

Press Clippings for the period of July 5th to 11th, 2016 / Revue de presse pour la période du 5 au 11 juillet 2016

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After sunny start, Liberals hit bumps in relationship with labour

Jordan Press, The Ottawa Citizen, June 8 2016

Justin Trudeau said he was convinced unionized workers would vote Liberal.

The Liberal leader was about to fly to a campaign stop on the east coast instead of taking part in any Labour Day activities, and there were six weeks left in the election campaign.

It was enough time to convince organized labour to back the Liberals instead of the New Democrats, he said at the time. The Liberals respected organized labour, he added, vowing a new relationship after years of abysmal relations under the Conservatives.

Many unionized workers did indeed appear to vote Liberal in the last election — a look at the red that painted the ridings in the nation's capital points to how federal workers cast their ballots.

There is a new relationship between the two parties, one labour leaders describe as being open and collaborative.

But there are pressure points that are beginning to show in the Canada Post dispute.

What the Liberals are finding is what governments before them have realized: Supporting unions during an election can help you get elected, but once in power, a government becomes responsible for the economy as a whole. That may require stepping on union toes — sacrificing a few for the greater good.

"We accept that not everything is going to be perfect every day, but at least there's an attempt to ensure there's a lot of dialogue on critical files that the government is moving on that takes our perspective in the decision that they have to make as a government on behalf of the country," said Hassan Yussuff, president of the Canadian Labour Congress.

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He said the real test of the relationship begins in the fall when the Liberals are set to make a push to repeal two pieces of Conservative legislation that angered unions — months after first introducing the required bill — and start a deeper look at changes to employment insurance and the temporary foreign workers program after months of consultations.

"Any day something could obviously go off the rails and we have to figure out how do we manage that," Yussuff said.

From an organized labour point of view, the Liberals got off to a good start when they took power. Trudeau became the first prime minister since John Diefenbaker to address the CLC executive. One of the first pieces of legislation the Liberals brought in, C-4, would repeal laws the Conservatives passed, one that required unions to publicly post details of their spending, and the other that set a higher bar to unionize and lowered the threshold for a union to decertify. Trudeau also sent an open letter to the public service saying the relationship would be different than the one under the Tories.

C-4 didn't make it out of the House of Commons before the summer break, and there are questions about whether the government can easily get the bill through the Senate.

There is also stalled legislation that would repeal Conservative rules that the Public Service Alliance of Canada says restricted their members' rights to strike and bargain.

"They haven't accomplished what they said they would," said PSAC president Robyn Benson.

She said PSAC negotiators feel the government has kept the same hard line as the Conservatives in talks.

"They are much more open to having discussions with labour, but specifically in terms of the unions that represent government workers, they're not quite as open. We would have had a deal already," Benson said.

Labour leaders say that if the government wanted to, it could lean on Canada Post to come to a deal with the Canadian Union of Postal Workers and remove the threat of a lockout.

Instead, the two sides agree they couldn't be further apart towards signing an agreement and avoiding a potential work stoppage.

Trudeau has said his government wanted to see the parties negotiate a settlement and he saw no need to immediately be heavy-handed.



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This week, Labour Minister MaryAnn Mihychuk suggested the two sides go to binding arbitration, a suggestion CUPW immediately rejected, giving a glimpse at the Liberals' moral suasion over the union.

Governments have increasingly legislated an end to strikes or lockouts since the 1960s when federal public servants earned the right to strike and as the country faced increasing economic volatility, said Christos Aivalis, an adjunct professor of Canadian political and labour history at Queen's University in Kingston, Ont.

But government as well can exert influence by doing nothing in a labour dispute, Aivalis said. Staying out of a strike or lockout could put heat on the Crown corporation to settle if business is threatened, or force the union to acquiesce if the work stoppage starts draining their financial reserves and puts a squeeze on workers' bank accounts.

It all depends on the government's end game, he said.

La garderie bilingue du pré Tunney restera ouverte

Paul Gaboury, le Droit, le 11 juillet 2016

Menacée de fermeture, une garderie bilingue située dans un immeuble fédéral au pré Tunney à Ottawa restera finalement ouverte.

La Garderie Tunney's, fréquentée par 49 enfants - dont plusieurs francophones - dans un immeuble de Statistique Canada, faisait face à une importante hausse de loyer, comme l'ensemble des garderies situées dans des immeubles fédéraux au pays.

Ouverte en 1988, cette garderie s'était fait imposer un loyer de 82 000 \$ pour la première fois en 2014, montant qui devait augmenter à 150 000 \$ le 1^{er} juillet.

La directrice générale de la Garderie Tunney's, Carmen Perron, a confirmé au Droit lundi qu'un « gel de loyer » avait finalement été décrété jusqu'en mars 2019, ce qui va permettre à la garderie de poursuivre ses opérations. « Le gel du loyer jusqu'en 2019, c'est un grand soulagement pour tout le monde. Nous avons beaucoup de beaux projets à venir », a indiqué M^{me} Perron.

Un moratoire demandé

En mai dernier, l'Alliance de la fonction publique du Canada (AFPC) et 16 autres syndicats de la fonction publique fédérale avaient demandé au président du Conseil du Trésor, Scott Brison, un

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moratoire sur ces augmentations de loyer visant toutes les garderies situées dans des immeubles fédéraux du pays.

Si la campagne menée par l'AFPC et les autres syndicats a permis de sauver la Garderie Tunney's jusqu'en 2019, d'autres, comme la garderie Tupper Tots d'Ottawa, ont déjà fermé leurs portes ou seraient encore menacées.

Selon la présidente de l'AFPC, Robyn Benson, « la bataille est encore loin d'être gagnée ».

Dans le cadre des présentes négociations avec le gouvernement, l'AFPC a d'ailleurs demandé la création d'un comité syndical-patronal qui serait chargé de se pencher sur les besoins des fonctionnaires fédéraux en matière de garde d'enfants.

