

Press Clippings for the period of August 23rd to 29 2016 / Revue de presse pour la période du
23 au 29 août 2016

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Système de paye Phénix : 90 % des dossiers ne sont pas encore réglés

ICI Radio-Canada, le 24 août 2016

Le gouvernement fédéral a réussi à régler approximativement 10 % des près de 84 000 dossiers problématiques liés au système de paye Phénix. C'est ce qui ressort d'une mise à jour technique tenue mercredi matin.

Lors du point de presse, la sous-ministre des Travaux publics et des Services gouvernementaux, Marie Lemay, a révélé que quelque 245 des 274 employés de l'État qui n'avaient pas encore reçu de paye en date du 10 août ont été payés aujourd'hui, mercredi, et que les autres le seront le 7 septembre.

Ces cas sont considérés comme étant de priorité 1.

De plus, depuis la dernière mise à jour du fédéral, 69 nouveaux cas de priorité 1 ont été signalés.

Bien que cela soit toujours très préoccupant, ces cas représentent une faible fraction des effectifs de la fonction publique.

Marie Lemay, sous-ministre des Travaux publics et des Services gouvernementaux

Pour ce qui est des cas de priorité 2, soit les employés dont la paye a été touchée par des problèmes en raison de congés ou d'un départ à la retraite, près de 1700 cas ont été résolus. Les responsables des payes tentent maintenant de régler les 1200 dossiers restants.

Depuis la précédente mise à jour de Mme Lemay, 314 nouveaux cas de priorité 2 ont été signalés.

Enfin, 8032 cas de priorité 3 ont été résolus sur les 81 997 dossiers qui étaient problématiques au 4 juillet. Au total, 73 965 dossiers dans cette catégorie ne sont toujours pas réglés.

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Les cas de priorité 3 sont ceux concernant un arriéré de traitement. Dans ces cas figurent, entre autres, les employés qui n'ont pas reçu les sommes qui leur sont dues pour des heures supplémentaires.

Mme Lemay a rappelé que le gouvernement fédéral compte éliminer les cas en arriéré d'ici le 31 octobre.

« Je tiens aussi à indiquer clairement que nous allons voir des cas de priorités 1 et 2 émerger après le 31 octobre », a ajouté Mme Lemay. « La complexité de la rémunération de la fonction publique et les occasions d'erreurs humaines signifient que le potentiel d'erreurs sera toujours existant. Je tiens à vous rappeler que c'était déjà le cas avant même la mise en oeuvre de Phénix. »

La sous-ministre Marie Lemay a souligné que des démarches se poursuivent avec l'Agence du revenu du Canada, afin de limiter les conséquences fiscales pour les fonctionnaires touchés par des problèmes de paye.

De nouveaux renforts très bientôt

Au cours des prochaines semaines, 69 nouveaux employés se joindront aux unités temporaires de paye de Gatineau, de Winnipeg, de Shawinigan et de Montréal, ce qui porte leur nombre total à 223.

Le bureau de Gatineau, qui compte actuellement 106 employés, en accueillera 32 de plus. Selon Marie Lemay, le nombre de dossiers de priorité 3 devrait chuter de façon importante en septembre, en raison des renforts attendus dans les unités temporaires de paye.

Government slowly curbing Phoenix problems

Public Works expects to make 'significant dent' in backlog of problem cases

Kyle Duggan, iPolitics.ca, August 24 2016

Public Works is seeing a steady decline in new cases of employees with pay problems from the government's new Phoenix pay system, departmental officials said at a media technical briefing Wednesday.

There are 69 new cases of employees not receiving any pay since the department's last update, and 314 new issues with employees going on leave. The total backlog of pay cases also dropped to 73,965 – a number originally over 81,000 earlier this summer.

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Deputy minister of public services Marie Lemay said the government is seeing a “steady decline in numbers of new cases reported.”

That’s expected to speed up next month as more staff are brought on.

“Moving into September, we expect to make a significant dent in the backlog,” she said.

The Public Service Alliance of Canada wasn’t very impressed about the progress update.

