



Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

Congés de maladie: Brison ne négociera pas sur la place publique

Paul Gaboury, Le Droit, le 15 février 2016

«Par respect» pour le processus de négociations en cours avec les syndicats, le président du Conseil du Trésor du Canada, Scott Brison, ne commentera pas publiquement l'offre faite début février aux syndicats de fonctionnaires fédéraux sur les congés de maladie.

«Nous sommes résolus à négocier de bonne foi, ce qui requiert de respecter le rôle unique des agents négociateurs. C'est pour cela que nous ne négocierons pas avec les employés par le biais des médias, contrairement à l'ancien gouvernement conservateur», a indiqué Jean-Luc Ferland, l'attaché de presse du ministre Brison.

Après une pause décrétée pour permettre au nouveau gouvernement libéral de donner un nouveau mandat de négociations au Conseil du Trésor, les négociations ont repris au début février.

L'Alliance de la fonction publique du Canada (AFPC) a toutefois fait connaître sa déception au sujet de l'offre du gouvernement qu'il a qualifiée de «presque identique» à celle faite par les conservateurs et qui remplaçait le régime actuel de congés de maladie par une assurance invalidité de courte durée.

«Nouveau gouvernement, ancien mandat», «c'est essentiellement la même rengaine», et «nouveau gouvernement, pas beaucoup de changement à la table», ont résumé les syndicats de l'AFPC, représentant environ 105 000 fonctionnaires fédéraux. L'Institut professionnel de la fonction publique du Canada (IPFPC) a pour sa part décidé de ne pas commenter l'offre sur les congés de maladie pour le moment, soulignant qu'elle souhaitait l'analyser davantage.

Contrairement aux conservateurs, les libéraux avaient pris l'engagement de ne pas imposer mais plutôt de négocier le régime des congés de maladie.

Ils ont déjà annoncé qu'ils abrogeront les dispositions de la loi C-59 qui permettait au gouvernement d'imposer un nouveau régime en dehors de la négociation.

Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

The young and the restless: Liberals look to infuse public service with new blood

Kathryn May, Ottawa Citizen, February 14 2016

Knowing the talent pool of the public service will need to be renewed to push forward its agenda, the Liberal government is trying to figure out how to attract more young people to a sector where the average age of a new hire is pushing 40.

The rising age of new recruits was flagged for Prime Minister Justin Trudeau, who is also the minister of youth, as an “area in need of increased attention.”

According to Privy Council Office briefing documents, the average age of new hires has hit 37, and few young people are being hired. Once hired, however, people stay in the public service until they retire at about age 60.

“Sustained efforts are needed to recruit young people and to attract highly skilled professionals from other sectors, especially those with the skill sets needed for the future work of the public service,” say the briefing documents.

The average age of entry into the public service has been creeping up, rather than decreasing, as more and more jobs require university degrees. A decade ago, the average age of a new hire was 36 — 35 for women and 36 for men.

The public service is an older workforce compared with the private sector. It emerged out of the restraints of the Conservative era smaller and slightly older. Today, it is largely middle-aged, with more than 60 per cent of the employees between 35 and 54, and the largest concentration huddled between 40 and 54.

Over the past five years, the number of bureaucrats under 35 decreased and those over 50 increased. The average age is now 45, and more than half have worked in the public service between five and 14 years.

It’s an issue Treasury Board President Scott Brison quickly seized upon when he made a pitch last month at the World Economic Forum in Davos to the millennial generation — those under 35 — to work in government.

In an interview, Brison signalled he is reviewing how to tackle the problem to give millennials the “chance to make a difference in the future of the country.

Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

“The complexity of decisions today is greater than it has ever been in the history of government or democracy, and now more than ever at any point in our history we need bright, talented people in government,” he said.

“And we also have the most talented, most educated, and most globally connected generation. So it seems pretty obvious to me that we need to find ways to bring millennials into these key decision-making roles in government.”

The public service never has a problem attracting people, especially when the economy slows. The big challenges are getting people with the right skills and keeping them. Young people tend to see the public service as a slow, rules-bound hierarchy with little tolerance for risk or creativity. It has countered with campaigns over the years, including one branding itself as the “employer of a thousand opportunities.”

But Brison said the image of the public service took a major beating under the Conservatives, which mistrusted public servants and “gratuitously took pot shots at public servants whenever they had the chance”

“They toxified relations with the public which was incredibly stupid given governments need the engagement of public servants to implement their agenda ... We have a progressive agenda and need a motivated public service. We recognize the importance of renewing talent.”

Linda Duxbury, professor at Carleton University’s Sprott School of Business, said Brison has every reason to be worried. After a decade of being “beaten down by the Conservatives the word public service has a bad connotation.”

The big attraction, she said, for many workers in their 30s is not the work as much as job security, pensions and benefits — reinforcing a long-standing characterization of public servants who join for the benefits and stay for the pensions.

But Duxbury said the problem is that employees attracted by such “extrinsic motivators” don’t tend to be the entrepreneurial, creative thinkers and innovators the government wants to shake up the way work is done and services are delivered.

