



Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

## **\$400K payroll error at Justice Canada forces lawyers to repay bonuses**

### **Federal lawyers mistakenly got as much as \$9,908 each in performance pay between 2013 and 2015**

**Dean Beedy, CBC News, February 25 2016**

Canada's Department of Justice has begun to claw back almost \$400,000 worth of bonuses erroneously awarded to dozens of federal lawyers, the second major botch-up by officials in charge of compensation and benefits.

An internal investigation has found that 74 lawyers were mistakenly given lump sums of between \$1,064 and \$9,908 as performance pay that was technically against the rules.

The improper largesse occurred between 2013 and 2015 for a group of lawyers that were also given salary increases at the same time. A new government rule had come into effect forbidding anyone from receiving a pay increase and a bonus in the same year.

Federal law allows no discretion to management on the issue, so the department must find ways to recover the money.

#### **Debt to Crown**

"These overpayment amounts, although no fault of the employees, are considered a debt to the Crown and must be recovered," says a July 15 briefing package to the deputy minister that was obtained by CBC News under the Access to Information Act.

"Management should expect affected employees to respond negatively."

The average payment to be clawed back is \$5,250. The department is allowing lawyers who want the repayment to be spread out to do so, with a minimum payment of 10 per cent from each from their paycheques.

The screw-up also affected 12 lawyers at the Public Prosecution Service of Canada, where the money has since been recovered. Other clawback measures started in December last year.

'The Pay Centre is taking all necessary actions to recover overpayments.'- *Andrew Gowing, Justice Canada spokesman*



Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

"Justice Canada provided the Public Service Pay Centre with the information necessary to start the repayments in December 2015, and the Pay Centre is taking all necessary actions to recover overpayments," department spokesman Andrew Gowing said in an email.

"We do not have an update on exactly how much has been recovered to date."

Nick McCarthy, spokesman for the lawyers' union, the Association of Justice Counsel, says it has a "common understanding" with the government on the issue, and has not filed any grievance in the matter.

The episode is the second human-resources mess the department has had to clean up over the past two years.

### **Sloppy record-keeping**

CBC News reported last week that sloppy record-keeping had apparently given lawyers up to \$50 million worth of leave time that, at least on paper, they were not entitled to.

The Department of Justice launched a massive "leave reconciliation" exercise that has required some 3,700 employees and ex-employees to account for up to 500,000 hours of leave — going back to 2007 — that appeared to be awarded improperly.

Both the union, which launched a grievance in that matter, and the department call the problem a mere clerical error, minor enough that Parliament did not need to be informed of the potential liability.

Former Treasury Board president Tony Clement has disputed that, saying Parliament should have been clearly and fully informed in the department's routine financial statements.

Asked whether the performance-pay screw up and leave-reconciliation mess are signs of deeper problems in the department's personnel administration, Gowing said: "The department is confident in its compensation system and the employees that manage it."

## **Système de paye au fédéral: Phénix entre en fonction**

**Paul Gaboury, Le Droit, le 23 février 2016**



Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

Après cinq ans de préparatifs et des investissements de 300 millions \$, Phénix, le nouveau système de paye informatisé du gouvernement fédéral, sera officiellement lancé mercredi.

Ce système offrira des services de paye à plus de 290 000 fonctionnaires fédéraux travaillant dans plus de 101 ministères et organismes fédéraux. La mise en service débutera mercredi et dès le 9 mars, le premier versement de la paye réalisé avec le nouveau système sera versé à plus de 110 000 employés fédéraux de 34 ministères.

Une deuxième vague, soit plus de 170 000 employés de 67 autres ministères, suivront le 21 avril. Ces employés recevront à leur tour leur première paye à partir nouveau système deux semaines plus tard.

«Nous sommes prêts. La technologie est prête. Nous avons effectué tous les tests. Phénix sera lancé mercredi» a confirmé mardi en entrevue au Droit Brigitte Fortin, sous-ministre adjointe, à la direction de comptabilité, gestion bancaire et rémunération.

Annoncé par le gouvernement conservateur en 2009, le système Phénix vient remplacer le système de paye qui était en place depuis 40 ans. L'investissement de 300 millions \$ doit permettre des économies annuelles de 70 millions \$ à compter de 2016-2017. Selon le ministère des Services publics et de l'Approvisionnement, il permettra d'accroître l'automatisation, offrira des fonctions de libre-service, en plus d'assurer une intégration harmonieuse au système au système de gestion des ressources humaines PeopleSoft.

«Auparavant, il fallait souvent remplir à la main, signer l'autorisation, et envoyer le tout par courrier. Souvent, il pouvait y avoir des retards dans la préparation de la paye. Désormais, tout sera fait transmis par ordinateur avec Phénix» a expliqué M<sup>me</sup> Fortin.

### **Des équipes en place au cas où**

Avant de lancer le système, il a fallu effectuer de nombreux tests pour s'assurer que Phénix est en mesure de faire face aux différentes situations des employés fédéraux.

Plus de 80 000 règles d'affaires, incluant les conditions d'emploi et autres, ont été intégrées au nouveau système. 16 000 différents tests et scénarios ont été faits, avec des interfaces électroniques de 69 organismes différents, reliés avec le système PeopleSoft. C'est la firme IBM qui a obtenu le contrat pour élaborer la technologie de Phénix.