The new Phoenix system — originally ordered by the Harper government — was rolled out in February and it has since negatively affected thousands of employees’ pay, ranging from incorrect salary amounts getting paid out to employees receiving no pay at all, along with problems with getting severance and disability payouts. The new software was originally brought in to save money and modernize the pay system but has instead caused tension between the Trudeau government and the public service and left thousands of employees sorting out serious pay problems in its wake.

Lemay said the department is “committed to resolving the backlog by October 31,” which would leave them with two months to sort out over 70,000 improper pay cases. But Lemay also cautioned that a lot of their progress will depend on “the pace at which the compensation advisors join us, how quickly they get up to speed and the complexity of each case.” They’re also expecting more new cases emerge after end of October.

Costs to fix the beleaguered system, meanwhile, continue to soar. Ottawa originally expected to save about \$70 million a year through implementing Phoenix. But the cost of fixing the system is expected to balloon over \$25 million, and officials won’t know for a few more weeks if they’ll realize any savings this year at all.

According to a departmental spokesperson, the department is working with IBM, which supplied the new payroll software, on “planned adjustments and enhancements to our pay system, including troubleshooting.”

Lemay continued to defend the merits of the new software system, despite it becoming Ottawa’s slowest moving train wreck and a PR disaster for public service recruitment.

“The old system was not a good system. The [auditor general] said it was falling apart. It had crumbled.”

“This is one of these initiatives that is of a magnitude that you don’t see much,” she said of Phoenix. “This transformation for 300,000 people is a huge one. Yes, we could have done things

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differently, and yes it could have gone better. But we are really working very hard to put it back on track.”

Les ratés de Phénix ont déjà coûté plus de 25 millions \$

Paul Gaboury, Le Droit, le 24 août 2016

Bien que les efforts déployés pour faire face aux ratés du système Phénix aient réduit le nombre de cas problématiques liés à la paye des fonctionnaires, la facture grimpe toujours.

Lors de sa dernière mise à jour dans le dossier, Services publics et Approvisionnement Canada a confirmé que les coûts avancés précédemment - 25 millions \$ - seraient vraisemblablement plus élevés. Une somme qui viendra réduire du même montant les économies de 70 millions \$ que devait réaliser le nouveau système de traitement de la paie.

Pendant ce temps, 69 nouveaux cas d'employés n'ayant pas reçu de paie ont été signalés ces deux dernières semaines, comparativement à 274 lors de la mise à jour précédent. «Un total de 245 employés ont été payés aujourd'hui, et les autres seront payés le 7 septembre», a expliqué la sous-ministre Marie Lemay.

À ce chiffre, il faut aussi ajouter 314 nouveaux cas d'employés dont la paie a été touchée après avoir pris congé ou quitté la fonction publique, en raison d'un congé parental ou de maternité ou d'un départ à la retraite, par exemple. Les dossiers des retraités sont souvent les plus complexes à régler.

«Nous avons pu en régler 1696 et il nous en reste 1264. Les employés qui signalent ces types de problèmes devraient s'attendre à recevoir la paie non versée dans un délai de six semaines, mais de nombreux cas sont réglés beaucoup plus tôt», a indiqué M^{me} Lemay.

Par ailleurs, l'arriéré de cas à régler est passé de 82 000 employés (18 juillet) à 73 965 cette semaine. Ces cas concernent les paiements supplémentaires, comme la paie pour services additionnels, les nominations intérimaires et les promotions.

«Nous augmentons progressivement le nombre de cas traités et, en septembre, nous nous attendons à réduire l'arriéré considérablement, puisque des ressources supplémentaires entreront au service de nos unités de paie temporaires», a mentionné la sous-ministre.

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Le ministère soutient qu'il sera en mesure de régler ces cas d'ici le 31 octobre grâce aux nouvelles ressources ajoutées dans les unités de paie, qui seront en place aussi longtemps qu'il le faudra.