“I would like to see what is attracting them to the public service at age 37,” said Duxbury. “This isn’t just an age issue but who is attracted by what you have to offer, and if what you have to offer are extrinsic motivators like a good pension and benefits, those may not be the people you want.”



Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

The Public Service Commission in its 2013-14 report noted the number and proportion of employees under age 35 had declined four years in a row, even though the number of new hires from this group increased. At last count, they represent 17 per cent of all permanent employees after peaking at 21.4 per cent in 2010.

At the same time, the number of people leaving or retiring outnumbered those coming into the public service. The commission warned this gap could have “implications for the renewal and future composition of the public service.”

An average age of 37, however, doesn’t mean the government is only hiring middle-aged workers.

The government only counts someone as a new hire when they become permanent or an “indeterminate” employee. It doesn’t include the thousands who work for government as students, contractors, temporary, casual or term employees.

The age of these new hires ranged from 18 to 60, and more than half of those hired as permanent employees previously worked for the government in temporary or contract jobs.

The average age also doesn’t mean young workers are losing interest in federal work or careers.

But Andrew Graham, adjunct professor at Queen’s University’s School of Policy Studies, said the government’s policies are often the barriers that limit the intake of young workers.

He said students are interested in public service jobs and the colleges and universities are churning out graduates in public management and administration programs in record numbers. In fact, the number of such programs grew from six to 27 over the past 12 years.

“Don’t say there isn’t an interest,” said Graham. “I know and I work with these kids and they want to work in government. There is absolutely no question they identify government as a good place to work. It is secure, they feel they make a difference, and it offers huge career opportunities because there are so many jobs.”

Graham said Conservative-era policies such as years of freezes on operating budgets starved recruitment to help reduce the size of government. He said many new hires would have cycled through a string of internships, co-op placements, contracts and casual and part-time jobs before landing a permanent position.

“They got their surpluses but also systematically hollowed out all recruitment. So if you hung in there with contracts, you could be 37 years old before you got a job,” said Graham.

Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

“Short-term hiring is low risk, but the way the feds have stretched it for so long that they are making decisions about good performers around money rather than the risk of losing talent. “

Many argue the big mistake made during the Liberals massive downsizing in 1995 was a prolonged hiring freeze, which all but shut out a generation of employees. That “lost generation”, now between ages 45 and 54, never regained the foothold it should have had if hiring had continued.

Under the Tories, departments faced the operating budget freezes and the job cuts of the 2012 budget, but they could still hire. Hiring slowed, but departments still hired at much reduced numbers.

Now, the government appears poised to hire again as the last Tory operating freeze is lifted, and many expect the gap between attrition and hiring will narrow.

It’s unclear how this late entry age will affect retirements down the road, especially since the Conservatives changed the rules, forcing new hires to work longer before they can retire with full pensions.

Most people who join the public service spend the rest of their careers there, so those joining in their mid-30s could remain on the job until they are pushing 70. The average retirement age now is 58, but those retirees came in at a younger age and typically spent 30 years in the public service.

Nearly half of those who retired in 2014 put in 30 years, compared with nearly 30 years ago when only 28 per cent retired with that much service.

There are also indications that the last of the baby boomers, now aged 51 to 70, might stay on longer before retiring. The boomer generation that shaped the public service for 50 years now accounts for about 36.4 per cent of the workforce.

Retirement rates are typically relatively stable — around three per cent a year. They increased slightly during the Conservatives’ downsizing and are projected to stay at those levels until 2018-19. Retirements could peak as boomers, who are now between 51 and 70 years old, hit the ages of 58 to 60, but there’s no expectation of mass exodus.

If there is, plenty of youth are interested in snapping up those vacancies.

Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

Yvonne Collins, a career counsellor at Carleton University, said she is inundated with students who want to work in government. They aren't choosy about the field or department. "They just want a government job, period."

They are drawn by the diversity of work, the mobility, training opportunities, job security, pay and benefits, and many feel they have a better chance of balancing their work and home lives. She said Carleton's co-op program with the government is always full and there are lineups for the government booths at on-campus job fairs and recruitment drives.

"All I can say is, at my end, I don't see a disinterest. All I see is a huge interest."

By the Numbers: Composition of the Public Service

37: average age of new hires

45: average age of public servants

50.4: average age of executives

50: percentage with 5 to 14 years experience

22: percentage with 15 to 25 years experience

58: average retirement age

36: percentage of baby boomers in public service workforce

21: percentage of millennials in the public service

257,000: number of employees in public service

87: percentage of employees who are permanent or indeterminate employees

13: percentage of employees who are term, casual and student employees

55: percentage of employees who are women

42: percentage of public servants working in National Capital Region

Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

Tory Era Anti-Union Laws Still Walking Un-Dead, Say Observers

Liberals to repeal two controversial laws, but some say 'piecemeal' reforms don't go far enough.

David Ball, TheTyee.ca, February 9 2016

The Conservative government may be gone, but Canadian unions still fear the zombie legislation that lives on after their decade in power.

And they want more than "piecemeal" reforms to Tory labour legislation.

The new Liberal government has acted quickly on three union concerns. In January, they pledged to repeal bills C-477 and C-525, which forced unions to reveal their finances and made it harder to organize workplaces. Last week, Treasury Board president Scott Brison tabled legislation to reverse Conservative cuts to sick leave benefits for federal employees.

