AJC-AJJ
ASSOCIATION OF JUSTICE COUNSEL
ASSOCIATION DES JURISTES DE JUSTICE

Press Clippings for the period of February 24 to March 3, 2014
Revue de presse pour la période du 24 février au 3 mars 2014

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

canada.com

Main estimates: Budget cuts pressing down on federal departments

Jason Fekete, POSTMEDIA NEWS, FEBRUARY 27, 2014

OTTAWA – The Conservative government's billions of dollars in budget reductions and efforts to eliminate the deficit are firmly taking hold across federal departments and agencies, new spending estimates show, with significant cuts in several departments and reviews of key federal programs and services.

The main spending estimates tabled Thursday for the 2014-15 fiscal year, which begins April 1, forecast hundreds of millions of dollars in cuts across government, including the auditor general, the federal tax collection agency, the Canadian Food Inspection Agency, the Privy Council Office, Statistics Canada and Environment Canada.

Along with some deep cuts, the government is pledging to review a number of key programs, including a "comprehensive" examination of how Statistics Canada collects its data.

It will also conduct a review of the Disaster Financial Assistance Arrangements (DFFA) program, which reimburses provinces for natural disasters such as flooding, to ensure "program sustainability" into the future.

Under the DFAA program, the federal government is paying around $3 billion in the current 2013-14 year for unexpected disasters such as massive flooding in southern Alberta. The current agreement between Ottawa and the provinces sees the federal government reimburse provinces for effectively up to 90 per cent of approved disaster costs.

Many of the fresh cuts can be traced back to the Harper government's 2012 and 2013 budgets. The 2012 fiscal blueprint promised to reduce spending by more than $5 billion and eliminate about 19,000 jobs over three years (by the 2014-15 budget year) — and departments are feeling the impacts.

The Conservative government needs to find savings in order to keep its promise to balance the budget by 2015.

"This year's main estimates once again show a marked reduction in the amount of voted spending," Treasury Board president Tony Clement said in a statement.

"The estimates for voted appropriations are down nearly $800 million from last year – a clear result of our government's unwavering resolve to cut unnecessary spending and return to a balanced budget."

A number of federal departments could receive additional funds later in the budget year through what are called supplementary spending estimates.

The main estimates are vague on where many of the government cuts will be found, other than to say "savings identified as part of the Budget 2012 spending review." More details of the spending cuts will be released in the coming weeks with the 2014-15 Reports on Plans and Priorities.

The Harper government continues to stonewall the parliamentary budget officer's efforts to obtain information on the effects of the 2012 budget cuts to programs and services.

Year-over-year projected spending reductions and increases, and program reviews in the 2014-15 main estimates include:

- a $6.6-million cut (7.8 per cent) to the office of the federal auditor general;

- $300,000 in new spending for the Senate Ethics Officer to possibly conduct inquiries into whether senators are complying with the conflict of interest code;

- The Canada Revenue Agency, the government's tax collection department, will see more than $175 million in cuts, directly attributed to the 2012 and 2013 budget reductions;

- The Canadian Food Inspection Agency will see its funding cut by almost $69 million this year over last, including approximately $46 million due to budget 2012 savings measures;

- The Privy Council Office, which supports the Prime Minister's Office and cabinet, will see a decrease of approximately $4.6 million from last year's main estimates;

- Statistics Canada will undergo "a comprehensive review of the potential for administrative and other alternative data sources to replace, complement or supplement further the agency's census and survey programs," and see a base funding cut of $15.6 million from the budget 2012 spending review;

- Public Safety and Emergency Preparedness will review the Disaster Financial Assistance Arrangements program, which provides financial relief to the provinces, "to ensure program sustainability over time."

- The budget of Canada's electronic eavesdropping agency will almost double, to $829 million in 2014-15. That includes a one-time increase of $300 million for a contract payment related to delivery of the spy agency's new headquarters.

- Canadian Heritage's budget rises $70 million and the National Battlefields Commission gets an extra $5 million as the government prepares to mark several significant anniversaries in Canadian history.

– *With files from Canadian Press.*

LeDroit

Le gouvernement «terrorise» les fonctionnaires

Paul Gaboury, Le Droit, le 3 mars 20014

Le nombre de congédiements pour «incompétence ou incapacité» au sein de la fonction publique est déjà «énorme», observe l'Alliance de la fonction publique du Canada (AFPC). Pour le syndicat, cela démontre que le gouvernement a fait un «show de boucane» en annonçant qu'il allait rendre l'évaluation de rendement obligatoire à compter d'avril.

«Soixante-dix congédiements pour la seule année 2012-2013, c'est énorme, car le but d'un examen de rendement devrait être de permettre aux employés de rencontrer les normes, en leur offrant de la formation d'appoint et les outils nécessaires pour faire leur travail. Mais pour ce gouvernement, c'est plutôt une autre façon de congédier plus d'employés» a commenté Magali Picard, vice-présidente exécutive régionale de l'AFPC au Québec.

Surcharge de travail

Pour la dirigeante de l'AFPC, le message que le gouvernement souhaite transmettre par l'annonce de sa directive est «que les nombreux délais dans les services résultent non pas des compressions et des abolitions de postes, mais plutôt de la mauvaise performance au travail des fonctionnaires». Mais, dit-elle, il y a des limites à ce qu'une personne peut prendre alors que le gouvernement demande à ses employés de «faire des miracles».

«Dans les milieux de travail, les gens gèrent les délais - jusqu'à quatre mois pour émettre un chèque de pension de vieillesse - et les citoyens sont en colère. Mais le gouvernement veut nous laisser croire que ces délais sont dus aux employés non productifs. Avec les compressions, on terrorise les gens en leur demandant d'en faire deux, trois fois plus. Et en plus de la surcharge de travail, on vient leur resserrer la vis en les menaçant qu'ils seront congédiés s'ils ne livrent pas. Il y a une limite à ce qu'une personne peut prendre, et avec les compressions, on demande des miracles aux travailleurs. Nos membres n'avaient pas vraiment besoin de cela», a conclu la vice-présidente de l'AFPC-Québec.

OTTAWA CITIZEN

Home News Opinion Business Sports Arts Life Technology Travel Health Jobs Ca

Clement calls federal retirees to negotiate before health care changes cemented

Kathryn May, Ottawa Citizen, February 26, 2014

OTTAWA — Treasury Board President Tony Clement publicly made a last-minute appeal to Canada's retired public servants to return to the negotiating table and hammer out a new cost-sharing agreement for the federal health care plan before he resorts to legislation.

Clement was delivering a speech at the Economic Club of Canada in Ottawa Wednesday when he noted the presence in the audience of the National Association of Federal Retirees, which has launched an aggressive national campaign against his plan to double the premiums of retirees while limiting their access to the health care plan.

"I am glad you're here," he said. "The association's continued participation in the partners committee discussions remains very important as we work to shape the future of the plan."

But Clement warned that the "window" for a deal was closing fast and would have to be reached before the government introduces the budget implementation bill and forces retirees to pay 50 per cent of the plan's premiums compared to the 25 per cent they pay now. Clement also wants to change the eligibility rules for the plan to prevent retirees from joining unless they worked in the public service for six years.

"My preference is a bargained solution, but in the absence of that, we have the right to legislate on this issue," he said.

The government is taking aim at retired public servants to help reduce the cost of the health-care plan, for which it estimates taxpayers will be on the hook for nearly $20 billion in future costs.