«Nous croyons que cet objectif est réalisable, mais beaucoup dépend de la vitesse à laquelle les conseillers en rémunération se joignent à nous et de leur rapidité à se familiariser avec la complexité de chaque cas, ce que nous ne pouvons pas prévoir avant d'examiner les cas des employés individuellement», a fait savoir M^{me} Lemay.

Après le 31 octobre, il continuera à y avoir encore certains problèmes, comme c'était le cas avant Phénix, a-t-elle toutefois précisé.

Des équipes iront également appuyer les ministères afin de les aider à mieux comprendre le fonctionnement du nouveau système.

À Gatineau, l'équipe du nouveau bureau satellite passera prochainement de 106 à 138 employés, et celle de Winnipeg, de 31 à 53. Les bureaux d'unités de paie de Shawinigan compteront 17 employés et Montréal, 15.

À l'Alliance de la fonction publique (AFPC), le scepticisme est de mise. «Compte tenu du passé, on ne voit pas comment le gouvernement parviendra à régler les 73 000 cas en arriéré d'ici le 31 octobre», craint Chris Aylward, vice-président exécutif national de l'Alliance de la fonction publique du Canada (AFPC).

Au début septembre, les employés pourront remplir des formulaires pour se faire rembourser des frais financiers liés à ces retards. «Cette décision a été prise par le gouvernement libéral plusieurs mois après que l'AFPC l'ait expressément demandé», a tenu à rappeler M. Aylward.

Cost to fix government payroll problem hits \$25-million: official

Terry Pedwell, The Globe and Mail, August 24 2016

Fixing the problems with the federal government's new payroll system will cost more than \$25 million, although the total won't be known for weeks, a top official at Public Works and Government Services Canada revealed Wednesday.

"The last number we have is 25 (million dollars) but it will be higher," said Marie Lemay, the deputy minister responsible for public services and procurement.

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The previous Conservative government had estimated that adoption of the so-called Phoenix system would save the federal treasury \$70 million annually.

Lemay couldn't say whether any of those savings will be achieved as a result of the system's failures.

"We don't know what the amount of savings will be," she said.

"But we will know in the next few weeks."

The government has been forced to hire — or re-hire — hundreds of payroll department and call centre workers after more than 82,000 civil servants reported problems with their paycheques. Hundreds of complainants had not been paid at all, in many cases for months.

Those who had gone unpaid received what they were owed over the last few weeks but new cases continue to emerge.

Another 69 employees complained in the last week that they had gone without paycheques, said Lemay.

Roughly 1,200 cases also remain of workers not being paid while on parental leave or after they've retired.

The government is promising those employees they will be paid within six weeks.

But there's still a large backlog of civil servants who have not received supplementary pay owed, such as overtime, or pay for acting assignments and promotions

While more than 8,000 of those so-called "priority three" cases have been resolved, the backlog remains stubbornly high at 73,965.

Lemay maintained that the government is on track to deal with the backlog by the end of October, although she cautioned that other payroll cases would likely emerge beyond that date.

But the total amount needed to fully fix the system — and to reimburse employees who are out-of-pocket as a result of not being paid — is in flux because officials still haven't assessed what is needed to ensure the system can handle pay information from dozens of government departments, Lemay said.

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“We’re looking at everything we had to do, and everything that we want to do to make sure that we get to our steady state.”

The Phoenix pay system, created by IBM, is based on the PeopleSoft program used widely by large corporations across Canada and around the globe, but was altered to fit the needs of the massive federal public service.

It’s a complicated system that incorporates dozens of separate pay grades, negotiated contracts and individual employee preferences, Lemay explained during what has become a regular weekly briefing to update the public service on progress in making the necessary repairs.

“It’s like 101 companies, basically, coming together with like 27 collective bargaining agreements, it’s 80,000 different rules.”

Over one-third of savings expected from Phoenix won’t be realized, says official

The Canadian Press, August 24 2016

The cost of fixing problems with the federal government's new payroll system continues to soar.

Marie Lemay, deputy minister of Public Works and Government Services, says measures adopted to deal with a backlog of nearly 77,000 pay issue claims have already cost \$25 million. But while Lemay says that amount is certain to climb, it will be weeks before her department knows just how much higher.

