitors de 1995 à 1997 et Bell Spagnolo & Co. de 1994 à 1995, tous deux établis à Port Coquitlam, en Colombie-Britannique. Ses principaux domaines de pratique étaient les litiges commerciaux, les recours collectifs, le droit administratif, le droit constitutionnel et les droits de la personne.

L'honorable Alexander D. Kurke, avocat au ministère du Procureur général de l'Ontario à Sudbury, est nommé juge à la Cour supérieure de justice en remplacement de monsieur le juge E. Koke (Sault Ste. Marie), qui a été transféré à Parry Sound pour remplacer monsieur le juge J.S. O'Neill, qui a choisi de devenir juge surnuméraire à compter du 14 avril 2014.

Monsieur le juge Kurke a obtenu un baccalauréat ès arts (Latin) du Columbia College à New York (É.-U.) en 1983. Il a obtenu une maîtrise en droit en 1987 et un doctorat en philosophie en 1989, tous deux de l'Université du Michigan. Il a obtenu un baccalauréat en droit de l'Université de Toronto en 1992 et a été reçu au Barreau de l'Ontario en 1994.

Le juge Kurke est procureur adjoint de la Couronne à Sudbury depuis 1994 et il a occupé divers postes de chef d'équipe dans le cadre desquels son principal domaine de pratique était le droit criminel et quasi criminel. Il a été membre de l'Association des procureurs de la Couronne de l'Ontario et de la Sudbury District Law Association. Il est l'auteur de plusieurs articles sur l'ADN et des questions de droit actuelles.

L'honorable Robin Y. Tremblay, avocat au ministère du Procureur général de l'Ontario à Kapuskasing, est nommé juge de la Cour supérieure de justice en remplacement de madame la juge C. MacDonald (Cochrane), qui est transférée à Timmins pour remplacer monsieur le juge R.A. Riopelle, lequel a choisi de devenir juge surnuméraire à partir du 8 janvier 2014.

Monsieur le juge Tremblay a obtenu un baccalauréat en droit de l'Université d'Ottawa en 1994 et a été reçu au Barreau de l'Ontario en 1996. Il était procureur de la Couronne dans le district de Cochrane Nord depuis 2001. Il a été procureur adjoint de la Couronne de 1999 à 2001 et auparavant, il a été associé au cabinet Perras Gauthier Mongenais Tremblay, à Kapuskasing, de 1996 à 1999. Il était formateur à l'Institut de développement professionnel de langue française depuis 2005 et au Centre canadien de français juridique, où il donnait des séminaires de terminologie du droit en langue française à des avocats et des juges de la Couronne provinciale depuis 2010.

L'honorable Laura A. Bird, avocate au ministère du Procureur général de l'Ontario à Toronto, est nommée juge de la Cour supérieure de justice en remplacement de monsieur le juge E.B. Minden (Newmarket), qui a choisi de devenir juge surnuméraire à partir du 24 juin 2014.

Madame la juge Bird a obtenu un baccalauréat en droit de la faculté de droit Osgoode Hall en 1994 et a été reçue au Barreau de l'Ontario en 1996. Elle était avocate générale au bureau du procureur de la Couronne Metro West à Toronto depuis 2012. Elle a occupé divers autres postes au bureau du procureur de la Couronne depuis 1996. Elle a été avocate dans un cabinet indépendant de droit criminel de 2006 à 2007 et procureure adjointe de la Couronne à Newmarket de 2005 à 2006. La juge Bird a été membre de l'Ontario Crown Attorneys' Association et chargée de cours à maintes reprises ainsi qu'experte invitée lors de plusieurs conférences sur les demandes fondées sur la Charte, la preuve d'activités liées à des gangs et le contre-interrogatoire.

L'honorable Catrina D. Braid, avocate au Service des poursuites pénales du Canada à Kitchener, est nommée juge de la Cour supérieure de justice en remplacement de madame la juge W.L. MacPherson (Hamilton), qui est transférée à St. Catharines pour remplacer madame la juge J.W. Scott, laquelle a choisi de devenir juge surnuméraire à partir du 10 novembre 2014.

Madame la juge Braid était avocate-conseil et chef d'équipe au Service des poursuites pénales du Canada à Kitchener depuis 2005. Elle a été conseillère juridique pour l'équipe

des dossiers importants et l'équipe de la Cour supérieure et avocate d'appel à la Cour d'appel de l'Ontario pour le ministère de la Justice, Service des poursuites pénales du Canada, à Toronto de 2000 à 2004. Elle a également été associée du cabinet Hobson, Taylor à Waterloo de 1996 à 2000. Par ailleurs, elle était mentor d'enseignement coopératif pour le programme de mentorat sur l'équité et la diversité du Barreau du Haut-Canada depuis 2001 et donnait de la formation sur les informateurs et les fouilles à la Police régionale de Waterloo depuis 2005.

