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Press Clippings for the period of September 2 to 8, 2014
Revue de presse pour la période du 2 au 8 septembre 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

AJC in the news/L'AJJ fait les manchettes

iPOLITICS

PS unions fear Conservatives will trigger strike to win election

By Elizabeth Thompson, iPolitics, September 8, 2014

Canada's federal public service unions are bracing for tough contract talks, concerned that Prime Minister Stephen Harper's government will attempt to provoke a confrontation or even a strike as part of its re-election strategy.

At the same time, at least one union is hoping to take advantage of the election and is reaching out to leaders of the federal parties in an effort to get its issues on their radar in the upcoming election campaign.

As unions representing tens-of-thousands of federal public servants prepare to get serious this fall about renegotiating contracts, union leaders are hoping for the best but admit they are bracing for the worst.

"I can tell you from meeting with the bargaining agent heads that there is some thought that the government is not in any big hurry to move things along because any big sticking points, they would like to be able to use politically in the election," said Len MacKay, president of the 2,700 member Association of Justice Counsel (AJC) which represents federal government lawyers.

"So, if they want to point to the unions as holding out for these golden benefits that they have, that they want to be able to use that in their campaign."

Claude Poirier, president of the 12,000-member Canadian Association of Professional Employees (CAPE) says he suspects the government may use next spring's budget to trigger a confrontation with public servants.

"If I had my choice, I would prefer to negotiate with another government but I don't think they will wait that late. If the election is in October of 2015, they won't wait that long to provoke something."

However, Debi Daviau, president of the Professional Institute of the Public Service of Canada which counts more than 51,000 members, suggested public sector union-bashing to win an election could backfire on the government.

"From the start it has been a constant attack on the public service but I guess what is hopeful is that the Canadian public seems to be getting a little bit sick of this approach and hopefully that will result in lower numbers in the polls for the Conservative government."

While Daviau expects the government to try to use the contract talks to boost its election chances, she said her union is hoping to leverage the election as well.

"Although PIPSC doesn't intend to get partisan – we've always been non-partisan – we do intend to be far more politically active on the issues that are affecting our members and getting the word out to our members about the positions of parties on those issues."

"So we will definitely be seeking positions and commitments from parties in the run up to the next federal election that will benefit our membership as a whole and we earnestly believe that when you benefit professional public servants, you benefit the country."

However, Daviau said she is expecting tough bargaining regardless of who forms the next government.

"No government is going to hand us our terms and conditions on a silver platter. We're going to have to fight for it no matter who is in play."

Collective agreements for most unionized public servants expired in recent months. Most of those that remain in effect are due to expire by the end of the year.

Talks are off to a slow start, in part because the government has not yet tipped its hand on a couple of fronts. Most departments have not revealed which jobs they plan to designate as "essential" in the event of a strike or job action and while some negotiators have had informal conversations, unions have still not received the details of its plan to overhaul the public service's system of sick days.

Treasury Board President Tony Clement wants to replace the existing system of bankable sick days with a smaller number of sick days coupled with a short-term disability plan.

Public service unions have vowed to work together to fight Clement's plan. While each union will still bargain separately, they are sharing things like research and information.

Also new this time is the government's decision to arbitrarily change the rules surrounding essential services and arbitration – making it harder for the unions to exert pressure on the government. According to guidelines posted recently on the Treasury Board's website, the government and departmental managers have "the exclusive right" to designate jobs that will be considered essential and "may exercise the right to designate at any time."

However, most unions have not yet been provided with the list of which positions the government plans to designate as essential.

"Most of our groups are still waiting on those, so we are very hesitant to go to the table without those in place," explained Daviau. "Technically, you need to know if 80 per cent or 5 per cent of your groups are designated as essential services in the event of a strike."

Larry Rousseau, executive vice-president for the National Capital Region for the 170,000-member Public Service Alliance of Canada, said PSAC is also waiting to see which positions will be designated as essential. It is already preparing to challenge what it sees as an attempt by the government to change the nature of what is considered an essential service, an attempt that he said is open to abuse.

"We are going to challenge it in any way we can and those legal avenues will be open and of course we are going to be asking the courts to interpret that because we believe that it goes against our ability to represent."

Some union leaders say the government's decision to change the rules on essential services and arbitration leaves unions few options outside of strikes or job action if they can't reach a deal.

"They have taken arbitration away from most of the groups that usually want to arbitrate and they have take the strike away from the folks who were most likely going to strike," explained MacKay. "So virtually all the bargaining agents have lost their preferred leverage."

"If we can't reach an agreement, the only option we have now is job action so we seriously have to look at that," he later added.

Poirier said his union tends to opt for arbitration. If the only option left is non-binding conciliation, the result may be a strike, he said.

"The employer himself is trying to push us to go to a strike."

Rousseau, however, is taking one step at a time – focusing on the bargaining that resumes for his union this week rather than the possibility of the Conservative government provoking a showdown with unions to boost its re-election chances.

"It may be a concern but it is not taking our focus from the fact that the only place we are going to get a collective agreement for our members is at the table…. The rest is a lot of noise at this point, as far as we're concerned."

Fixing the public service: Groom stronger, specialized managers, says Hugh Segal

KATHRYN MAY, The Ottawa Citizen, September 2, 2014

Canada's public service needs stronger middle managers, fewer executives and a cadre of deputy ministers who are well-grounded in the business of departments they lead, said the new co-chair of the powerful advisory committee on the public service.

Hugh Segal said strengthening the performance and management of the public service, especially middle management, will be among his chief concerns as he takes over Prime Minister Stephen Harper's blue-chip advisory committee on the public service along with his new co-chair, former Scotiabank banking executive Rick Waugh.

"We have to face what might be called a different type of challenge around the level of performance, the level of evaluation and the way in which we assess people," said Segal in an interview.

The public service is in the throes of a major cultural shift with the unrolling of outgoing Privy Council Clerk Wayne Wouters' Blueprint 2020 action plan to bring the public service into the digital age. At the same time, Treasury Board President Tony Clement is spearheading mandatory performance management agreements for employees as part of his push to beef up productivity and efficiency.

Segal said the committee will have to grapple with these changes but he broadly supports getting rid of management layers, scrapping more rules and reorganizing work to give public servants more flexibility and authority to do their jobs. It will demand stronger managers and more training for them.

He said the existing snare of rules, structures and processes limit managers' power and "discretion" in influencing or making change. He said they need more discretion to open up and speed up decision-making. Also, he said the managers' talents will vary by department with, for example, Canada Border Services Agency needing very different skills than Canadian Heritage.

Segal isn't wed to the longstanding notion that managers are generic and can be moved from department to department.

He argued the second-in-command in the navy wouldn't have got there without specific training, credentials and expertise, but the same isn't expected of civilian public servants as they climb the ranks of the bureaucracy. The government needs to offer employees specific career paths with opportunities to get specialized certifications or designations.

Segal said the government must get a better handle on the work of some 7,000 executives and whether they are really doing executive work.

At the same time, he said deputy ministers should be skilled and knowledgeable about their portfolios when appointed to the job. He argued deputy ministers should stay put in their jobs for four or five years before being rotated into the next senior post.

Clement is taking a closer look at the executive ranks, which grew by 70 per cent since the massive downsizing of the 1990s.

Treasury Board commissioned a review of the work of executives that could change the structure of the senior ranks and affect executive compensation. A new job evaluation system for executives could also have a ripple effect on other public service jobs.

Clement is also reviving the former advisory committee on executive compensation and retention with a new mandate under the leadership of Vijay Kanwar, a Toronto businessman and chairman of the Greater Toronto Airport Authority.

This newly reconstituted committee met over the summer under its new mandate — on which Clement has yet to elaborate. Some argue the focus will be on containing costs since the government has no problem retaining executives.

Segal is no stranger to the workings of the public service, having spent 40 years in the public sector working as chief of staff to Ontario premier Bill Davis, chief of staff to prime minister Brian Mulroney, and president of the Institute for Research on Public Policy, as well as nine years in the Senate, before becoming the master of Massey College.

The advisory committee was created by Harper in 2006 to give him an "external" view on the public service. The committee underwent a major turnover of members this year, including the departure of long time co-chairs Paul Tellier and David Emerson.

The committee meets quarterly and prepares annual reports for Harper and the PCO clerk, who is his chief bureaucratic advisor and heads the public service. It has issued eight reports so far and most of its recommendations have been implemented.

Harper picks new top advisers for key committee on public service

KATHRYN MAY, The Ottawa Citizen, August 30, 2014

Prime Minister Stephen Harper has picked a former senator and a top banking executive to head his blue-chip advisory committee on managing and modernizing Canada's public service.

Hugh Segal, who left the Senate in June to become Master of Massey College in Toronto, and Rick Waugh, the former president, CEO and deputy chairman of Scotiabank, will take over as co-chairs of the high-powered committee of executives who advise the prime minister on the public service.

"Their wealth of knowledge and experience will be of significant benefit to the Committee and will greatly contribute to its continued record of success," said Harper in a statement announcing the appointments.

The two replace co-chairs David Emerson, a former Liberal and Conservative cabinet minister, and former Privy Council Clerk and businessman Paul Tellier, whose reports have provided a blueprint for many of the changes the public service has undergone in recent years.

Former Harper cabinet minister Jim Prentice was tapped to chair the committee when Emerson and Tellier stepped down, but that changed when he threw his hat in the ring for the Progressive Conservative leadership in Alberta. Committee member Peter MacKinnon has been acting chair since May.

Harper created the committee in 2006 to provide an "external perspective" and give advice on the public service to him and his top bureaucrat, the Clerk of the Privy Council. The committee's advice is aimed at ensuring the public service "is always a trusted and responsive institution of national importance."

The public service faces several issues that, many argue, will affect its relevance if not addressed.