The previous Conservative government had estimated that adoption of the so-called Phoenix system would save the federal treasury \$70 million annually.

Lemay can't say whether any of those savings will be achieved as a result of the system's failures.

Officials say another 69 civil servants came forward in the last week, reporting they weren't being paid at all.

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Security experts laud Liberals' go-slow approach to reviewing Conservatives' anti-terror laws

Ian MacLeod, the Ottawa Citizen, August 22 2016

The Liberal government's unhurried approach to its promised reform of national security laws is appropriate given the dangers of getting it wrong, say security policy experts.

The Aug. 10 police killing of would-be jihadi bomber Aaron Driver in Strathroy, Ont., renewed questions about the Grits' campaign-trail pledge to dismantle parts of the contentious Anti-terrorism Act, previously Bill C-51. The legislation was rushed into law by the former Conservative government in June 2015 with the qualified support of the then-opposition Liberals, who promised to fix several "problematic elements" if elected.

The new government has delivered on a commitment to table legislation to create a special committee of parliamentarians to review select activities and the strategic direction of the country's expanding national security apparatus.

But the planned changes to C-51 remain in a state of flux and secret, with Public Safety Minister Ralph Goodale suggesting last week that proposed reforms won't be put before Parliament until next year.

Goodale said officials will need the rest of this year to consult with security experts, rights advocates and the public on the broader question of how to structure the post-9/11 national security state. That's expected to hit high gear this fall with the anticipated release of national security framework consultation paper.

"The Liberal government is very politically astute and (saying) 'Let's make sure that we consult, let's make sure that we don't rush to simply eviscerate C-51' (because) that would be a national security risk and a significant political risk," considering domestic terrorism likely isn't going away soon, says Ray Boisvert, chief executive of I-SEC Integrated Strategies and a senior associate with Hill+Knowlton Strategies Canada. He is the former director of counter-terrorism for the Canadian Security Intelligence Service (CSIS).

Christian Leuprecht, professor of political science at Kingston's Royal Military College and Queen's University, says there seems to be a reasonably broad Liberal consensus that "this is an issue where you can't get caught with your pants down. The prime minister wouldn't want to have to wear (a successful attack) on his watch."

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The Liberals, he adds, have the advantage of having four years to make changes. “So there’s not the legislative urgency here under which the Conservatives were operating.”

Wesley Wark, a University of Ottawa expert on intelligence, national security and terrorism, says it’s been in the government’s mind for some time to tackle C-51 amendments in stages. “I don’t think that timetable has changed dramatically, certainly not in terms of introducing legislation,” he says.

“I’m supportive of the idea that you go at changes to C-51 and, more broadly, at (changing the) perspective on national security slowly. Go at it reflective and go at it smartly, all the things the Conservative government was unwilling to do.”

The Tory government under Stephen Harper had been planning changes to the previous Anti-terrorism Act of 2001, enacted by Jean Chrétien’s Liberals, when domestic Islamic State of Iraq and the Levant sympathizers struck in St-Jean-sur-Richelieu and on Parliament Hill in October 2014, murdering an Army soldier and National War Memorial sentry.

Harper soon unveiled the sweeping Bill C-51 at a campaign-like event. Despite howls from civil rights advocates, terrorism experts, national security law scholars and many others, Harper used his parliamentary majority to ram the bill through committee and a final House vote just weeks before the mandated 2015 general election. C-51 then became a handy wedge issue in the campaign.

“Harper really believed in that legislation and he knew that his legislative period was coming to an end,” says Leuprecht. “I think his sense was that the circumstances were too pressing not to do anything,” no matter how imperfect the bill. “Canada was simply too vulnerable without the changes in legislation.”

Compounding that haste, government officials largely failed to articulate to Canadians why certain provisions were necessary, such as allowing CSIS officers to breach Charter rights and break other laws to thwart threats to national security.

In fact, judicial warrants have long been granted to CSIS to intercept private communications and break into private property.