«Nous avons testé la performance du système qui va réaliser plus de 700 000 transactions par mois. Après tous ces tests, une firme indépendante nous a donné un avis positif nous recommandant de mettre le système en oeuvre. Mais nous avons prévu des équipes, tant à

Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

Miramichi que dans les ministères, pour faire face aux enjeux qui pourraient survenir» a expliqué M<sup>me</sup> Fortin.

À compter d'avril, une fois la mise en oeuvre complétée, plus de 190 000 employés seront desservis par le nouveau Centre de service de paye de Miramichi, alors que la paye de 100 000 autres employés sera faite avec Phénix dans les ministères et organismes. En plus de former les employés de Miramichi, le ministère a offert de la formation aux employés, gestionnaires et aux agents de rémunération dans les ministères, a-t-elle expliqué.

Avant 2009, le gouvernement comptait 1800 agents de rémunération. Au total, le nombre total d'agents de rémunération avec le nouveau système sera de 1 340, dont 550 agents de rémunération travailleront à Miramichi alors que 790 travaillant directement dans les institutions fédérales.

## **Federal government rolls out new pay system**

**Kathryn May, the Ottawa Citizen, February 28 2016**

A new automated pay system the federal government is rolling out in departments will save millions in overpayments to Canada's public servants and speed up processing that has caused pay glitches and delays, say officials at Public Services and Procurement.

The new off-the-shelf system, known as Phoenix, went live last week — four months later than planned — with the first round of 34 federal departments. The first pay cheques issued using the new self-serve system will be March 9.

The second round of 67 departments will follow in April.

Phoenix is also the last of the two-stage “pay transformation” that the previous Conservative government initiated in 2009 when it decided to put the pay centre in Miramichi, N.B., as a trade-off for jobs lost when it closed the long-gun registry.

Phoenix was to roll out in October and December, but those plans were delayed because the department wanted more time to prepare and test the system, said Brigitte Fortin, assistant deputy minister at Public Services and Procurement for accounting, banking and compensation.

Despite the delays, she said the project won't exceed its \$300 million budget. It is expected to save \$70 million a year beginning this year.

Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

Fortin said the old technology of the existing 40-year-old system was fraught with "high risks" that contributed to errors and delays in the pay for the 300,000 public servants across the country.

Last year, for example, 9,240 public servants were asked to repay \$14.3 million they received in overpayments, according to documents released under Access to Information.

Those outstanding overpayments, however, were the lowest of the past four years during which they reached a high of \$21 million owed by 17,130 employees. Public servants owed \$18 million by the end of 2012 and \$19.6 million a year at the end of 2013.

It's unclear what caused those overpayments, but Fortin said a big problem was employees on leave without pay or term employees finishing assignments continuing to be paid until paperwork caught up with them.

But the new system won't prevent all overpayments.

Last week it was revealed that Justice Canada was forcing 74 lawyers to repay nearly \$400,000 in performance bonuses they received between 2013 and 2015 that they weren't entitled to.

In that case, the lawyers' union had negotiated a new contract in 2013 that introduced new provisions for yearly incremental or "lock-step" pay increases while changing the rules for bonus payments. Management mistakenly paid them bonuses under the old rules.

Fortin said mistakes like that, caused by human error, won't be prevented by Phoenix.

Phoenix gets rid of paperwork, streamlines the processes, eliminates steps, and introduces self-service for employees. Employees can now directly file their times sheets and overtime requests and get managers approval on the same day. Pay advisers who once managed about 200 files will now handle twice that many.

Fortin said the system was extensively tested for about a year — using 16,000 different pay scenarios and ensuring electronic interfaces with nearly 60 agencies, ranging from Canada Revenue Agency for deductions to CPP for employee contributions.

The system was also reviewed by a third party to make sure it was ready to go. The department, however, is braced for problems and has a large team on standby for support and to watch for any glitches. About 38,800 people used Phoenix the first day and about 450 people called or emailed for help and support.

Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

The old system is still up and running and will remain as a backup until after the April switchover to Phoenix when it will be decommissioned, said Fortin.

Governments have poor track records implementing big transformations that are supposed to recoup efficiency savings. The government tried to overhaul the pay system in the 1990s, but that was abandoned after spending \$61 million.

The government has the biggest and most convoluted pay system in Canada with more than 80,000 rules and regulations built into the new system that compensation advisers had to master.

Until Miramichi, departments managed their own pay with about 2,500 in-house compensation advisers. There are now 550 pay advisers in Miramichi and 790 remaining in departments.

The pay transformation plan was divided into two major projects. The first was to consolidate all pay services for 46 departments in Miramichi and transfer the 184,000 pay accounts by December 2015. Then came the Phoenix installation and the transfer of 101 departments in two waves.

But the project had growing pains. It hit a major glitch last summer when hundreds of employees complained about delayed and botched payments and blamed the pay centre. The department attributed some of those delays to a new pay-in-arrears plan, which meant new employees waited four weeks before getting their first paycheque.

At Miramichi, however, pay advisers complained they couldn't keep up with the pace and "tsunami" of files departments were transferring. Many of the employees were new and needed to be trained. They complained about backlogs, burnout, poor training, lack of support, and little coaching for difficult files.

