

Press Clippings for the period of December 20<sup>th</sup> to 27<sup>th</sup> 2016 / Revue de presse pour la période du 20 au 27 décembre 2016

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## **Phénix: des échos dans la presse internationale**

**Paul Gaboury, Le Droit, le 27 décembre 2016**

Les ennuis du gouvernement canadien avec son système de traitement de paye Phénix ont résonné à quelques reprises dans les médias étrangers, aux États-Unis de même qu'en Australie en 2016.

Le New York Times y consacrait un long article en novembre intitulé : A New Payroll System Misfires, and Canadians Ask: Where's My Pay?

«Le gouvernement du Canada a une cote de crédit AAA et un budget de 200 milliards, rappelle l'auteur Ian Austen. Vous auriez imaginé sans doute qu'il est en mesure de payer les salaires de ses employés. Mais depuis le début de l'année, être payé est devenu frustrant pour plus de 80 000 fonctionnaires fédéraux, non pas en raison d'un manque de fonds, mais parce que le nouveau système de paye a des problèmes à répétition.»

En Australie, le fiasco Phénix a aussi trouvé place dans la presse. Les médias s'intéressent aux projets en technologie de l'information au Canada en raison des ennuis que le gouvernement australien a eu ces dernières années à ce chapitre, notamment avec le géant IBM.

En août dernier, le recensement australien, qui a coûté 471 millions \$, s'est transformé en « catastrophe ». Le géant IBM avait obtenu un petit contrat de 9 millions \$ en 2014 pour permettre aux Australiens d'y participer en ligne. Mais, les attaques répétées contre les serveurs ont empêché les gens de compléter le formulaire en ligne.

Au lendemain du recensement, le premier ministre australien Malcolm Turnbull avait promis que des « têtes allaient rouler », estimant que les mesures nécessaires n'avaient pas été prises, notamment par l'entreprise IBM pour contrer ces « attaques prévisibles ».

L'Australian Broadcast Corporation a rappelé que le gouvernement canadien n'a pas blâmé IBM, la même entreprise qui a développé PeopleSoft de Phénix, pour ses déboires, pointant plutôt jusqu'à maintenant d'autres facteurs, incluant une mauvaise planification de la formation du personnel.

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En plus de ses problèmes lors du recensement, le gouvernement australien avait aussi tenté sans succès d'aller devant les tribunaux contre IBM à la suite des ratés lors de l'implantation du système de paye des employés de la santé en 2010, dont l'implantation avait dépassé les coûts prévus.

Le Vérificateur général du Canada, Michael Ferguson, a déjà confirmé un audit sur Phénix, dont les résultats ne seront pas dévoilés avant l'automne 2017.

## **Unions suspend Phoenix court challenge in exchange for inside information on payroll fiasco**

**Kathryn May, The Ottawa Citizen, December 27 2016**

Unions suspended their court battle to force the federal government to pay public servants properly in exchange for being kept in the loop about what's wrong with the malfunctioning Phoenix payroll system and how to fix it.

The 14 unions and government mutually agreed to a consent order, approved by the Federal Court, in which the government promises to share more information and expert opinion on problems plaguing the payroll system.

The order also sets out specific steps to resolve pay issues for employees, such as those on disability, facing major hardships because of pay foulups.

The government has regularly briefed unions about Phoenix but the consent order marks a significant shift, with the government now agreeing to work with the unions as partners on fixing Phoenix. Some argue, meanwhile, that it reinforces the perception that the government really doesn't have a complete handle on what's wrong with the new payroll system.

The consent order comes after the unions agreed to adjourn a Dec. 19 hearing for a mandamus order they requested last summer when Phoenix problems escalated into a crisis. They had wanted the Federal Court to force the government to honour its "legal duty" to pay employees properly and on time. Specifically, they asked the court to direct the government to "take all necessary steps" to resolve all pay problems caused Phoenix by Jan. 30.

It's unclear how setting a deadline would have worked, since the government had already missed its own self-imposed Oct. 31 deadline to clear the backlog. It has also taken numerous steps to fix the problems.