L'AFPC déplore que le nombre de garderies dans les milieux de travail fédéraux ne cesse de diminuer et demande aux libéraux de tenir leur promesse électorale « de faciliter l'accès à des services de garde abordables ».

Brison agrees to interim measures for bargaining with PS unions

Kathryn May, Ottawa Citizen, July 7 2016

The Liberal government is introducing stopgap measures for the current round of collective bargaining with Canada's public servants that will get around controversial rules of Tory-era legislation until that law is repealed.

Treasury Board President Scott Brison told the 18 unions in a recent letter that he agreed to the interim measures as a way to speed up the negotiations, which have been dragging on for several years.

"These interim measures are meant to support a timely resolution of this round of bargaining," Brison said in the letter. "While the measures must be permissible under the current legislation, they are meant to reflect, to the extent possible, the spirit of the pre-Bill C-4 regime."

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“The government ... is committed to restoring fair and balanced labour laws that recognize the important role of unions in protecting the rights of workers.”

Last month, Brison promised the Liberals would unwind the Tory-era legislation that rewrote rules for collective bargaining that had been in place for nearly 50 years. Those changes were a major blow to the unions bargaining clout and their right to strike. The unions quickly filed constitutional challenges in court to overturn them.

With the new measures, the unions have agreed to postpone their constitutional challenge of the Tory legislation, which was scheduled for a court hearing Tuesday.

As pleased as unions had been about Brison’s earlier promise, legislation to rescind the Tory law wouldn’t be tabled until the fall, which meant the current and highly contentious round of bargaining over sick leave would be under the Tory rules.

The measures were quietly negotiated with the government behind-the-scenes in recent months and will cease once the new legislation is introduced in the fall.

The measures they have come up with mirror the way the government and unions used to bargain and handle impasses. They manage to comply with the Tory legislation but give unions the rights they enjoyed under the old rules.

Debi Daviau, president of the Professional Institute of the Public Service of Canada, said the measures are a “big victory” and are as close to operating under the old rules as possible without repealing the law.

“This agreement reflects the spirit of where we intend to go in the fall when the legislation is changed,” she said. “In the meantime, it resolves all the concerns we have to get us through this round of bargaining while waiting for the repealing of C-4 in the fall.”

Labour relations in the public service used to be unique. Under the old rules, bargaining was a two-track process that allowed unions to decide whether they wanted to settle their disputes by arbitration — a process in which arbitrators can impose a settlement — or conciliation, in which a settlement can be recommended rather than imposed, and is backed by the right to strike.

The Conservatives changed all that. The government would decide whether disputes were solved by arbitration or conciliation/strike. The only bargaining units that could seek arbitration were those in which more than 80 per cent of the employees have been designated essential workers.

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The Liberals will now let bargaining agents decide whether they want to resolve a dispute and they have until Sept. 1 to decide. They can opt for “binding conciliation” on some or all issues. This process is the equivalent to arbitration under the old rules. The conciliation report’s recommendations are binding and unions can’t strike.

The Tory legislation also blunted the impact of strikes by giving the government “exclusive” right to decide which workers were essential and thus couldn’t strike. The government could decide which “service, facility or activity” would be designated “essential” for the safety and security of Canadians and unions had no recourse to challenge those designations.

The Liberals have agreed to issue a directive by June 30 to all departments that any employees occupying designated positions can’t be given non-essential work in the event of a strike.

Brison also agreed to a process to review essential services designations with unions. Any disagreements will be sent to a third party to resolve.

The Conservatives also limited the factors arbitrators and conciliation boards could consider when making their decisions in disputes — a measure unions argued favoured the government. Arbitrators had to give primacy to two factors: the government’s “fiscal circumstances relative to its budgetary policies” and the ability to recruit and retain employees.

The Liberals have made arbitrators free to consider whatever factors they “see fit.” The government can make arguments about the state of economy and retention and recruitment but they won’t be primary factors to consider.

PS pay woes: Government should cough up interest on missed payments, union says

Kathryn May, The Ottawa Citizen, July 6 2016

A major union that offers loans to public servants facing financial hardship because of Phoenix pay system foul-ups now wants the government to kick in interest on delayed payments and shortfalls.

Debi Daviau, president of the Professional Institute of the Public Service of Canada, said the government should be paying the interest on paycheques that have been delayed or underpaid employees because of malfunctions with Phoenix, the new automated system that’s been mired in problems since it went live in February.

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Daviau underscored that Treasury Board President Scott Brison has said it's unacceptable for people not to be paid properly and to be forced to use savings or credit to pay bills. Therefore, she said, the government should step in with interest to help mitigate those extra costs.

"Some of our members have had to dig into their savings or use their credit cards or lines of credit just to make ends meet," said Daviau. "I agree with Scott Brison that 'This is totally unacceptable.'"

Related

- [Public Service takes charges of Phoenix pay system complaints](#)
- [Pull the plug on Phoenix pay system, union urges](#)

Daviau said the union is also asking the government to inform Canada's major financial institutions and utilities about the problems with Phoenix and to urge them to "show flexibility" when dealing with those facing a cash flow crunch.

"No one should be penalized for missed payments or for having insufficient funds due to circumstances completely beyond their control," Daviau said in a statement. "Hard working public service professionals should not be paying the price for the failure of the new pay system."

The unions have cranked up the pressure on the government in recent weeks to take responsibility for and fix the problems. Thirteen unions are going to court seeking an order compelling the government to pay its employees properly and on time. Earlier this week, the NDP appealed to Prime Minister Justin Trudeau to step in and hasten a fix.

Employees who aren't getting paid are entitled to advances or emergency payments from their departments or Treasury Board.