This is an issue where you can’t get caught with your pants down

The Liberals, who promised in their election platform to strike down that provision in C-51, have since deflected questions on the issue, perhaps because they now realize it would shut

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down intelligence operations that rely on such common tradecraft as telephone wiretaps and surreptitious entries, which are illegal unless warranted by a judge.

The Liberals are now privy to classified security information they didn't get to see in opposition, "and I'm guessing they have a much better appreciation of what the nature of the threat is," says Phil Gurski, a former terrorism analyst with CSIS and Public Safety Canada.

While Gurski supports C-51 in its present form, "we need to have a reasoned, adult discussion in this country about national security."

Concludes Leuprecht: "The Liberals taking their time is a way of having the sort of review of anti-terror legislation that we didn't get under the Harper government."

Fired CSIS agent with mental health issues suing the federal government

Andrew Duffy, The Ottawa Citizen, August 22 2016

A former spy agency employee with ties to the Paul Bernardo murder case is suing the federal government after being fired in the wake of a mental health crisis that resulted in criminal charges.

A judge stayed those criminal harassment charges in October 2013, but by that time Martin McSweeney had already lost his top-secret security clearance and his job as a technologist with the Canadian Security Intelligence Service (CSIS).

McSweeney had spent a decade with the national spy agency. He's now suing CSIS and the federal government for damages related to what he contends was his wrongful dismissal.

Federal lawyers, however, want the lawsuit dismissed as an abuse of process. They argue that McSweeney didn't challenge his loss of security clearance through CSIS' internal grievance process when he had the chance, and so shouldn't be allowed to use the court system now to do the same thing.

McSweeney's lawyer, Ron Segal, has argued that the case is properly before the courts.

In a newly released decision, Judge Ian Nordheimer granted the federal government's leave to appeal a lower court ruling that said the case should be heard. That issue now goes to an Ontario appeal court panel to decide.

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According to court documents, McSweeney suffers from several mental health issues, including extreme anxiety and post-traumatic stress — something brought on, in part, by Bernardo's murder of Burlington schoolgirl Leslie Mahaffy.

McSweeney, then 15, walked Mahaffy home after a bush party on the night that Bernardo abducted her from her yard in Burlington.

McSweeney testified at Bernardo's 1995 murder trial. He told court that they had been at a wake for a schoolmate who had died in a car crash, and that he had walked home with her at 1:50 a.m. When he left her, McSweeney said, she was standing in front of the garage. He assumed she would be going in the front door.

He told court that she was worried about a confrontation with her parents since she had exceeded her curfew by several hours. "Don't worry," he quoted Mahaffy as telling him. "They'll just yell and yell at me. Don't worry. Call me in the morning. We'll go to the funeral together."

Mahaffy was locked out of the house. Two weeks later, her dismembered body was found encased in cement in a lake near St. Catharines.

After high school, McSweeney went on to earn a degree from the University of Western Ontario and obtain a PhD in software engineering from Royal Military College. He was hired as computer programmer with CSIS in June 2003.

He saw a therapist for his mental health issues, and in April 2012, she broke off contact with him due to her concern that he had developed a romantic attachment. He was charged with criminal harassment after leaving the therapist a profanity-laced voicemail.

That September, he was charged a second time with criminal harassment in connection with an email sent to Ontario Court Justice Lesley Baldwin, one of the Crown prosecutors in the Bernardo case. The email allegedly contained a threat.

CSIS placed McSweeney on paid leave. In February 2013, then-CSIS director Richard Fadden informed him by mail that his top-secret security clearance had been suspended. McSweeney was also told that he could formally challenge the suspension within 30 days, but he did not take advantage of that opportunity.

Without a security clearance, McSweeney couldn't work for CSIS and he was dismissed in April 2013. Two months later, McSweeney asked to have both his security clearance and job reinstated, but those appeals — and subsequent grievances — were denied.



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In October 2013, all of the criminal charges against him were thrown out of court when a judge ruled that he had been denied the right to a trial within a reasonable amount of time. The judge said McSweeney's mental health challenges played a role in the allegations and reduced the seriousness of them.

The McSweeney case holds the potential to further define the government's responsibilities to its mentally ill employees.