The biggest single savings announced in the budget was the $7.4 billion it expects to save over six years by making retirees pay more for the benefits of the Public Service Health Care Plan.

Clement said he would negotiate a transition period and protection for low-income retirees who can't afford the increase, but he won't budge on the 50-50 cost sharing. He even hinted he was willing to dicker on some improvements to the plan even though the government has already booked the $7.4 billion in savings. Any changes, however, will have to be resolved before the budget bill is tabled.

"Look, there are always trade-offs … so some of this does not have to be cast in stone at this particular moment. It will be cast in stone if it's part of the budget implementation bill. So you have between now and the period when that is introduced to work whatever deal we can work out."

Clement wouldn't speculate on the timing of the budget bill but urged a deal be reached at the upcoming meeting of the partners committee, which governs the plan.

"We have a little bit of time but not a whole lot of time … I know there is a meeting scheduled in the next few days and I am hoping we make really good progress at that meeting."

Gary Oberg, president of the retirees association, was at the speech and questioned how Clement could say he was willing to negotiate when the government already booked the savings.

"When one says negotiate and then he says in the other sentence to go to 50/50 (cost-sharing), where's the negotiation?" he asked.

The partners committee's closed-door discussions over the health care plan, its overhaul and possible review of benefits have dragged on for nearly two years.

They stalled last summer when Clement told the committee he would accept some minor improvements to the plan's benefits as long as retirees paid more and their access to the plan was limited.

By all accounts, Clement's demands for two major concessions from retirees came out of the blue and little was offered in exchange.

Clement, however, blamed the stalemate on the intransigence of federal unions which he claims refuse to surrender the "status quo."

Since then, the retirees association has ramped up its campaign to drum up the support of the thousands of former public servants, military and RCMP members who belong to the associations. They tabled petitions and swamped MPs and Clement with letters opposing the move.

It's also exploring legal options, including whether the government can change the rules of retirement benefits promised to employees while working.

The health plan is the government's costliest benefit for its workforce and the savings it wants from retirees far exceeds any cuts in the benefits of working public servants that it has so far inflicted.

The health-care plan provides supplementary health care to all public servants and retirees. It's the largest in Canada and reimburses the 1.5 million members and their dependents for a range of goods and services that are not covered by provincial and territorial health-care plans. Retirees account for half of all members.

"I know that this could be a burden for some retired public servants, so any new measures will contain a provision to protect low-income individuals," said Clement.

"As lead negotiator on behalf of the Canadian taxpayer, I want to implement changes that are both fiscally responsible, and fair to government employees."

---

iPOLITICS

Clement issues ultimatum to government retirees – negotiate deal or face legislation

Elizabeth Thompson, iPolitics, February 26, 2014

Treasury Board President Tony Clement issued an ultimatum to federal public service retirees Wednesday, saying the federal government is prepared to unilaterally legislate changes to health premiums for retirees if a negotiated settlement cannot be reached before the government's budget implementation legislation is tabled.

Speaking to an Economic Club luncheon, Clement said he would prefer a negotiated solution but the government won't hesitate if necessary to carry out the plan unveiled in Finance Minister Jim Flaherty's budget.

"We have been negotiating for between six or eight months and I must say that our progress was nonexistent on the issue. It is important that we are clear to our bargaining agents and clear to Canadians that this is the intention of the government, I wasn't keeping it a secret, and our preference is to have a bargained solution but in the absence of a bargained solution we do have the right to legislate on these issues."

Speaking later to reporters, Clement said the clock is ticking.

"There's time until the budget implementation act is delivered to Parliament. So, we've got a little bit of time but not a lot of time."

"I know there is a meeting scheduled in the next few days and I'm hoping we can make really good progress at that meeting.

Clement refused to say when the government plans to table its budget implementation act.
"It's in the near future for sure."

Clement's comments come little more than two weeks after Finance Minister Jim Flaherty's budget announced plans to double health premium payments for the federal government's estimated 295,000 retirees.

Raising health care premiums to $500 a year from $261 is expected to save the government $7.4 billion over six years and that amount was included in the government's budget calculations. Currently, the government pays 75 per cent of the cost of the plan and retirees pay 25 per cent. Under the plan unveiled by Flaherty in his budget, each would pay 50 per cent of the cost of the system.

"The government intends to pursue changes that will make the plan for retired federal employees more comparable with the plans of other large employers in the public and private sector, and would ensure that the plan is more affordable and sustainable in the future," Flaherty wrote in his budget.

As part of the move, the government also plans to increase the number of years of service necessary to qualify for the plan to six years from the current threshold of two years. The government also plans to ensure low-income pensioners aren't affected by the change.

Wednesday, Clement repeated that promise — both before the audience and again later with reporters.

“The basis of what we’re trying to do is to get to 50-50 but I have proposed some ideas on transition, I have proposed some ideas on protecting low income seniors,” Clement told reporters.

“So I think the principles are there but we can certainly delve into some of the details. If there is a better way to do it that they are more comfortable with, I am perfectly open for that. This is a real negotiation, this is real bargaining and again, my stated preference is to have a bargained solution.”

Clement refused, though, to say whether negotiated settlement has to remain within the envelope sketched out by Flaherty.

“There are always trade offs and I think the unions and the agents on the other side know that I am being reasonable so that some of this does not have to be cast in stone at this particular moment. It will be cast in stone if it is part of a budget implementation bill so we’ve got between now and the period when that is introduced to work out whatever deal we can workout.”

Asked why the talks have taken so long, Clement pointed to the negotiators for public service retirees.

“I think there was a great deal of resistance on moving off the status quo from our bargaining agent friends on the other side. I think it’s very clear now that we see this as important, we see this as important for taxpayers as well as making the plan sustainable for the future. So I think that message has gotten through now.”

Gary Oberg, national president of the National Association of Federal Retirees, was on hand to hear Clement’s speech.

He wasn’t impressed.

“When one says negotiate and then he says in the other sentence to go to 50/50, where’s the negotiation,” asked the retired RCMP officer.

Oberg said he plans to convene a meeting of his association’s executive to discuss Clement’s comments. The possibility of legal action to stop the government is still on the table.

Oberg said the increase in health care premiums could be difficult for retirees.

“It’s going to be difficult if they get their (pension) cheques and there is a lot less money on them.”

LeDroit

Le projet de loi fédéral sur la partisanerie est critiqué

La Presse Canadienne

Un projet de loi conservateur qui obligerait les employés des agences de surveillance du gouvernement à dévoiler leurs activités politiques passées soulève des problèmes en matière d'équité et pourrait gêner des enquêtes, selon divers responsables parlementaires indépendants.

Le projet de loi d'initiative parlementaire du député conservateur Mark Adler permettrait à un député ou un sénateur de soulever des allégations de conduite partisane envers des employés des agences de surveillance du gouvernement, et d'exiger la tenue d'enquêtes sur le passé politique de ces fonctionnaires.

La commissaire aux conflits d'intérêts et à l'éthique, Mary Dawson, a affirmé mardi devant un comité des Communes que le projet de loi pourrait permettre à n'importe qui de porter atteinte à la réputation de l'un de ses employés, puisqu'il n'y a aucune définition claire de ce qu'est une «conduite partisane», ou des motifs pouvant justifier l'ouverture d'une enquête.

Tout comme certains autres agents du Parlement, Mme Dawson craint en outre que de telles enquêtes ne nuisent à leurs propres investigations.