But ensuring the right to a safe and secure workplace will take more than "piecemeal" reversals of Conservative legislation, say two labour experts.

"The Conservatives' approach was very aggressive, very belligerent, and very hostile to unions," said David Camfield, co-ordinator of the University of Manitoba's Labour Studies program. "The Liberals want to have more consultation and better public relations, rather than forcing things down people's throats."

But the real test will be the government's approach to bargaining with its own employees this year, he said. "There's no indication yet that we'll see a change of approach to collective bargaining," Camfield said.

Chris Roberts, the Canadian Labour Congress's senior researcher on social and economic policy, welcomed the Liberals' promised changes.

But he agreed Prime Minister Justin Trudeau's government must go further and reverse scores of Tory changes to labour legislation, many buried within omnibus budget implementation bills.

"The scale of the changes they made is really significant," Roberts said.

Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

Here are just a few still-walking Tory "zombie laws" that Camfield and Roberts hope the Liberals will kill, along with a look at other issues that could define labour's relationship with the new government.

Sick leave benefits: still hot

Sick leave benefits for federal employees are still likely to be a hot issue despite Brison's promise to reverse the move. The Conservative legislation cut sick leave from 15 days a year to six and ended the ability of employees to bank unused days.

The issue is certain to be on the bargaining table when the Public Service Alliance of Canada, the largest of 18 federal public sector unions, begins negotiations this year.

Roberts said it epitomized the former government's "extreme" approach to labour relations. "The Conservative government decided it wanted to book the savings from simply legislating rather than negotiating a fundamental term of employment, sick leave," he said. "It really trampled on the collective bargaining rights of federal workers."

Roberts said the Congress and its public sector members would be watching closely for a new approach to bargaining.

Rolling back 'draconian' C-4

Bill C-4, a 309-page omnibus budget bill passed in 2013, included sweeping changes to labour law that gave government greater clout at the negotiating table. The Liberal government has promised to consult on the legislation, but made no commitments.

Camfield said federal unions had been able to turn to arbitration if negotiators couldn't reach an agreement. Bill C-4 restricted that option, leaving the decision on arbitration up to the employer. "The more confrontational option became the only option," he said.

The problem, he said, is that some federal public sector unions "are not very militant." Accustomed to the arbitration option, some don't even have strike funds.

Bill C-4 also changed how the government decides what is an "essential service," Camfield said. It gave the government -- the employer -- the power to decide which employees must stay on the job. Unions lost the ability to appeal essential service levels to an arbitrator unless at least 80 per cent of a workforce was deemed essential.



Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

That meant that the government, as regulator and employer, could designate 79 per cent of its employees "essential," forcing the vast majority of workers to stay on the job and making a strike pointless.

"That gives the union only the most limited power," Camfield said. "It was quite draconian, a massive infringement on the right to strike."

Another major change tucked into Bill C-4 redefined "danger" in workplace health and safety regulations.

The labour code had said federally regulated employers -- government workers and those in sectors like transportation, aviation and communications -- could refuse work based on both immediate workplace hazards and potential long-term risks.

Bill C-4 limited the definition to immediate dangers. "There is no longer explicit protection from potential dangers," Camfield said. "It shrinks the right to refuse unsafe work."

Roberts said the Congress believes the problem is worsened by a shortage of federal health and safety inspectors and inadequate resources for enforcement of safety rules. He cited long-term exposure to asbestos as an example of a situation in which "imminent danger" is not enough to protect employees. "It's precisely this aspect that makes it so important to reverse those changes," he said.

Finding a 'democratic voice' for all workers

Although most Canadian workers fall under provincial labour laws, the federal government's own labour standards sets the standard for the private sector and the provinces, Camfield said.

Working conditions have deteriorated for more and more Canadians, unionized or not, since the 1980s, he said.

"There's a broad trend towards more insecurity in the workforce and the overall degradation in the quality of work," he said. "That's something to be concerned about in general; the federal government is just part of this trend."

As employers increasingly rely on temporary workers and shorter-term contracts, it's a "quiet grind that happens so often," Camfield said -- a "new normal." He worries the Liberals may retain some of the powers it gained thanks to the Tories, despite reversing a few of the more controversial laws.

Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

"Sure, they're not slapping unions in the face or sticking thumbs in their eyes, as the Conservatives were so intent on doing -- the humiliation, not consulting, not even going through the motions," Camfield said. "The approach has been replaced with a friendlier tone. But the substance has not changed."

Unions shouldn't relax, he advised. "The challenges workers have been facing are not going to go away. If they're going to achieve greater gains, it's only when people really fight and push."

The Canadian Labour Congress says it isn't relaxing. It wants major reforms from the new government.

"We are calling for renovating labour legislation and employment standards," Roberts said, "not just to undo what the Conservatives did but to actually create a framework and a platform for... broad changes to employment standards and labour law federally."

"Ensuring a democratic voice in the workplace and equity for all workers for a new century is going to mean undertaking much broader changes." 🐾

Women's rights: Is Ottawa ready to fix past failures?