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- [Government IT projects flashing red: Email, Phoenix Pay and data centres just the tip of the iceberg](#)
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Now, the two parties have agreed to resurrect the Union Management Consultations Committee, which was created in 2011 during the planning and implementation of the massive pay modernization project.

At that committee, unions warned eliminating 700 experienced compensation advisers could be disastrous and questioned how an off-the-shelf payroll system could handle a pay regime as large and complex as the government's.

Under the consent order, this committee will provide an "open and transparent forum" for discussing Phoenix. Information will be shared with employees through the committee, which can also release "reports and share information as it determines necessary for public distribution."

Until now, Public Services and Procurement Canada, the federal paymaster and department responsible for Phoenix, has been holding public technical briefings every payday to update efforts to fix Phoenix.

The government has also agreed to make Phoenix specialists available to the committee and any sub-committees it creates. Union officials previously felt cut out of the loop on expert opinion the government was receiving.

The consent order also spells out steps to deal with unpaid employees on disability, maternity or parental leave who are among the worst cases of financial hardship. These employees are considered to be on "leave without pay" and ineligible for emergency or priority pay that other unpaid employees have received.

With the consent order, the government has agreed to create a dedicated team of compensation advisers who handle only these cases.

The government also agreed that the temporary pay centres and call centres opened to deal with the backlog will remain operational as long as needed to resolve pay problems.

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The government has further agreed not to enforce time restrictions on filing compensations claims or grievances because of pay problems.

The order asks the government to help resolve the glitches that have created problems for unions collecting union dues. The Public Service Alliance of Canada is facing a \$1.5-million shortfall in union dues at the end of the year.

The unions have not formally withdrawn the request for the mandamus order, so it can be resumed at any time.

In seeking the mandamus order, the unions argued the government was legally bound to pay people properly under the Financial Administration Act and the directive on terms and conditions of employment.

The government has always acknowledged its obligation to pay employees. Both Treasury Board president Scott Brison and [Public Services Minister Judy Foote](#) have repeatedly said it is “totally unacceptable” that people have suffered financial and personal hardship because Phoenix isn’t paying people properly.

This left the government to convince the court that its reasons for not paying public servants properly were justified.

The government argued setting a Jan. 30 deadline was not “useful” or “practical.” The 10,000 cases still in backlog are highly complex and predate Phoenix and the government contends it has already taken every possible step to resolve pay problems as quickly as possible.

Those steps, which have already cost the government \$50 million, include: hiring 250 more compensation advisers, opening five satellite pay centres and call centres to speed up processing and to take the pressure off the pay centre in Miramichi, N.B.

It is also making emergency payments to those who aren’t getting paid or who are short-changed and will repay any out-of-pocket costs caused by Phoenix foulups.

“These steps represent reasonable best efforts and are indicators that the government has acted in good faith in attempting to deal with the situation,” the government said in its earlier filings.

Federal lawyers also argued the court doesn’t have the “expertise or background” to tell the government how to spend its resources.

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The union argued it wasn't fully in the loop and wanted the court to order the government to turn over all "relevant information" on the options to fix the system; the status of pay issues in all departments; obstacles to sending more compensation advisers to the Miramichi pay centre; statistics on people working at Miramichi, as well as statistics on all Phoenix training.

The unions and government don't see eye-to-eye on the nature of the pay problems. Unions argue Phoenix doesn't work and "systemic issues giving rise to the pay administration problems" exist that will continue until fixed.

"The issues in the present case arise from the (government's) systemic failure to properly and accurately pay federal public service employees."

"Despite repeatedly acknowledging the substantive harm being done to employees the (government) has not addressed the underlying causes of its failure, such that this harm has been continuous and reoccurring."

The union argued Phoenix didn't automate the pay process as much as promised and that the government has resorted to workarounds and made more than 600 warranty claims against for deficiencies in Phoenix. Officials have said IBM, hired to adapt PeopleSoft payroll software for the government, has fulfilled its warranty.

The government had said the warranty issues are minor problems, such as incorrect data entry and reset of passwords and the unions have a "lack of understanding of the pay administration issues."