L'Honorable William M. Le May, avocat au cabinet Hicks Morley s.r.l. à Toronto, est nommé juge de la Cour supérieure de justice en remplacement de madame la juge L.-L. Snowie (Brampton), qui a choisi de devenir juge surnuméraire à partir du 25 mai 2014.

Monsieur le juge Le May a obtenu un baccalauréat en commerce de l'Université Queen's en 1993 et un baccalauréat en droit de l'Université de Toronto en 1996. Après avoir été reçu au Barreau de l'Ontario en 1998, il s'est joint au cabinet Hicks Morley, où il est associé depuis 2004 et où il pratique le droit du travail, le droit de l'emploi et le droit des assurances. Il a été membre de l'exécutif, Section du droit du travail et de l'emploi, de l'Association du Barreau de l'Ontario; de même que conférencier lors d'activités de l'Association des professionnels des ressources humaines, de conférences de l'Ontario Association of Fire Chiefs et de conférences de l'Ontario Municipal Human Resources Association. Il a été reconnu dans les répertoires juridiques Lexpert et The Best Lawyers in Canada en 2012 et 2013, en droit du travail.



Osler lawyer's efforts make traffic court disclosure the norm for self-represented litigants in Ontario

Julius Melnitzer, Legal Post (Financial Post), December 17, 2014

The pro bono efforts of Mary Paterson, a lawyer in Osler, Hoskin & Harcourt's Toronto office, have been instrumental in making Crown disclosure a reality for self-represented litigants in Ontario's traffic court.

"We challenged the Crown's approach to disclosure of evidence in Provincial Offences Act matters – and 1.6 million charges are laid under that Act each year," Paterson said. "Now the Crown will advise self-represented defendants of their right to request disclosure before trial."

Why is this access to justice issue so important?

Firstly, because it affects so many Ontarians. The traffic court deals with 1.6 million charges annually. Secondly, a great many of those charged come to court unrepresented. Thirdly, as our courts have repeatedly pointed out, a conviction can have significant financial consequences apart from the impact of demerit points and the loss of the right to drive on those who travel to work in their cars or use motor vehicles as part of their job.

In a recent case before the Ontario Court of Appeal, Paterson raised the issue squarely: whether and when is the Crown obliged to tell self-represented litigants in traffic court that they can request disclosure of the evidence against them?

The case originated when Haroon Ul-Rashid was charged with failing to stop at a red light in Toronto contrary to Part I of the Provincial Offences Act. He was convicted, unsuccessfully appealed to the Ontario Court of Justice, and then obtained leave to appeal to the Court of Appeal, which appointed Paterson as amicus.

Paterson and her colleague Michael Milne served a notice of constitutional question that, among other things, raised the disclosure issue. That brought in the AG, who took no position on the merits of the appeal but confined herself to the constitutional issues.

Before Paterson's involvement, the Crown did not advise self-represented litigants of their right to disclosure. After Paterson filed her factum, the Attorney General changed its practice to provide notice of the right to request disclosure on the Notice of Trial form that litigants receive if they decide to contest their ticket at trial. In fact, the AG subsequently changed the form twice to make it more clear.

By the time the appeal was argued — and as the Court of Appeal noted in its reasons — the Crown had conceded that there was a duty of disclosure in trials conducted under Part I of the Provincial Offences Act “and that an unrepresented accused must be informed of his right to disclosure.”

As well, the City of Toronto conceded that Ul-Rashid had not been adequately informed of his right to disclosure and that important evidence had been lost. The city agreed that the appeal should be allowed.

On Dec. 15, the Court of Appeal acquitted the accused. But the court refused to deal with the constitutional issues despite being urged to do so by all parties.

“Given our order, it is unnecessary to consider issues, including constitutional issues, regarding the method and timing of providing notice of the right to disclosure to unrepresented litigants in trials under Part I of the POA,” the court wrote. “The proposed fresh evidence of the Attorney General on these issues is not required and will not be admitted. It is also unnecessary to consider the nature of the assistance required to be provided by Justices of the Peace to unrepresented litigants in trials under Part I of the POA.”

“The amicus curiae, the City, and the Attorney General take the position that, notwithstanding the fact that there is no lis among the parties, we should consider the issue of disclosure and the issue of assistance for unrepresented litigants in order to provide guidance to future courts on these issues. While we recognize that we have

jurisdiction to hear these submissions, we decline to do so. Having regard to the factors enumerated in *Borowski v. Canada (A.G.)*, [1989] 1 S.C.R. 342, we do not believe that it is appropriate to deal with these moot issues. We are not satisfied that, having regard to our adjudicative role and the lack of a *lis*, we should offer any guidance on these issues or, that if we did, it would have any jurisprudential value.”
