



## Association of Justice Counsel Association des Juristes de Justice

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Press Clippings for the period of February 3-9, 2012  
Revue de presse pour la période du 3 au 9 février 2012

### English Media

February 9

#### **Top court to hear historic battle over public service pension surplus**

Federal unions are making a final appeal to the Supreme Court of Canada this week in a long battle to recover the \$28-billion surplus in public service, military and RCMP pension plans that the federal government used to help pay down the deficit more than a decade ago.

<http://www.ottawacitizen.com/business/court+hear+historic+battle+over+public+service+pension+surplus/6122452/story.html>

#### **Public servants, pensioners will never get piece of \$28B surplus: federal lawyer**

Public servants and pensioners won't be able to get at any of a \$28-billion pension surplus even if they win their long legal battle and the Supreme Court of Canada orders the funds to be returned to their pension accounts, say federal lawyers.

Peter Southey, lawyer for the Attorney-General, told the Supreme Court judges Thursday that putting the surplus back into the pension accounts would give current and retired federal workers "nothing" because the law only entitles them to the pension benefits they've already been promised.

<http://www.ottawacitizen.com/business/Public+servants+pensioners+will+never+piece+surplus+federal+lawyer/6129684/story.html>

## **Christy Clark announces measures to improve B.C. justice system**

Saying she is frustrated with growing delays in B.C.'s courts, Premier Christy Clark on Wednesday launched a five-month review to determine how her government can make the justice system more efficient.

Clark announced she has asked Vancouver lawyer Geoffrey Cowper, who served as counsel to the Frank Paul inquiry, to consult the legal community and determine a set of recommendations by July.

<http://www.vancouversun.com/news/Christy+Clark+creates+Justice+Ministry/6121071/story.html>

## **Crown Counsel wants to keep charge assessment role**

### **Process will go under the microscope**

Crown Counsel lawyers are defending their role in approving criminal charges in BC. The charge assessment process will go under the microscope as part of a wider provincial review of the justice system.

Samiran Lakshman with the BC Crown Counsel Association says it makes sense to have prosecutors analyze a case before laying a charge.

<http://www.news1130.com/news/local/article/328817--crown-counsel-wants-to-keep-charge-assessment-role>

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| <b>February 8</b> |
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## **Clark announces justice system reforms**

Judicial stays of proceedings in B.C. have almost doubled in the last year, from 56 in 2010 to 109 in 2011. Today, Premier Christy Clark announced she is determined to see that change.

"British Columbians expect and deserve a justice system that deals with matters in an efficient, timely and fair way," said Clark in a statement. "The crime rate is dropping but we're still seeing increases in the number of cases delayed and stayed. This tells us systemic changes are needed."

<http://www.globaltvbc.com/clark+announces+justice+system+reforms/6442576501/story.html>

February 7

## **Federal wages: Time for a sunshine list**

Canadian taxpayers have a right to know what the top publicly paid employees make - just like taxpayers in Ontario. And in this province, taxpayers have had that right since 1996 when then-Conservative premier Mike Harris introduced the Public Sector Salary Disclosure Act. Most Ontarians simply know it as the "sunshine list."

<http://www.windsorstar.com/business/Federal+wages/6111800/story.html>

## **Nine judges appointed to B.C. Provincial Court**

Samiran Lakshman, president for the B.C. Crown Counsel Association, said the appointments mean "we are drowning a little less, but we are still looking at massive backlog of cases." He said he will be watching whether Ms. Clark continues to reverse cutbacks in the justice system. "Otherwise, we will not have prosecutors to fill these courtrooms that will be opened [by the appointments of more judges]," he said.

Information posted on the provincial court website shows that the court had the equivalent of 121.35 full-time judges as of Jan. 31. Seven years ago, when the court first raised concerns about government cutbacks, it had the equivalent of 143.65 judges.

[http://www.theglobeandmail.com/news/national/british-columbia/bc-politics/nine-judges-appointed-to-bc-provincial-court/article2330388/?utm\\_medium=Feeds%3A%20RSS%2FAtom&utm\\_source=Home&utm\\_content=2330388](http://www.theglobeandmail.com/news/national/british-columbia/bc-politics/nine-judges-appointed-to-bc-provincial-court/article2330388/?utm_medium=Feeds%3A%20RSS%2FAtom&utm_source=Home&utm_content=2330388)

February 6

## **Essential Services Act unconstitutional, public sector has right to strike: judge**

A Saskatchewan Court of Queen's Bench justice has ruled the Public Service Essential Services Act to be unconstitutional.