## **Les avocats et les notaires défient le gouvernement**

**Les juristes ont décidé mardi de poursuivre leur débrayage  
Marco Béclair-Cirino, Le Devoir, le 21 décembre 2016**

Les avocats et notaires de l'État québécois (LANEQ) sont déterminés à gagner la guerre d'usure dans laquelle ils sont engagés depuis près de deux mois. Ils ont massivement voté mardi pour la poursuite de la grève générale illimitée, rejetant presque à l'unanimité les dernières offres gouvernementales.



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Pas moins de 90 % des quelque 900 juristes présents à l'assemblée générale extraordinaire ont décidé de poursuivre leur débrayage jusqu'à nouvel ordre, quitte à revoir à la baisse leurs indemnités de grève. Devant ce vote décisif, le Conseil du trésor n'aura d'autre choix que de lâcher du lest, est d'avis le porte-parole de LANEQ, François Desroches-Lapointe. « *La balle est désormais dans le camp du gouvernement* », a-t-il souligné en fin de journée.

Les juristes ont infligé un sévère camouflet au gouvernement libéral, a fait valoir de son côté le président de LANEQ, Jean Denis. « *Le gouvernement nous traite avec mépris. [...] Il pensait qu'on était pour rentrer à genoux et à plat ventre au travail. Les membres viennent de dire : "non, non" »*, a-t-il dit dans un impromptu de presse.

### **« Souci d'équité »**

Disant être guidé par « *un souci d'équité envers toute la fonction publique* », le président du Conseil du trésor, Carlos Leitão, a refusé jusqu'ici d'acquiescer à la principale demande des avocats et notaires de la fonction publique et de Revenu Québec. Ceux-ci réclament d'être assujettis à un régime de négociations semblable à celui prévu pour les procureurs aux poursuites criminelles et pénales.

LANEQ s'était résigné au cours des dernières semaines à demander la mise sur pied d'un comité de rémunération chargé de faire des recommandations au Bureau de l'Assemblée nationale en cas d'impasse à la table de négociations, plutôt qu'un arbitrage liant les parties patronale et syndicale. « *C'est une proposition qui a malheureusement été rejetée du revers la main* », a souligné Me Desroches-Lapointe, regrettant de constater que le gouvernement entretient « *deux classes distinctes d'avocats* » qui ont pourtant « *des fonctions vraiment similaires* ».

### **Mise en garde**

La presque totalité des juristes (quelque 900 sur 1050 grévistes) s'était déplacée mardi à l'hôtel Château Laurier, à Québec, ou encore à l'hôtel Hyatt Regency, à Montréal, pour prendre part à cette deuxième assemblée générale extraordinaire depuis le coup d'envoi de la grève, le 24 octobre dernier. « *Le mépris, ça suffit* », a scandé l'un d'eux, le poing levé, se valant les applaudissements de ses confrères et consoeurs. Mais les plus vifs applaudissements ont éclaté lorsque le président de LANEQ, Jean Denis, et d'autres membres de l'exécutif ont pris place.

M. Denis a mis en garde le Conseil du trésor contre les effets d'une grève prolongée des avocats et notaires de la fonction publique et de Revenu Québec, qui menace déjà, selon lui, la « *sécurité juridique de l'État* ». « *La session [parlementaire] risque d'être ultra minceur* », a-t-il

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lancé, tout en promettant à demi-mot de tout faire pour paralyser les processus législatif et réglementaire cet hiver. Même la loi d'exécution du prochain budget Leitão est compromise, a-t-il fait remarquer.

## **“Quebec” Government lawyers vote to continue with strike**

**Presse Canadienne, Montreal Gazette, December 20 2016**

Government lawyers and notaries voted 90 per cent on Tuesday to continue their two-month-old strike.

Jean Denis, president of Les Avocats et notaires de l'État québécois, said the union's 1,000 members indicated at meetings in Montreal and Quebec City that they are ready to stay on strike in 2017 if necessary.