Last week, Public Works and Procurement took steps to ensure these advances got to employees. It urged departments to directly report pay problems using an online form to the department rather than the pay centre in Miramichi, N.B.

PIPSC began offering interest-free loans to its members last week as problems with Phoenix continued to escalate. The union is capping its loans at \$5,000. The loan must be repaid when the employee gets the back pay owed by the government and no later than six months after the loan.

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Those interested in PIPSC's loan offers must prove they haven't been paid properly or on time because of glitches with the pay system. They also have to provide financial information, including evidence that the lack or shortage of pay has caused financial "hardship." They must also sign a promissory note and agree to a repayment schedule.

Shared Services Canada's email migration still on hold, eight months later

Treasury Board's new strategic IT plan projects completion by 2020, five years later than initially scheduled.

Rachel Aiello, *The Hill Times*, July 6 2016

Eight months after the migration of government email systems by Shared Services Canada was put on hold, 90 per cent of federal employees' inboxes remain untouched.

According to emails obtained by *The Hill Times*, the ongoing decision not to restart migrations is due to "missing critical functionality" that Bell Canada and CGI Information Systems—the companies contracted to execute the email consolidation— are responsible for.

The June emails say "contracted functionalities" have yet to be delivered and that "SSC continues to work through the issues with Bell until resolution and this may take weeks to resolve." The migration was initially put on hold back in November 2015.

Once these issues are resolved, Shared Services Canada told employees it will re-establish a new migration schedule with all remaining departments. Before the migration was halted, 12 organization's email systems were transferred to the new your.email@canada.gc.ca format. Of those that have made the switch, problems with email functioning properly have been reported.

At that time, the department was targeting September 2016 as the completion date for email migrations. It was initially planned to wrap up by March 2015. However, in the Treasury Board's new "IT Strategic Plan" released last Wednesday, June 29 the government recommitted to follow through on the Email Transformation Initiative—as well as Shared Services Canada's other two main initiatives: data centre and network consolidation—by 2020.

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Being able to meet the 2020 deadline set out for the completion of all of government's IT modernization as planned, which includes migrating data centres and networks as well, is going to be a tradeoff between the scope, cost, and time, according to Shared Services Canada president Ron Parker during a May 5, 2016 appearance before the House Government Operations and Estimates Committee.

The House Public Accounts Committee report on the Auditor General's investigation into Shared Services Canada also highlighted that members were "not convinced that SSC will meet its commitment to complete its transformation of government IT shared services by 2020, or generate promised savings if it continues to operate as it has since its creation."

As a result of the delays, the projected \$56-million projected annual savings from the new email system has not been realized but the money has been preemptively cut from the department's budget starting in 2015-16.

In the emails, the department says it is continuing to work on the problem with vendors Bell and CGI, which were awarded a \$398-million seven-year contract to complete the migration back in 2013. Mr. Parker said Bell and CGI now owe the government \$5.8-million in service credits due to delays on this project.

To help offset costs in the 2016-17 budget the government gave Shared Services Canada an additional \$383.8-million over the next two fiscal years to spend on updating "mission critical" systems and "support the transformation of government IT systems, data centres and telecommunications networks."

As part of this new IT plan, a committee of deputy ministers will act as an oversight body for the transformation's progress and Shared Services Canada will have to report to the committee on its progress.

Shared Services is also expected to update its transformation plan this fall with how it plans to complete the massive government IT modernization. Previously, Mr. Parker and Shared Services Canada's chief operating officer John Glowacki told *The Hill Times* in an interview that, as part of the review of the department's transformation plan that is to be completed in the fall, they are looking at the "tradeoffs" between budget, time, and scope, because Shared

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Services Canada will be unable to meet the 2020 deadline for completing its mandate of modernizing and amalgamating all of government IT under its current parameters.

The department will be providing Public Services Minister Judy Foote (Bonavista-Burin-Trinity, Nfld.), who is the minister responsible for Shared Services, with options for resetting the transformation plan.

La Cour suprême établit un plafond aux délais de procédures judiciaires

Jim Bronskill, Le Devoir, le 9 juillet 2016

La Cour suprême du Canada a adopté, vendredi, un nouveau cadre pour déterminer si un procès criminel a été retardé de manière déraisonnable.

Déplorant une complaisance à l'endroit de la « *culture des délais* », le plus haut tribunal a rejeté l'ancien cadre d'analyse pour déterminer le respect ou non du droit constitutionnel à être jugé dans un délai raisonnable.

L'article 11b de la Charte des droits et libertés garantit que « *tout inculpé a le droit d'être jugé dans un délai raisonnable* ».

Qualifiant l'ancienne méthode de « *trop difficile à saisir et trop complexe* », les juges ont fixé le nouveau plafond à 18 mois pour les procédures en cour provinciale et à 30 mois pour celles devant une cour supérieure. Le délai est calculé à partir du dépôt des accusations jusqu'à la conclusion du procès.

La Couronne pourra cependant réfuter qu'un délai a été déraisonnable en démontrant que des circonstances exceptionnelles ont causé un retard des procédures. Dans son arrêt, la Cour suprême a précisé que des circonstances exceptionnelles devaient être imprévues et inévitables, comme une maladie ou une procédure d'extradition.

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Une autre exception s'applique dans le cas d'affaires « *particulièrement complexes* » — soit qui impliquent une preuve volumineuse, un grand nombre de témoins ou encore des exigences importantes quant aux avis d'experts.

Pour les causes présentement en cours, le plus haut tribunal a prévu comme mesure transitoire l'application flexible et « *contextuelle* » du nouveau cadre.

La Cour suprême a insisté sur l'importance « *capitale* » du droit d'être jugé dans un délai raisonnable pour l'administration du système de justice criminelle au pays.