The decision by Justice Dennis Ball was released Monday in the case against two Saskatchewan labour laws. The Saskatchewan Federation of Labour (SFL) launched the constitutional challenge against The Public Service Essential Services Act and the Trade Union Amendment Act, two pieces of legislation passed shortly after the Saskatchewan Party first came to power in 2007.

<http://www.thestarphoenix.com/sports/Essential+Services+unconstitutional+public+sector+right+strike+judge/6109087/story.html>

## **Verdict on court backlogs in B.C.: Delays are getting worse**

When the B.C. government unveils a new budget later this month, many will be looking to see what it does to address the deepening crisis in the court system. A day doesn't go by now that a judge or veteran lawyer isn't issuing apocalyptic warnings about its imminent collapse as a result of a lack of funding.

[http://www.theglobeandmail.com/news/national/british-columbia/gary\\_mason/verdict-on-court-backlogs-in-bc-delays-are-getting-worse/article2328854/](http://www.theglobeandmail.com/news/national/british-columbia/gary_mason/verdict-on-court-backlogs-in-bc-delays-are-getting-worse/article2328854/)

## **Sask. union wants compensation for 'unconstitutional' labour law**

The group representing organized labour in Saskatchewan says a court decision declaring the Saskatchewan Party's essential services legislation unconstitutional could lead to an expensive fix for the government.

Damages are likely to be pursued both for workers whose rights were infringed upon and for unions that negotiated agreements under unconstitutional legislation, Saskatchewan Federation of Labour (SFL) president Larry Hubich, flanked by lawyers, told reporters Monday in Regina.

<http://www.canada.com/business/Sask+union+wants+compensation+unconstitutional+labour/6109683/story.html>

## **Whistleblowing bureaucrats face reprisal, organization says**

Public servants who disclose wrongdoing invariably face workplace reprisals despite laws promising protection, says the head of an organization that promotes integrity and accountability within government.

<http://www.ottawacitizen.com/news/Public+servants+fear+subtle+reprisals+whistleblowing+report/6097766/story.html>

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## **It's time to shed sunshine on fed civil service salaries**

An Alberta MP's failed bid to pry open the T4 slip of CBC's chief correspondent invites an intriguing question: Why doesn't Ottawa, like Ontario, openly publish the salaries of its best-paid public servants?

For a generation now, Ontario taxpayers have been able to inspect the pay and benefits of anyone on the public payroll making \$100,000 or more.

<http://www.lfpres.com/comment/editorial/2012/02/03/19333531.html>

## **Study shows bureaucrats still fear blowing whistle despite 'ironclad' protection**

Federal public servants remain fearful of disclosing wrong doing, years after Stephen Harper's Conservatives rode to power promising protection for whistleblowers.

A government-commissioned study completed in December 2011 found that most federal workers see job reprisals as the likely outcome of any effort to expose a wrong.

<http://www.winnipegfreepress.com/canada/breakingnews/study-shows-bureaucrats-still-fear-blowing-whistle-despite-ironclad-protection-138595249.html>

# Médias francophones

8 Février

## **Le «vol des pensions», la question à 28 milliards \$**

Le gouvernement fédéral avait-il le droit de s'approprier le surplus de 28 milliards \$ provenant du surplus des régimes de retraite des employés du secteur public fédéral pour le verser dans les coffres du Trésor public ?

<http://www.cyberpresse.ca/le-droit/actualites/fonction-publique/201202/07/01-4493643-le-vol-des-pensions-la-question-a-28-milliards-.php>

## **Plus méfiants envers les cadres supérieurs**

Signe du temps ? Les fonctionnaires canadiens sont de plus en plus méfiants à l'égard de leurs cadres supérieurs et se sentent mal informés par ceux-ci, révèle le plus récent *Sondage auprès des fonctionnaires fédéraux*, discrètement mis en ligne par le gouvernement ces derniers jours.

<http://www.cyberpresse.ca/le-droit/actualites/fonction-publique/201202/07/01-4493624-plus-mefiants-envers-les-cadres-superieurs.php>