Le porte-parole néo-démocrate en matière d'éthique, Charlie Angus, a suggéré qu'en vertu de ce projet de loi, tout député ou sénateur contrarié par les activités d'une agence de surveillance indépendante pourrait tout simplement accuser de partisanerie un fonctionnaire de ce bureau.

Mary Dawson, le vérificateur général, Michael Ferguson, et le directeur général des élections du Canada, Mark Mayrand, ont déclaré devant les députés que ce projet de loi n'est pas vraiment utile puisqu'il existe déjà d'autres lois qui limitent les activités politiques des agents du Parlement, et qui exigent l'impartialité des fonctionnaires.

---

metroland media
Connected to your community
thespec.com

The Hamilton Spectator's view: Hudak’s right-to-work reversal a puzzler

Ontario PC Leader, Tim Hudak (John Rennison,The Hamilton Spectator file photo)

There are a number of different ways you could look at Ontario Conservative leader Tim Hudak's dramatic and somewhat surprising renunciation of his right-to-work platform. During a breakfast speech Friday Hudak jettisoned the U.S.-style plan, which has faced opposition from within his party, from organized labour and from the general public.

Why would he do such a dramatic flip-flop? Previously, when explaining his party's position, including to The Spectator's editorial board, Hudak was unequivocal in stating that current labour laws, including the Rand Formula, are a major reason that manufacturing jobs are fleeing the province for jurisdictions with weaker labour legislative frameworks.

He insisted his party's plan to scrap the Rand Formula and basically make union membership voluntary even in unionized environments was central to job creation and economic prosperity. He felt strongly enough about the matter to fire a candidate in the Windsor area who spoke out against the position. (By the way, what happens to that fired candidate, David Brister, now that Hudak no longer thinks the plan is such a good idea? Does he get his candidacy back?)

What changed?

Perhaps Hudak heard the concerns expressed from many quarters that the polarizing plan was just too extreme, including for average Ontarians who don't have strong feelings about unions one way or the other. Maybe the Conservative brain trust looked at polling results showing Hudak continuing to trail Andrea Horwath and Kathleen Wynne in personal popularity, perhaps in part because of positions such as this one.

Or maybe the decision was strictly partisan. Many observers, including in this space, have opined that the Conservatives can appeal to more people if they focus on pragmatic, more centrist policies that will improve the economy and create jobs, provided they get rid of divisive ideological baggage (remember the last one — a return to prison chain gangs?).

If this change is driven by any of those things, we say good for Hudak and his party.

But there is another side to this story, and it's not as flattering. The messaging around the change is meant to convince Ontarians that it was never a big deal to begin with. "Our agenda is a lot bigger, and a lot more ambitious, than that," Hudak said.

Hudak's political opponents aren't buying that. They point out that the Conservative libertarian leaning is bred in the bone, and allege this climbdown is strictly to give them an edge in the expected election. What's to stop Hudak from bringing the plan back if elected? It's a fair question, and reasonable suspicion.

But will Ontarians buy the new kinder and gentler face toward unions? The next round of opinion polls should offer a hint.

Howard Elliott, Hamilton Spectator

---

thestar.com

What was Tim Hudak thinking on right-to-work?: Cohn

Martin Regg Cohn, Provincial Politics, Toronto Star, February 25, 2014

Looking back at his anti-union obsessions, voters have every right to wonder where the Tory leader is coming from. And where he's going.

Tim Hudak, we hardly knew ye.

For two years, the Tory leader had campaigned on making union dues optional in unionized workplaces. It proved to be a divisive vision, pitting the Tories against organized labour — and against one another.

But Hudak stood by his plan, if not his man (firing a Tory candidate who dissented from it). Now he has repudiated his controversial right-to-work position, arguing that Ontario faces bigger economic challenges.

"It didn't make the cut," he announced at last Friday's climb down.

Who knew Hudak could so easily renounce what he'd so earnestly announced in mid-2012? Not so fast.

His second thoughts deserve a second look: Not so much because Hudak might go back on what he said the other day; it's that his entire approach speaks volumes about his muddled political judgment.

Significantly, the Tory leader still believes in right-to-work: "The arguments make sense — why should anybody have to join a union they don't support?" he asked at the Friday business breakfast.

Then he breezily unburdened himself of the idea as unnecessary. With a mere 15 per cent of private sector workers unionized, "This right-to-work issue just doesn't have the scope or the power to fix the issues . . . . So if we're elected, we're not going to do it — we're not going to change the so-called Rand Formula."

But the Rand Formula and right-to-work aren't the same thing. Hudak uses the terms interchangeably — and often talks about "worker choice" — but it's not as simple as a bumper sticker.

Right-to-work, which is popular in some American states, mandates that people can get a job without having to join the union.

The Rand Formula doesn't force anyone to join a union. Cobbled together in 1946 by former judge Ivan Rand to settle a Windsor car strike, the formula merely requires everyone to pay their fair share of union dues to prevent so-called "free-riders" — whether or not they join.

The PC government of Bill Davis made it Ontario law in the early 1980s and the compromise has stood the test of time. Until two years ago, when Hudak took aim at Rand.

What hasn't attracted much attention, however, is what he proposed replacing it with: an ultra-libertarian Rand redux formula.

In Hudak's vision there would be no free-riders, because workers could negotiate on their own with employers. In a "technical backgrounder" issued at the same time as their so-called "white paper" on Flexible Labour Markets, the Tories made their case for a workplace free-for-all:

"If there is a free-rider problem, the solution should be to allow the individual worker to negotiate on their own and not be governed by the union. The solution should not be to force people who consciously don't want to be part of the union to pay money."

It was, as Hudak has argued for the past two years, a "bold position." But its full implications were little understood by the public, poorly thought out by the Tories, and probably would not have received extensive coverage until an election campaign.

Had Hudak not withdrawn the proposal, it would eventually have been eviscerated — not just by the union movement, but the academic community. A paper co-authored last November by U of T law professor Brian Langille and law student Josh Mandryk shows how the Tory proposals bordered on the intellectually bizarre.

Hudak's plan to unravel the bargaining unit by cherry-picking from foreign systems "is something quite different and much more dramatic than American-style right to work." It amounts to an incoherent "legal fantasy world," where employers would be forced to juggle various partners in an atomized workplace, instead of negotiating with a stable bargaining unit.

Allowing workers to opt out of union dues is analogous to saying you'll "refuse to pay your property taxes because you did not vote for Rob Ford." The paper warns any future PC government reckless enough to "attack the core principles of our system" would get bogged down in legal tangles.

We now know it won't come to that, because Hudak has belatedly heeded the hints. After a bitter winter byelection defeat in Niagara Falls, and ahead of a possible spring general election, he now realizes right-to-work wouldn't work politically.

Or economically. Or legally.

Looking back at his anti-union obsessions, voters have every right to wonder where Hudak is coming from. And where he's going.

Hudak, we hardly knew ye. What were you thinking?

Globe Editorial: The wrong formula and the Rand formula

The Globe and Mail, February 27, 2014

Ontario Progressive Conservative Leader Tim Hudak last week wisely backed away from a plan to campaign on introducing "right to work" legislation, and to alter a long-standing Canadian compromise known as the Rand formula. As set out by Supreme Court Justice Ivan Rand in 1946, the formula says that in a unionized workplace, employees are free to join or not join the union – but either way, they must pay union dues. That's because every worker in a union shop, member or no, benefits from efforts made by the union in contract negotiations. The formula is meant to prevent anyone from getting a free ride.