“They want to continue (the strike) because they feel despised,” Denis said. “They feel that the government wants to ridicule them and that it does not respect them at all. They feel that the government should be ashamed of treating its lawyers this way.”

Denis added that there are no negotiation sessions planned with the government.

François Desroches-Lapointe, a lawyer, warned that the strike will result in fewer bills being tabled in the National Assembly.

The union is seeking binding arbitration – something that the government rejects, Denis noted.

On Dec. 14, Quebec Treasury Board president Carlos Leitão expressed impatience with the pace of negotiations and the strike, saying “it's time to move forward.”

The union has rejected the latest government offer by 97 per cent.

## **L'ACEP demande la conciliation**

**Paul Gaboury, Le Droit, le 21 décembre 2016**



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Malgré les ententes de principe intervenues à différentes tables de négociations depuis la semaine dernière, certains groupes d'employés syndiqués du gouvernement fédéral ne parviennent pas à s'entendre en vue du renouvellement de leur contrat de travail. C'est le cas des 12 000 économistes, membres de l'Association canadienne des employés professionnels (ACEP).

Après une journée de négociations, l'équipe du groupe EC a décidé à l'unanimité de demander la conciliation exécutoire en présence d'une tierce partie, dans l'espoir de régler les enjeux encore en suspens.

Après les ententes de principe conclues à l'Alliance de la fonction publique du Canada (AFPC), à l'Institut professionnel de la fonction publique du Canada (IPFPC), de même qu'à la table du groupe des traducteurs de l'ACEP, l'équipe de négociations des économistes espéraient qu'elles donneraient le ton pour conclure une entente satisfaisante pour ses membres du groupe EC.

Mais l'ACEP soutient que le gouvernement a rejeté les priorités essentielles du groupe EC et a déposé des offres salariales «injustes et insuffisantes», inférieures au taux d'inflation et à ce qui a été offert à plusieurs autres groupes. De plus, les augmentations ne s'appliqueraient pas également à tous les membres.

«L'employeur a démontré un refus déraisonnable de négocier. Non seulement ils offrent des augmentations économiques inférieures, ils ne peuvent même pas justifier leur position salariale en s'appuyant sur des faits probants. De notre côté, nous leur avons déposé une analyse salariale détaillée. L'employeur a également refusé de considérer les autres priorités établies par nos membres», a indiqué la présidente nationale de l'ACEP, Emmanuelle Tremblay.

En vertu des nouvelles règles établies pour cette ronde, l'ACEP a indiqué qu'elle allait déposer une demande de conciliation exécutoire au début de 2017, en défendant les priorités identifiées par ses membres en janvier 2016. Ce n'est qu'à ce moment que le syndicat dévoilera les détails des éléments qui seront référés à la conciliation exécutoire.

Offres présentées aux 750 traducteurs

Par ailleurs, l'équipe à la table du groupe TR comptant 750 traducteurs fédéraux a décidé de soumettre la dernière proposition au vote de ses membres, plutôt que de décréter l'impasse dans les négociations.



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«Notre équipe de négociation estimait que l'employeur aurait pu bonifier son offre afin de reconnaître le travail exceptionnel de nos membres, particulièrement à la lumière des difficultés éprouvées par le Bureau de la traduction. Toutefois, devant le refus des négociateurs du Conseil du Trésor d'accepter les ultimes améliorations demandées par l'ACEP, nous avons convenu qu'il était souhaitable de soumettre l'offre aux membres afin que ces derniers décident démocratiquement de la suite des choses», a expliqué la présidente de l'ACEP.

L'offre est pour un contrat d'une durée de quatre ans, avec une hausse annuelle de 1,25 %, rétroactive au 19 avril 2014. De plus, toutes les échelles salariales seront bonifiées de 0,75 %, rétroactivement au 19 avril 2016. De plus, un autre ajustement d'échelle de 0,50 % sera appliqué le 19 avril 2017. L'offre inclut également un protocole d'entente pour le régime de congés de maladie des employés. Des séances d'information sont prévues au début de 2017 et les membres seront par la suite invités à voter sur la ratification ou pas de l'entente.