Janice Dickson and Selina Chignall, iPolitics.ca, February 8 2016

On November 4 2015, Prime Minister Justin Trudeau casually pointed to the year to explain why his freshly sworn-in cabinet was gender-neutral.

"Because it's 2015," Trudeau said, generating international headlines with what was essentially a "Duh" on the overdue nature of some women's rights landmarks. How the new Liberal government will act on that attitude in addressing other overdue progress on its watch is becoming an early theme of 2016.

In his report released last week, auditor general Michael Ferguson said the federal public service under the Harper government had failed to use gender-based analysis in its policy implementation.

Two days later, Liberal MPs helped pass an NDP motion in the House of Commons that recognizes pay equity as a serious ongoing issue and mandates a special committee to study the gap in income between men and women.

Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

“Women cannot rely on the goodwill of one feminist prime minister elected during one election cycle,” said Nanaimo-Ladysmith MP Sheila Malcolmson, the motion’s sponsor. “We’ve got a lot of work to do to institutionalize who our representatives are.”

A common thread throughout this resurgent interest in women’s rights is the fact that past attempts — feminism, after all, isn’t a new idea — have repeatedly been neglected or been the target of reforms that stalled efforts even further.

The gender-based analysis (GBA) expertise available to federal departments has been at the bureaucracy’s disposal for over 20 years. In the government’s ‘GBA Plus’ initiative, orchestrated by the department of Status of Women, there are a few examples of where GBA can be used to assess potential impacts of policies such as anti-smoking campaigns, homelessness, public transit or heart disease.

During anti-smoking campaigns for example, according to the department of Status of Women, GBA could be used to determine reasons people smoke and how to create a campaign based on that information.

Among other factors, young women might say they smoke because they’re curious and want to fit in, and boys might cite pleasure or looking tough as reasons they smoke, underlining why the gender component should be considered when creating a campaign, according to the department of Status of Women.

Ferguson’s report found that of the departments that were audited — those that had proclaimed to use GBA or were going to be applying the tool — only half of the 16 policy initiatives had included an analysis.

Despite a lack of broad progress over seven years, the government has made some baby steps. Status of Women, the federal department that provides the expertise for these studies, is trying to make it easier for departments to use its know-how, the report said.

“We’ve had a number of departments reach out to us that have not historically used our services,” said Minister for the Status of Women Patty Hajdu.

Hajdu’s department has drafted a strategic plan to address gender-based analysis, something the auditor general said “would help improve the application of gender-based analysis throughout the federal government.”

In Hajdu’s ministerial mandate letter, Trudeau asks her to: work with experts to develop and implement a federal gender violence strategy; work with a number of her cabinet colleagues to tackle domestic violence; formulate culturally-sensitive training policies for

Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

federal front-line law enforcement officers; tackle harassment and sexual violence in federal institutions; and develop an inquiry into missing and murdered indigenous women and girls.

Hajdu's letter states that she's expected to, "Work with the Privy Council Office to ensure that a gender-based analysis is applied to proposals before they arrive at Cabinet for decision-making," and to support the Privy Council Office as it develops monitoring and reporting processes to ensure that the government's senior appointments are merit-based and demonstrate gender parity.

Pay equity, the term that has replaced equal pay for work of equal value to describe differences in income between genders, is probably the cause that has produced the most effort with the least effect at the federal level.

Women on average earn a quarter less in income compared to men in Canada. According to the World Economic Forum, Canada ranks 80th out of 145 countries on gender income equality.

While the gap in wages has shrunk incrementally in Canada over the past 40 years, the most notable attempt to make pay equity the law became a legal saga of almost unfathomable proportions.

In 1983, the Public Service Alliance of Canada filed a complaint against Canada Post over pay equity, which eventually made it to the Canadian Human Rights Commission, and later the Human Rights Tribunal.

The case would continue for over 35 years until 2011, when the Supreme Court of Canada ruled in the union's favour. Over 10,000 Canada Post employees have received cheques since the decision, **the union has said**.

In 2009, the then-Conservative government passed the *Public Sector Equitable Compensation Act*. In a nod to the Canada Post debacle, the act made the Public Service Labour Board, rather than the Canadian Human Rights Commission, the forum of choice for gender discrimination complaints.

The Public Service Alliance of Canada claims the new regime restricted the ability for public servants to make complaints because its enabling regulations have never been written. The Treasury Board held consultations on those regulations in 2013. iPolitics could not find a copy of any regulations proposed under the act after those consultations.

This week's motion on pay equity in the House is far from any legislative fix, though the NDP expressed optimism that its call for a special committee to study pay equity will bear fruit.

Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

“Our department and all ministers take this seriously,” said Treasury Board President Scott Brison after the motion passed. “We will be moving forward on it.”
On programs designed to reduce violence against women, many activist groups say the Harper government turned back the clock.

Advocates say Ottawa’s focus on violence was diluted by the Conservative government, which spent most of its policy capital on addressing ‘family’ violence.
The language in the previous Tory government’s policies leaned towards gender neutral terms, something that experts said makes it harder to address the issues of violence against women, which they say is unique. Unlike violence against men, the violence women tend to face includes sexual violence and is often mired in ideas of gender norms.