The Public Service Alliance of Canada stepped in and urged the department to slow the pace of files or hire more staff to ensure they can handle the volume of work.

The department maintained — and still does — that there wasn't a major problem and the pay centre was still meeting its targets and service standards. Fortin said the department sent in more coaches to help with the "learning curve".

"There are always opportunities for improvement," Fortin said. "New procedures and workflows were introduced at the pay centre and in departments to ensure that pay service



Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

requests were received and treated faster. Additional coaching was also provided to staff to help them with the complex cases.”

PSAC vice-president Chris Aylward said the department finally “listened to our demands and made the right decision to postpone” the Phoenix rollout.

“We understand that many of the issues we raised have been resolved and the implementation should go smoothly,” he said.

#### **PAY: BY THE NUMBERS**

**550:** Number of employees working at the public service pay centre in Miramichi.

**790:** Number of in-house pay advisers remaining in departments.

**101:** Number of departments and agencies that will be using the new Phoenix pay system.

**700,000:** Number of pay transactions handled every month.

**400:** Average number of files a pay adviser can handle with Phoenix compared with 200 files under old system.

**14 Million:** Amount of money 9,240 employees owed the government in overpayments at the end of December.

**34:** Number of departments that migrated to Phoenix this week.

**67:** Number of departments moving to Phoenix in April.

**March 9:** When the first paycheques will be issued using Phoenix.

## **Morneau reverses public service sick leave savings**

**Kathryn May, The Ottawa Citizen, February 22 2016**

The Liberal government is reversing \$1.3 billion in savings the Conservatives booked to replace the sick leave regime of Canada’s public servants with a new short-term disability plan.

The move, part of Finance Minister Bill Morneau’s fiscal and economic update on Monday, means the Tories’ sick leave savings will be included in the deficit which hit \$18.4 billion as the Liberals prepare next month’s budget.

The decision comes as Treasury Board negotiators are bargaining the details of what federal unions have called a “dressed up” version of the Tory plan tabled more than year ago.

It’s unclear what the reversal means for collective bargaining, which the Liberals resumed in earnest this month.

Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

The Tories had projected the short-term disability plan would eliminate unused sick leave and reduce disability costs saving \$900 million this year, followed by \$200 million in savings next year and the year after, and \$100 million in each of the following two years.

The Liberals unwound the savings that were to be booked over the next three years.

In fact, briefing documents prepared for Prime Minister Justin Trudeau noted that if a short-term disability plan wasn't implemented this year "then the \$900 million in savings will need to be unwound."

Jean-Luc Ferland, a spokesperson for Treasury Board President Scott Brison, said in an email that it was "irresponsible and unfair" for the Conservatives to book savings before reaching a deal with unions. He said the government won't speculate "on what savings may or may not result" from the current bargaining discussions.

The Liberals are clearly proceeding with some kind of sick leave reform or "modernization" particularly since the government seemed to pick up talks where the Conservatives left off. Any savings coming out these talks can only be booked when a deal is reached.

The Conservatives could confidently book the savings because it passed legislation giving it the power to impose whatever sick leave deal it wanted at any time. The Liberals have tabled a bill to reverse that. A deal on sick leave is nowhere in sight and certainly not in time to book savings for this year.

Some argue that reversing the \$900 million saving removes a threat hanging over bargaining by diminishing the pressure to quickly reach a deal.

"Removing the savings may be further evidence that the Liberal government was serious when saying they wanted to bargain in good faith, but that's looking at it as positively as I can, said Ron Cochrane, co-chair of the joint union and management National Joint Council. "The proof is in the pudding and that is what happens at the bargaining table. How this will translate into negotiations is still the question."

Unions had hoped the Liberal election promise to negotiate freely and fairly with a new mandate meant the government would start over and, preferably, keep the the accumulated sick leave plan and fix any problems with it.

Instead, the Liberals have presented a proposal for a new short-term disability plan. Robyn Benson, president of the giant Public Service Alliance of Canada, has said she was disappointed that the Liberals are proceeding with a 'slightly improved" Conservative proposal.





Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

The unions have also long argued that the Tories' savings were 'mythical' based on 'manipulative' accounting to ensure they went into the election with balanced books and a projected \$1.4 billion surplus for 2015-16.

Liberal House leader Dominic LeBlanc sent a similar message several weeks ago when he suggested the Tories savings were based on dubious or voodoo math.

"To add insult to injury, they (Conservatives) went and booked in the government's fiscal framework some alleged savings, part of the sort of the voodoo math that they were using to get to a fake surplus," said LeBlanc. "We had committed to rescinding that and to putting that kind of issue before an appropriate bargaining table in good faith."

Brison had no comment on LeBlanc's "voodoo" observations.

The government recognized sick days when used but never recorded banked sick leave as a liability in its financial statements until it changed accounting procedures in 2011-12.

The government estimates public servants have socked away about \$5.2 billion worth of sick leave credits but will only use about \$1.4 billion of that for illness — which is the liability booked in the government's financial statements.

Public servants are entitled to 15 sick days annually, but it is part of their salary and they aren't replaced when they are sick. They can't cash out unused sick leave, and most retire with months of banked leave, which disappears. Public servants have banked about 15 million days of paid sick leave.