« Un délai déraisonnable représente un déni de justice pour l'inculpé, les victimes, leurs familles et la population dans son ensemble, est-il dénoncé dans l'arrêt. Les procédures et ajournements inutiles de même que les pratiques inefficaces et la pénurie de ressources institutionnelles sont acceptés comme la norme et occasionnent des délais de plus en plus longs. »

La cour a souligné que les policiers, les tribunaux, les gouvernements et les avocats de la Couronne comme de la défense n'étaient pas encouragés par l'ancien cadre à « *prendre des mesures préventives pour remédier aux pratiques inefficaces et au manque de ressources* ».

Néanmoins, certains juges sont plutôt d'avis que le nouveau plafond est imprudent et ils estiment qu'il pourrait mettre un terme à des milliers de poursuites.

Avec une faible majorité de cinq juges contre quatre, l'arrêt a invalidé les condamnations de Barrett Richard Jordan relativement à la possession et au trafic de drogues. Plus de 49 mois s'étaient écoulés entre le dépôt des accusations contre l'homme de Colombie-Britannique et sa déclaration de culpabilité.

Supreme Court lays out new framework for ensuring right to timely criminal trial

Will LeRoy, The Canadian Press, July 8 2016

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The Supreme Court of Canada, citing a culture of complacency in the justice system, has adopted a new framework for determining whether a criminal trial has been unreasonably delayed.

In a 5-4 decision today, the high court says the old means of determining whether a person's constitutional right to a timely trial had been infringed was too complex and problematic.

The Charter of Rights and Freedoms says any person charged with an offence has the right to be tried within a reasonable time.

Under the new framework, an unreasonable delay would be presumed should proceedings — from charge to conclusion of a trial — exceed 18 months in provincial court, or 30 months in a superior court.

The Supreme Court made the potentially groundbreaking ruling in deciding that the drug convictions of a British Columbia man must be set aside.

In a dissenting opinion, a minority of the court calls the new framework for gauging delays unwarranted and unwise, saying it could lead to thousands of prosecutions being tossed out.

Canada Post: Trudeau not considering back-to-work legislation

The Canadian Press, National Newswatch, July 5 2016

The federal government is not considering back-to-work legislation if there is a work stoppage at Canada Post, Prime Minister Justin Trudeau said Tuesday.

Trudeau says his government believes in good-faith negotiations that happen around the bargaining table.

"We don't feel, unlike previous governments, that it is the immediate responsibility to be heavy-handed," he said in Montreal on Tuesday. "We respect labour, we respect the need to come to terms at the bargaining table, and that is what we are going to continue to work on."

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Trudeau's comments came after Canada Post said it has issued a 72-hour lockout notice to the Canadian Union of Postal Workers (CUPW), raising the possibility of labour disruption by Friday. Canada Post said its latest offer presented on June 25 was fair and reasonable and that it still hoped to negotiate a deal with the union.

But in a statement early Tuesday, Canada Post said it plans to suspend the collective agreement as of Friday. It blamed prolonged negotiations, the union's strike mandate and the financial cost of a rapid decline in mail volume.

Canada Post said the 72-hour notice does not necessarily mean it will shut down on Friday.

Rather, it said, the measure would allow it to "take measures that are necessary to respond to the changing business reality."

In its response, CUPW said the corporation is using the lockout notice to drive 50,000 workers "out on to the streets without pay in an effort to impose steep concessions on them.

"They refused to negotiate fairly with us and now they're locking the doors and will try to starve us into submission," said CUPW president Mike Palecek.

The company has said the key sticking point in negotiations involves changes to employee pension plans.

The union said Tuesday the issue is pay equity for rural carriers, 70 per cent of whom are women and earn 28 per cent less than their urban, mostly male, counterparts.

The Crown corporation said Monday that CUPW's demands are "not affordable" and would add \$1 billion in costs over the life of a new contract. The union accused Canada Post of preparing to lock workers out, and creating uncertainty by warning the public to avoid the post office.

"They have been lying to the public," Palecek said at a Tuesday morning news conference in Ottawa.

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He said Canada Post turned a \$100-million profit last year and appears to be on track for bigger profits in 2016, although the Crown Corporation refuses to open its books to the union.

Canada Post has said that in the event of a full work disruption, it will not operate — mail and parcels will not be delivered, and no new items will be accepted.

The Canada Revenue Agency has deemed Old Age Security, Canada Pension Plan, Working Income Tax Benefit and the Canada Child Benefit cheques "essential" — even during a labour disruption.

Spokesman Jon Hamilton said Canada Post has a memorandum of agreement with the union "where the federal socio-economic cheques will be delivered."

"In the event of a work disruption we would arrange ... delivery one day of the month," he said Monday.

Postes Canada : le syndicat dénonce un possible lockout dès vendredi

La Presse Canadienne, Le Devoir, le 5 juillet 2016

Un lockout chez Postes Canada pourrait commencer dès vendredi, alors que la Société de la couronne a remis un préavis de 72 heures à partir duquel elle pourrait cesser ses activités.

Même si Postes Canada assure que ce préavis « *ne signifie pas nécessairement* » un arrêt de travail, le Syndicat des travailleurs et travailleuses des postes (STTP) estime que c'est bel et bien l'intention de l'employeur.

En conférence de presse mardi, Sylvain Lapointe du STTP a accusé Postes Canada de ne pas négocier de bonne foi. Le syndicat est d'avis que l'intention de l'employeur a toujours été de provoquer un conflit de travail.

La société prétend que les demandes syndicales s'élèvent à un milliard de dollars et que, puisqu'elles ne sont pas abordables, elles doivent être rejetées. Le syndicat affirme pour sa part ne pas savoir comment l'employeur arrive à ce montant. Aux yeux du STTP, l'équité salariale est



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la source principale de litige entre les deux parties, alors que les employés des régions rurales – des femmes à 70 % – sont payés un salaire inférieur à leurs homologues en ville.