Earlier this year, the Public Service Labour Relations and Employment Board [reinstated a mentally ill public servant](#) who slapped his boss across the face. The board ruled that the employee's mental health problems should have been considered when deciding what kind of discipline to impose.

Ottawa should avoid referendum on electoral reform over danger of a vote based on 'outright lies,' expert says

Ian MacLeod, The Ottawa Citizen, August 22 2016

Canada's democracy would benefit best under an electoral system of proportional representation, a leading authority on voting systems told parliamentarians Monday.

But no matter what Parliament finally decides, it should avoid a referendum on the question and the danger of a vote based on voter confusion and misinformation, Arend Lijphart told a special committee on electoral reform.

"The outcomes of referenda are often highly volatile and unpredictable, often involve a lot of emotionalism and outright lies," he warned. "The recent Brexit referendum shows how much damage a referendum can do. It's been a disaster for the whole world."

Lijphart, research professor emeritus of political science at the University of California, said proportional representation (PR) and the coalition governments the system typically produces, "work better because there is more negotiations, there is more compromise, therefore it builds stronger consensus."

Years of extensive research, he said, show the most beneficial, statistically significant outcomes that correlates with PR is the quality of the democracies it produces.

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“Proportional representations (was) not only slightly better, but a whole lot better, there was simply no comparison between PR and FTTP (first-past-the-post),” the system Canada has always used.

PR systems and consensus democracies also have better records for effective policy-making, he said, though FTTP is often mistakenly considered the best system to represent democratic, majority rule.

But “if you’re a majority government, one-party government, it is based on just between 30 and 40 per cent of the voters. This (type of) government actually struggles constantly with the fact of being a kind of illegitimate majority government,” he told the all-party committee of MPs.

FTTP governments really only represent a large minority

“It may seem ironic or paradoxical that, in fact, you have in PR better majority rule than with so-called majoritarian governments. FTTP governments really only represent a large minority.”

Lijphart acknowledged a legitimate complaint about PR is that parties’ election platforms and promises can be compromised or lost in the negotiations to form a coalition government . Still, in mature multi-party systems, such as in Germany’s, it is often clear prior to an election which parties (and policies) are going to work together in government, he said.

PR models have been adopted by many nations and, with a few exceptions, without holding referendums. Lijphart warned the MPs against doing so in Canada.

“If one can avoid a referendum, please avoid a referendum,” he urged. While changing the electoral system is an important decision, the problem with referenda is that other issues can come to fore, too, “including people just expressing a general dissatisfaction with the government.”

The Conservative party has argued that there may be no better way to test “broad-based support” for a new system than some kind of referendum. Democratic Institutions Minister Maryam Monsef has expressed apprehensions.

Lijphart’s criticism of referenda was countered by committee witness Benoit Pelletier, a University of Ottawa constitutional expert on electoral reform and former Liberal Quebec cabinet minister in the Jean Charest government.

“If we want to do a reform of our voting system, it’s normally for the population itself, so that the population has greater faith in its democratic institutions,” he said. “I would have a hard

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time seeing how we could do a significant electoral reform without calling on Canadians and asking them for their opinion.”

“When you change the electoral system significantly, you change the political culture of a country. It is not just an issue of modalities, it is not a technical issue, it is also a cultural issue, an issue of values. The electoral system is choosing the values that we as a country want to emphasize.”

Pas de réforme du mode de scrutin possible sans référendum, estime Benoît Pelletier

La Presse Canadienne, ICI Radio-Canada, le 22 août 2016

« Je suis très favorable à la tenue d'un référendum en pareille matière », a soutenu l'ex-ministre devant le comité spécial sur la réforme électorale, qui a repris ses travaux lundi à Ottawa.

Une consultation est d'autant plus souhaitable que l'objectif d'une réforme est que la population ait davantage confiance en ses institutions démocratiques, a dit M. Pelletier.

« Je vois mal dans ce contexte-là comment on peut effectuer une réforme du mode de scrutin digne de ce nom [...] sans qu'on demande à la population son opinion », a-t-il argué.