The unions have long argued there is no extra cost to unused sick leave.

## **'Mr. X' ruling a win for employees with mental health issues: lawyer**

**Andrew Duffy, Ottawa Citizen, February 25 2016**

The lawyer for an Ottawa public servant who won the right to work in a different building from an annoying colleague says the case is a victory for all employees with mental health issues.

"It's certainly a step forward in recognizing the impact of mental health issues in any workplace — not just the federal public service," said Kim Patenaude, who represented Line Emond, a

Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

data manager at the Parole Board of Canada, in a recent case heard by the Public Service Labour Relations and Employment Board.

She said the decision might broaden the definition of what constitutes a disability since it recognizes stress-related mental health problems.

In its recent decision, the board ruled that the federal government had a duty to accommodate Emond's "emotional stress" by relocating her to a separate building from Mr. X, the unnamed colleague who triggered her mental health crisis.

The tribunal heard that Mr. X was often [loud, barefoot, profane and flatulent](#) in the office, and that he made a vague threat against Emond during a confrontation in May 2010.

But it wasn't until Mr. X filed a harassment complaint against her eight months later — one element of the complaint would eventually be upheld — that Emond found herself unable to cope with the prospect of returning to her Laurier Avenue workplace. Her family doctor recommended that she be moved to another location since Emond's stress was so severe that it was causing memory and concentration issues, and interfering with her ability to solve problems and make decisions.

Psychologist Georges Ramsay told the tribunal that Emond was honestly afraid of Mr. X, and warned that returning her to the same workplace "could even lead to suicidal reactions."

The employment tribunal found that Emond's "emotional stress" amounted to a disability that the government had to accommodate in keeping with federal human rights law, which among other things, prohibits discrimination against those with serious physical or mental conditions. The government's proposed solution — giving Emond a secure office in the executive suite of the same Laurier Avenue building — was not a reasonable one, the adjudicator ruled, ordering officials to find her a cubicle somewhere else in Ottawa.

Patenaude said the case has the potential to broaden an employer's responsibility when it comes to reasonable accommodation, but she cautioned that each case must be examined on its individual merits.

"Regular stress is regular stress, but there's stress that goes beyond that," she said. "In this case, for instance, she's having memory problems, concentration problems. There were more symptoms associated with the emotional stress than with regular, everyday stress. Regular, everyday stress is a normal part of life. This situation went above and beyond that."

Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

Broadening the ability of public servants to make claims for disability and accommodation based on stress-related problems has serious implications. A report issued last year by the government's disability insurance plan manager, Sun Life Financial, revealed that 11,670 federal employees were collecting disability benefits, and that mental health was responsible for almost half of new claims. Depression and anxiety were the most commonly cited mental health problems.

Ottawa labour relations lawyer Alan Riddell said human rights tribunals have recognized that intense stress can cause disabling depression or anxiety.

"There's no question," he said, "that issues of mental health are becoming bigger and bigger factors in the workplace and in relation to questions of discrimination, constructive dismissal and express dismissal."

## **Federal government won't appeal ruling that found it discriminated against children on reserves Justice Minister Jody Wilson-Raybould says the decision is 'pointing us in the right direction'**

**CBC News, CBC, February 22 2016**

The federal government will not appeal a landmark human rights ruling that found it discriminated against children on reserves in its funding of child welfare services.

The Canadian Human Rights Tribunal decision handed down last month said First Nations are hurt by the level of services provided by the government and, in some cases, denied services as a result of the government's involvement.

The government said today it would not seek judicial review of the judgment.

Some have suggested it will cost hundreds of millions of dollars to rectify the welfare situation.

Justice Minister Jody Wilson-Raybould says the ruling shows the present system is failing.

She calls that unacceptable in this day and age.

"This government agrees that we can and must do better," Wilson-Raybould said in a statement.

Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

"We believe that this decision is pointing us in the right direction, as a country, and we will not seek a judicial review of the decision. This is part of the new relationship and spirit of reconciliation that our government is committed to."

The tribunal found the federal government failed to provide the same level of child welfare services that the provinces provided off-reserve and as a result, countless First Nations children have ended up in foster care, away from their families.

## **What's so difficult about the right to die?**

**Margaret Wente, The Globe and Mail, February 23 2016**

The Supreme Court of Canada has spoken. The public has spoken, emphatically. Canadians should have the right to die, without further delay. They already have this right in Quebec. So why all the foot dragging? "Allowing assisted suicide isn't complicated," opined one [editorial](#). "Just do it, Ottawa."

On the face of it, the issue seems straightforward. Most of us believe in personal autonomy, especially for ourselves. People want to die and we should provide the means. The end.

In fact, it's complicated. To start with, the [Supreme Court decision](#) of February, 2015, is maddeningly vague. It says that people with "grievous and irremediable" suffering are entitled to assisted death. How are we supposed to interpret that? "The court was negligent in not telling us where the line is," one person who is deeply involved with the issues told me.

That opinion is shared by many. The Supremes say it's not up to them to work out the details. That's the job of elected politicians and "qualified" professionals. But the issues are so fraught that no one wants to take the lead. A few months from now, assisted dying will be legal across Canada. Yet essential questions about the scope of the law have yet to be addressed.