“I think for the last 10 years...there has been a rubbing out of gender,” said Anuradha Dugal, the director of violence prevention program at the Canadian Women’s Foundation, who sees the shift in language as a critical reason why the female element had fallen by the wayside in past policy.
“It’s been made invisible,” she said.

Several ministers are currently working on establishing a national inquiry into missing and murdered indigenous women. What is less clear is Hajdu’s responsibility for creating a federal strategy and action plan on violence. One in four Canadian women will face physical or sexual abuse in her life, according to the World Health Organization.

On the up side, Statistics Canada has found that self-reported acts of physical and sexual violence against women from a current or former spouse or partner declined between 2004 to 2014, raising questions on where Hajdu’s strategy might want to focus its priorities.

First Nations sue Ottawa for failure to protect oil, gas rights

Gloria Galloway, The Globe and Mail, February 8 2016

First Nations have launched a class-action lawsuit against the federal government claiming they are owed an estimated \$3-billion because the agency responsible for protecting their oil-and-gas rights has, for decades, allowed those resources to be drained away without demanding that indigenous communities be compensated.

Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

A statement of claim was filed in the Federal Court late Monday afternoon by the Poundmaker Cree Nation and the Onion Lake Cree Nation on behalf of the roughly 70 First Nations that have had their oil-and-gas reserves managed by Indian Oil and Gas Canada (IOGC).

The potentially costly suit comes at a time when the Liberal government, which is facing a ballooning deficit, is promising to reset the relationship with Canada's indigenous peoples and to find ways to increase the revenues of First Nations.

A copy of the statement of claim was obtained by The Globe and Mail.

The job of IOGC, an agency of the Department of Indigenous Affairs, is to identify the oil-and-gas deposits that are both on and adjacent to reserves, to promote those resources to oil-and-gas companies, to negotiate drilling deals and to collect the revenues for First Nations. Many First Nations – including Poundmaker, located near North Battleford, Sask., and Onion Lake, which straddles the Alberta-Saskatchewan border – have signed agreements with IOGC giving it the right to manage those functions on their behalf.

But the suit alleges that the agency failed in its stated duty to monitor the wells being drilled around reserves and to require compensation in cases where oil and gas are being drained from beneath the feet of the indigenous people who should have benefited.

“This is a finite resource that has been drained, and it has been drained from the poorest people in Canada,” said Blaine Favel, the former chief executive of One Earth Oil and Gas Inc., who is also chancellor of the University of Saskatchewan and a former chief of the Poundmaker Cree Nation.

The revenues from those resources could have made a positive difference in indigenous communities, said Mr. Favel, who advised First Nations about the possibility of the lawsuit. The money could have paid for more indigenous students to attend university, better training, more addiction counselling and more social programs, including housing for elders, he said.

When he was making inquiries about the oil and gas being drained from reserves, Mr. Favel said, one of his colleagues at a resource company asked him, “Why do you think there’s that saying, ‘You don’t have to rent Indian land, you just have to rent the land beside it?’”

While 41 oil wells have been drilled on the Poundmaker reserve, 242 wells have been drilled on adjacent lands.

The statement of claim, which contains allegations that have not been proven in court, accuses the federal government of breaching its fiduciary duty to First Nations by failing to provide

Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

sufficient funds to IOGC to allow it to meet its obligations. The agency, it says, lacks the necessary systems, staffing and oversight.

And it says the Indigenous Affairs Department and IOGC have been negligent in their management of First Nations oil-and-gas reserves.

While not all landowners in Canada own the oil and gas beneath their property, the rights to the resources that sit below reserves are held by First Nations and are overseen by the federal government.

When an oil or gas well is drilled close enough to a First Nation that a provincial regulator determines it could be draining those resources out from under the reserve, the First Nation is entitled to have its losses offset.

The IOGC website says the agency “monitors well licences around First Nation reserve lands for potential drainage,” and when it is suspected that oil and gas are being drained away, it issues notices to obtain compensation on the First Nation’s behalf.

But the statement of claim says IOGC did not generally send out those notices, even when a First Nation asked it to do so.

Wallace Fox, chief of the Onion Lake First Nation, says he has expressed his concerns over the years about oil-and-gas wells that should have been bringing money into his community, but they have been ignored. “You can only go so many times and find out there is not much you can do,” he said.

Mr. Favel stressed that the lawsuit is not being directed against the oil-and-gas companies. “They followed the rules in terms of their licensing,” he said. “This is a suit against the federal government, which mismanaged its conflicting roles of manager, regulator of these lands and their fiduciary duty to First Nations people.”

Harper cut public service. This man thinks he has the fix.

Charles Mandel, National Observer, February 9 2016

Deep cuts the previous Harper government made to the federal public service will present a challenge to the Liberal government come budget time, says a new report.

Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

“Revitalizing Canada’s public service will require serious decisions about how to generate more public revenue, importantly to pay for the staff needed to supply revitalized services,” Howie West writes in *The State of Federal Public Services and How to Fix Them*.

The nonprofit think tank, Canadian Centre for Policy Alternatives published the paper.