Making union dues optional in unionized workplaces would have been disastrous for organized labour – surely part of the Conservatives' goal. But it also would have been unworkable. The Rand formula isn't perfect, but Mr. Hudak's alternative was incoherent. Some of his own candidates publicly pushed back against it.

But other parts of the PC Party's white paper on flexible labour markets, released in 2012, deserve serious consideration: namely, questioning why union members should be forced to pay for union activities not directly related to collective bargaining.

The white paper cites the example of the Canadian Union of Public Employees, which has used dues to fund campaigns calling for a boycott of Israeli academic institutions, protesting the World Trade Organization and agitating for a ban on bottled water. These causes aren't even remotely related to collective bargaining.

The Supreme Court of Canada delved into this issue two decades ago. In the 1980s, Mervyn Lavigne, a community college teacher, challenged how his union dues were spent. He'd opted out of the Ontario Public Service Employees Union, but was still required to pay dues, as per the Rand formula. His objection wasn't to paying; it was to how some of his dues were being spent outside the workplace, on causes he disagreed with. He argued this violated his Charter right to freedom of association. The amount of money involved was marginal, but the principle is not.

Mr. Lavigne won at the Ontario Court of Appeal and lost at the Supreme Court, which said that unions have latitude in how their money is spent. Mr. Hudak thinks it is time for Ontario to revisit part of that story, and he's right. There are real questions about how union dues, especially in the public sector, are spent on causes such as political advocacy. The next government needs to revisit provincial labour law. It's not 1946 any more.

Election act changes could muzzle report on probe into robocalls, lawyer warns

The Conservatives' new election act might prevent Chief Electoral Officer Marc Mayrand from reporting on a probe into the robocall scandal.PHOTO: SEAN KILPATRICK/THE CANADIAN PRESS

Stephen Maher, PostMedia columnist, February 24, 2014

A clause muzzling investigators in the Conservatives' new election act could prevent Elections Canada from ever reporting on the outcome of its investigation into fraudulent and deceptive calls in the 2011 campaign, says a former lawyer for Elections Canada.

The Conservatives promised to pass legislation toughening election rules in March 2012, when Canadians learned of allegations of fraudulent telephone calls in the "robocalls" scandal in the May 2011 election.

But the bill tabled by the government earlier this month actually may prevent Marc Mayrand, the chief electoral officer, from reporting to Parliament on the results of an investigation into allegations of dirty calls across the country, says James Sprague, who was senior general counsel at Elections Canada until he retired in 2006.

The new act would forbid the Commissioner of Canada Elections, Yves Cote — who is in charge of investigating election crime — from disclosing "any information relating to an investigation that comes to their knowledge in the exercise of their powers."

Sprague says that means Canadians may never learn what investigators uncover about fraudulent and deceptive telephone calls in the past election.

"I'm not positive but I suspect that prohibiting any information about investigations would include prohibiting the fact that any investigation is being conducted respecting, say, robocall complaints in X district, or that investigations are being made respecting potential breaches of specific sections of the Canada Elections Act," he said in an email.

A spokeswoman for Pierre Poilievre, minister of state for democratic reform, pointed out Elections Canada's investigators will continue to be able to file court documents — often the source of information on public investigations — and Mayrand will still report to Parliament.

"The CEO of Elections Canada will continue to have the ability (indeed the requirement) to speak publicly about matters related to the conduct of elections," Gabrielle Renaud-Mattey said in an email.

But the act will prevent the commissioner from discussing investigations with Elections Canada, so Mayrand will not be able to report on the investigators' work. Instead, the director of public prosecutions will include information about the commissioner's work in an annual report to the justice minister, but, Sprague says "that report cannot set out the details of any investigation."

Opposition MPs object to the Conservatives' proposed reorganization of Elections Canada, warning that having the commissioner report to the director of public prosecutions, who answers to the justice minister, opens the door to political interference in investigations.

Mayrand has provided information about the national robocall investigation at parliamentary committees and in a public report, pointing out that investigators have received complaints from "more than 1,400 electors in 247 electoral districts" about seemingly illegal or unethical telephone calls in the past election.

Mayrand promised to issue a report this spring, and the commissioner has said he hopes to conclude the national investigation by March 31. If the investigation is concluded by then, Mayrand could report on it before the Conservatives' new act passes.

Documents obtained under access to info law show that in December 2012, Elections Canada officials sought approval for non-competitive contract extensions for investigators on robocall investigations.

The contracts, with a total value of $1.3 million as of March 31, 2013, were necessary because "several of these investigations are considered complex and high profile," according to a contract review committee briefing note.

The national investigation is being led by John Dickson, a former RCMP officer. In November 2012, court documents detailing complaints from voters in 56 ridings were made public.

The two Informations to Obtain, or ITOs, sworn by Elections Canada investigators were prepared to back up requests for court orders that compel Shaw, Rogers and Videotron to hand over telephone records.

Dickson writes that "the caller or the person or persons who caused the calls to be made intended to wilfully prevent or endeavoured to prevent an elector from voting in an election, and/or intended to influence the complainants to vote or refrain from voting for a particular candidate."

Since then, no further documents have been made public, but industry sources say that Elections Canada investigators have contacted at least one wholesale telecom firm seeking records of calls, a sign that they may have traced call records from phone companies and taken steps to follow them back to their sources.

In May, Federal Court Justice Richard Mosley ruled that "misleading calls about the locations of polling stations were made to electors in ridings across the country" and that the "most likely source of the information used to make the misleading calls" was the Conservatives' database.

Opposition MPs often have accused the Conservatives of using telephone calls as part of a voter suppression scheme in the past election, a charge the Conservatives reject, save in Guelph, Ont., where a "Pierre Poutine" robocall sent hundreds of opposition supporters to the wrong polling station.

THE HILL TIMES online
News | Politics | Opinion | Policy Briefings | Legislation & Lobbyir
COLUMNS | Climbers | Civil Circles | Heard On The Hill | P

Courts will have to decide if Elections Canada CEO can be 'muzzled,' say experts

Elections Canada and critics of proposed government legislation that will restrict communications between the chief electoral officer and the electorate say the

measure will also limit information the chief electoral officer will be able to distribute to news media.

By TIM NAUMETZ, Hill Times, February 27, 2014

PARLIAMENT HILL—Elections Canada and critics of proposed government legislation that will restrict communications between the chief electoral officer and the electorate say the measure will also limit information the chief electoral officer will be able to distribute to news media.

A source told The Hill Times the electoral agency remains concerned despite assurances Minister of State for Democratic Reform Pierre Poilievre (Nepean-Carleton, Ont.) made on a political talk show that he was open to amending a section of the legislation, Bill C-23, to address Chief Electoral Officer Marc Mayrand's concerns.

And Ottawa lawyer Steven Shrybman, an expert on Canada's electoral law who represented voters in a Federal Court challenge of results from the 2011 federal election, said the statement from Mr. Poilievre (Nepean-Carleton, Ont.) will have no effect unless the government eliminates the section entirely.

As well, NDP MP Craig Scott (Toronto Danforth, Ont.), a constitutional lawyer and former law professor, said it would be "grotesque" if the section remains intact and prevents the chief electoral officer from communicating with the public outside of what the bill states.

Mr. Mayrand recently said the legislation will prevent him from publicly speaking about anything beyond how, where and when to vote and would prevent him from conducting surveys with Canadians on Elections Canada services.