## **CAPE breaks off contract talks for 12,000 economists with federal government**

**Kathryn May, The Ottawa Citizen, December 21 2016**

Federal economists have walked out of negotiations with the federal government over its refusal to give them raises to cover inflation and to enshrine the right to provide evidence-based policy advice in their contracts.

The Canadian Association of Professional Employees, which represents the 12,000 economists working in government, declared an impasse Tuesday after more than two years of negotiations and is now seeking binding conciliation to reach a settlement.

Treasury Board offered the same 1.25 per cent-a-year raise in each of the next four years that it gave to other unions in its latest push to reach agreements by year-end, but it has apparently refused to offer the “market adjustment” raises it offered to some other employees. The government is proposing a four-year-contract retroactive to summer 2014.

“It is pretty insulting for economists to see many of their colleagues get the market adjustment and not them,” said Claude Poirier, who was part of CAPE’s negotiating team.

“The employer is telling us that below-inflation wage increases are normal. We are expected to explain to our members that getting a pay cut is normal. The previous (Conservative) government never went that far, even when the economy was really at its worst.

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The union also wanted a professional integrity clause built into their contract to ensure economists can provide evidence-based advice without fear of reprisal or repercussions. Poirier said they wanted this embedded in their contracts to ensure governments could not demand evidence be tailored to their policies.

“That was the concern with the previous government; some members felt they were being told what results their political masters wanted to achieve,” he said.

Government scientists recently got scientific integrity embedded in their contracts, giving them the right to speak openly about their research. Poirier said the government felt the values and ethics code protected economists’ professional integrity and that it didn’t need to be included in contracts.

Treasury Board has been on a roll of late, reaching tentative agreements with the country’s two largest public-sector unions, the Public Service Alliance of Canada and Professional Institute of the Public Service of Canada. Deals with the large unions typically set the precedent for the other unions.

The monetary settlements are much lower than what unions originally demanded, but the government also deferred any action on sick leave, the hot-button issue in these talks, by taking its ideas for a short-term disability plan off the table and creating a task force to develop a new “wellness plan.”

What irks CAPE is that Treasury Board is being “unfair and divisive” with increases that don’t apply equally to all members, Poirier said.

The government has boosted the five per cent base salary raise of some employees with “market adjustments” and allowances. PSAC, for example, got a 0.5 per cent market adjustment in 2016 for its large program and administration group of workers. The auditors, represented by the Professional Institute of the Public Service of Canada, got an extra one per cent, while medical doctors and dentists got a four per cent adjustment.

The government has eight levels of economists working in the public service and has offered only two of those levels a 0.75 per cent adjustment for 2016.

The government also negotiated different sick leave regimes. PSAC agreed to broad discussions on a wellness plan that would keep the existing sick leave regime and the millions of days public servants sick have banked. PIPSC agreed to the framework for a wellness plan with many of the

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features of a short-term leave disability plan. Until that plan is fleshed out and agreed upon, the existing sick leave regime remains in place.

The translators and economists represented by CAPE were offered the PISPC proposal.

CAPE nearly broke off talks last week with the government's proposal for federal translators. Instead, the union is presenting the offer to members in a ratification vote. That tentative deal gives translators a 6.25 per cent raise over four years — 1.25 per cent in each of the four years of the contract, along with market adjustment of 0.75 per cent in 2016 and .5 per cent in 2017.

CAPE president Emmanuelle Tremblay said the Liberals haven't met their promise of "sunny ways" and respect for public servants.

"The employer demonstrated an unreasonable unwillingness to negotiate," she said. "Not only are they offering sub-par economic increases for our members, but they are not even able to justify their salary position with hard evidence.

"We are talking about the same government that voted themselves wage increases that are far more generous," Poirier said. MPs voted themselves a 2.3 per cent increase in 2014 and another 1.8 per cent raise the following year.

Unions have argued employees also faced a pay cut when the Conservatives decided in 2013 to phase in pension cost-sharing so public servants would eventually pay 50 per cent of their pension contributions. This has eroded wages by 0.59 per cent in 2014, 0.60 per cent in 2015 and 0.78 per cent in 2016. Public service pensions are set by legislation and not negotiable.