Le syndicat ne demande pas explicitement au gouvernement de Justin Trudeau de s'impliquer dans le conflit à ce point-ci, mais il dit néanmoins s'attendre à ce que le fédéral « *parle* » éventuellement à Postes Canada.

Trudeau préfère la table de négociation

De son côté, le premier ministre Justin Trudeau s'est fait insistant, affirmant qu'il croyait que ce dossier devait se régler à la table de négociation.

Interrogé à ce sujet alors qu'il était de passage à Montréal pour [annoncer la conclusion d'une entente Canada-Québec](#), le premier ministre Trudeau a réitéré son appui dans une négociation de bonne foi entre les parties. Il a laissé entendre qu'il n'avait pas l'intention de légiférer pour imposer ou interrompre ce conflit de travail, du moins pas pour le moment.

Le précédent gouvernement conservateur de Stephen Harper avait légiféré pour mettre fin au précédent conflit de travail aux Postes.

Quelque 47 000 travailleurs sont membres du Syndicat des travailleurs et travailleuses des Postes, dont 10 000 au Québec.

Ottawa might try to prohibit homegrown pot

Prime Minister Justin Trudeau's Liberal government warns legalized recreational marijuana will be a strictly controlled substance — so much so that even homegrown weed may be prohibited.

Robert Benzie, The Toronto Star, July 4 2016

Prime Minister Justin Trudeau's Liberal government warns legalized recreational marijuana will be a strictly controlled substance — so much so that even homegrown weed may be prohibited.

Federal Health Minister Jane Philpott said the government is “taking a public health approach to the matter of the legalization and regulation of marijuana,” treating it like tobacco.

But in Ontario — despite strong anti-smoking laws — growing tobacco for personal consumption is allowed.

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That raises questions about the efficacy of banning Canadians from cultivating marijuana at home for recreational use once it is legalized next year.

Kyle Bell, a medicinal cannabis advocate, said Monday that there is mounting concern that the federal Liberals may not allow anyone — even medical marijuana patients — to grow their own.

Bell noted Ottawa has until Aug. 24 to address a Federal Court ruling in B.C. that it's unconstitutional to stop patients from growing cannabis and forcing them to buy it from Health Canada-licensed producers.

“They’re being very heavy-handed with it,” he said of the federal government’s moves.

In Colorado, where marijuana has been legal since 2014, state residents aged 21 and older can grow up to six plants each — to a maximum of 12 per household — with no more than three in the mature flowering stage at any time.

Some may be surprised to learn that in Ontario, the province’s Tobacco Tax Act allows adults to “produce and process for his or her own personal use, and not for sale, up to 15 kg of raw leaf tobacco per calendar year.”

Anyone who grows more than that amount of tobacco — or plans to sell their crop — must register with Queen’s Park and will be subject to inspections.

When former deputy prime minister Anne McLellan was named chair of the nine-member federal task force on marijuana legalization and regulation last Thursday, Philpott indicated cannabis could be treated like tobacco.

“It’s not uncommon for other substances to have regulation from the federal government, so as you know, there’s a Tobacco Control Act in place,” the health minister said.

Liberal MPP Bill Blair (Scarborough Southwest), the former Toronto police chief and a Trudeau lieutenant on the marijuana file, went further when asked if people would be allowed to grow their own pot.

“Unlike (growing) tomatoes, it is a substance that poses certain significant both social and health harms and risks to Canadians,” said Blair, noting “the science is overwhelmingly clear that marijuana is not a benign substance.”

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He said that's why Ottawa will be "ensuring that an effective and comprehensive regulatory framework is put in place to control the production, distribution, and the consumption of marijuana."

Blair said the overarching goal of legalization is "protecting our kids, getting organized crime out of this trade . . . by reducing the violence and victimization they're responsible for — and doing everything possible to ensure whatever is consumed by Canadians is as healthful as we can make it."

That suggests Ottawa is leaning toward regulations for recreational marijuana similar to those governing medicinal cannabis, which is already legal in Canada.

Such marijuana is available with a prescription from a medical doctor and is supplied by 33 Health Canada-licensed producers and delivered by registered mail.

The storefront "dispensaries" — more than 100 of which have popped up on Toronto streets in recent months — are illegal and are not licensed by Ottawa to provide medical marijuana.

Justice Minister Jody Wilson-Raybould said Thursday that even though legalization looms, "the current criminal laws on marijuana remain in force."

"Production and possession of marijuana are illegal unless it has been authorized for medical purposes. The Government of Canada supports efforts by federal, provincial and municipal law enforcement to enforce these laws," said Wilson-Raybould, in an apparent reference to recent police crackdowns against the weed shops.

At Queen's Park, Premier Kathleen Wynne has a dozen provincial departments forging a strategy on the impact of legalized recreational cannabis — examining health effects, road safety, and tax implications.

"We will work with the federal government as we develop in Ontario the complementary distribution network," the premier said last week.

Wynne has repeatedly said she wants the Liquor Control Board of Ontario, the province's booze monopoly, involved in retailing in order to keep weed out of the hands of children and teenagers.

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Federal officials wrestling with gender-neutral ID issues for more than a year

Jordon Press, The Globe and Mail, July 5 2016

The federal Liberals could easily drop any mention of sex or gender from identity documents like passports immediately, notwithstanding concerns civil servants have expressed about the idea privately for more than a year, a senior official with the Canadian Human Rights Commission says.

Marcella Daye, the acting manager of policy at the commission, said having gender-neutral identity documents like passports is the number one issue transgender Canadians have raised in recent consultations with the commission.

Daye said the longer the government waits to move to gender-neutral identity documents, the longer it exposes transgender Canadians and other members of the LGBTQ2 community to potential problems or danger.