Outgoing chair David Emerson warned, when he released the committee's last report, that technology and big data are turning public servants' role as the government's chief policymakers on its ear.

He said public servants have lost their policy monopoly and have to change how they work, as well as re-think how they gather, analyze and manipulate data – while speeding up processes to get advice to ministers.

The pair take over as longtime PCO Clerk Wayne Wouters leaves and is replaced by Janice Charette. Wouters left as his Blueprint 2020 "action plan" to modernize and retool the public service got the nod from the committee, which will undoubtedly watch its rollout closely.

Over the years, the committee has had an impressive track record, with many of the recommendations in its eight reports being implemented. It has tackled issues of recruitment and retention; leadership and teamwork; human resources management; and the way policy is developed and programs and services delivered.

Members of the committee have included a lineup of corporate luminaries. The latest round of appointees included: Dominic Barton, Monique Leroux, Peter MacKinnon, John Oliver, Susan Paish and Eugene Polistuk.

Public admin jobs rising in Ottawa, despite PS cuts elsewhere in country

JAMES BAGNALL, Ottawa Citizen, September 5, 2014

The Capital Region's job market suffered an unexpected reversal in August as the unemployment rate jumped to 6.8 per cent compared to 6.4 per cent in July, Statistics Canada reported Friday. The national jobless rate was steady at seven per cent.

The deterioration locally was the result of a slightly bigger workforce, up 1,500, combined with a drop of 1,500 jobs. These numbers have been adjusted for seasonal influences.

The region's monthly jobless rate has fluctuated between 6.1 per cent and 6.8 per cent since early 2012 — when the Conservative government introduced plans to accelerate the downsizing of the federal civil service. Prior to the 2008 economic recession, the local unemployment rate was below five per cent.

However, the recent weakness in the region's economy appears to have little to do with government downsizing.

The number of jobs in federal public administration has been climbing steadily according to Statistics Canada, reaching 139,400 in August — roughly one in every five workers in the region. This is actually up 8,000 compared to a year earlier. Data for individual job sectors is not adjusted for seasons.

So how do we square this with reports from other agencies that the size of the federal civil service has been declining? Those are true as well — it's just that the net decline has been taking place outside the National Capital Region. Detailed data from Statistics Canada's August report shows a year-over-year decline of 16,200 federal civil servants in the rest of the country.

The upshot is that, over the past year, the number of federal government workers in Ottawa-Gatineau has increased 6.1 per cent while elsewhere the total has dropped 7.3 per cent. The region now accounts for more than 40 per cent of the country's federal civil servants compared to little more than 37 per cent just one year ago.

Indeed, had it not been for the growing centralization of the federal civil service, the region's jobless rate would now exceed that of the country as a whole.

Another factor in our favour has been the solid recovery of the high-tech sector, which employed 58,900 in August. While that's down 400 from July, it's a considerable improvement over August 2013, when the sector employed 51,500.

So which sectors are suffering? Educational services employed 48,700 in August compared to 61,800 during the same month a year ago. The number of professional services jobs in the region slipped a comparatively modest three per cent (2,100) over the same period.

Taken as a whole, employment in Ottawa-Gatineau has increased 1.7 per cent year over year, or 11,600. The reason the jobless rate didn't budge is because the size of the labour force, which includes those looking for work, jumped 12,200.

LeDroit

Fonds de pension: les syndicats craignent l'effet domino

Paul Gaboury, Le Droit, le 6 septembre 2014

Même si le gouvernement Harper a déjà indiqué qu'il n'avait pas l'intention de modifier davantage le régime de pension des fonctionnaires fédéraux lors de la présente ronde de négociation, les syndicats se méfient de l'effet domino que pourraient engendrer les changements mis en oeuvre dans les diverses administrations publiques du pays.

Si le débat au Québec fait couler beaucoup d'encre depuis plusieurs semaines, les modifications apportées en 2013 par le gouvernement conservateur du Nouveau-Brunswick au régime de pension des employés actifs et retraités du secteur public de cette province soulève les inquiétudes chez les syndicats du secteur public fédéral.

Environ 1300 des 55000 membres de l'Institut professionnel de la fonction publique du Canada travaillent au Nouveau-Brunswick, dont environ 400 pour le gouvernement provincial.

Les employés professionnels membres de l'Institut seraient beaucoup plus touchés que les autres employés car ils perdront jusqu'à 18% des revenus de retraite qui auraient dû leur revenir, selon leur syndicat.

À l'Institut professionnel de la fonction publique du Canada, on craint que le modèle d'un régime «à risques partagés» mis en place par le premier ministre David Alward, tant pour les fonctionnaires et les députés provinciaux du Nouveau-Brunswick, soit celui que le gouvernement Harper tentera de mettre en place pour les employés fédéraux.

L'imposition d'un modèle

La présidente de l'Institut, Debi Daviau, soutient que les changements au régime ont été imposés aux employés actifs et retraités sans leur donner la possibilité de négocier.

«L'imposition d'un modèle à risques partagés dans cette province a donné un mauvais exemple au gouvernement fédéral conservateur qui envisage maintenant de livrer des assauts semblables contre les pensions de ses fonctionnaires», soutient-elle.

Promesse de dialogue

De passage dans cette province cette semaine, Mme Daviau a multiplié les rencontres pour discuter de ce dossier et elle a salué l'intention exprimée par le chef libéral Brian Gallant de vouloir reprendre les discussions sur le régime de pension du secteur public dans le but de rétablir un «climat de confiance» avec ses employés.

Le chef libéral Brian Gallant a fait cette promesse dans le cadre de la présente campagne électorale en vue du scrutin qui aura lieu dans cette province le 22 septembre.

«C'est une avancée importante pour nos membres, pour le principe d'une négociation équitable et pour le maintien de normes décentes en matière de pensions de retraite», a indiqué la présidente Daviau.

Another judge rules victim surcharge unconstitutional

MICHAEL WOODS, The Ottawa Citizen, September 4, 2014

L'ORIGNAL, Ont. — Another Ontario judge has ruled that the Conservative government's mandatory victim surcharge is unconstitutional.

Ontario Court Justice Jean Legault ruled that imposing a mandatory surcharge fine on offenders who cannot afford to pay it amounts to cruel and unusual punishment in violation of the constitution.

Legault's 19-page decision delivered in L'Orignal court on Thursday comes on the heels of a similar July decision by Ontario Court Justice David Paciocco.

Legault's ruling was in the case of Daniel Larocque, a mentally ill man who lives on $136 a month. Larocque, 22, pleaded guilty to seven offences including assault, mischief, and drug possession. Each of them carries a mandatory $100 victim surcharge.

Legault said he was convinced "an objectively reasonable person would come to the conclusion that imposing a total of $700 in victim surcharges on the offender who is indigent, addicted and mentally ill … would be excessive to the point of not being compatible with human dignity. The effect of this sentence is grossly disproportionate to what would have been appropriate."

Larocque's lawyer Yves Jubinville said he was delighted with the decision and it was "exactly what we were aiming for."

"I think that it's a huge general win for accused people before the courts," he said, adding that the surcharge is "totally disproportionate, cruel, unusual and it should not be applied."

The ruling is the latest blow for the victim surcharge, which has been under fire since the Conservative government doubled it and made it mandatory last October. Legault is the second judge to refuse to impose it after hearing comprehensive constitutional arguments. More legal challenges are expected this fall.

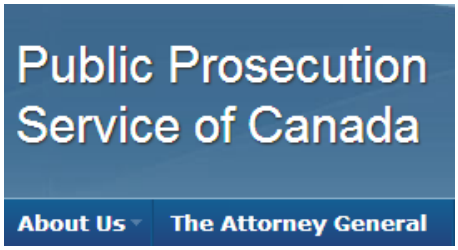
Legault cited Paciocco's decision earlier this summer several times, including when he said, "it is a cruelty in some measure to tell an offender that they must discharge an impossible sentence before their debt is expunged."

Paciocco's ruling was in the case of impoverished and troubled Inuit offender Shaun Michael, in which he found that imposing $900 in mandatory victim surcharges would be "so excessive as to outrage standards of decency." The Crown has filed an appeal.

In the Larocque case, Legault rejected the Crown's argument that the victim surcharge is an ancillary charge rather than a punishment in itself. And he rejected the federal government's argument that the surcharge law's effects are minimal.

For Larocque, who thanked the judge as he exited the courtroom, the decision means that he no longer has the burden of worrying about paying a $700 fine, Jubinville said. Legault agreed with Jubinville's argument that Larocque could not possibly afford to pay the fine.

Jubinville expects that the federal government will appeal the ruling. The next step, he hopes, is a Superior Court ruling along the same lines as Legault's, which would be binding case law and end the collection of the surcharge across Ontario.



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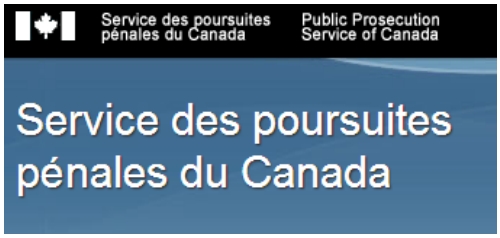

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Serious error found in a second Tory crime bill

SEAN FINE, The Globe and Mail, September 5, 2014

The Senate knowingly approved a crime bill with an error that could weaken the legislation and invite challenges by defence lawyers.

In a second crime bill in two weeks revealed by The Globe and Mail to have reached the Senate with mistakes in it, the Senate approved measures cracking down on recruitment by criminal organizations or gangs. They became law in June.

But that bill, sponsored by Conservative MP Parm Gill, has a problem that may undermine the law's purpose – to fight those who pressure young people to join gangs. The law makes it a crime to recruit, invite, encourage or coerce someone to be part of a gang. But the word "coerce" was left out of a section setting out the mandatory minimum penalty for recruiting someone under 18 into a gang (six months in jail).