Le premier ministre Justin Trudeau a promis que l'élection d'octobre 2015 serait la dernière à se tenir sous le mode uninominal majoritaire à un tour.

La question de la réforme électorale est cependant trop complexe pour être soumise à un référendum, a-t-il plaidé en juin dernier.

L'autre témoin qui a été entendu par le comité lundi après-midi a abondé dans ce sens.

« S'il vous plaît, évitez un référendum », a conseillé le professeur émérite de recherche en science politique de l'Université de Californie à San Diego, Arend Lijphart, par vidéoconférence.

Il a cité l'exemple du vote sur la sortie du Royaume-Uni de l'Union européenne pour illustrer que les référendums peuvent donner des résultats « volatils », basés sur des émotions.

Benoît Pelletier ne voit pas là un motif valable d'écarter un référendum.

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« L'idée qu'un référendum est volatil n'est pas un argument. Tout ce qui est démocratique est volatil », a insisté le professeur à la Faculté de droit de l'Université d'Ottawa.

Le Parti conservateur et le Bloc québécois réclament la tenue d'un référendum avant tout changement au mode de scrutin. Les néo-démocrates et les verts n'ont pas encore fait leur nid sur cette question.

Le gouvernement libéral, lui, ne s'est jusqu'à présent pas montré très chaud à l'idée, jugeant avoir obtenu le mandat d'aller de l'avant en remportant les élections d'octobre dernier.

Au cours de sa présentation, M. Pelletier lui a en quelque sorte donné raison sur ce plan.

« Ce que la Cour suprême dit, c'est que la réforme électorale appartient aux élus, au Parlement », a-t-il exposé, basant son analyse sur une revue de la jurisprudence.

« La Constitution n'exige pas un système électoral démocratique en particulier et ne commande pas que ce système soit immuable », a-t-il ajouté.

Le comité spécial multipartite poursuit ses travaux cette semaine. Il doit remettre son rapport définitif au Parlement avant le 1er décembre 2016.

Federal Competition Bureau investigating Volkswagen Canada over dieselgate scandal

Christopher Adams, National Observer, August 23 2016

Volkswagen Canada is facing a new federal investigation into its emissions cheating scandal, *National Observer* has learned.

Its been a year since U.S. officials [publicly](#) began taking VW to task and Canadian consumers have been getting increasingly furious with the relative lack of action north of the border. Canada's Competition Bureau, an independent investigatory arm of the Canadian government that oversees business practices has now confirmed an investigation is underway, responding to a flood of complaints from owners whose cars have plummeted in value. Environment and Climate Change Canada has also been investigating the scandal since last September.

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Phil Norris, a spokesman with the Competition Bureau, said it has been keeping an eye on a proposed U.S. settlement with Volkswagen and that “the Bureau will assess the impact of the settlement in the U.S. on its own investigation.”

Norris also said over email that he is “unable to speculate on how long our investigation will take and cannot speak to when it commenced due to confidentiality.”

Under Canada's Competition Act, anyone who knowingly or recklessly makes false or misleading claims to the public about their business can, if convicted, face up to 14 years in prison along with multimillion dollar fines.

Norris' comments come as a growing chorus of thousands of Canadian Volkswagen TDI owners increasingly accuse the Canadian government of being unwilling to defend Canadian consumers and punish the German automaker for selling cars that were designed to cheat on emissions tests. U.S. investigators found that some of the cars were spewing out up to 40-times more toxic emissions than advertised.

Some motorists divide their anger between the Canadian government and Volkswagen. Many say they'll abandon the company entirely after Canadian settlements are reached.

Volkswagen Canada did not immediately respond to a request from *National Observer* for comment.

[U.S. EPA "is going after VW's throat, Canada lacks the will to do anything about it"](#)

Volkswagen is facing the prospect of a [\\$15-billion](#) settlement in U.S. federal court, and many Canadian Volkswagen owners expected they'd see a similar deal announced in Canada on July 29, when Volkswagen said they'd update stakeholders on the settlement process. But answers never came, and motorists aren't [happy](#).