Consultations the commission has held with transgender Canadians on this topic have shown concerns about travellers blocked from getting on a flight because they don't look or match the gender listed on their passport, or becoming the subject to harassment, said Daye, a senior policy adviser to the commission on LGBTQ2 issues.

"Sometimes when you toss out the idea that this is harmful and we need to change this one thing, people go, 'but there are these other 300 things and we need to change all of them and we have to do a big effort,'" Daye said.

"Those kind of systemic examinations of how we use gender in government are really worthwhile, but they should not stop us from making the immediate changes that can help people and keep people from harm."

Calling the move part of the "great arc of history sweeping toward justice," Prime Minister Justin Trudeau told Toronto news channel CP24 during that city's gay pride parade Sunday that the government was figuring out the "best way" to introduce gender-neutral identity documents.

Trudeau spokesman Cameron Ahmed said the issue of gender-neutral identity documents is being wrapped up in the government's new transgender rights bill introduced in May.

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Neither Trudeau nor his office put a timeline on when a decision would be made, even though departmental officials have looked at the issue since months before Trudeau took office.

Documents from June 2015 show officials from Citizenship and Immigration Canada were looking into what they called “identity management” issues should someone from a country that allows a third sex designation on their passports apply for Canadian immigration documents.

Internationally, there is a “growing recognition of a third sex/gender category...for those who identify as intersex, indeterminate, or unspecified,” officials from ESDC wrote as part of a presentation last year with Citizenship and Immigration Canada counterparts.

Seven countries allow a third sex designation on their passports — Australia, Bangladesh, Germany, India, Nepal, New Zealand and Pakistan.

Passport standards from the International Civil Aviation Organization, which Canada adheres to, allow governments to allow a third sex or gender category, usually marked with an ‘X,’ officials wrote in the documents obtained by The Canadian Press under the Access to Information Act.

Citizenship and Immigration Canada said it would respond Tuesday to questions posed to it on Monday.

At the same time, changing the use of sex designations in the registry of social insurance numbers would cause issues for agencies that rely on the information as part of their programs, like Employment and Social Development Canada and the Canada Revenue Agency that use the detail for gender-based analysis on income distribution, job data and even student loan recipients.

In May, the department told The Canadian Press the sex designation data from the registry is used primarily for gender-based analysis and not for determining eligibility for benefits. Federal and provincial agencies that use the information to validate identities raised concerns over the complete removal of sex information from the registry.

ESDC has yet to provide an update on the policy review.

Last month, Ontario announced it would become the first province to allow for a third sex designation on health cards and on driver’s licences.

Homme ou femme, pourquoi poser la question?

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L'omniprésence des « petites cases » précisant l'identité sexuelle sur les documents gouvernementaux d'identification préoccupe la communauté transgenre
Hélène Buzzetti, Le Devoir, le 6 juillet 2016

Sexe ? Rien à déclarer. La présidente de la Commission canadienne des droits de la personne estime qu'il est grand temps que le gouvernement fédéral s'interroge sur la pertinence de demander encore aujourd'hui aux citoyens s'ils sont des hommes ou des femmes. Cette conception binaire de la société heurte les personnes transgenres et n'est peut-être pas utile.

« C'est fait par habitude alors que la question fondamentale que les autorités doivent se poser, c'est quel est le rationnel [la logique] derrière cette demande de s'identifier », dit en entrevue avec Le Devoir la présidente de la Commission, Marie-Claude Landry. « Il faut repenser quand on demande cette question quel en est le rationnel qui la sous-tend. S'il n'y a pas de rationnel — par exemple pour des questions de recherche, pour démontrer que certaines catégories de personnes ont moins accès à l'emploi que d'autres —, alors cette information ne devrait pas être demandée. Parce que quand on demande l'information, on met une étiquette sur quelqu'un. Et ce qu'on entend, c'est qu'il ne devrait pas y avoir d'étiquette sur les gens. [...] Ce n'est pas parce qu'une pratique est là qu'elle est bonne et est en soi acceptable. »

La Commission a mené des tables rondes dans plusieurs villes du pays pour entendre les préoccupations de la communauté transgenre. (Celle de Montréal aura lieu d'ici quelques jours.) La préoccupation principale entendue ? L'omniprésence des « petites cases » précisant l'identité sexuelle sur les documents gouvernementaux d'identification. Certains s'en plaignent parce qu'étant en processus de transition, il est difficile de répondre à la question. D'autres déplorent que la présence de cette case impose aux personnes transgenres de faire modifier leurs documents lorsqu'ils changent de sexe. D'autres enfin n'aiment pas devoir choisir un sexe alors qu'ils ne s'identifient à ni un ni l'autre en totalité.

Réflexion générale

Le gouvernement de Justin Trudeau se dit disposé à entreprendre cette réflexion. « Nous sommes en train d'effectuer une révision de l'ensemble des circonstances dans lesquelles le

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gouvernement exige ou produit des documents d'identité afin de ne pas exclure les gens dont l'identité de genre ne correspond pas à la norme binaire. Ça pourrait inclure la neutralité dans plusieurs situations », indique l'attaché de presse du premier ministre, Cameron Ahmad.

Un des documents qui sera certes dans la ligne de mire du gouvernement est le passeport. Déjà en 2012, Passeport Canada disait s'interroger sur la pertinence d'inscrire le sexe du détenteur sur son document de voyage. Quel a été le résultat de cette réflexion ? Personne n'a répondu aux demandes du Devoir mardi.