## **Government of Canada reaches tentative settlement with Association of Canadian Financial Officers**

**Treasury Board of Canada Secretariat, Marketwired, December 21 2016**

The Government of Canada remains committed to fair and reasonable negotiations with bargaining agents to reach agreements that are good for employees and fair for Canadians.

The Government and the Association of Canadian Financial Officers (ACFO) have reached a tentative settlement that, if ratified, will apply to about 4,000 public service employees in the Financial Management (FI) bargaining unit. Employees of the FI group are primarily involved in

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the delivery and management of internal public service financial policies, programs, and services.

With this most recent tentative settlement with ACFO, the Government of Canada has now concluded tentative settlements with bargaining agents representing over half of public service employees for which Treasury Board is the employer.

The tentative settlement for the FI bargaining unit includes economic increases that are in line with what has been negotiated with the Professional Institute of the Public Service of Canada, the Public Service Alliance of Canada, and the Canadian Association of Professional Employees. It also includes a framework to work towards modernizing the Government's sick leave system.

## **L'AFPC sauve les congés de maladie**

**Sylvie Branch, Le Droit, le 19 décembre 2016**

Quelque 68 000 fonctionnaires fédéraux conserveront leurs congés de maladie, selon l'entente provisoire conclue dimanche entre le gouvernement et l'Alliance de la Fonction publique du Canada (AFPC).

La question des congés de maladie achoppait depuis le début des négociations, il y a deux ans. Parmi les enjeux communs, le réaménagement des effectifs fait aussi partie de l'entente qui touche les membres du service des programmes et de l'administration (PA).

« Le gouvernement précédent voulait retirer le régime des congés de maladie de la convention collective et nos membres n'étaient vraiment pas prêts à y aller, soutient Larry Rousseau, vice-président exécutif de l'AFPC pour la région de la capitale nationale. »

Même si les congés accumulés sont protégés, rien n'assure que les fonctionnaires pourront continuer cette pratique, nuance M. Rousseau.

Concernant la question du réaménagement des effectifs, les fonctionnaires se verront offrir la possibilité de quitter d'eux-mêmes la fonction publique. De plus, un plus grand nombre d'employés seront admissibles aux échanges de postes et auront plus de temps pour en trouver un qui leur convient. L'entente prévoit aussi que le gouvernement limitera le recours à la sous-traitance.

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### **Hausses salariales**

Au niveau des augmentations salariales, dans l'ensemble il s'agit d'une hausse d'au moins 5,5 % sur quatre ans à laquelle s'ajoute une prime à la signature de 650 \$.

Cette clause touche certains types de postes, comme les conseillers en rémunération et le personnel des Services correctionnels.

Un groupe de travail sur la santé mentale sera créé et les congés familiaux seront bonifiés.

Les membres de l'unité syndicale doivent ratifier l'entente de quatre ans, un processus qui pourrait prendre quelques mois.

Quatre autres unités, représentées par l'AFPC, sont toujours en négociations.

## **Public Prosecution Service of Canada clarifies prosecutors comments**

**Defence lawyers in case have said public comments made by prosecutor contradict findings in police probe**

About a month after he made statements outside a Sudbury court referring to Energy Minister Glenn Thibeault, public prosecutor Vern Brewer is clarifying what he said.

The comments were made in relation to a Sudbury byelection bribery case that is currently working its way through the court.

"The Public Prosecution Service of Canada and Mr. Brewer wish to clarify that in his statements Mr. Brewer never suggested, nor intended to suggest, that Mr. Thibeault acted corruptly," the PPSC wrote in a news release Wednesday.

The PPSC also stated it regretted any contrary interpretation that may have been made.

### **Thibeault 'pleased'**

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Glenn Thibeault's office issued a short reply in response to the statement.

"I'm pleased that the issue arising from Mr. Brewer's statements has been resolved," Thibeault is quoted as saying.

"As this is a matter that is before the courts, I do not intend to comment any further."