Members of a Facebook [group](#) for Canadian TDI owners have recently rallied around the prospects of getting results from a Competition Bureau investigation. One user, Peggy Hill, [posted](#) the Competition Bureau's initial response to her complaint, outlining its mandate and confirming that complaints were logged and would be investigated in private.

Most commenters on the post said they received the same response from the Competition Bureau.

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Dennis Hobday, a retired boilermaker from Sarnia, Ontario owns one of the 100,000 Volkswagen "clean diesel" vehicles sold in Canada between 2009 and 2015 that the company equipped with software to trick government regulators into measuring emissions at drastically lower values than the cars were actually polluting.

He is one of the group members who contacted the Competition Bureau, telling them that he "bought into something that wasn't," criticizing the fact that Volkswagen "profited handsomely on their deceit."

When contacted by *National Observer*, Hobday said in an interview that he would like to see an American-style settlement in Canada, and commended U.S. agencies for their "bite." He said that "when the EPA is going after VW's throat, Canada lacks the will to do anything about it."

The prospect of punishment

Norris, from the Competition Bureau, said in a follow-up email that the maximum penalty under the Competition Act for a corporation would be \$10 million for a first time occurrence, and \$15 million for subsequent violations. "The penalty would not exceed \$10,000,000 or \$15,000,000," he wrote.

Environment and Climate Change Canada has said that it would be inappropriate to comment on the settlement with its investigation underway. But it described what penalties it could recommend if its investigators find violations of the Canadian Environmental Protection Act.

ECCC said in a statement sent to *National Observer* on Friday that, under this environmental law, the maximum fine large corporations could face is \$6-million for each offence.

Another post on the "Canadian VW TDI owners" Facebook group. Image courtesy Facebook.

Companies found in violation of the Canadian Environmental Protection Act may also have to forfeit any profits earned through the transaction in question.

"Moreover, corporate officials can be prosecuted if they direct, authorize, assent to, acquiesce in or participate in any violation of the Act or its regulations. A range of sentences may be available upon conviction, including fines and possible imprisonment," Environment Canada told *National Observer*, in the statement. "A prosecution may result in alternative resolutions rather than, or in addition to, financial penalties."

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Once ECCC concludes its investigation, the Public Prosecution Service of Canada ultimately decides whether or not to pursue the offender in court.

ECCC stressed that its investigation is not connected with the multiple class action lawsuits filed across the country. That differs from the U.S. government's probe, which is pursuing both a civil claim and criminal investigation.

"The announcement on June 28, 2016 by Volkswagen Group of America speaks to resolution of the civil claims brought by the United States' Department of Justice, the State of California, the US Federal Trade Commission and private plaintiffs. There is no such mechanism available to ECCC under Canadian law," ECCC's statement said.

A court date for Ontario's class-action suit is scheduled for October 18, and TDI owners are planning a protest outside the courts.

[U.S. settlement boosts electric cars, compensates consumers](#)

The U.S. settlement includes a plan to reduce air pollution by forcing Volkswagen to spend up to \$2 billion on new charging stations for electric vehicles and promote a green shift in the country's transportation sector.

But in Canada, where the government recently announced a taxpayer-funded plan to spend millions on electric car infrastructure, regulators haven't publicly proposed any ideas to punish the German auto manufacturer over the deadly emissions spewing from its cars.

American victims of Volkswagen's emissions-fixing scandal have the option either to sell their vehicles back to the company at "fair value" or have them fixed free of charge. The company and its related entities will spend up to \$10.03-billion to compensate consumers.

Hobday said that Canadian TDI owners are "being held hostage" because they're forced to keep their cars until a settlement is reached.

Will he ever buy another Volkswagen?

"Never, ever, ever. The longer this drags out and the more hardship is putting on their current customers, it's like a bees nest out there. They're not protecting their current customers. They're just alienating them," he said.



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In addition to the U.S. buyback, the companies will spend another \$4.7 billion to mitigate pollution from those cars and invest in green vehicle technology, including the \$2-billion earmarked for zero emissions vehicle programs.