West, a work reorganization officer with the Public Service Alliance of Canada, says the cuts the Harper government made during its time were ideologically driven, deep, sacrificed quality and need to be reversed.

West argues despite the cost it’s important the Liberal government not back down from its promises to restore the public service.

“Now that the party once again forms the government, there will be a lot of voices demanding that it scrap its promises as too expensive or too risky,” West writes.

“This would be a huge mistake politically and for Canada’s depleted public services.”

Among the suggestions West has for generating public revenue is ending subsidies to the oil industry, particularly in order to help fund renewable solutions to climate change.

West places the fossil fuel subsidies at an estimated \$3.6 billion in 2013-14, of which he says \$2.1 billion was federal.

But Pierre Martel, a professor of public administration at the University of Ottawa, said repurposing the oil subsidies could be done, but likely wouldn’t be easy.

Normally, funds go into the general revenue fund and then Parliament votes on the proposals through the estimate process.

“A dedicated fund, it usually goes against the parliamentary tradition,” Martel said.

While Martel noted that most of the time voting on dedicated monies is a formality, he said Parliament tends not to look favourably upon dedicated taxes that target a program for funding.

“It limits the ability of Parliament to say yes or no.”

Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

In his report, West outlines the cuts to the service over the last decade, showing an eviscerated public service.

Between 2011 and March of 2015, 25,318 positions were eliminated according to Treasury Board data.

Statistics Canada estimates the federal public administration declined by 30,000 positions from 300,000 to 270,000, according to West, who notes that departmental spending reports show even more cuts were planned.

“The former government steadfastly refused to be transparent about the real impact of the cuts,” West writes.

“We know, from research done by the Parliamentary Budget Officer and others, that the cuts have decreased service quality and undermined the ability of public service workers to do their jobs.”

The report says according to current plans and priorities, between 2010 and 2017 Environment Canada will have cut 21 per cent of its staff, including 338 from the climate change division.

A further cut of 30 per cent of the staff occurred at Fisheries and Oceans Canada. In 2014 the Federal Court ruled the federal ministers of Environment and Fisheries and Oceans acted unlawfully in delaying the creation of recovery strategies for species at risk.

During the court case, department officials admitted that staff shortages were largely to blame for their inaction, contends West’s report.

West says for the Liberals to fulfill their promises on the environment additional sources and staff are needed.

“Restoring the legislation without ensuring there are enough scientists, enforcement officers, and others to effectively implement the legislation would be an empty gesture.”

West also criticizes the narrow focus of Agriculture and Agri-Food Canada under the Harper government, saying the mandate that public science must have an immediate commercial application confined the scope of research being done and the types of partnerships with non-government businesses.



Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

“In general, across several departments, frontline public research capacity must be restored if Canada is to meet the food security challenges of the next century, and if agricultural sustainability is to be maintained.”

The next federal budget is expected to be tabled in March 2016.

Court ridicules fee claims of lawyers behind Marc Nadon challenge

Colin Perkel, Toronto Star, February 9 2016

Two lawyers who challenged the Harper government’s [ultimately aborted appointment of Marc Nadon to the Supreme Court](#) of Canada have been handed a judicial spanking for trying to collect tens of thousands of dollars for their efforts.

In a sharply worded decision released Tuesday, the Federal Court of Appeal denounced the claims put forward by [Rocco Galati](#) and Paul Slansky as misguided and excessive.

The judges were especially scornful of Galati’s assertion that denying him full legal costs would effectively mean the court was “in bed” with the government.

“I do not understand how one could hope to protect the right to a fair and independent judiciary by accusing courts of colluding with the government if they don’t give the applicant its solicitor-client costs,” Judge Denis Pelletier wrote for the court.

“This is reminiscent of the gonzo logic of the Vietnam War era in which entire villages had to be destroyed in order to save them from the enemy.”

In 2013, then-prime minister Stephen Harper appointed Nadon to the country’s top court.

Galati challenged the eligibility of the Federal Court of Appeal judge to fill one of three seats reserved for Quebec.

He put his challenge on hold when the government referred the issue to the Supreme Court, which then scuttled Nadon’s appointment.

Galati asked for \$51,706.54, based on a charge of \$800 an hour he said was reasonable for a lawyer with his experience.



Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

Slansky, acting for the Constitutional Rights Centre, wanted \$16,769.20 for helping Galati.

In December 2014, Federal Court awarded them a combined \$5,000 in a nod to the work they had done.

The lawyers appealed. They argued they had a constitutional right to their full legal costs on the grounds they had derived no personal benefit from the Nadon challenge, which they said went to the “architecture of the Constitution.”

The Federal Court of Appeal was having none of it.

“When the partisan political overlay is stripped away, this was a lawyer’s issue with very limited consequences beyond legal circles,” Pelletier wrote for the panel.

“It certainly did not go to the ‘architecture of the Constitution.’ ”

He also rejected their claim that the challenge had been successful given that Nadon’s appointment did not go through.

“The fact that their application apparently set in motion a series of events which led to the conclusion which they hoped to achieve in their application does not make them successful litigants,” Pelletier said.

“It may make them successful politically or in the popular press, but that is a different matter.”