The defence lawyers in the case have previously said public comments made by the prosecutor contradict the findings of the police investigation.

"Our allegation is that Mr. Thibeault sought certain benefits, offers, jobs or employment as part of his condition to run as an MPP," Brewer told reporters on Nov. 21.

"The section makes it an offence to offer, not necessarily to receive."

Toronto lawyer Brian Greenspan, who is representing former top Liberal official Pat Sorbara, said the comments were "inconsistent with positions taken throughout the course of the investigation"

Earlier this month, Greenspan and Michael Lacy, the lawyer for prominent Sudbury businessman Gerry Lougheed, convinced a Sudbury judge to adjourn the case until Jan. 18, so the dispute could be sorted out.

Lougheed and Sorbara are accused of offering former Liberal candidate Andrew Olivier a bribe to step aside so then NDP MP Glenn Thibeault could run for the Ontario Liberals in last year's Sudbury byelection.

Sorbara is also accused of bribing Thibeault to defect from the New Democrats.

## **Editorial: PSAC deal a win for union staff — and nobody else**

**Editorial Board, Ottawa Citizen, December 19 2016**



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The federal Liberal government has frequently stressed that it needs a happy public service so it can get its agenda through. It also pledged from the start to treat bureaucrats with more respect than it felt the previous Conservative government had shown.

So it's not surprising that the Liberals have delivered happy news to some members of PSAC, the government's largest public-sector union, in the form of a 5.5-per-cent wage bump over four years, complete with signing bonus.

On the really hard issues, the \$4-billion liability of sick days the government has booked, the Liberals made little progress, however. Under the proposed PSAC deal, a task force will continue work on the issue, which means basically that the problem has been shoved off into the future.

That's a not-inconsequential climbdown. The Liberals had tried to continue reforming sick leave, in a more gentle fashion than their predecessors. The Conservatives wanted to replace it with a short-term disability plan that was deeply unpopular with union leadership but arguably more responsible to taxpayers.

But the Liberals gave ground in union negotiations early, by promising to repeal much of the Tory-era public service agenda.

The tone set by this deal is likely to wash down through the rest of the unionized bureaucracy (PIPSC already has negotiated its own accord) because PSAC is the largest union.

Treasury Board president Scott Brison told the Citizen's Kathryn May that the government hoped the deal would help it deliver "on our progressive agenda of good jobs and growth for the middle class." To the rest of Canada, however, the public service already looks luxurious, with healthy salaries and benefits others can't hope for. (And Ottawa, with 44 per cent of households boasting an after-tax six-figure income, may not feel middle-class to those struggling elsewhere in Canada.)

Unions naturally agitate for the best terms they can win for their members. But when the government cuts a deal that doesn't resemble what many taxpayers see in their own compensation, hard questions need asking. Starting with: Are the Liberals losing touch with other Canadians?

## **Les avocats et notaires du gouvernement font le point**



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### **Lia Lévesque, La Presse, le 20 décembre 2016**

Gonflés à bloc, les avocats et notaires du gouvernement vont vraisemblablement poursuivre leur grève générale illimitée jusqu'à l'an prochain.

Ils sont réunis au cours de deux assemblées générales qui se tiennent à Montréal et à Québec en même temps, ce mardi, et la détermination des membres est palpable.

D'ailleurs, le bureau exécutif de l'association Les Avocats et notaires de l'État québécois (LANEQ) recommande à ses membres de poursuivre le débrayage qui a été amorcé le 24 octobre dernier, il y aura bientôt deux mois.

À Montréal, 335 membres assistent présentement à l'assemblée générale qui a été convoquée pour faire le point sur la négociation. Ils ont même manqué de chaises. L'assemblée de Québec, que l'on pouvait entrevoir par visioconférence, semblait tout aussi courue. Ce syndicat professionnel compte 1100 membres au total.

La revendication principale de LANEQ est de modifier le régime habituel de négociation par un mécanisme d'arbitrage qui lierait les parties. Le gouvernement a toutefois opposé une fin de non-recevoir à cette demande.