Marcella Daye, qui est responsable de ce dossier à la Commission, estime que la question pourrait être réglée facilement. Elle rappelle que l'Organisation de l'aviation civile internationale (OACI), qui établit les normes internationales de conception des passeports, permet déjà que l'espace prévu pour spécifier le genre du détenteur soit rempli d'un « X ». « Cela peut indiquer que l'individu se déclare comme un X ou que l'État émetteur du passeport a décidé de ne pas préciser le genre des individus. »

« Le fait qu'on permet ce champ d'être rempli par un X nous donne peut-être une indication qu'on peut avoir des passeports qui procurent un bon niveau de sécurité et assurent une identification correcte sans que le genre de l'individu soit précisé, continue Mme Daye. Cela laisse entrevoir la possibilité d'instaurer des méthodes d'identification plus inclusives. »

Mme Daye sert cependant une mise en garde à ceux qui voudraient faire l'économie d'une réflexion en profondeur. « Certaines entités suggèrent d'offrir le X comme troisième choix, que ce serait une solution acceptable. Mais nous invitons les organisations à penser à cela attentivement. Les personnes transgenres nous ont dit que si elles sont obligées de cocher X, elles seront forcées dans les faits à se révéler. » Et cela aussi pourrait déranger.

OPINION: It's Time To Modernize Animal Rights In Canada With Bill C-246

Michelle Nadon, Huffington Post, July 4 2016

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One night in 1999, one of my sisters called me, sobbing her heart out. She kept repeating, "It's over! It's over! It passed! We have what we need!" I asked, what passed? What are we talking about? She disclosed with a giant sigh of relief: "Bill C-17! The animals will be safe now!" At the time, my sister was a rescuer of many years, and I was just a newbie trying to follow her incredible lead.

In our ignorance, Bill C-17 had just (and only) passed first reading in Parliament, and we, like most Canadians, were as clueless about animal cruelty laws as we were of Parliamentary process. Sadly, it was just the beginning of a 17-year ordeal, where we watched C-17, C-15/15B, C-10, C-22, C-50, C-274, C-277 and C-610 never make it into legislation, despite overwhelming public support and support by multiple justice ministers -- all fuelled by considerable Canadian tax dollars.

In 1999, my nightmare had just begun. I was three years into a six-year battle trying to secure custody of my first rescue, Magus. Fighting for the well-being of a neglected local dog came at a considerable emotional and financial cost to me. I reached out to politicians, senators, animal protection agencies, city officials, local citizens, Canadian media and even a clergy member for help. To my horror, I had no legal options.

Max's ear tips were eaten by flies in good weather, and frostbitten in bad. His coat was brown/tan, instead of black/tan (read: malnutrition). I saw him look down into his family's basement countless times, watching his owners parade around in their housecoats and slippers, oblivious to the faithful doggie in the window... the dog they took for granted as he, suffering in the cold, wet and heat, crippled with arthritis, remained 1,000 per cent loyal to them. He was "just a dog" living in a Toronto yard, for 13 years -- presumably guarding the basil plants. He, literally, had no protection.

The Canadian Act for Animals was written in 1892 -- that's not a typo. We've had some changes through the years, but still have few enforceable laws to protect animals even from extreme neglect and cruelty in this country. It is well known that Canada falls far behind other nations recognizing the sentience and rights of animals.

Member of Parliament Nathaniel Erskine-Smith has brought forward the latest iteration, Bill C-246, scheduled to go to complete second reading in late September. C-246 proposes moving "animal cruelty offences," currently located in the property offences section of the Criminal Code, to a new section called "offences against animals." Erskine-Smith advises this does not change animals' legal status as property; rather, it recognizes the widespread view that animals deserve protection, regardless of whose property they happen to be.



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The changes proposed by this bill will not affect animal-use industries (agriculture, hunting, fishing), nor their livelihoods -- it simply will make the case for if you abuse or neglect your animals, you will be charged.

And so it should be. [Ninety-two per cent of Canadians surveyed agree](#) that the Criminal Code should be updated to make it easier to convict people who commit acts of cruelty to animals.

Magus' "owners" finally surrendered him to me six long years later in a palliative state, and he died in my arms weeks later. Magus had no protection, but he did have a champion in me.

I urge the Liberal cabinet and caucus not to turn their backs on animals and to champion those who are neglected or cruelly treated, as I and so many in the rescue movement do, 24/7, year after year. I urge all MPs to honour Canadian voters who are asking for the most basic animal protection laws by supporting Bill C-246.

Ministers of Parliament, advocates and rescuers across the nation implore you to show up and vote yes! to Bill C-246. Because it's 2016! Canadians, please [click here](#) to help modernize the Animal Protection Act.

Prosecutor hunting Sicily's top Mafiosi lives under lockdown

Eric Reguly, The Globe and Mail, July 4 2016

Italian state prosecutor Teresa Principato has devoted her career to hunting down the Sicilian Mafia and has paid a terrible price for it. She has lost her freedom.

Her latest quarry is Matteo Messina Denaro, the last of the Cosa Nostra godfathers, a killer of monstrous brutality and one of the world's most wanted men. In 2014, Sicilian police surveillance exposed a Mafia plot to blow her up with dynamite. Since then, she has been under 24-hour protection. The cruel irony is that she lives like a prisoner while Mr. Messina Denaro, who has been on the lam since 1993, remains a free man.

"My life is an armoured life, like I am in jail," she said while smoking a Rothmans cigarette, the first of many she would consume in a rare, hour-long interview.

Ms. Principato lives in a faded but still elegant 16th-century apartment building, a former prince's palace, behind Palermo's enormous cathedral. When my photographer and I arrived, we were greeted by three police cars parked outside. The small army of officers knew we were



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coming. We were not carrying bags and so were allowed to pass through the enormous wooden doors of the main gate with perfunctory security checks.

The walls of Ms. Principato's self-imposed prison are garnet red and covered in Impressionist-era paintings and others that are much older. The sofas and chairs are red too. The evening was warm and the doors to the small balconies were open, allowing a breeze to sweep away the cigarette smoke but also ensuring that our conversation was drowned out every few seconds by the incessant din of scooters.