The Appeal Court called it surprising the lawyers would claim \$800 an hour — more than they normally charge their clients — saying the amount was excessive.

While Galati maintained nothing prevents a self-represented litigant from claiming legal costs, Pelletier called the concept an “oxymoron.”

“A self-represented litigant, by definition, has no counsel and therefore no out-of-pocket expenses for which full indemnity is appropriate.”

Judge David Stratas also took issue with Galati’s assertion that, because the government pays judges, their failure to order the government to pay private-sector lawyers would indicate judicial bias.

“An officer of the court should never make such a submission,” Stratas said in separate comments.



Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

“There are many cases where judges, paid by government, have condemned government misconduct and have ordered government to do something against its will.”

The court ordered the lawyers to pay \$1,000 in costs, with Stratas saying he would have awarded more if the government had asked for more.

Neither Galati nor Slansky responded immediately to a request for comment.

Legalizing marijuana a low priority for Liberals judging by justice minister’s briefing book

Ian MacLoed, Ottawa Citizen, February 9 2016

Don’t hold your breath for the legalization of marijuana to happen any time soon. The 415-page briefing book prepared for Justice Minister Jody Wilson-Raybould has the Liberal campaign pot pledge on page 410.

Obtained under access to information laws, the heavily-redacted briefing lays out priorities for Wilson-Raybould’s first 100 days in office.

Beyond an overview of the 5,000-employee department and her basic ministerial responsibilities, there are mundane background notes on several national and international meetings she is expected to attend, a primer on appointments and vacancies she will need to fill, departmental and financial administration items and talking points (redacted) for a courtesy call with U.S. Attorney General Loretta Lynch.

Meatier issues start on page 366.

There’s a note explaining how she will be asked to sign a three-year pact with the provinces and territories for the federally-led Aboriginal Justice Strategy, supporting community alternatives to the mainstream justice system.

Then come details about the federal response to the interim report of the Truth and Reconciliation Commission.

Marijuana is the last item, contained in a three-page note, one-third of which is redacted.



Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

What remains simply repeats last fall's campaign pledge to legalize simple possession of recreational marijuana and regulate its sale, and informs Wilson-Raybould of the status of court cases related to home-grown medical marijuana and the responsibilities various other federal departments have for the issue.

Le nouveau système fédéral de paye bientôt lancé

Paul Gaboury, Le Droit, le 9 février 2016

Annoncé par le gouvernement de Stephen Harper en 2010, le projet de 300 millions \$, visant la transformation des services de paye de près de 180 000 fonctionnaires fédéraux, est sur le point d'être lancé.

À compter du 24 février, la paye des employés de 34 ministères et organismes sera traitée à partir de Miramichi, dans les Maritimes. Une autre vague, provenant de 67 autres ministères et organismes fédéraux, suivra en avril prochain, a appris *LeDroit*.

Même si les comptes sont déjà transférés, le ministère des Services publics et de l'Approvisionnement (SPA) s'est donné quelques semaines «pour vérifier et valider le fonctionnement du nouveau système», ce qui explique pourquoi la mise en oeuvre aura lieu officiellement à compter de la dernière semaine de février.

Une fois cette mise en oeuvre complétée, une autre vague de 92 000 autres comptes de paye d'employés de différents ministères sera ensuite intégrée au nouveau système Phénix.

Ces comptes seront traités par chacune des institutions, et non à partir de Miramichi, a-t-on appris.

Le vice-président exécutif national de l'Alliance de la fonction publique du Canada (AFPC), Chris Aylward, soutient que le ministère a pris la bonne décision en reportant la mise en service du système, d'abord prévue en octobre dernier.

Le vice-président exécutif national de l'AFPC, Chris Aylward, soutient que le ministère a pris la bonne décision en reportant la mise en service du système, d'abord prévue en octobre dernier.

«Le ministère a écouté et il a pris la bonne décision en se donnant jusqu'au 24 février pour lancer le nouveau système. Nous constatons maintenant que plusieurs problèmes que nous avons soulevés ont été résolus, incluant la formation inadéquate des nouveaux employés. Le



Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

moral des employés à Miramichi est meilleur aujourd'hui. De plus, le bureau de Miramichi est en mesure de régler les problèmes plus rapidement», a mentionné M. Aylward.

Le printemps dernier, des employés affirmaient devoir attendre plusieurs semaines avant d'être payés. «Souvent, les cas problèmes concernant la paye ne viennent pas de Miramichi, mais plutôt des ministères qui n'ont pas fourni l'information adéquate, a-t-il mentionné. Nous verrons bien si le téléphone se met à sonner le 24 février, mais nous pensons que ça devrait bien fonctionner.»

Néanmoins, l'AFPC s'inquiète que la formation nécessaire pour faire face aux pépins reliés au nouveau système Phénix ne soit pas donnée aux employés dans les ministères qui continueront à gérer le traitement de la paye de leurs employés.

Le nouveau système doit permettre des économies de plus de 70 millions \$ à compter de 2017.

Avant la transformation annoncée en 2010, on comptait 1800 agents de rémunération au gouvernement fédéral. En 2015-2016, les services de la paye du ministère ne comptaient plus que 933 employés, incluant les 550 employés de Miramichi.