## **Judge orders Blacklock's to pay government \$65,000**

**Beatrice Britneff, iPolitics.ca, December 21 2016**

A Federal Court judge ruled Wednesday that *Blacklock's Reporter*, an online subscriber-based media outlet, must pay the government \$65,000 in costs for a lawsuit the company filed against the Department of Finance for copyright infringement — and lost.

In his nine-page summary judgment and reasons regarding costs, Justice Robert Barnes did not mince words, saying the 'fair dealing' provision in section 29 of the federal Copyright Act was "so obviously applicable" to the facts of the case that "the litigation should never have been commenced, let alone carried to trial."

Tom Korski, *Blacklock's* managing editor, commented on the ruling late Wednesday afternoon, saying he and publisher Holly Doan will appeal the award of costs — not the court's decision — and stand by their reasons for going to trial in the first place.

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“This outrageous award of damages has no purpose but to attempt to punish *Blacklock’s Reporter*. It will not succeed,” Korski said in an email, adding that Federal Court costs are “routinely levied in the \$5,000 range.”

“The Department of Finance knowingly distributed our copyright works without payment, permission or licensing agreement of any kind. They couldn’t even be bothered denying it. That’s why we went to trial, and would do it again.”

*Blacklock’s* — a news service that covers politics, committees and bills — took Finance to court over distribution of two of its paywall-protected articles within the department. Korski and Doan claimed \$17,816 in damages. The trial occurred over a week in September, during which the two journalists argued that their company’s survival depends on respect of the paywall model.

Justice Barnes dismissed the case in November, calling the senior Finance official’s distribution of the articles “minor and discrete” and saying the distribution was done “for a proper research purpose.” He said he was satisfied the government department had “legitimate concerns about the fairness and accuracy” of the articles in question, and that Finance’s use of the articles constituted fair dealing — a user’s right to access copyrighted material for purposes such as research, education, review and criticism.

“The Court’s ruling essentially says, if shopkeepers can’t put up with a degree of shoplifting, too bad for retailers,” Korski said Wednesday. “And if independent news media can’t put up with copyright ripoffs, too bad for reporters.”

Justice Barnes reserved judgment on the issue of costs in his November ruling. He significantly reduced the amount of the expenses claimed by the government’s counsel — \$115,702.30 — expenses Korski said he takes issue with.

“The Department of Justice costs included the expense of forcing six Parliamentary Press Gallery reporters who’d written for *Blacklock’s* to submit to questioning on their professional practices, billings and invoices,” he wrote.

“The Department of Justice also put six people on its witness list at a week-long trial, including an executive with the CBC. Two of the government witnesses, including the CBC manager, did not even testify. We called two witnesses.”

In his judgment on costs, Justice Barnes said he rejected *Blacklock’s* argument that the lawsuit raised “strong public interest considerations.”

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“Rather, this case was about the Plaintiff’s attempt to recover disproportionate damages without any apparent consideration to the legal merits of the claim or to the costs that it imposed on the taxpayers of Canada,” he wrote.

*Blacklock’s*, which launched in 2012, has filed more than a dozen lawsuits against other federal government departments and agencies in both the federal and Ontario superior courts. On March 3, 2016, the Federal Court imposed a stay of proceedings for nine other actions *Blacklock’s* filed against six federal government departments and three Crown corporations and agencies, pending the outcome of the lawsuit against the Department of Finance.

Doan confirmed Wednesday the stays remain in place until the first week of January and that she and Korski intend to proceed with “one or more” of the stayed cases — as well as with a new application they filed against Environment Canada in Federal Court on November 28.

“It appears certain federal officials can hardly wait to put the boots to independent Canadian media,” Korski wrote. “They picked the wrong victim.”

*Blacklock’s* already successfully sued the Canadian Vintner’s Association in Small Claims Court for breach of copyright last year. That court awarded the news outlet \$13,470.

The Federal Court’s ruling on costs comes on the same day *Blacklock’s* [Wikipedia page](#) was edited from within the Federal Court of Canada and Shared Services Canada.

Other tweets from the @gccaedits Twitter account show similar activity from the same departments on November 30 and December 5.