The absence of the word could result in legal challenges to the use of that minimum penalty.

"It is definitely a technical argument that can and will be brought when that section is employed," Michael Spratt, an Ottawa defence lawyer, said in an interview. "It's a word that likely should appear in that section to bring some consistency to the bill."

The senators identified the error in the minimum-punishment section but were told they could not fix it, or a second mistake related to wiretap provisions, without killing the bill.

Mr. Gill, who sponsored the bill, explained to the committee that he had become Parliamentary Secretary to the Veterans Affairs Minister, and was thus no longer

permitted to move a motion in the House of Commons to support any changes made by the Senate. Trying to fix the bill "means basically this bill would be killed. It would die," he said. The Senate checked into his statement and found he was right.

The errors highlight the lack of scrutiny given to crime bills at a time when the Justice Department's research staff has been sharply cut and a huge stack of these proposed get-tough laws is before Parliament – 30 are either currently being debated or became law in June.

The problems appear especially evident in bills such as C-394, sponsored by individual Members of Parliament. The Globe revealed last week that the Commons sent the wrong version of a separate private member's bill, C-479, which extends waiting periods for parole, to the Senate in June.

"The impact of errors in the drafting of criminal legislation can have dramatic results," said Mr. Spratt, who testified about the bill on behalf of the Criminal Lawyers Association. "This sort of sloppiness wouldn't be countenanced in the economic area or other areas of legislation, but for some reason, and I suspect it's to avoid some scrutiny, it seems to be encouraged in the criminal sphere." Private member's bills receive less attention from Justice Department lawyers than government bills do, he said.

Conservative MP Kyle Seeback had asked at a Commons committee that the word "coerce" be added to the bill, and the NDP members of the committee supported his request. Liberals voted against the bill because they oppose mandatory minimum sentences.

There is some disagreement about how serious an error it is. Senator George Baker, a Liberal appointee, raised concerns, but both Mr. Gill and a Justice Department lawyer, Matthew Taylor, said the omission did not create a worrisome gap. Some Conservatives, after hearing from Mr. Gill, suggested that the independent Liberals in the Senate were trying to kill the law by insisting on trying to fix it.

Still, the Senate's legal and constitutional affairs committee appended to its approval of the bill two "observations" noting the errors, and then expressed its concern at being unable to fix the bill without killing it.

Mr. Baker said in an interview that he found the episode ridiculous. "What happened was it got to the Senate where everyone said, 'Yeah, there's a big error here, but we're going to leave it in.' Now you have bad law in the Criminal Code. It's an embarrassment." Although senators have asked the House to pass another bill to fix the errors in the new law, "that will never be done, let's put it this way."

Mr. Gill replied in an interview that another bill will be introduced in Parliament to fix this one. "How can George Baker determine that it's not going to happen? If he has the ability to see the future, then I clearly don't. I've been assured that that will happen."

Bills promote backbenchers from ‘nobodies’ to ‘pawns’

KONRAD YAKABUSKI, Globe and Mail columnist, Septembre 8, 2014

For most of Canadian parliamentary history, the private member’s bill was the last refuge of “nobody” MPs who toiled in backbench or opposition obscurity. When they got noticed at all, it was usually because of the sheer eccentricity or silliness of their proposed legislation.

The late New Democratic MP Max Saltsman never enjoyed a higher profile than after he tabled a private member’s bill in 1974 proposing that Canada annex the Turks and Caicos Islands. During his 15 minutes of fame, Mr. Saltsman defied Pierre Trudeau’s notoriously condescending description of individual MPs as “nobodies” once they left Parliament Hill. But his legislation died anyway.

Backbenchers and opposition MPs typically only got to sponsor bills that became law when they involved changing the name of their ridings, or other inconsequential matters, such as recognizing hockey and lacrosse as Canada’s national sports.

It is ironic, then, that the most centralizing Prime Minister’s Office in living memory has repurposed the private member’s bill as a vehicle for advancing the government’s tough-on-crime agenda. Instead of empowering backbenchers, however, Stephen Harper’s PMO is using them as pawns in its lex talionis approach to criminal justice, inventing a host of new crimes and punishments in the process.

As The Globe’s Sean Fine recently reported, no fewer than 25 of 30 crime bills that have been recently passed or remain before Parliament were tabled by individual MPs, rather than cabinet ministers. Private member’s bills are subject to less debate in the House and scrutiny at parliamentary committees. Hence, changes to the Criminal Code are being made without adequate inquiry into their consequences or compliance with the Charter of Rights.

In Mr. Harper’s Ottawa, the private member’s bill has become a potent political marketing tool. Conservatives tout these changes to the Criminal Code in fundraising pitches to their base. And the backbenchers sponsoring the bills use them to raise their profiles in their ridings.

One of these bills, the Fairness for Victims Act, would make prisoners convicted of a violent crime and initially denied parole wait more than twice as long to reapply for early

release. This without regard to the nature of the crime or evidence that the current parole system imposes undue hardship on victims. The bill would make conditions in Canada's overcrowded federal jails worse and cost untold millions of dollars to keep otherwise parole-ready convicts locked up.

C-479, sponsored by Ontario MP David Sweet, had received such little scrutiny that the Senate almost took up the wrong version. Were it not for that amateurish glitch, it would likely have passed with little media attention.

Another Ontario backbencher, David Tilson, was luckier. His bill to make it a specific crime to deface war memorials or cenotaphs received royal assent in June.

There are already provisions of the Criminal Code dealing with mischief. But Mr. Tilson, with the government's backing, felt that disrespecting veterans in this manner warranted its own crime category and mandatory minimum sentences, to boot.

In 2006, there was a media uproar after three drunken Canada Day partiers (including two minors) urinated on the National War Memorial in Ottawa. The adult among them was charged with mischief, but the charge was dropped after he apologized and did community service at a veterans' home. He insisted he had no idea that he had peed on a war monument. It was a clear case where a bit of education and restorative justice worked.

That did not deter Mr. Tilson, however. He said he was moved to table his bill after vandals threw eggs at the cenotaph in his hometown in Orangeville, Ont.

Asked at a Senate committee to provide data on the incidence of such vandalism, Mr. Tilson said: "I haven't gone into that extent." Nor could he justify the mandatory sentences of a $1,000 fine for a first offender and jail time for recidivists. "I have no scientific rationale for that, either … I just looked at the fact that they are severe penalties and are meant to be severe penalties."

John Howard Society executive director Catherine Latimer explained the idiocy of that approach.

"Good criminal law principles prefer broad categories of offences rather than particular offences addressing possibly transient concerns, news stories or public hysterias," she told the committee. To command respect, the law "must display a principled, rational, coherent structure rather than a series of ad hoc responses to particular concerns."

It's a lesson this PMO has yet to learn.

Unions in Canada face hard times but they're pushing back: Editorial

Toronto Star editorial, September 2, 2014

Its objectives have changed. But more than 140 years after its birth, in a struggle to end 12-hour work days, Canada's labour movement still strives to make a difference. It hasn't been easy, especially now, with the power of unions to shape the Canadian workplace increasingly circumscribed by inexorable economic change.

Labour has been badly buffeted by erosion of Canada's industrial base. Blue-collar jobs, once at the heart of the movement, are dwindling at an alarming rate, sapping private-sector union membership and shifting influence to public-sector workers.

Permanent, full-time jobs are increasingly being replaced by temporary or part-time work, often done without benefits and for a lower wage. It's called "precarious" employment, and those drawn into it are often women, youth, recent immigrants and visible minorities — groups that tend to pose a challenge to union organizers.

Indeed, a study done by a major union warns that many non-union workers regard organized labour as nothing more than a "vested interest," one with little relevance in their lives. Again, that's not fertile soil for recruitment.

Yet the movement has much to celebrate as workers across the country march in Labour Day parades — waving flags and union banners, carrying placards denouncing hostile governments, pounding drums, shouting slogans, and singing "Solidarity Forever."

Union coverage is down from a high of close to 40 per cent of the labour force in the 1970s. But for all the talk of continuous decline it has stabilized over the past decade at around 30 per cent. And overall numbers have actually risen. A total of 4.7 million workers were covered by union-negotiated collective agreements last year — up from 3.9 million in 1998. (Canada's population has grown even faster than union membership, however, resulting in a lower rate of coverage.)

A major threat to Ontario labour was lifted in June with the humiliating defeat of former Progressive Conservative leader Tim Hudak. He rashly promised to eliminate 100,000 public sector jobs and deliver an anti-union agenda that would have hurt working people across the province. Now he's gone, a footnote in Ontario history.

They may be battered, but unions are far from broken. On the contrary, they're prepared to fight. Most contracts, by far, are still achieved through a negotiated settlement. But in various parts of Canada this has been a long, hot summer of labour strife. British Columbia's 40,000 public school teachers went on strike starting in May demanding higher wages and more say in class sizes.

There was an ugly eruption of vandalism in Montreal in August as municipal employees, including firefighters, invaded the city's council chambers — throwing water at politicians, scattering papers, and blowing horns and whistles. They were protesting pension changes. And Thunder Bay's local economy has been sapped by a bitter six-week walkout by 900 Bombardier workers who build rail vehicles.

It's too early to tell if such confrontations herald a new, more aggressive approach by key unions. Such a shift was pledged by Hassan Yussuff when he won election earlier this year as president of the Canadian Labour Congress. Yussuff narrowly defeated long-established incumbent Ken Georgetti with a promise to "return to the offensive for rights and progress" ending "decades of retreat and decline."