Ce nombre devrait passer à 772 en 2016-2017, «résultat de la mise en oeuvre du nouveau système de paye qui réduira le nombre de personnes requises dans d'autres secteurs du ministère dû à l'augmentation de l'automatisation», précise le ministère.

Tech Will Force Lawyers to Do More for Those Billable Hours

Julia Greenberg, Wired Magazine, February 8 2016

Silicon Valley entrepreneurs and venture capitalists have deployed digital tech to change the ways we live, eat, and shop. They've aggressively moved into crucial industries like healthcare and finance. But the practice of law is one area of expertise that has remained stubbornly resistant to disruption.

That is slowly changing. Recently, Andreessen Horowitz led an investment round of more than [\\$8 million in Everlaw](#), a startup that helps lawyers sort through documents, emails, and other evidence with the cloud-based service ahead of trials. It was the venture firm's first investment in legal tech. Other startups such as [Clio](#), [Judicata](#), and [RocketLawyer](#) have cropped up in recent years seeking to make the practice of law more efficient and less expensive. And several angel investors, at least, have [started to take notice](#).

Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

“We’re really at the beginning of a phase where technology is going to begin coming, where’s it’s really having a significant impact,” says Justin Hectus, the director of information at Keesal, Young, & Logan, a full-service law firm based on the West Coast.

Yet to understand how legal tech could have a significant impact on the venerable practice of law, it’s important to see why the sector has, in many ways, been a challenge for entrepreneurs. The legal industry, for one, is much smaller than say the financial services one, and, like healthcare, it requires a high degree of expertise. But most crucially, the lawyering business itself is set up in a way that resists efforts to move fast and break things—even though, and perhaps because, such innovations could help make the law more accessible for everyone.

The Way Things Work

The legal sector is largely driven by law firms—and law firms function differently than hospitals, banks, or individual consumers do.

“The primary delivery of law is through a law firm,” says Daniel Martin Katz, an associate professor of law at Illinois Tech at the Chicago Kent College of Law. But law firms can’t raise capital and they’re not allowed to share the profits of their firms with non-lawyers—which means lawyering itself is not conducive to investment.

Law firms typically compete with one another, which doesn’t encourage collaboration. At the same time, they’re smaller than banks, so they don’t have the same level of resources to make investments in technology. “You occasionally will see something come through that’s new and unique. But, in our experience, a lot of the technology that we use that is cutting edge is homegrown and proprietary,” Hectus says. “It’s to our competitive advantage” to keep it that way.

Firms also bill by the hour, and more efficient processes could mean fewer billable hours. “If you turn to traditional law firms, there’s a human who’s made a lot of money out of a process,” Katz says. If lawyers are making money, they have little reason to change the system.

Prior to working in venture capital, Steven Sinofsky, who led Andreessen Horowitz’s investment in Everlaw, helped develop Microsoft Office as the former president of Microsoft’s Windows Division. “We spent 10, maybe 15, years trying to move the legal profession from Word Perfect. Bankers moved to Excel faster,” Sinofsky says. “Part of the reason is that the legal profession is a very people-based process. It’s also one where the tools you use are also encoded in law. You can’t just show up in a courtroom and change how everything works.”

Press Clippings for the period of February 9th to the 15th, 2016 / Revue de presse pour la période du 9 au 15 février 2016

Moving Forward

But change is happening. Over the past few years, new tech has cropped up to alleviate the drudgery of sifting through legal documents and documenting due diligence. Many of these were spurred by the financial crisis in 2008. “Until we got there, there was not a lot of incentive for a law department to cut a budget,” Katz says. The recession put pressure on the companies and executives who retain lawyers, forcing them to look for ways to do things more efficiently.

“I would say the more progressive folks have said I’d rather have some slice of the pie rather than no slice of the pie,” he adds.

Some startups claim to offer better legal research through automation to aid the discovery phase of law suits. Others hope to find ways for consumers and small businesses to minimize the fees paid to lawyers in the first place. Instead of hiring an expensive attorney to craft hiring documents, for example, RocketLawyer says it can help customers create legal documents on the cheap with step-by-step instructions. (The documents are then reviewed by legal professionals when they’re done.)

But legal tech isn’t necessarily just about making the practice of law more efficient. It also could help make it more equal. One example, Hectus says is Harvard Law School, which has [digitized its entire law library](#) and made it easily available for anyone to access online. “I think it’s really important that you shouldn’t have to be rich to have good representation,” Hectus says.

And yet there remains some anxiety in the legal sector about both the usefulness of technology and the threats it possibly poses to the profession. The practice of law does require skill and specialization—but could RocketLawyer’s tech, say, take away some lawyers’ jobs?

“The definition of legal service is a broad one,” says Scott Rechtschaffen, chief knowledge officer of Littler Mendelson, an employment and labor law firm in San Francisco. “It’s everything from basic services, document review and creation, entering basic legal information, and providing guidance all the way to sophisticated strategic planning and legal planning.”

“Automation is not going to interfere with lawyers appearing in court or providing advice and counsel,” he adds. “There’s all sorts of work to be done.”