Ms. Principato, who is 64, was tired and looked war-weary, though still glamorous. At first, she seemed annoyed by my imperfect Italian and demands on her time. But she soon seemed to relax. Her laugh was hearty and infectious.

In effect, Ms. Principato has been under siege for most of her career. Born in Agrigento on Sicily's southern coast, she graduated from the University of Palermo in 1974 and, six years later, became a deputy chief prosecutor in Palermo.

Her big break came in 1989, when she joined the famous anti-Mafia squad led by Giovanni Falcone and Paolo Borsellino, the two Italian prosecuting magistrates whose crackdown on the Sicilian Mafia – the Cosa Nostra – resulted in the so-called Maxi Trial in the late 1980s. With 475 indictments, it was the biggest anti-Mafia prosecution the world had ever seen. "It was Falcone who urged me to take up anti-Mafia work," she said. "I was the first woman among the Mafia prosecutors."

The Maxi Trial also made Mr. Falcone and Mr. Borsellino marked men. In what was one of the highest-profile murders in postwar Italy, Mr. Falcone, along with his wife and their bodyguards, were killed on May 23, 1992, by the detonation of almost half a tonne of explosives as their car passed over a culvert outside Palermo. Two months later, Mr. Borsellino was assassinated by a car bomb in front of his mother's apartment in Palermo.

The Mafia had its "excellent cadavers" and Ms. Principato's life disintegrated. Her professional friends and mentors were dead and she considered quitting her job. But she decided that she could not let their killers live free. Sicilian crime journalists said she launched a "vendetta" against the top Mafiosi, even if it meant risking her own life. One of those Mafiosi was Matteo Messina Denaro.

Mr. Messina Denaro did not order the murders of Mr. Falcone and Mr. Borsellino – that was done by Salvatore (Toto) Riina, known as "the Beast" – who was arrested in 1993 and sent to prison for life for more than 100 counts of murder, including those of Mr. Falcone and Mr. Borsellino. But Mr. Messina Denaro, then the young local boss of the Trapani-area Mafia, on

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the western tip of Sicily, would have been part of the Cosa Nostra-wide council of Mafiosi who approved the assassinations of the magistrates.

After the arrest of Mr. Riina, his successors Bernardo Provenzano and Salvatore Lo Piccolo, and hundreds of their henchmen during the 1990s and though the last decade, Mr. Messina Denaro emerged as last of the godfathers, even though he was never the boss of bosses. He vanished into thin air, “like Bin Laden,” Ms. Principato said.

Mr. Messino Denaro (“denaro” in Italian translates into “money”) is not a typical Cosa Nostra mobster. Now 54, he was known during the years he lived free as the playboy Mafioso, a notorious womanizer with a fleet of Porsches, flashy clothes, aviator-style sunglasses and Rolex watches. He travelled outside of Italy often, which was unusual for a Cosa Nostra boss. “He is not the classic Mafioso, like Provenzano, who you would find in the country eating his ricotta cheese and apple,” Ms. Principato said.

Known as “U Siccu” – the skinny one – or Diabolik, the name of an Italian comic book criminal, he is the son of Mafioso and is thought to have earned billions over the years from the usual Mafia rackets – the drug trade, extortion, rigged public contracts. He also earned fortunes from wind-energy farms, waste projects and the effective control of a large supermarket chain.

He was convicted in absentia of murder in 2002 after a gruesome string of attacks that terrorized all of Italy. According to *pentiti* – state witnesses who generally provide evidence in exchange for lighter sentences – Mr. Messina Denaro murdered a rival boss and strangled the man’s pregnant girlfriend. He murdered a hotel manager who complained about Mr. Messina Denaro’s affair with an Austrian receptionist. He masterminded the bombing of the Uffizi Gallery in Florence, killing five people and destroying paintings by Giotto and Rubens.

He was also said to be a member of the cabal that kidnapped the 11-year-old son of a turncoat Mafioso. After the boy was held captive for two years, he was strangled and his body dissolved in acid. “With all the people I have killed, you could fill a graveyard,” is the line attributed to him by the *pentiti*.

Mr. Messina Denaro leaves almost no trail. He does not use computers or mobile phones and has communicated by leaving coded messages on little pieces of paper, wrapped in cellophane tape, left on the farms of associates. Prosecutors assume he went overseas for plastic surgery to change his appearance. There are virtually no photos of him.

One theory is that he is protected by paid-off politicians, bankers and police officers. “How else do you explain the fact that Denaro has been on the run for almost 20 years,” wrote Giacomo

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Di Girolamo, the author of a 2010 book about Mr. Messina Denaro called *The Invisible*. “He has a network of allies and is always on the move.”

The Italian prosecutors, led by Ms. Principato, have used a scorched-earth policy to deprive him of his protective ring of friends and relatives, and to choke off his money supply. Assets where evidence pointed to him as an investor have been seized. The campaign against him has been relentless. In late 2013, even his sister Patrizia Messina Denaro was arrested.

“We hear he is living like a parasite off other people’s money,” Ms. Principato said. “All of his family is incarcerated, sister, cousins, in-laws – more than 100 relatives and people who were close to him.”

Every once in a while, rumours sweep through Sicily that Ms. Principato is close to arresting Mr. Messina Denaro. But he has yet to make a mistake that would end his status as the most-wanted man in Italy and one of the five most-wanted in Europe, according to Europol.

The rumours that she is close to nabbing him have surfaced again if only because she faces a deadline. Under the Italian law that governs state investigations, prosecutors’ cases are rotated every eight years; in February, she will be assigned to another case.

It is safe to assume that Ms. Principato will make every effort between now and then to nab her man. I asked whether she knows if Mr. Messina Denaro is even in Italy. She responded with a laugh, as if to imply that I was an idiot to ask and that she would be an idiot to tell me.

“I love my job,” is all she would say, taking a drag on another cigarette.