Here are some. Should we allow euthanasia (which means a doctor kills you, as in Quebec), or what's known as assisted death (which means a doctor gives you the means to kill yourself, as in Oregon), or both? Should we consider right-to-die requests from people who would otherwise have years to live, or only from those who are already close to death? What about psychiatric patients who find the burden of life unbearable? (Psychiatrists are divided on this one.) What about three-year-olds with terminal cancer? (Some pediatric doctors argue that children also have the right to be spared needless suffering, even if they are too young to consent on their own behalf.)

Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

Most of us haven't given any thought to these moral headaches. Few of us are even aware of them. Whether Parliament can sort them out remains to be seen. A much-awaited parliamentary [committee report](#) will land this week, after which we can expect an avalanche of new debate. That's not all. Each province will have to work out the implementing details for itself. The result could be a dog's breakfast of different laws and guidelines across the country.

Our biggest choice is whether we want to be more like Oregon, or more like the Netherlands and Belgium. [Oregon's law](#) is highly restrictive. People who request assisted dying must be no more than six months away from death. Euthanasia is not allowed. Instead, patients are given a prescription for a fatal overdose. (Interestingly, a third of them never use it.) A move last year to extend the window of life to 12 months was rejected as too radical.

The [Netherlands and Belgium](#) take a far more expansive approach. Psychiatric patients can request euthanasia, and although they make up only a small percentage of the total, their numbers are growing. One woman was euthanized a year after her husband died because she didn't want to live without him. People who want to die can shop for an opinion from doctors who work in mobile euthanasia clinics. Canada should not (and probably won't) go there.

In the middle is [Quebec](#). Unlike Oregon, it offers euthanasia, but not the means to kill yourself. As in Oregon, you must have a serious and incurable illness and be near death. Psychiatric patients, people under 18 and non-residents of Quebec aren't eligible. [Ten people](#) have received euthanasia since the law took effect two months ago.

Quebec will likely be the model the rest of Canada will follow. But that won't end the story. The right-to-die lobby is vocal and persistent. It will likely push for the broadest possible interpretations of the law, whatever it turns out to be.

Recently, I spent a few hours with people who are steeped in the issues – doctors, psychologists, ethicists, lawyers and judges, advocates for children and disabled people. The only thing on which they all agreed is that we have reached a watershed moment for society. “These are not private decisions only,” one observed. “It's about the worth of people's lives, and whether we think those lives are worth living.”

Ultimately the buck stops not with the legislators, the professionals or the courts, but with us. The laws we make reflect the kind of society we are. For now, I think we should be modest. A law that some people think doesn't go far enough is probably the one we want.



Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

## **Aide médicale à mourir: adultes d'abord, mineurs «capables et matures» ensuite**

**Mélaïne Marquis, La Presse, le 26 février 2016**

L'aide médicale à mourir devrait s'appliquer immédiatement aux adultes capables, puis au maximum trois ans plus tard dans le cas de mineurs «capables et matures», selon le comité parlementaire mixte spécial qui s'est penché sur la question.

La loi devrait également autoriser le recours aux demandes anticipées «à tout moment, après qu'une personne aura reçu un diagnostic de problème de santé qui lui fera vraisemblablement perdre ses capacités ou un diagnostic de problème de santé grave ou irrémédiable», juge le comité.

«Une personne ne pourra toutefois pas faire de demande anticipée avant d'avoir reçu l'un ou l'autre de ces diagnostics», et «on appliquera aux demandes anticipées les mêmes mesures de protection que pour les demandes d'aide immédiate», suggère-t-on dans le rapport.

Les demandes d'aide médicale à mourir devraient par ailleurs être formulées par écrit, et en présence de deux témoins n'étant pas «en situation de conflits d'intérêts», recommande aussi le comité mixte.

Et tous les établissements de santé financés par l'État devraient être tenus d'offrir l'aide médicale à mourir, qui pourrait être administrée seulement lorsque deux médecins indépendants auront déterminé que le patient répond aux critères, est-il proposé.

Les médecins devraient également avoir le droit de refuser d'offrir l'aide médicale à mourir, mais un professionnel de la santé objecteur de conscience devrait «aiguille(r) correctement le patient pour qu'il obtienne l'aide demandée», indique le comité.

Le rapport majoritaire, intitulé *L'aide médicale à mourir: une approche centrée sur le patient*, compte au total 21 recommandations.

Les quatre députés conservateurs qui siégeaient au comité, dont Gérard Deltell, signent pour leur part un rapport dissident dans lequel ils reprochent au comité de recommander un cadre législatif «qui ne respecte pas l'affaire Carter», notamment en raison de l'ouverture aux mineurs.



Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

«Si la Cour suprême du Canada voulait rendre l'aide médicale à mourir accessible aux mineurs matures, elle l'aurait précisé. La CSC a plutôt tout fait pour empêcher cela», arguent les élus conservateurs.

Les dissidents estiment également que les médecins objecteurs de conscience ne devraient pas être tenus de diriger les patients vers un collègue: «Nous pensons qu'un tel régime est inutile et empièterait sur les droits des médecins prévus par la Charte», exposent-ils.

### **Vers une loi fédérale**

Ottawa a jusqu'au 6 juin pour adopter une loi pour encadrer l'aide médicale à mourir.