The contentious clause in Bill C-23, among many sections at the centre of an NDP-led filibuster of the House Affairs Committee as the opposition parties attempt to force cross-country hearings on the legislation, would eliminate wording in the existing Canada Elections Act that gives the chief electoral officer a mandate to use any media he or she considers appropriate to provide Canadians with any information "relating to Canada's electoral process, the democratic right to vote and how to be a candidate."

The current Canada Elections Act, a result of major amendments to previous laws and first passed in 2000, also provides the chief electoral officer with the authority to "implement public education and information programs to make the electoral process better known to the public, particularly to those persons and groups most likely to experience difficulties in exercising their democratic rights."

Bill C-23 proposes to substitute those sections in the current law with clauses that would allow the chief electoral officer to provide the electorate and the public at large only information about how to add their names to the permanent voter registry, how they may vote, how to establish their identity and residence in order to cast a ballot and on measures to assist voters with disabilities.

The new sections would eliminate the chief electoral officer's ability to focus on groups of electors with low election day turnout, such as young voters, aboriginal voters, low-income demographics, students, single parents and other voters who in the past have tended not to support the Conservatives.

In the early days of a firestorm the government ignited when it tabled the legislation and quickly cut short the first round of debate in the House of Commons—using its majority to send the bill to committee for closer scrutiny—Mr. Poilievre said he was willing to hear out the concerns over Bill C-23's Sec. 18 limits on communications and information for the electorate.

"Section 18 deals with the advertising function of Elections Canada," Mr. Poilievre said on CBCNN's Power & Politics.

"It has nothing to do with the ability of a person to just speak in general terms with the media or Parliament," he told host Evan Solomon. "It has to do with the advertising and promotional campaigns that Elections Canada runs. We're going to focus those on the basics of voting. Look, he can bring forward his concerns to the committee, and if the language of the amendment needs to be clarified for him [Mr. Mayrand] to give him comfort, then there's no problem with that.

"But the fundamental will stay the same, and that is that the promotional campaigns of Elections Canada will focus exclusively on where, when, and what ID to bring and what are the special tools available to help disabled voters cast their ballots," Mr. Poilievre said.

Mr. Shrybman told The Hill Times on Thursday it doesn't matter what Mr. Poilievre said in response to Mr. Solomon's questions, Sec. 18 would prevent the chief electoral officer and all of his staff from saying anything about any other topics.

"I don't care what the minister says, why do I care what the minister says?" Mr. Shrybman said.

“All that matters is what the bill says,” he said. “It will be up to court to decide what that says, it couldn’t be more straightforward. That isn’t a complex provision, it is very explicit and very clear. He can only speak about these things.”

Mr. Shrybman has told The Hill Times in an earlier interview that the Elections Canada CEO will be “muzzled.”

Said Mr. Shrybman: “Right now under the act, the CEO is entitled to use the media and other forums to speak to Canadians about the electoral process and about their democratic right to vote. Under the bill, he is specifically precluded from doing that. So the CEO is muzzled, so if there is voter fraud and it comes to the attention of the CEO, the bill would precluded him from speaking of it.”

Mr. Scott said that despite the government’s statements, the courts would eventually have to rule whether Parliament could so severely restrict the freedom of communication for one of its own chief agents, the chief electoral officer.

“It would be a grotesque outcome if Section 18 meant that the chief electoral officer of Parliament could not speak anytime outside of that context, and if that is the result and if that is what the government is intending, it is grotesque,” said Mr. Scott.

“All I would say is we’re going to need to get good legal opinion on whether or not the chief electoral officer has, I’ll call it, an inherent power as an officer of Parliament, to speak on behalf of his organization,” he told The Hill Times.

“They [Elections Canada] have every reason to be worried because the government’s whole scheme is to box in and shut out Elections Canada, especially the chief electoral officer, so they are reasonably worried,” Mr. Scott said.

“But it still comes down to, eventually the courts will tell us, does Sec. 18 shut everything off, or in a reasonable world is there some kind of inherent right to speak to the media about your broader functions?” he said.

A spokesperson for Mr. Poilievre declined to respond directly when asked twice whether the new provision would prevent the chief electoral officer's media branch from answering questions or providing information about anything other than the topics in Sec. 18.

“Changes in the [bill] that only affect Sec. 18 of the current Canada Elections Act focus on the agency’s promotional advertising,” said Gabrielle Renaud-Mattey. “This is because Sec. 18 addresses Elections Canada’s promotional campaigns, nothing else.”

The existing section, however, also currently allows the chief electoral officer to conduct surveys on voter turnout and publicize ways in which to increase voter turnout and participation.

Mandatory surcharge not working, says victims’ advocate

ANDREW SEYMOUR, OTTAWA CITIZEN, FEBRUARY 28, 2014

OTTAWA — The former federal ombudsman for victims of crime and current executive director of Ottawa Victim Services says the new mandatory victim surcharge isn’t working and should be changed back to the way it was.

Steve Sullivan was among the victim rights advocates who recommended the Conservative government make the surcharges mandatory.

Now, Sullivan says the harsh judicial reaction to the controversial surcharges and the constitutional challenges they have sparked have convinced him changes are necessary.

“I, in the past, thought it should be mandatory, but seeing what’s happening, I think there needs to be some flexibility in the system,” said Sullivan. “If someone wants to criticize me, that’s fine, I have fairly thick skin.”

Sullivan, who was Canada’s first federal ombudsman for victims of crime, said the current system “isn’t working.”

“Having said that, maybe there have been benefits about it because we have begun at least to talk about victim surcharges. I wish we’d talk a little bit more about what those surcharges went to, but maybe now we’ve raised the profile of those, that if we began to

look about whether we went back to the old system, we'd have the judges on board," said Sullivan.

But the current federal ombudsman for victims of crime, former Ottawa deputy police chief Sue O'Sullivan, disagreed.

O'Sullivan recognized there have been some "challenges" with the new law, but going back would be a mistake, she said.

"I don't believe returning back to a system that we know wasn't working is the right solution," said O'Sullivan.

"We don't want to see offenders who lack the means or capacity being sent to jail over a $100 charge; however, it does not mean one should not be held accountable in some appropriate manner for the surcharge," said O'Sullivan.

In the past, judges could waive the surcharge if it would cause an undue hardship for an offender. However, the surcharge was routinely waived in most cases, leading to calls by victims groups that it be made mandatory.

As of Oct. 24, the government removed that discretion and required judges to impose a $100 or $200 surcharge per offence or an amount equivalent to 30 per cent of any fine that was handed out.

Those amounts doubled the previous $50 or $100 surcharge and 15 per cent amount on fines.

Judges in Ottawa and across the country have rebelled against the measure by either refusing to apply it, finding it unconstitutional, allowing offenders decades to pay or by issuing $1 fines that reduced the surcharge to mere pennies. Constitutional challenges have been launched in Ottawa and L'Orignal, and the issue seems destined to end up in the Supreme Court of Canada.

Justice Minister Peter MacKay has since vowed to close the loopholes in the law, while the Crown is appealing several decisions where the surcharge wasn't imposed as intended.

MacKay's spokeswoman said he was not available Thursday to respond to Sullivan's comments.

His press secretary, Paloma Aguilar, called the victims surcharge "one part of our government's plan to defend rights of victims and support victims' services."

Sullivan said he believes the government could consult with the judiciary and reach an agreement that the original law be applied the way it was intended.