Unifor, Canada's largest private sector union (born last year in a merger between the Canadian Auto Workers and the Communications, Energy and Paperworkers Union), has expressed its determination to organize people in precarious employment. Several other unions have embarked on bold recruiting efforts aimed at service workers who aren't typically unionized.

The long-term result of these efforts remains to be seen. But unions are striving to move forward this Labour Day. Not just in the street, on the way to a parade's end, but in workplaces and boardrooms across the country, in halls of government and at the bargaining table, labour marches on.

Fonction publique: douloureuses compressions à prévoir

DENIS LESSARD, PHILIPPE TEISCEIRA-LESSARD, La Presse, le 3 septembre 2014

(Québec) Deux années de vaches maigres sont à prévoir pour l'administration publique québécoise. Laissant entrevoir des compressions douloureuses, le premier ministre Philippe Couillard a prévenu hier l'ensemble des mandarins réunis derrière des portes closes pour un premier échange face à face.

Comme l'ont fait dans le passé Jean Charest et Pauline Marois, M. Couillard a convoqué l'ensemble des dirigeants d'organismes, des sous-ministres et des sous-ministres adjoints afin, pour la première fois, de leur faire part directement des orientations du gouvernement. Après les habituels mots d'encouragement et les appels aux changements créatifs, il n'a pas caché que l'administration aurait à traverser des heures sombres. «Il y aura des moments difficiles à vivre», a dit en substance M. Couillard, selon les sources jointes par La Presse.

Il n'a pas parlé explicitement du gel des salaires dans le secteur public, mais il a indiqué «qu'il serait dommage de proposer zéro augmentation pour chacune des quatre prochaines années» aux jeunes fonctionnaires qu'on veut retenir dans le secteur public, a résumé une autre source présente à la conférence. Il est conscient des négociations prochaines, et espère qu'une marge de manoeuvre permettra de retenir les jeunes, résume-t-on.

Comme le ministre des Finances Carlos Leitao la semaine dernière, M. Couillard a relevé que, dans le secteur public, plus de 15 000 employés chaque année prendront leur retraite, ce qui représente une occasion pour les responsables de réduire les coûts. La seule progression des employés du secteur public dans les échelons entraînera une augmentation de 5,4 milliards sur cinq ans, et ce, même si on leur imposait un gel salarial, a-t-il expliqué devant les 300 mandarins réunis.

En présence du secrétaire général du gouvernement, Roberto Iglesias, M. Couillard a souligné que l'atteinte du déficit zéro dès la prochaine année financière, soit en 2015-2016, était incontournable. «Nous n'avons pas le choix», a résumé un haut fonctionnaire, convié comme les autres à «un exercice majeur et prioritaire» de revue de programme susceptible de «changer le visage du Québec». Les gestes du dernier budget ne sont qu'un coup de semonce; Québec sera «forcé de poser des gestes supplémentaires», prévient-on.

Propositions d'économies

Au passage, Philippe Couillard a demandé aux sous-ministres et aux dirigeants d'organismes de «consulter leurs employés» pour obtenir des propositions d'économies. Il faisait écho à la démarche annoncée en matinée par son président du Conseil du trésor, Martin Coiteux.

En conférence de presse, M. Coiteux s'est dit prêt à écouter les propositions de la population sur les compressions à venir, un dialogue plus «constructif» avec le gouvernement, plutôt que des manifestations bruyantes.

«Nous devons mettre de l'ordre dans les finances publiques. En d'autres mots, nous voulons faire le ménage. Et pour ce faire, tout le monde doit participer à cet effort national», a-t-il expliqué, reprenant le mandat de sa Commission permanente de révision des programmes, menée par l'ex-ministre libérale Lucienne Robillard.

M. Coiteux a annoncé une plateforme internet qui permettra aux citoyens d'offrir leurs suggestions quant aux économies possibles dans le budget de l'État. L'été dernier, il avait qualifié ce projet de «boîte à idées».

Il prévoit aussi des rencontres avec les centrales syndicales. Car le débat «ne se passera pas dans la rue», a averti M. Coiteux.

«Ce que nous voulons, c'est que [les citoyens] prennent part à cette réflexion collective de façon constructive, a-t-il dit. J'invite donc les citoyens à participer en grand nombre à ce dialogue social.»

How the budget surplus will shape the coming election

By Scott Clark and Peter DeVries, iPolitics, September 2, 2014

In a very real way, the 2015 election campaign has been running for some months now. But the real brawl probably won't start until the Fall Fiscal Update and the next deficit forecast.

For the first three months of fiscal year 2014-15, which ended June 30, the federal government posted a surplus of $400 million, an improvement of $3 billion over the $2.6 billion deficit recorded in the same period in 2013-14.

The February 2014 budget forecast a deficit of $2.9 billion for 2014-15. That forecast included a 'risk adjustment factor' of $3 billion, which — if it's not needed — implies a balanced budget, possibly a surplus, for 2014-15.

The current monthly results, along with the surprising better-than-expected economic growth for the second quarter of 2014, strongly suggest that the federal government will post a surplus in 2014-15, one year ahead of their political commitment to balance the budget in 2015-16.

The likelihood of a surplus for 2014-15 is further enhanced by our expectation that the final results for 2013-14, which will be released in late September or early October, will show a deficit of around $10 billion — substantially lower than the $16.6 billion forecast in the February 2014 budget. The Parliamentary Budget Officer already has forecast a deficit of $11.6 billion for 2013-14.

In the 2014 budget, the government forecast an improvement in the budgetary balance of $14 billion between 2013-14 and 2014-15. Applying this improvement to an expected revised deficit outcome of $10 billion for 2013-14 would result in a surplus of $4 billion for 2014-15. That would still include the $3 billion risk adjustment factor, implying a possible surplus of $7 billion for 2014-15.

Most, if not all, of this better-than-expected outcome will likely carry forward into 2015-16 and beyond.

Of course, budget surpluses are a double-edged sword for any government going into an election campaign. They provide it a basis for campaign promises, but they also give its opponents a strong platform from which to make promises of their own.

In our view it would be very difficult for Finance Minister Joe Oliver to avoid showing a surplus this fiscal year without being accused of faking the numbers. The economy would have to go into a stall for the last six months of the year for the budget to remain even slightly in the red this spring. Having said that, it's virtually impossible to predict how this government will behave.

Stephen Harper has been selling himself and his government as "sound economic managers" for years. This was a theme in the 2011 election and it certainly will be a theme in the next election. The Fall Update gives the government an excellent opportunity to strengthen its fiscal reputation by arguing that solid budget management has put us on track to surpluses that will be returned to Canadians through tax cuts.

In the Fall Update, the government not only will be able to show the early elimination of the deficit — something no other G-7 country has achieved since the global recession — but also a declining debt ratio, rapidly approaching the government's target of 25 per cent, the lowest since the 1960s.

Best of all, the government will be able to show larger surpluses in the outer years, after 2015-16, than forecast in the February budget. This will give the government more room to sweeten their political promises, especially tax cuts.

Of course, budget surpluses are a double-edged sword for any government going into an election campaign. They provide it a basis for campaign promises, but they also give its opponents a strong platform from which to make promises of their own. That money doesn't belong to the Conservatives, after all — it belongs to us.

So a good deal of the election debate is going to be about money: who's in the best position to spend it on our behalf and how, and who has the best plan to use the projected surpluses to help Canadians and support economic growth.

The Conservative government has the advantage of kicking off the debate and setting its terms. That's a position of strength.

L'actualité

BLOGUES ACTUALITÉS AFFAIRES CULTURE SANTÉ ET SCIENCE

T.-N.: le gouvernement s'entend avec les syndicats sur les régimes de retraite

L'Actualité, La Presse Canadienne, le 2 septembre 2014

ST. JOHN'S, T.-N.-L. – Le gouvernement de Terre-Neuve-et-Labrador a trouvé un terrain d'entente avec les syndicats des employés de cinq secteurs publics afin de financer un manque à gagner de plusieurs milliards de dollars dans son régime de retraite.

La transition sera répartie sur cinq ans et provoquera une augmentation des taux de contribution parmi les membres du Régime de pension de retraite de la fonction publique.

Le gouvernement soutient que les retraités ne seront pas touchés par l'entente et que les changements aux provisions pour les retraites anticipées seront couverts par la période de transition de cinq ans.

La Newfoundland and Labrador Association of Public and Private Employees (NAPE) a déclaré que les syndicats ont conservé un régime de pension à prestations déterminées pour les employés gouvernementaux alors que certains groupes d'affaires favorisaient un régime de retraite à cotisation déterminée .

La présidente de la NAPE, Carol Furlong, a expliqué que le gouvernement a accepté de fournir presque 2,7 milliards $ en paiements spéciaux par le biais de paiements annuels de 195 millions $ au cours des 30 prochaines années.

Les augmentations des taux de contributions des membres du régime vont représenter environ 1,13 milliard $ au cours de la même période.

En retour, Mme Furlong a mentionné mardi que les syndicats avaient accepté d'accroître leurs responsabilités dans le régime à travers un accord commun qui verra les deux parties partager équitablement les déficits et surplus à venir.

Le manque à gagner du régime de retraite avait atteint 3,2 milliards $ lors de la dernière évaluation actuarielle et représentait 75 pour cent de la dette publique nette en mars dernier.

ACEP Association canadienne des employés professionnels CAPE Canadian Association of Professional Employees

Unions matter. So why does Canada pretend like they don't?

By Nora Loreto, guest blogger for CAPE, September 3, 2014

One of the triumphs of neoliberalism is the demonization of unions.

Thanks to a dominant discourse that has been imagined by Canada's 1%, inspired by Thatcherism and actively and passively fed to us through complicit journalists, many Canadians have no idea how unions protect them, regardless of whether or not they're members of a union.

This creates an intense urgency: union activists must express their necessity or risk greater decline.