Après avoir signalé que ce vote serait soumis à une ligne de parti, le leader du gouvernement en Chambre, Dominic LeBlanc, a laissé entendre que les députés pourraient voter librement.

«Nous allons discuter avec le caucus et d'autres personnes comme cabinet aussi quand nous aurons vu le projet de loi et quand nous aurons eu le bénéfice du rapport du comité de parlementaires», a-t-il dit en mêlée de presse mardi dernier.

«Ce sera à ce moment-là, je crois, le moment opportun de prendre une décision quant au vote ultime», a enchaîné M. LeBlanc.

Les conservateurs, néo-démocrates et bloquistes pourront tous voter selon leur conscience.

Le comité qui a produit le rapport déposé jeudi matin en Chambre était composé de 11 députés et cinq sénateurs. Il a tenu 16 réunions et entendu 61 témoins, en plus d'avoir reçu plus d'une centaine de mémoires.

## **CSIS using new powers to disrupt terrorists since Bill C-51 became law**

**Powers to disrupt include blocking financial transactions, shutting down websites**

**Peter Zimonjic, CBC News, February 23, 2016**

Michel Coulombe, director of the Canadian Security Intelligence Service, told a Commons committee today that Canada's spy agency has used new disruption powers it was granted when Bill C-51 became law this past summer.

Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

This marks the first time CSIS has publicly acknowledged the use of its new powers under the Anti-terrorism Act to disrupt suspected plots rather than just relay information about those plots to the federal government and the RCMP

As an intelligence agency, CSIS does not have powers to enforce the law. Its role has been to relay intelligence to other branches of government. That changed when Bill C-51 became law, giving the spy agency power to actively interfere with suspected terrorists if it has reasonable grounds to think a security threat exists.

The disruption powers allow CSIS to interfere with, telephone calls, travel plans and bank or financial transactions. The agency can also disrupt radical websites and Twitter accounts of groups or people inside and outside of Canada.

This provision in the act has garnered criticism from the outset, because there is no clear definition of what "disrupt" means in the legislation, causing some to be concerned the power would be abused by police and intelligence services.

## **Increased powers**

The Anti-Terrorism Act became law in June 2015. The new law was opposed by the NDP but supported by the Liberals.

Under the law it is a criminal offence to encourage someone to carry out a terror attack even if the attack never happens.

Police were also given the power to arrest suspects without a warrant by widening the definition of whom police can arrest on suspicion.

If a person is arrested over fears related to national security their information can be shared with more arms of government than previously permitted.

## **Proposed changes**

The Liberals have vowed to overhaul the law's more troubling elements, including provisions that allow CSIS to disrupt terror plots, if the tactics used breach the Charter of Rights and Freedoms.



Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

Public Safety Minister Ralph Goodale said he could not provide any statistics as to how many times or how the power to disrupt had been used by CSIS, but affirmed the federal government's commitment to provide oversight for the law.

"We are proposing to strengthen the review process very substantially by a parliamentary committee as well as various other techniques," Goodale said.

NDP Leader Tom Mulcair criticized the Liberals for promising to make changes to the Anti-Terrorism Act during the election campaign but not following up.

"We know that there are problems with C-51, we voted against it," Mulcair said. "We wanted to withdraw that law. We thought it was a bad law for Canadians' freedoms."

## **Liberals to repeal citizenship law Bill C-24: immigration minister**

**Michelle Zilio, The Globe and Mail, February 23 2016**

Immigration Minister John McCallum says the government will announce significant changes to the Citizenship Act in the coming days.

Mr. McCallum said Tuesday that the Liberals will soon follow through on their election pledge to repeal the Conservatives' controversial Bill C-24, which gave the government the power to revoke Canadian citizenship from dual citizens convicted of terrorism, treason or espionage.

Asked when the changes will be unveiled, Mr. McCallum told The Globe and Mail to expect an announcement "in coming days, but not very many days."

During last year's election campaign, the Liberal platform committed to "repeal the unfair elements of Bill C-24 that create second-class citizens and the elements that make it more difficult for hard-working immigrants to become Canadian citizens."

Mr. McCallum said the government's announcement will make it impossible to revoke citizenship.

"A Canadian is a Canadian is a Canadian," Mr. McCallum said, repeating a line used by Prime Minister Justin Trudeau during a heated election debate last September. "We would not revoke



Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

people's citizenship. ... That will certainly be a part of it [the announcement]," the Immigration Minister added.

Mr. McCallum said the government will also remove barriers to citizenship posed by Bill C-24.

"We believe that it's better to make it easier rather than harder for people to become citizens."

However, he did not say which specific barriers would be addressed.

One major point of contention in Bill C-24 was a provision stiffening language requirements for newcomers. Before the changes, those between the ages of 18 and 54 were required to meet language requirements in English or French and pass a Canadian knowledge test, for which they were allowed to seek the help of an interpreter. When the bill became law, the age range expanded to 14 to 64, and interpreters were no longer allowed to help.

The law also imposed a \$300 application fee for adult citizenship applicants, up from \$100, and made would-be Canadians wait longer to apply for citizenship.

Mr. McCallum told reporters Tuesday that the government will table its annual immigration report before March 9.