LeDroit

Indemnités de départ: les fonctionnaires ont encaissé

PAUL GABOURY, Le Droit, 25 février 2014

Plus de 93 % des fonctionnaires fédéraux ont décidé de ne pas attendre leur retraite ou leur démission et ont choisi de recevoir immédiatement leur prime d'indemnité de départ, ce qui a obligé le gouvernement fédéral à débourser davantage au cours des deux dernières années. Ainsi, même si la taille de la fonction publique fédérale a été réduite de plus de 5,5 % en 2012-2013, les coûts reliés au personnel n'ont chuté que de 0,9 %.

C'est ce que révèle l'analyse du budget supplémentaire des dépenses 2013-2014 publiée hier par le directeur parlementaire du budget, Jean-Denis Fréchette.

Lors du budget 2011, le gouvernement Harper avait annoncé qu'il allait mettre fin à l'indemnité de départ versée aux fonctionnaires qui quittaient volontairement leur emploi, une mesure imposée d'abord aux syndiqués de l'Alliance de la fonction publique du Canada lors des négociations tenues à l'automne 2010, puis progressivement à tous les autres fonctionnaires fédéraux, y compris le personnel syndiqué et les gestionnaires.

Auparavant, tous les salariés de la fonction publique fédérale comptant au moins une année d'emploi continu avaient droit à une indemnité de départ correspondant à une semaine de salaire par année complète d'emploi jusqu'à un maximum de 30 semaines.

En y mettant fin, le gouvernement avait offert trois options aux fonctionnaires admissibles : encaisser immédiatement l'indemnité de départ accumulée ; conserver l'indemnité accumulée et l'encaisser lors de leur départ ; ou en encaisser une partie et conserver le reste pour l'encaisser à leur départ à la retraite ou démission.

LeDroit

Le député Hiebert veut retourner dans le secteur privé

PAUL GABOURY, Le Droit, le 21 février 2014

Le député conservateur Russ Hiebert, parrain du projet de loi qui voulait forcer les syndicats à dévoiler leurs états financiers à l'Agence du revenu du Canada (ARC), a annoncé hier ne sera pas candidat lors des élections fédérales de 2015.

Le projet de loi du député Hiebert a été le premier d'une série de projets de loi privés défendus par des députés conservateurs que les syndicats ont vivement dénoncés comme étant des «attaques conservatrices» visant à mettre un frein à la syndicalisation à travers le pays.

Le projet de loi C-377 visait essentiellement à obliger les syndicats à dévoiler à l'ARC leurs états financiers, incluant les dépenses et les salaires versés aux dirigeants syndicaux. Lors de l'étude en comité, le projet avait été dénoncé comme étant anticonstitutionnel par plusieurs groupes dont l'Association du Barreau canadien et les grandes organisations ouvrières à travers le pays.

Après avoir été adopté par la majorité conservatrice à la Chambre des communes, le projet de loi du député Hiebert a toutefois été freiné par le Sénat, plusieurs sénateurs conservateurs étant contre plusieurs mesures qu'il proposait.

Le député Hiebert, de la Colombie-Britannique, a expliqué qu'il souhaite mettre fin à son passage à la Chambre des communes pour retourner dans le secteur privé. Il entend renouveler sa licence pour pratiquer le droit. Il avait été élu pour la première fois comme député fédéral en 2004.

New report notes 94% employment rate for law graduates

Written by Glenn Kauth, Legal Feeds blog, Canadian Lawyer, February 24, 2014

Despite the clouds hanging over the legal profession right now, a new report suggests law schools have been doing a good job of providing students with an education that leads to a job.

The report released by the Council of Ontario Universities quotes data from the Ontario university graduate survey that tracked employment rates by field of study two years after graduation. For law, the employment rate was almost 94 per cent. A few areas, such as veterinary medicine, therapy and rehabilitation, theology, pharmacy, optometry, forestry, and dentistry, had employment rates of 100 per cent.

The council report offers an alternative perspective on the popular perception that university degrees have become less valuable over time. It notes, for example, Ontario university graduates have higher employment rates and better salaries that those with any other level of education.

Between 2002 and 2012, for example, it shows employment grew by 49 per cent for university graduates compared to 30 per cent for those with college diplomas. In addition, the report found university graduates were more likely to be working in their fields. Two years after university, 80 per cent were doing something closely or somewhat related to their fields. For college graduates, the number was 66 per cent.

The report follows a study by the Canadian Imperial Bank of Commerce last year that found law school still yields a big return on investment. A legal education is second only to medicine in how well it pays off, according to the CIBC report, which noted the return for graduates in fields such as law was much higher than for life sciences, humanities, and social sciences.

The latest report comes as the legal field has seen a fair bit of pessimism as of late. With Heenan Blaikie LLP collapsing this month, a Law Times poll found almost 70 per cent of

respondents felt the situation there was a sign of bigger problems to come in the legal industry.

For Osgoode Hall Law School professor Gus Van Harten, the findings that law school graduates fare well in the job market aren't surprising.

"I don't think a law degree at least at this stage is a mistake," he says, noting those who don't end up practising can often get other jobs such as policy advisers with government.

For Van Harten, who wrote an opinion piece in Law Times this week about looming changes to the licensing process, a key concern is about the supply of lawyers and the quality of legal services they'll be providing. With the Law Society of Upper Canada indicating it will consider applications from other law schools to follow the new licensing approach adopted by Lakehead University, he wonders what that means for supply and quality.

"The logic of it is we wouldn't have articling anymore," he says, referring to the plan that won't require Lakehead graduates to article.

So while the latest report is positive on job prospects, Van Harten says it's a "broader issue than the economic calculus of the law student.

"The fact you've got a high employment rate is certainly good. But what kind of employment rate are we talking about?" he asks.

---

thestar.com

Minority looms in next Ontario election: Poll

Ontarians overwhelmingly approve of the $11 minimum wage, favour a provincial pension plan scheme, and remain divided over whether anti-union "right-to-work" laws are needed, a new poll suggests.

Robert Benzie, Toronto Star, February 27, 2014

Ontarians overwhelmingly approve of the $11 minimum wage, favour a provincial pension plan scheme, and remain divided over whether anti-union "right-to-work" laws are needed, a new poll suggests.

In a sweeping public-opinion survey against the backdrop of a possible spring election, Forum Research found none of the three major political parties has yet captivated Ontarians enough to win a majority government.

The Progressive Conservatives, led by Tim Hudak, were at 35 per cent; Premier Kathleen Wynne's governing minority Liberals at 32 per cent; the New Democrats, led by Andrea Horwath, were at 26 per cent; and Mike Schreiner's Green Party was at 6 per cent.

"It's pretty tight between the three of them," Forum president Lorne Bozinoff said Wednesday. "But I'm not convinced there's going to be an election this spring."

Bozinoff said extrapolating the results leads to a projected seat count in the 107-member legislature of 48 Tories (up from the current 37), 42 Liberals (down from 49), and 17 New Democrats (now at 21).

Using interactive voice-response phone calls, Forum surveyed 1,014 people across Ontario on Tuesday and results are considered accurate to within three percentage points, 19 times out of 20.

With all parties crafting planks for their campaign platforms, the pollster asked about some of their policies.

Wynne's plan to raise the minimum wage from $10.25 to $11 as of June 1 was backed by 77 per cent of respondents, while 18 per cent disapprove and 5 per cent don't know.

Horwath's pledge to raise the hourly rate to $12 by 2016 was supported by 53 per cent while 34 per cent said $11 is fine and 14 per cent were unsure.

The premier's proposal for an Ontario pension plan to supplement the Canada Pension Plan, expected to be a cornerstone of the Liberal re-election campaign, was backed by 53 per cent, while 27 per cent disapproved and 19 per cent didn't know.