Nearly all activists feel this urgency and, unsurprisingly, several books and articles on the importance of unions have recently been written (including my own).

One of these books is Unions Matter, edited by Matthew Behrens for the Canadian Foundation for Labour Rights. Twelve articles divided into three parts were drawn from the International Conference on Labour Rights and Their Impact on Democracy, Economic Equality and Social Justice.

Held in March 2013, the conference was organized by the Canadian Teachers' Federation, the National Union of Public and General Employees and the United Food and Commercial Workers (UFCW).

The anthology is critical for anyone in need of a reference tool for the most up-to-date statistics that relate to unions: income breakdowns, unionization rates and all the charts based on the Gini coefficient that you can handle! It covers strike statistics, how unions have advanced human rights in Canada and court decisions that protect and enshrine workers' right to strike.

Unlikely to convince someone who is anti-union on its own, Unions Matter provides the fodder for union activists to be able to make important arguments in favour of unionization. Even more important, the statistics and arguments in Unions Matter could be used by labour activists to convince the ambivalent of the fact that, yes, unions matter.

Section one, "Reducing Income Inequality Through Labour Rights," gives an impressive overview of the role that unions have played to reorganize wealth in Canada. As union density has dropped, Canadian society has become objectively more unequal. The data presented in this section demonstrates that the trend between union density and inequality is not casual, but directly connected.

Unions are not just agents of economic redistribution, though. In section two, "Promoting Democracy, Economic Equality and Social Rights," the articles examine the role that unions have played and should play in defending social rights and fighting against injustice. The section examines how, through activism rather than simply through structural redistribution, unions defend democracy and the human rights of all people, regardless of union membership.

The only full-chapter case study is featured in the second section, written by Naveen Mehta from the UFCW. Mehta highlights the ways in which UFCW has defended workers who have come to Canada through the Temporary Foreign Workers Program and argues that the strength of the UFCW is their ability to reach beyond the role of a traditional union and help organize and bring fairness to this exploited class of workers.

“From showing migrant workers how to bank to creating community associations, UFCW Canada operates as an established settlement agency, as a successful immigration advocate and, of course, as a union at the workplace,” Mehta writes. “Only in an environment where a robust labour movement thrives can there be meaningful reductions in the destitution and despair faced by migrant workers.”

Clearly, this is a call for unions to re-imagine their roles in civil society and look for new and creative ways to organize workers.

Section three, “Constitutional Protection of Labour Rights,” examines how the Canadian Charter of Rights and Freedoms should protect collective bargaining rights, despite recent attacks levelled by various governments on workers’ right to freely bargain and legally strike. It gathers stories of various court decisions and conventions that should protect workers’ rights to strike.

This section is especially important considering how often unions have been forced to accept concessions contracts through legislative measures.

Unions Matter would have been an enormous help for me when I set out to write From Demonized to Organized, Building the New Union Movement. The arguments are strong and help build an irrefutable case that unions are a key element to a fair society.

It isn’t, though, a book for the slightly interested. Unions Matter is dense and academic. With many of the arguments premised on the same data, it is, at times, repetitive and difficult to read. Rather than read from front to back, readers should choose the articles that interest them the most and consume the rest, driven by their interests.

Also, the book relies too heavily on legal arguments that justify or defend the labour movement as potential organizing strategies. While a legal strategy, or rights-based strategy can be both helpful and necessary, it can be resource intensive, drawn out and demobilizing. Whenever possible, labour activists should be looking for creative ways to challenge management and politicians that don’t require lengthy legal battles or expensive court cases.

Unions Matter should be required reading though, for any activist, communications officer or elected representative involved in promoting the labour movement.

Perhaps the most important message is not that unions play an important structural role in resource distribution, but that they must engage in political battles. While facts and arguments are necessary to convince people of the need for unions, unions themselves need to be politically active, fighting for the fights of all Canadians, not just their members.

Armine Yalnizyan ends her chapter by arguing that the greatest threat to income distribution is the profits amassed by the 1%, and that unions cannot necessarily stop this trend through collective bargaining alone. “Ultimately,” Yalnizyan writes, “the long-term impact of unions on Canadian trends in economic inequality is primarily through their political action… and only secondarily through their direct impact on wages.”

Indeed, building the necessary campaign to fight neoliberal and austerity measures will require unions to engage in political action. While Unions Matter might not provide union activists with a road map on how to do that, it does offer the requisite facts to shut down any anti-union, right wing argument that might be floating around the ether.

**Nora Loreto* *is a writer, musician and activist based in Québec City. She is the author of* From Demonized to Organized, Building the New Union Movement *and is the editor of the rabble.ca series* UP! Canadian Labour Rising. *Nora is on leave as an editor with the Canadian Association of Labour Media while she takes care of infant twins.*

Les syndicats comptent. Mais alors pourquoi le Canada prétend-il le contraire?

Par Nora Loreto, blogueuse invitée de l'ACEP, 4 septembre 2014

Un des triomphes du néolibéralisme est la démonisation des syndicats.

Illustration de la couverture du livreGrâce à un discours dominant imaginé par le 1% du Canada, inspiré par le thatchérisme et alimenté activement et passivement par des journalistes complices, nombre de Canadiens n'ont aucune idée à quel point les syndicats les protègent, qu'ils soient membres ou non d'un syndicat.

Il en découle une vive urgence : les syndicalistes doivent affirmer leur nécessité ou bien risquer de perdre encore du terrain.

Presque tous les syndicalistes éprouvent ce sentiment d'urgence et, sans surprise, plusieurs livres et articles sur l'importance des syndicats ont récemment été écrits (dont le mien).

Un de ces livres est Unions Matter, publié par Matthew Behrens pour la Canadian Foundation for Labour Rights. Douze articles divisés en trois parties ont été tirés de la Conférence internationale sur les droits du travail et leur impact sur la démocratie, l'égalité économique et la justice sociale.

Tenue en mars 2013, la conférence a été organisée par la Fédération canadienne des enseignants et enseignantes, le Syndicat national des employées et employés généraux du secteur public et les Travailleurs et travailleuses unis de l'alimentation et du commerce Canada (TUAC).

L'anthologie est cruciale pour quiconque a besoin d'un outil de référence sur les statistiques les plus à jour concernant les syndicats : répartition de revenus, taux de syndicalisation et tous les tableaux fondés sur le coefficient Gini que vous pouvez souhaiter! Elle touche les statistiques sur les grèves, de quelle façon les syndicats ont fait

avancer les droits de la personne au Canada et les décisions des tribunaux qui protègent et sauvegardent le droit de grève des travailleurs.

Unions Matter, qui risque peu de convaincre un antisyndical, fournit aux syndicalistes la matière pour constituer un solide argumentaire en faveur de la syndicalisation. Plus important encore, les statistiques et les arguments que renferment Unions Matter pourraient servir aux syndicalistes pour convaincre les ambivalents du fait que, oui, les syndicats comptent.

La section un, qui porte sur la réduction de l'inégalité des revenus par les droits du travail, donne un aperçu impressionnant du rôle que les syndicats ont joué pour redistribuer la richesse au Canada. Parallèlement à la baisse du taux de syndicalisation, la société canadienne est devenue objectivement plus inégale. Les données présentées dans cette section démontrent que la tendance entre le taux de syndicalisation et l'inégalité n'est pas fortuite, mais que le lien est direct.

Les syndicats ne sont pas de simples agents de redistribution économique, cependant. Dans la section deux, « Promouvoir la démocratie, l'égalité économique et les droits sociaux », les articles traitent du rôle que les syndicats ont joué et devraient jouer pour la défense des droits sociaux et lutter contre l'injustice. La section examine comment, par le militantisme plutôt que par une simple redistribution structurale, les syndicats défendent la démocratie et les droits de la personne de tous, qu'ils adhèrent ou non à un syndicat.

La seule étude de cas couvrant tout un chapitre est présentée dans la section deux, sous la plume de Naveen Mehta des TUAC. Mehta souligne de quelle façon les TUAC ont défendu des travailleurs qui sont arrivés au Canada par l'entremise du Programme des travailleurs étrangers temporaires et soutient que la force des TUAC est sa capacité de dépasser son rôle de syndicat traditionnel et d'aider à organiser et à apporter l'équité à cette catégorie de travailleurs exploités.

« De l'aide aux migrants pour transiger à la banque, à la création d'associations communautaires, TUAC Canada opère comme organisme d'aide à l'établissement, comme conseiller à une immigration réussie et, évidemment, comme syndicat en milieu de travail, écrit Mehta. Ce n'est que dans un milieu où un mouvement syndical fort s'épanouit qu'on peut voir des réductions significatives dans l'indigence et le désespoir que connaissent les travailleurs migrants.»

Manifestement, ceci est un appel aux syndicats à réimaginer leurs rôles dans la société civile et de chercher de nouvelles façons créatives d'organiser les travailleurs.

La section trois, « Protection constitutionnelle des droits du travail », examine comment la Charte canadienne des droits et libertés devrait protéger les droits à la négociation collective, malgré les récentes attaques de différents gouvernements contre le droit des travailleurs à négocier librement et à faire la grève. Elle relate les faits entourant diverses décisions des tribunaux et différentes conventions qui devraient protéger le droit de grève des travailleurs.

Cette section est particulièrement importante compte tenu du nombre de fois où les syndicats ont été forcés d'accepter des concessions dans des conventions collectives imposées par une loi.

Unions Matter m'aura fourni une aide énorme dans l'écriture de From Demonized to Organized, Building the New Union Movement. Les arguments sont puissants et aident à soutenir irréfutablement que les syndicats sont un élément clé d'une société juste.