The report was supposed to be tabled by Nov. 1, but the fall election delayed its release. Since the House of Commons was not sitting on Nov. 1, the law requires the government to table the report within 30 sitting days of Parliament returning.

Mr. McCallum said the report will outline targets for all classes of immigrants, including Syrian refugees. While the minister has previously said the government hopes to settle a total of 35,000 to 50,000 Syrian refugees by the end of 2016, he said the exact number – "in that ballpark" – will be outlined in the immigration report. He added that the government is on track to reach its promise of resettling 25,000 Syrian refugees by the end of February.

Furio De Angelis, the United Nations High Commissioner for Refugees (UNHCR) representative to Canada, said the government's continued commitment to resettle Syrian refugees throughout 2016 is "very important," especially ahead of a key UN conference on legal resettlement pathways for Syrian refugees, to be held in Geneva, Switzerland in March.

"I'm sure that Canada will present its own model of legal pathways [at the conference]. It will be a role model and we hope that this will create similar programs in other countries," Mr. De Angelis said in an interview with The Globe.

Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

While Mr. De Angelis said domestic targets are “crucial,” he said it’s also important to not get bogged down in the numbers.

“When we are talking about needs in the humanitarian operations context ... developments of targets sort of diminish because the needs are so large.”

## **Les libéraux effacent la réforme conservatrice**

**La Presse Canadienne, Le Devoir, le 26 février 2016**

Les libéraux commencent progressivement à effacer les modifications apportées par le précédent gouvernement conservateur en matière de citoyenneté.

Ainsi, le ministre John McCallum a déposé jeudi un projet de loi qui prévoit notamment qu’un Canadien jouissant de la double citoyenneté ne pourrait plus perdre sa citoyenneté canadienne s’il était reconnu coupable de terrorisme ou d’un acte « *qui va à l’encontre de l’intérêt national* » comme la trahison ou l’espionnage.

Le gouvernement conservateur de Stephen Harper avait modifié la Loi sur la citoyenneté afin de permettre à Ottawa de révoquer la citoyenneté de ces Canadiens ayant la double citoyenneté — mais à eux seuls, puisqu’on ne peut la retirer à un Canadien qui n’a qu’une seule citoyenneté.

Les immigrants et certains organismes de défense des droits estimaient que le gouvernement instaurait alors deux classes de citoyens. Certains observateurs se sont aussi inquiétés de voir ces motifs de révocation étendus éventuellement à des crimes moins graves. La controverse a même coûté quelques sièges aux conservateurs lors des dernières élections, notamment dans des circonscriptions multiethniques.

*« Tous les citoyens canadiens sont égaux devant la loi, qu’ils soient nés au Canada, aient été naturalisés au Canada ou possèdent une double citoyenneté, a expliqué jeudi M. McCallum, ministre de l’Immigration, des Réfugiés et de la Citoyenneté. Tous les Canadiens qui commettent des crimes devraient faire face aux conséquences de leurs gestes par le truchement du système judiciaire canadien. »*



Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

Dans un courriel transmis à La Presse canadienne avant l'annonce officielle du ministre McCallum, son prédécesseur conservateur, Chris Alexander, a expliqué que le gouvernement Harper avait voulu respecter les valeurs canadiennes. « *Le terrorisme, l'espionnage et la trahison sont des crimes graves, qui constituent un manque de loyauté flagrant* », a-t-il plaidé.

Le projet de loi libéral ramène par ailleurs l'ancienne règle qui imposait la connaissance de l'anglais ou du français pour obtenir la citoyenneté aux gens âgés de 18 à 54 ans — les conservateurs l'avaient élargie aux demandeurs de 14 à 64 ans.

Le gouvernement libéral propose aussi de réduire d'un an la durée de présence effective au Canada qui serait exigée des résidents permanents avant qu'ils puissent avoir droit à la citoyenneté. À l'heure actuelle, la loi exige que les demandeurs soient effectivement présents au Canada pendant quatre ans (1460 jours) au cours de la période de six ans précédant immédiatement la présentation de leur demande de citoyenneté ; cette période serait réduite à trois ans (1095 jours) au cours des cinq années précédant la demande.

Le projet de loi leur accorderait aussi à ce chapitre un crédit pour le temps passé au Canada en tant que résidents temporaires ou « *personnes protégées* ».

Par contre, le projet de loi resserre les règles pour les demandeurs de citoyenneté qui ont eu maille à partir avec la justice. À l'heure actuelle, un demandeur qui a été condamné à une peine avec sursis peut obtenir la citoyenneté ou comptabiliser cette période pour satisfaire à l'exigence de présence effective aux fins de la citoyenneté. Le projet de loi libéral ne le permettrait plus.

## **Dépôt du projet de loi pour un syndicat à la GRC**

**Paul Gaboury, Le Droit, le 26 février 2016**

Le président du Conseil du Trésor, Scott Brison, a déposé vendredi un projet de loi qui permettra aux membres et réservistes de la Gendarmerie royale du Canada (GRC) de se syndiquer pour négocier leur contrat de travail.



Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

Le régime actuel de relations de travail avait été jugé anticonstitutionnel par la Cour suprême du Canada dans une décision historique rendue le 16 janvier 2015, après des décennies de contestation judiciaire.