But Wynne's pitch to fund transit infrastructure through new taxes and fees appeared to be divisive with 41 per cent agreeing, 42 per cent disagreeing, and 16 per cent uncertain.

Results were also mixed for Hudak's labour policies.

The Conservative leader on Friday renounced his party's controversial "right-to-work" policy, which would have scrapped the Rand Formula that requires employees in a unionized workplace to pay dues even if they choose not to join the union.

But Forum found 62 per cent disapproved of the Rand Formula while 24 per cent approved of it and 13 per cent didn't know.

At the same time, 42 per cent approved of "right-to-work" laws and 40 per cent opposed them with 18 per cent undecided.

Opinions were split on Hudak's flip-flop – 39 per cent backed the Conservatives' policy U-turn and 31 per cent disagreed with it and 31 per cent were uncertain.

"They got spooked in Niagara Falls," Bozinoff said, referring to the Tories' narrow loss to the NDP in the Feb. 13 byelection after unions rallied against the right-to-work policy.

"Maybe it was popular (province-wide), but he was unable to take the heat from the unions. This is what happens with (political) parties — they sometimes take the wrong conclusions from events."

In a separate poll of 1,310 Toronto residents conducted Monday, Forum found the Liberals at 46 per cent in the city to 29 per cent for the Progressive Conservatives, 22 per cent for the New Democrats, and 2 per cent for the Greens. Results are considered accurate to within three percentage points, 19 times out of 20.

Bozinoff warned that should concern both Hudak, who has one Toronto seat, and Horwath, who holds five, and comfort Wynne because the Liberals could increase their tally of 17 city MPPs.

"I think the Tories would lose Etobicoke—Lakeshore in a general election and the NDP could lose Davenport," he said, referring to PC MPP Doug Holyday and New Democrat Jonah Schein.

Like most pollsters, Forum uses a proprietary weighting formula, which has been shared with the Star, to more accurately reflect the broader electorate. Raw data from this poll will be housed in the Political Science Data Library at the University of Toronto.

77 per cent support the $11 minimum wage

53 per cent approve of an Ontario pension plan

42 per cent like "right-to-work" laws

A war of words: How to demonize your opponents

Blog by Claude Poirier, CAPE President, February 27, 2014

If one of your friends points to someone across the room and says that "he is a competent fellow, but…," chances are it is the word "but" that will leave the greatest impression on you. What precisely is lurking in the shadows behind that "but" and why is it so powerful as to undermine what amounted to a positive comment about that person's competence?

Some words have considerable weight to them. In the past, people used expressions without giving any thought to what they meant or where they came from – not so much today: associating a particular group of people to a perceived negative action is considered callous and insensitive in the extreme. People are more careful about their choice of words now. If an expression is used that might be considered discriminatory or offensive, it is placed in context, explained carefully and justified with numerous clarifications.

This explains why the words used by our political representatives must be scrutinized closely. Some politicians are very adept at massaging language so as not to offend their electors. This cannot be said of all politicians, of course, but we can only stand in awe as the finest practitioners of this art continually trot out expressions that cast a derogatory light on one specific group or another. Their continued reliance on this tactic clearly indicates their belief that it works in their favour.

"Union boss"

I think the federal Conservatives' use of the expression "union boss" is among the best examples of how they go about putting a negative spin on an otherwise generally neutral term. These are semantic gymnastics, of that there is no doubt. The negative connotations associated with this expression find their roots in the United States, where industrialists historically cast unions in a demonic light. Indeed, the expression pairs the word "union" with the word "boss," a somewhat pejorative synonym for employer that calls to mind the person who makes your life miserable by forcing you to perform work you don't like under deplorable conditions. Thus "union boss" is a titanic insult in the minds of those who believe in laissez-faire economics, market forces and the right to unilaterally impose working conditions from a past era on the workers of today.

It would be stretching things quite a bit by calling a union leader a "boss."

Moreover, the word "boss" assigns characteristics to a union leader that are eminently foreign to his or her state of being. Even someone who is so obsessed with anti-union thoughts as to spend sleepless nights obsessing over the Canadian Labour Congress, Unifor or even the Canadian Association of Professional Employees would be stretching things quite a bit by calling a union leader a "boss." To my knowledge, not a single person at the head of a union in Canada is a self-proclaimed dictator who ascended to the top following a coup. Some leaders may have been elected by acclamation, but they all had to withstand the scrutiny of an electoral process involving union's delegates during a congress or the full membership of the union, as is the case with unions such as CAPE.

It is worth noting, moreover, that "political animals" such as Stephen Harper, Tim Hudak in Ontario and Alison Redford in Alberta, all rose to the top of their chosen professions through an electoral process very similar to the one used by unions to elect their leaders. "Bosses," on the other hand, are never elected; they are appointed by boards of directors, whose members are primarily interested in looking out for their own interests.

Another semantic benefit of using the word "boss" comes from the fact that the salaries of so-called "bosses" are reputed to be stratospheric. Thus, one of the first pieces of business news released every year in January is the list of Canada's 100 highest paid CEOs, the "corporate bosses" who, in a few hours, pocket what it takes the average Canadian an entire year to earn. In the minds of ordinary Canadians, therefore, it is no stretch to imagine that if "unions" have "bosses," those bosses must be making big bucks.

When paying taxes becomes a burden

A number of other expressions have found their way into our everyday lives simply by being overused by proponents of free market economics and economic liberalization. One of these is the infamous "tax burden." Indeed, if these people are to be believed, all taxes are a burden, with or without the quotation marks.

The notion that taxation in all of its forms constitutes a "burden" implies that taxes are too heavy and are crushing us under their weight.

While it can be said that this expression has been part of ordinary language for many years, the Tories have learned to abuse it mercilessly. Now economic commentators and mass media outlets such as the National Post have adopted the expression as their own, and newspaper stories about government budgets increasing or reducing the "tax burden" for families are as common as hens' teeth. How hard would it be for them to simply state that taxes will be going up or down?

As we have seen, the right side of the political spectrum is adept at creating expressions that immediately set the tone for its messages, or co-opting existing expressions and bending them to suit its purposes. Thus, the words “union boss” uttered by a “political crony” immediately have negative connotations. Strangely enough, Canada’s other official language does not offer an equivalent pejorative expression: one would speak of a “leader syndical” or a “dirigeant syndical,” respectively meaning union leader and union executive, but never use the words “patron de syndicat.”

If these people are to be believed, all taxes are a burden, with or without the quotation marks.

CEOS

In an effort to turn the tide in this war of semantics, I am humbly proposing a new term that will refer to a new unit of measure: the “CEOP” (pronounced “see up”). Representing the hourly pay earned by a Canadian CEO, this measure will allow us to put things in perspective when discussions turn to reckless public spending, the massive amounts of money stolen by welfare cheats or any other measure of our collective indignation.

The average hourly wage of Canada’s 100 highest paid CEOs, i.e., $1,913 per hour.

I don’t want our economist members to come after me with torches and pitchforks, so I will now explain how the CEOP is calculated: simply put, it is the average hourly wage of Canada’s 100 highest paid CEOs, i.e., $1,913 per hour.* So if the government tells us it is closing Fisheries and Oceans Canada’s science libraries in order to save $443,000, we can put that in perspective by converting it into 231 CEOPs (i.e., equivalent in value to 231 hours of work by a CEO). Similarly, closing nine Veterans Affairs Canada regional offices to save $3.78 million annually is equivalent to 2,000 CEOPs per year or, to put it more bluntly, the total annual income of the lowest-paid CEO on the list of Canada’s 100 highest paid CEOs – the “bargain basement priced” CEO of Saputo Inc., Lino Saputo.