Ce livre ne s'adresse cependant pas au dilettante. Unions Matter est dense et revêt un caractère universitaire. De nombreux arguments étant fondés sur les mêmes statistiques, il est parfois répétitif et difficile à lire. Plutôt que de le lire d'un bout à l'autre, les lecteurs devraient choisir les articles qui les concernent et consommer le reste en fonction de leurs intérêts.

De plus, le livre s'appuie trop fortement sur des arguments juridiques qui justifient ou défendent le mouvement syndical et ses stratégies d'organisation. Bien qu'une stratégie fondée sur la loi ou sur les droits puisse être utile et nécessaire, elle peut exiger beaucoup de ressources, être épuisante et démobilisante. Le plus possible, les syndicalistes devraient chercher des façons créatrices de contester direction et politiciens qui n'exigent pas de longues luttes judiciaires ou de coûteux procès.

Unions Matter devrait cependant être une lecture obligatoire pour tout militant, agent de communication ou représentant élu faisant la promotion du mouvement syndical.

Le plus important message n'est peut-être pas que les syndicats jouent un rôle structural important dans la distribution des ressources, mais qu'ils doivent s'engager dans des luttes politiques. Bien que les faits et les arguments soient nécessaires pour convaincre les gens de la nécessité des syndicats, les syndicats eux-mêmes doivent être politiquement actifs, livrer combat pour tous les Canadiens et Canadiennes, et pas seulement pour leurs membres.

Armine Yalnizyan termine son chapitre en arguant que les profits amassés par le 1% constituent la pire menace à la distribution des revenus et que les syndicats ne peuvent pas nécessairement mettre fin à cette tendance par la seule négociation collective. « Ultimement, écrit Yalnizyan, l'impact à long terme des syndicats sur les tendances canadiennes en matière d'inégalité économique tient surtout à son action politique et en deuxième lieu seulement à leur incidence directe sur les salaires. »

En effet, organiser la campagne nécessaire pour lutter contre le libéralisme et les mesures d'austérité exigera des syndicats qu'ils s'engagent sur le plan politique. Unions Matter ne propose peut-être pas de feuille de route aux syndicalistes pour ce faire, mais il avance les faits voulus pour contrer l'argumentaire antisyndical et de droite du temps présent.

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Graham Fraser: Public servants are proud of bilingualism

GRAHAM FRASER, contribution to the Ottawa Citizen, September 3, 2-14

Columnist Kelly Egan's comments on the federal approach to official languages calls for a response.

Egan thinks offering services to the public in both languages is a "fine idea in theory," but finds it excessive for somebody to check whether the government lives up to its obligations and for citizens to be able to file complaints when they think their rights are being violated or even (yes, the horror!) go to court when an organization fails to correct the situation after multiple infractions.

Egan describes a bleak world of frustration, resentment and unhappiness. Those were the stories I heard when I was a journalist. However, since becoming Commissioner of Official Languages, I have been pleasantly surprised by the number of public servants, both English- and French-speaking, who are proud to have learned the other language, see language skills as a professional competency that enables them to understand the country and are committed to providing services in both languages. It is part of their pride in being federal public servants.

I see linguistic duality as a value, not a burden, and I have found that many public servants agree with me. It is an integral part of the federal public service and enables every employee to contribute to the fullest of his or her ability. Through the Official Languages Act and the Canadian Charter of Rights and Freedoms, it is also expressed as a series of rights for all citizens. And rights are meaningless if the government may choose to ignore them. So yes, my staff occasionally monitors key elements of bilingual service; citizens can file complaints with my office; and, in the extremely rare cases where the government proves intractable, it can be taken to court.

Kelly Egan and I agree on one thing: the way the Official Languages Act is implemented does not always work well. Not everyone arrives in the public service already bilingual, and language training by federal institutions is often too little and offered too late in a public servant's career. In some departments, people are sent for intensive language training for months just before they are transferred to a bilingual position, rather than having them build language skills over a few years as they work. There need to be more

opportunities to strengthen language skills at university, and language training must be integral to a public servant's career plans, not something done at the last minute.

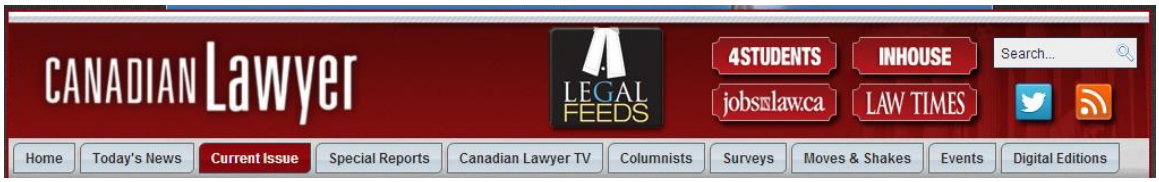
And yet, despite these deficiencies, literally tens of thousands of bilingual positions within the public service are occupied by anglophones. Nationally, francophones and anglophones occupy positions in a proportion that roughly mirrors their demographic weight, including at the executive levels.

About that $1.1 billion over five years the federal government spends on bilingualism that Egan wants to see converted into asphalt: most of it is earmarked for students. English schools in Quebec, French schools outside Quebec, immersion schools and programs all profit from this investment in Canada's future.

To suggest that soldiers are dying for lack of treatment because funds are spent on the country's official languages is an exaggeration, to put it mildly.

Forty-five years after the adoption of the Official Languages Act, the implementation of official languages policies rightly remains an important and controversial issue. I will continue to participate in this national conversation on October 7, 2014, when I present my annual report, which includes a recommendation on language training.

Graham Fraser is Canada's Commissioner of Official Languages.



Cracking the system

How do we get more diversity on the bench when there's no transparency in the appointments process?

Written by Stephen Lautens, Canadian Lawyer Magazine, September 2, 2014

As far as political firestorms go, Justice Minister Peter MacKay's June was slightly hotter than most. It began innocently enough on June 13 with the announcement the federal government had appointed 12 new judges to the bench. It was undoubtedly expected to be a routine announcement to fill various vacancies across the country; in law firms and wine bars across the country there would be small gatherings of law firm partners to toast the elevation of their colleagues to the bench. Then something unusual happened. It was pointed out not a single one of the new judicial appointments was a woman. The only

woman mentioned in the announcement was already a judge being promoted to a higher court.

In some ways the timing could not have been worse. The Harper government has been seen to be waging a trench war against the courts for years as it legislatively tries to reshape Canada in its image only to find the greatest roadblock is a legal system that takes the Charter of Rights and Freedoms and constitutional law seriously.

Conservatives have made no secret they consider the courts to be actively obstructionist, providing the Harper government with setbacks in a series of key hot-button areas: Senate reform, immigration, health care, native claims, prostitution, and a host of law-and-order initiatives like mandatory minimum sentencing. In the wake of the decision regarding Justice Marc Nadon's eligibility to sit on the top court, the criticism of the Supreme Court of Canada reached previously unthinkable levels with the minister of justice and Stephen Harper himself weighing in after the fact with their own attack on the highly regarded Chief Justice Beverley McLachlin (herself a Mulroney appointment). With bar associations, law school deans, and the legal community (here and abroad) united in defending the chief justice, the Harper government was left sullen and with its fingers badly singed, reconsidering the wisdom of frontal assaults on the court.

The muttering from the grassroots and echoed by many Conservative MPs is about "judge-made law" or "unelected, unaccountable judges" thwarting the supreme will of the people as expressed in Harper's 2011 majority government. An appreciation of the role of the courts probably isn't helped by the fact the Harper government has one of the lowest, if not the lowest, number of lawyers sitting on government benches in Canadian history.

Against this background it is hard to understand how the government and the minister of justice failed to appreciate the heightened scrutiny their relationship with the courts attracted. While other countries followed the World Cup, for a time, Canada's national pastime became evaluating judicial appointments.

Fun with numbers

It's easy to get bogged down in statistical analysis, but numbers do tell the story.

To counter accusations that women were being pointedly passed over for judicial appointment by the Conservative government, MacKay said 30 per cent of the judicial appointments made by the Conservatives since 2006 have been women, and now make up 34 per cent of the sitting federal judges. This, he said, is a 17-per-cent increase in women compared to when the Liberals were in power.

To clarify, the recent Conservative governments haven't appointed 17-per-cent more women judges. The 17 per cent refers only to the size of the increase in the number of women appointed to the bench. In the eight and a half years from Jan. 1, 2006 to June 1, 2014 women sitting on the federal benches increased by five per cent (to 34 per cent from 29) of the total. Just to further muddy the statistical waters, according to the Department of Justice, 182 women have been appointed as judges by the federal government out of a total of 602 appointments made since 2006.

That is an average Conservative appointment rate of 30-per-cent new women judges while the total of all federally appointed women judges now stands at 34 per cent.

How we reached a 34 per cent total with an average 30-per-cent appointment rate is a bit of a mystery. No one is quite sure, including the academics who have studied the matter, but it is suggested it has less to do with increased women appointees and more to do with older men retiring from the bench in greater numbers.

At least the government publishes numbers on gender representation on the bench. As we will see, the government steadfastly refuses to compile or make available information about who actually applies for a judicial appointment or the ethnicity or diversity of the final appointments made.

Stepping up to the bar

As MacKay noted, 30 per cent of the judicial appointments made by the Conservatives since 2006 have been women (compared to 40 per cent in the Liberals' last year in power), but that leaves the larger question of why federal judicial appointments of women continue to move at a glacial pace, let alone approaching gender parity.

Every play has a second act, and MacKay's began when he was asked this very question. The fog of politics has descended on what MacKay actually said at a June 13 meeting of the Ontario Bar Association, with attendees and the minister disagreeing. According to the Toronto Star, when asked to commit sociology and explain the lack of women and visible minorities on federally appointed courts, MacKay said they just "aren't applying" for the jobs. He reportedly further speculated that women might fear the "old boys" network of the judiciary and that they could be handed circuit-court work that would take them away from their homes and families.