Avant ce jugement, la GRC était le seul des 227 corps de police au pays dont les droits de négociation collective n'étaient pas reconnus.

Le libellé du projet de loi n'a pas été dévoilé vendredi et ne le sera qu'au moment où il sera rendu à l'étape de la première lecture à la Chambre des communes, a indiqué au *Droit* l'attaché de presse du président du Conseil du Trésor, Jean-Luc Ferland.

En décembre dernier, le gouvernement libéral a indiqué que le projet de loi allait comprendre l'arbitrage exécutoire indépendant comme processus de règlement des différends pour dénouer les impasses de négociations, sans droit de grève.

De plus, une seule unité de négociation nationale serait créée pour représenter les membres et réservistes.

Toutefois, le gouvernement a aussi indiqué que son projet de loi préserverait le pouvoir du commissaire de la GRC de gérer les opérations de police de manière efficace, et éviterait que certaines questions fassent partie d'une convention collective ou d'une décision arbitrale.

Ces questions qui devaient être exclues sont «les tâches et responsabilités et le déploiement des membres, le code de conduite de la GRC, les uniformes, les médailles et la tenue vestimentaire, de même que les techniques d'application de la loi».

## **Jeopardy and Canadians: Lawyers stumped on reasons for ban**

**Television show did not provide clarity on exact reason for ban on Canadian participants**

**Laura Wright, CBC News, february 23 2016**

Question: In January 2016, the American game show *Jeopardy* banned Canadians from participating for *this* reason.

Answer: What is no one knows for certain, Alex?

Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

Legal experts are stumped as to why Canadian contestants can no longer bask in the studio lights and relish the famed game show's theme music.

Like one of the show's toughest questions, no one really has an answer.

Some suggest our digital privacy and anti-spam laws might be the cause, while others suggest that maybe we're just smarter than Americans who don't want to be upstaged by "[moose-munching iceholes](#)."

"I think it would be a shame if they can't work out a way for Canadians to keep participating," said Ottawa's Frédérique Delaprée, who said she was "super thrilled" to be a contestant on the show in 2014. "I have such great memories of the show."

The show's publicists declined an interview with CBC News but instead sent a statement:

"As international laws governing how information is shared over the internet are ever-changing and complex, we are currently investigating how we can accept registrations from potential Canadian contestants. The *Jeopardy* Adult, Teen and College tests have already taken place this year, and we are making every effort to find a solution before the next round of testing is available."

The statement does little to shed light on what the actual reason is, other than a vague reference to Canada's digital privacy laws.

### Privacy and anti-spam laws

But those laws — the Digital Privacy Act and our anti-spam legislation — were last updated in June 2015 and July 2014 respectively.

There doesn't seem to be anything specific in those laws that could account for the reason Canadians can't participate.

"It's very weird," said Éloïse Gratton, a lawyer specializing in privacy law who also teaches it at the University of Montreal. "Our privacy laws are consent-based so usually people who would apply and enter into a contest — all they would need to do is to agree to the terms. So I'm not sure."

Another lawyer, McMillan LLP's Ryan Black, said it's possible that whatever the game show was previously doing did not fully comply with Canadian laws.

Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

He noted that Canada's anti-spam law carries an "inordinately" high penalty — up to \$10 million for businesses.

He said the show might have recently made changes to their internal policies or updated their website, which could have affected the legality for Canadians.

"As opposed to getting it wrong, they're just saying, 'let's just figure it out first,'" Black said. "Why take the risk that you're going to be in penalties for \$10 million?"

Even though the laws in Canada haven't changed in a while, he said it's possible they're just catching up now.

### Trebek's response

The show's well-known host, Alex Trebek, is Canadian. He offered a statement about the ban that affects his "native country and the show I love," to the Ottawa Citizen newspaper, which the show's publicists shared with CBC News:

"It is true that for the most recent *Jeopardy* contestant tryouts, Canadians were precluded from taking the online test, since the show must now comply with new rules set down by the Canadian government."

Trebek noted that one Canadian will compete on Monday, Feb. 22, and another two will appear in March — as those shows have already been taped.

"We have had many Canadians as contestants throughout the history of the show, and we hope that will continue, because Canadians make great game-show contestants. We look forward to having more try out as soon as we are sure we can comply with all Canadian online privacy laws."

While Trebek's response appears to suggest he feels for his fellow Canadians, it also did not explain much.

Another oddity in the saga is that the show bans Canadians — and Canadians only. The show's main eligibility requirement is that potential participants be at least 18 years old (not including the college and teen versions of the show). There is no mention of a ban on people from any other country.

Press Clippings for the period of February 23rd to the 29th, 2016 / Revue de presse pour la période du 23 au 29 février 2016

### Smart Canadians for \$500

Once news of the ban broke, Canadians voiced their frustrations online, [commenting on CBCNews.ca](#) as well as on social media. Many suggested the reason for the ban is that we're just smarter, and Americans are tired of losing to us.

"We kept winning that's why! If you can't beat'em, ban'em," wrote Complacent Canadian.

"Clearly, they fear our superior trivia prowess!" wrote Louise A. James.

"Truly sad because there are many Canadians more intelligent than some of the contestants that I have seen on the show!" wrote commenter montexuma99.

But that probably does little to comfort would-be Canadian contestants.