I don’t know whether the CEOP will become a standard unit of measure for economists to use in their analyses, but as a “union boss,” I will let it stand as my contribution to the linguistic whirlwind we have been forced to live with in recent years.

Claude Poirier

La guerre des mots, ou comment diaboliser ses adversaires

Blog de Claude Poirier, pésident de l'ACEP, le 27 février 2014

Lorsqu'un de vos amis dit de quelqu'un « cette personne est compétente, mais, », c'est le mais qui fera probablement la plus grande impression sur vous. Que cache ce « mais » qui vient réduire d'un coup un jugement pourtant positif sur la compétence de cette personne?

On le sait, les mots ne sont pas neutres. Des expressions que nous utilisions il y a plusieurs années sans arrière-pensée s'entendent de plus en plus rarement. En effet, on évite d'associer un groupe à une action réputée négative. On choisira ses mots avec plus de soin ou, si on utilise une expression qui peut être dénoncée pour son caractère discriminatoire, on la mettra en contexte, on l'expliquera avec soin, on la justifiera avec moult explications.

C'est pourquoi il importe de bien décortiquer les mots qu'utilisent nos représentants politiques. Plusieurs d'entre eux, mais évidemment pas tous, savent très bien manier le verbe pour ne pas froisser les électeurs. Il est d'autant plus remarquable de les entendre utiliser et utiliser jusqu'à plus soif des expressions qui s'attaquent à un groupe précis. S'ils le font, c'est qu'ils y voient leur intérêt.

« Union boss »

Je crois que c'est l'utilisation de l'expression « union boss » par les conservateurs fédéraux qui marque le mieux ce glissement permettant d'accoler une valeur négative à un terme généralement neutre. C'est du beau travail de sémantique, en vérité. Cette expression nous vient du sud de la frontière où l'équation entre syndicat et diable est devenue une lapalissade. Car l'expression associe les syndicats et le côté le plus négatif du patron, ce « boss » qui nous rend la vie si pénible en nous forçant à faire du travail que l'on n'aime pas à des conditions que l'on exècre. « Union boss » est donc l'Everest de l'insulte dans la bouche d'un partisan du laissez-faire économique, des lois du marché, du droit à imposer sans restriction des conditions de travail d'une autre époque.

Il faut étirer l'élastique pas à peu près pour dire qu'un dirigeant syndical est un « patron.»

En plus, « boss » vient doter le leader syndical d'une caractéristique qui lui est éminemment étrangère. En effet, que l'on soit antisyndical au point de se lever la nuit pour détester la CSN, la FTQ ou même l'ACEP… il faut étirer l'élastique pas à peu près pour dire qu'un dirigeant syndical est un « patron ». Il n'y a pas à ma connaissance de dirigeants syndicaux au Canada qui se sont autoproclamés leader de leur syndicat à la suite d'un coup d'État. Certains ou certaines peuvent avoir été élus par acclamation, mais tous doivent passer par un processus électoral auprès de délégués lors d'un congrès dans certains cas, ou de l'ensemble des membres du syndicat dans le cas de syndicats comme l'ACEP.

D'ailleurs, il convient de constater que les « politicards » que sont les Stephen Harper, Tim Hudak en Ontario ou Alison Redford en Alberta, ont tous été choisis à l'issue d'un processus électoral qui ressemble à celui utilisé par les syndicats. Alors que les patrons auxquels les conservateurs associent les dirigeants syndicaux, ne sont jamais élus mais désignés par les conseils d'administration des entreprises, conseils le plus souvent formés d'autres « chevaliers d'entreprise ».

Autre gain sémantique de l'utilisation de « boss » pour désigner un leader syndical, c'est que les patrons ont la réputation de gagner des salaires stratosphériques. Ainsi, l'une des premières nouvelles économiques de janvier c'est lorsqu'on nous apprend que les PDG des 100 plus importantes compagnies canadiennes, les « corporate bosses » auront gagné en quelques heures ce qui prend au Canadien moyen toute une année. Dans la tête des gens, si les « z'unions » ont des « boss », il ne fait pas de toute que ces derniers doivent gagner des sommes faramineuses.

Quand payer des impôts devient un fardeau

Il y a d'autres expressions que nous utilisons désormais dans notre vie quotidienne qui nous ont été insidieusement imposées par des tenants du libre marché, de la libéralisation économique. L'une d'entre elles est le fameux « fardeau fiscal » que l'on entend désormais à toutes les sauces et sans les nécessaires guillemets qui devraient pourtant décorer chacune de ses utilisations.

Car si l'adjectif fiscal concerne les taxes et l'impôt, l'accoler au nom « fardeau » laisse entendre clairement que les taxes et impôts dont il est question sont trop lourds, nous écrasent sous leur poids. Les « Tories » abusent de l'expression, qui est passée depuis des années dans le langage populaire. Les commentateurs économiques et même les médias progressistes comme Le Devoir ont gobé l'expression et désormais les journalistes n'hésitent plus pour écrire qu'un budget a accru le « fardeau fiscal » des contribuables ou

l'a allégé. Il me semble que l'on pourrait dire simplement que les impôts ont augmenté ou diminué.

Comme on l'a vu, la droite est très habile à créer des expressions qui donnent immédiatement le ton. Ainsi, en entendant « union boss » de la bouche d'un « political croonie » on sait tout de suite que ce n'est pas bien. Étrangement, en français l'expression n'est pas aussi péjorative, car on dira « leader syndical » ou « dirigeant syndical », mais jamais un « patron de syndicat ».

Accoler l'adjectif « fiscal » au nom « fardeau » laisse entendre clairement que les taxes et impôts dont il est question sont trop lourds

SPDG

Alors, afin de reprendre du terrain dans la guerre de la sémantique, je propose non pas une nouvelle expression, mais une nouvelle mesure : le « SPDG » que nous prononcerons « essepédégé ». Basée sur le salaire horaire du président directeur-général (SPDG), cette mesure nous permettra d'atténuer nos critiques virulentes lorsqu'on parlera d'une dépense publique inconsidérée, du montant faramineux qu'aura dérobé un fraudeur de l'aide sociale ou toute mesure de notre indignation collective.

1 913$ l'heure, c'est ce que gagne un PDG de la liste des 100 PDG les mieux payés au Canada.

Pour éviter que nos membres économistes ne me fassent un procès… je livre ici mon calcul du SPDG : ce sera le taux horaire moyen des 100 PDG canadiens les mieux payés, soit 1 913 $ l'heure*. Ainsi, lorsqu'on nous dira que l'on doive fermer les bibliothèques scientifiques de Pêches et Océans afin d'économiser 443 000 $, on se souviendra que cela équivaut à 231 SPDG (ou 231 heures au taux horaire du PDG). Que fermer 9 bureaux régionaux du ministère des Anciens combattants pour des économies annuelles de 3,78 $ millions, c'est 2 000 SPDG ou, pour simplifier, la rémunération annuelle totale du 100e et dernier PDG sur la liste des mieux payés, le « gagne-petit » PDG des Fromages Saputo, Lino Saputo.

Je ne sais pas si le SPDG deviendra du miel dans les analyses des économistes, mais en tant que « union boss » j'aurai apporté ma pierre à l'édifice de déconstruction du langage qui nous afflige tant.

Claude Poirier