Perception is reality in politics, and even though MacKay took to Facebook to deny he had said anything sexist or insensitive in his remarks at the OBA meeting, the perception was that he was blaming women for not stepping up to the bar (or bench, in this case). MacKay said his comments were in fact meant to encourage women to apply for judicial appointments in greater numbers.

The problem is, what are those numbers?

Ignorance is bliss

The Office of Federal Judicial Affairs is responsible for the administration of the federal judiciary and appointments process. It does not report data about the gender and ethnicity of judicial applicants. It collects gender data via a tick-box on the application form, but unlike the province of Ontario or the United Kingdom, the Canadian federal government does not release that information. The non-reporting of this basic information makes it impossible to challenge MacKay in his assertion that the main impediment to more women judges is that not enough women are applying in the first place. Anecdotal information from various legal groups and associations suggests this is not true and women are, in fact, applying in ever-increasing numbers.

With regards to visible minorities, the application process leaves any questions of ethnicity to the applicants to spontaneously self-identify entirely at their option. The downloadable judicial application form gets all the way to page 10 before it half-heartedly asks:

OPTIONAL

Given the goal of ensuring the development and maintenance of a judiciary that is representative of the diversity of Canadian society, you may, if you choose, provide information about yourself that you feel would assist in this objective. There is no obligation to do so. (emphasis theirs)

By the way, did we mention it is optional, and you may, if you choose, provide it, but there is no obligation to do so?

When challenged, as it recently was by the Canadian Association of Black Lawyers, the Commissioner for Federal Judicial Affairs, in a letter, pointed to this question on the application form as proof of its seriousness about diversity. There is, however, no statutory requirement or published policy in the federal judicial appointments process to consider the gender or ethnicity of the applicants or the lack of diversity on the bench. Instead, as MacKay repeats on his Facebook page, judicial appointments are "ultimately based on the only truly important criteria applied to all our appointments: merit and legal excellence."

Not collecting data is a good way to not have to face the consequences of policies or actions. Dr. Erin Crandall, a leading expert on the judicial appointments process at Queen's University, observes other jurisdictions that collect and publish gender and ethnicity data about those applying for judicial appointments — like Ontario and the U.K. — show far greater progress in achieving better representation. Another academic who has spent countless hours trying to construct the data the judicial appointment process refuses to collect or release is University of Ottawa law professor Rosemary Cairns Way. She says her careful review of the data suggests a "pattern of deliberate disregard" for diversity on the bench, which resulted in her calculation that just three of 191 federal judicial appointments (1.6 per cent) across Canada have gone to non-white applicants in the past five years.

Ontario does publish the statistics relating to provincial judicial applicants' gender. Between 2006 and 2012 in Ontario 299 of the 636 provincial judicial applicants were women (47 per cent). Of the total 72 appointments made from this pool, Ontario appointed 32 women to the bench (44 per cent).

Other than Ontario, only B.C. collects similar stats. The B.C. Judicial Counsel's latest report for 2012 shows of judicial applicants 53 per cent were male and 47 per cent were women. Of the appointments made 58 per cent were men and 42 per cent were women.

Both Cairns Way and Crandall suggest Ontario's better track record can be partly attributed to the greater transparency of revealing who is in the original application pool — something the federal government refuses to do. In short, when a government is more

transparent at the early stages, it produces better outcomes or will be held more accountable for poor outcomes.

Selecting the selectors

Once applications for a judicial appointment are received they are sent to one of 17 regional federal judicial advisory committees under the Commissioner for Federal Judicial Affairs Canada with the responsibility for the administration of the appointments process on behalf of the minister of justice. There are 17 regional appointments committees — one in each province and territory with three in Ontario and two in Quebec, plus one for the Tax Court of Canada.

In late 2006, the Conservative government rewrote the rules for the composition of the committees. Now each regional committee consists of eight members:

- a nominee of the provincial or territorial law society;
- a nominee of the provincial or territorial branch of the Canadian Bar Association;
- a judge nominated by the chief justice of the province or by the senior judge of the territory;
- a nominee of the provincial attorney general or territorial minister of justice;
- a nominee of the law enforcement community; and,
- three nominees of the federal minister of justice representing the general public.

In 2006, the Conservative government added the nominee from the law enforcement community, who is also chosen ad hoc by the federal government. There is no known structure or criteria behind the selection process. It was a curious addition touted as part of its law-and-order agenda, but considered more than a little at odds with the idea of the judiciary and the police having very separate and sometimes opposing agendas.

According to the web site of the Office of the Commissioner for Federal Judicial Affairs Canada, "independent judicial advisory committees constitute the heart of the appointments process."

MacKay has also emphasized the "independence" of the committees as a shield against the charge of political meddling. In 2007, however, the Canadian Judicial Council itself complained about the introduction of the changes in a strongly worded press release pointing out "the majority of voting members are now appointed by the minister" and the judicial appointments advisory committees "may neither be, nor be seen to be, fully independent of the government." Nothing has changed to the committees' structure since that criticism was raised.

It also needs to be emphasized that unlike jurisdictions like Ontario, where the attorney general must choose from a committee list that can contain as few as two names, the federal appointment decision rests entirely with the minister of justice. Federal committee recommendations are not ranked, but are simply marked "recommended" or "unable to recommend." Federally it is possible for the minister of justice to order "off the menu" so to speak, and make his own appointments without a reference, or with a perfunctory one, to an appointments committee. Former Ontario attorney general Michael Bryant is more

blunt about where the decision is actually made: “the responsibility for judicial appointments is well entrenched in the PMO.”

A brief review of the minister of justice’s picks for his allotment of 52 of the seats on the 17 committees shows a very eclectic mix of appointments. Sprinkled among the handful of retired judges, QCs, and lawyers, the public lists of federal nominees to the committees have a number of individuals who are surprisingly hard to learn anything about, as no bios or other information are attached to the names. Others are easier to find.

In Manitoba, one of the minister’s appointments is Marni Larkin, who raised eyebrows about her qualifications when she was also appointed in 2012 to a five-year term on the board of the CBC.

Larkin served as a strategist and organizer for the Progressive Conservatives in Manitoba during the 2011 provincial election. Also on the Manitoba committee as a representative of the federal minister of justice is John Tropak, who the Winnipeg Free Press described as “a well-known Manitoba Conservative campaign worker,” and in an April 2013 article further suggested was a likely future Conservative Senate appointment.

The Facebook page of one maritime appointments committee member shows the friend in her first slot is Peter MacKay’s mother. Another committee member is the director of HR and legal affairs of a city in the Maritimes, is active in the local Conservative riding association, and regularly posts pro-Harper government/anti-Justin Trudeau tweets on his Twitter account. There is one federal appointment committee member who has had careers as a former SWAT-team member, Crown prosecutor, and church minister. Another is the former chairman of the Canadian Hockey Association. Several lawyer appointments have obvious connections to Conservative families. Curiously, some of the lawyer members who sit in review of future judges are quite junior with fewer than 10 years of practice under their belts.

While many of these appointments also show community involvement, it is hard to see what qualifies them to assist in the selection of judges as the appointed representatives of the federal government. There are no useful guidelines or published selection procedures for their appointment, giving the justice minister the freest hand possible in making the appointments to the committees. At least one committee member I spoke to had no idea himself how he had been selected.

Breaking down the composition of the appointments committees by gender, there are currently 121 individuals sitting on the 17 committees, 30 are women, accounting for 24.8 per cent of the sitting members overall (not including 12 current vacancies). The federal justice minister is responsible for directly appointing a total of 52 committee members (three per regional committee, and not including their law enforcement appointee). Of the full complement of 52 ministerial appointments to the committees (six of which are vacant), only nine are women (17.3 per cent).

Agreeing with academics like Cairns Way and Crandall, who have studied the issue closely, former Liberal justice minister Irwin Cotler draws a direct line from the fact that “women are severely under-represented on these committees themselves” to a resultant lack of women on the bench.

If women are under-represented at only 17.3 per cent within the federal appointments to these committees, a search for visible minorities sitting on them appears even more problematic. In researching the published names of committee members, visible minorities are almost impossible to find outside of the northern jurisdictions.

One of the much-touted duties of the appointment committees is to consult broadly "both inside and outside the legal community." In speaking with Arleen Huggins, president of the Canadian Association of Black Lawyers, she says her organization has never been consulted by the current government regarding any judicial appointments. Similarly, to her knowledge neither have any of the 16 legal diversity groups that make up the Roundtable of Diversity Associations. A letter written recently to MacKay expressing CABL's concerns about diversity representation and transparency has, as of writing, gone unanswered by him.

The only public guideline to choosing appointment committee members is that "the Minister of Justice attempts to reflect factors appropriate to each jurisdiction including geography, language, multiculturalism, and gender." There is no explanation of how the minister attempts to do this, or why it has resulted in just 17.3 per cent of his appointments being women and an unknown, but decidedly much smaller, number of visible minority members.

Don't ask, don't tell? More like: We don't ask and we don't want to know.

The debate over the pace of women appointments to the bench started with Peter MacKay's untestable observation that not enough women were applying to be judges. With about half of the 1,124 sitting federal judges having been appointed since 2006, the number of women judges as of July 1, 2014 stands at 383 or 34.1 per cent.

The gender of persons who are ultimately named judges are reported, but researchers struggle to discover the numbers relating to other forms of diversity of sitting judges, which is not officially measured or reported in any way.

Cairns Way has again conducted her own research where the government refuses to tread. Her research indicates the appointment rate of aboriginal judges hovers around one per cent, while the appointment of members of visible minority communities to the federal bench is closer to an abysmal 0.5 per cent. Her conclusion? "Clearly, ensuring that the judiciary reflects the community it serves is not a priority for this government."

It is also hard to not reach the parallel conclusion that the federal government does not want to have its hands tied in any way when it comes to who it ultimately appoints. The evidence, as a trial lawyer would point out, is set out every step along the way.

Exhibit A: The minister of justice controls the majority of the appointments to the 17 regional judicial appointments committees. This was one of the earliest acts of the new Conservative government. There are no serious or measurable qualifications for the minister's nominees.

Exhibit B: Women and visible minorities are conspicuously under-represented in the minister's nominees to the appointments committee accounting for only nine of 52 appointee positions.

Exhibit C: The government refuses to collect and publish data regarding who is actually applying to become a federal judge, making it impossible to challenge Peter MacKay's statement that not enough women are applying for the job. Statistics are not the government's friend.

Exhibit D: MacKay has repeatedly said "only truly important criteria applied to all our appointments" is "merit and legal excellence." The commission's web site lists the factors intended to provide a basis for assessing the suitability of candidates for judicial appointment, but they are so broad they hide a lot of discretion in the catch-all description "merit." "Awareness of racial and gender issues" is listed as one of the many things that "may be considered in assessing a candidate's suitability." Conspicuously absent is actual membership in an under-represented race or gender.

Punctuality, however, is enumerated as a needed personal characteristic.

Exhibit E: For all its structure, the federal judicial appointments committee can only "recommend" candidates for appointment, but the government is not bound by the recommendation, and the minister of justice (or the Prime Minister's Office) actually makes appointments unhindered by the process. The almost universally panned appointment of former public safety minister Vic Toews comes to mind.

Exhibit F: The outcome? Women stand at 34.1 per cent of the federal judiciary. How long will it take for women to achieve that extra 16 per cent to stand as equals? The answer may be in the report of federal judges' pension plans. Tabled in Parliament, the Pension Plan for Federally Appointed Judges has to make actuarial predictions about the future. Buried in its assumptions on costs and lifespans was the projected gender balance of federally appointed judges. In 2010 the report tabled in Parliament assumed there would be an equal number of male and female judges by 2027. The update three years later and tabled March 2014 set out the new date of expected gender parity on the federal bench: 2035.

That also means in just three years the goal of equal gender representation lost an additional eight years of progress. Based on the best evidence available to the federal government it also projects a net growth of only about 0.76 per cent a year in women on the bench for the next 21 years. Visible minorities and aboriginals who are starting off with a current grand total of 1.5 per cent of the federal judgeships may have a little longer to wait.

This confirms the observation of Linda Robertson, chairwoman of the women lawyers forum of the Canadian Bar Association-B.C., who said it has "only been since the Conservatives came in that the number of female appointments have slowed down."

Verdict: Peter MacKay says the problem and the solution is: "We need more women to apply to be judges. It's that simple." Clearly there is a problem, but the lack of women and visible minorities applying for the job of judge isn't it.

A Good and Happy Lawyer

From the American Bar Association. By Marian C. Rice

About the Author: Marian C. Rice is the chair of the Attorney Liability Practice Group at the New York law firm of L'Abbate Balkan Colavita & Contini LLP, where she represents attorneys in professional liability matters and provides advice to attorneys on risk management and ethical issues. She is a member of the Standing Committee on Lawyer's Professional Liability.

AN UNHAPPY LAWYER will never be a good lawyer. He or she will never deliver to the client the level of service deserved or fulfill the ethical obligations of competence, diligence and prompt communication required by the Model Rules of Professional Conduct and just plain business sense. A lawyer dissatisfied with his or her career choice will cut corners to get the job done, will not respect the overarching principles of confidentiality and freedom from conflicting interests and will fail in mentoring the attorneys whom he or she supervises. In short, the prospects of satisfaction for an unhappy lawyer are bleak.

News during the third week in January this year justified the stance of attorneys who are determined to be dissatisfied with their careers. In just one week, three news stories were reported reflecting the depressing side of a profession that has already borne the brunt of too much denigrating humor. CNN led the trio with the eye-catching headline of "Why Are Lawyers Killing Themselves?" Noting that lawyers are 3.6 times more prone to depression than the general population, the CNN report detailed the stories of attorneys and their families who struggled with the immeasurable tragedy of suicide. Further, the report ranked lawyers fourth in proportion of suicides by profession. This happy news was followed five days later by a New York Times story on the bankruptcy filing of a recently "de-equitized" partner of a top Wall Street firm whose woes were touted as emblematic of a "glut of service partners" whose talents—without attributed clients—were "not economically viable." Completing the trifecta was the annual U.S. News & World Report coverage of the 100 Best Jobs, issued two days earlier, in which the legal profession dropped from No. 35 to No. 51 in one year, citing a below-average mobility opportunity coupled with little flexibility and high stress. Given the previous two news stories, a ranking of 51 out of 100 did not seem that bad until, as the legal blog Above the Law noted, the legal profession was ranked two levels below that of nail technician, a field touted as a "thriving industry."

THE PUBLIC PERCEPTION OF LAWYERS

Such reports feed the perception that attorneys are generally dissatisfied with their lot in life and, if given the opportunity, would change careers. But they do not tell the whole story. It's true the practice of law isn't for everyone. It is a stressful profession that requires a person to maintain perspective when confronted with endless deadlines and the daily woes of clients whose problems may not be solvable. While the business aspects of the practice may not be the reason attorneys chose their path, the pure practice of law—the ability to fashion a solution for someone who needs help—is deeply satisfying. Although the nail technician may be part of a thriving industry, helping clients resolve a seemingly endless variety of legal issues is far more rewarding than the nail technician studying the cuticles of yet another client. We are members of an ancient and honorable profession, serving the laudable dual purpose of assisting the administration of justice in our society and promoting the interests of our clients.

So why is it that lawyers are generally perceived as being unhappy in their chosen profession? Like many other workers, attorneys complain about the details tangential to the actual practice, but they love the mechanics of the job itself. Being in a profession in which "pessimism is considered prudence," lawyers focus and talk about the more tedious aspects of the practice. We have to stop that. Most lawyers find satisfaction in their profession. We have to project that to the outside world—to recast our decision to be lawyers as a gratifying choice.

BEING HAPPY

Dan Bowling, who holds faculty appointments at Duke Law School and the University of Pennsylvania's graduate program in positive psychology, postulates six choices attorneys can make that will reinforce their position as happy lawyers. Paraphrasing the choices Bowling has identified, and jumping off from there, I postulate that, if you want to be a happy lawyer, you'll make the following choices:

Look at the big picture. A career is not defined by a single adverse decision or promotion denied. Every issue of adversity provides an opportunity for growth.

Laugh—a lot. No client wants to hire a goofball, but there's no reason not to laugh. Make your workplace an environment where humor is valued.

Wipe away that tendency to pessimism. An attorney expressing eternal optimism will have difficulty managing client expectations, but there's nothing wrong with injecting a healthy—and reasonable—dose of optimism into the attorney-client relationship.

Concentrate on what needs it: work, family and friends. We are a generation of attorneys with attention deficits. Technology connects us 24/7 to our clients. The constant demands of a profession built on deadlines often cause attorneys to neglect other areas of their lives. Use technology to give you time to devote to family and friends, especially when they need it.

Avoid becoming stagnant. Whether this means breaking up the workday with a little exercise or imbuing your weekends with a nonlegal pastime you enjoy, doing the same thing day-in and day-out can be draining. Mix it up.

Engage your colleagues in positive relationships. Avoid the spiraling grousing sessions detailing the insurmountable obstacles of the profession. Join bar associations and network with other attorneys, both within your area of practices and outside your chosen field.

Give back to the profession. Attorneys are uniquely suited to volunteer their services to close the ever-widening access-to-justice gap. Nothing feels better than helping a client who has no ability to seek help on his or her own. Our colleagues also require our assistance. Volunteer to assist lawyers who need support.

Become a good lawyer. Yes, skills in your chosen area of practice are a must, but being a "good lawyer" goes beyond knowledge of legal principles. Stephen W. Comiskey, a Washington, D.C., lawyer, set out a laundry list of attributes all lawyers should possess in a publication first seen on the Internet in 1997. In A Good Lawyer, now published as a Kindle e-book, Comiskey set forth sound bites that perhaps seem simplistic (and a little dated) at first glance, but taken together provide a framework for understanding the many and different ways an attorney truly can become a good lawyer. From reminding an attorney that important information should be delivered in-person to chiding an attorney not to expect thanks from a client (but to cherish the kudos when they do come), this work conveys the depth the role of an attorney plays in a client's life and the importance of the profession. And all without citing a single legal precedent.

A recent study, What Makes Lawyers Happy? Transcending the Anecdotes with Data from 6,200 Lawyers, was undertaken by Florida State University law professor Lawrence Krieger and University of Missouri psychology professor Kennon Sheldon. They compiled anecdotal data from 6,200 lawyers in four states and concluded that "a happy life as a lawyer is much less about grades, affluence and prestige than about finding work that is interesting, engaging, personally meaningful and is focused on providing needed help to others." According to the study, attorneys with the lowest income, the lowest grades in law school and public service attorneys had stronger autonomy and purpose—and were happier—than those in the most prestigious positions, and with higher grades and incomes. These findings mirror the conclusions of a May 2013 study reviewing the perceptions of 50 years of University of Michigan Law School graduates. In his working paper entitled "Satisfaction in the Practice of Law: Findings From a Long-Term Study of Attorneys' Careers," David L. Chambers found that "overall work satisfaction is much more closely related to perceptions of the social value of their work and the quality of their relations with co-workers than it is to their satisfaction with income or with their prestige in the community."

In other words, happiness as an attorney depends more on the value of the attorney's work to his or her clients and collegial interaction than external sources such as money, recognition or fame. We can choose to be happy lawyers—and should.