

Press Clippings for the period of October 5th to 12th 2015 / Revue de presse pour la période du
5 au 12 octobre, 2015

AJC in the News – L’AJJ fait les manchettes

Niqabs in the workplace? Who cares.

While Harper hints at a ban on niqabs in the public service, there’s no evidence they’ve ever been an issue among actual workers

Megan Campbell, Maclean’s, October 9 2015

Where’s Waldo? He’s easier to find than the Canadian civil servant who actually cares about the religious headwear of his or her colleagues. On CBC’s Power and Politics on Tuesday, Stephen Harper said that the Conservatives are [eyeing Quebec legislation to ban niqabs in the civil service](#). “That’s a matter we’re going to examine,” Harper said, adding that “we’re a society of openness and of equality and this is what we want to promote.”

The statement contradicts Treasury Board president Tony Clement, who said in March that a ban on niqabs should strictly apply to citizenship ceremonies and “that doesn’t mean you can impose that view on the workplace or private sphere.”

While only two women have been directly affected by the Conservative government’s effort to ban niqabs at swearing-in ceremonies, not one federal servant has voiced concerns about niqabs in the workplace, say union leaders. “It’s a non-issue. It’s never once come up,” says Emmanuelle Tremblay, president of the Canadian Association of Professional Employees.

On Wednesday morning, Tremblay and the leaders of 10 other federal unions (out of 18 in the country) held a press conference to publicize their casting of ballots in an advanced poll. When a reporter asked a question about niqabs, says Tremblay, none of the union leaders said niqabs in the workplace was a concern, including the leaders of Canada’s largest unions, representing approximately 300,000 federal employees.

Similarly, Nicolas McCarthy and Joe Boughner, communications directors of the Association of Justice Counsel and the Association of Canadian Financial Officers, respectively, confirm that their unions have never heard members mention niqabs in the workplace.

Meanwhile, Tremblay lists off a series of important issues they do care about. “There are so many more worrisome things that the Prime Minister has said,” she explains. She notes the politicization of federal servants and the disappearance of proper bidding processes for contracts. “Bringing up this niqab thing is adding fuel to the fire,” she says.

Press Clippings for the period of October 5th to 12th 2015 / Revue de presse pour la période du 5 au 12 octobre, 2015

On Wednesday, the other federal party leaders, Tom Mulcair, Justin Trudeau and Elizabeth May, were also busy scolding Harper for distracting voters from other issues. Trudeau accused Harper of stoking anti-Muslim fears: “To the Prime Minister directly: Stop this before someone truly gets hurt. We’ve had women attacked in the streets for wearing hijabs and niqabs. This is not Canada,” he told the CBC.

There have been plenty of suggestions as to what the real issues should be in this election—columnists have urged voters to consider the state of Canadian manufacturing, the treatment of aboriginal people, income security, the state of the Senate, childcare, and much more. And yet, the headdress hullabaloo goes on.

Bureaucracy baffled by Harper's niqab pledge

Kathryn May and Ian MacLeod, Ottawa Citizen, October 7 2015

Public service experts are scratching their heads over Conservative Leader Stephen Harper’s statements this week that he will look at banning the wearing of niqabs in the federal service.

At a campaign stop in Saskatoon Wednesday, Harper repeated his intention, if re-elected, to consider federal legislation modelled on Quebec’s Bill 62, introduced by the provincial Liberal government in June. It would prohibit public servants from wearing niqabs in provincial offices.

“Let me be very clear, we’ve actually been saying the same thing for several months,” said Harper. “The Quebec government, the Liberal government in Quebec, has brought forward legislation to require that people reveal their identity when delivering or receiving frontline service. They have tabled a bill before the Quebec assembly, we’ve said we will look at that bill before taking further steps.

“The Quebec government has been handling this controversy in a very responsible manner and we will do exactly the same things.”

His statements left some baffled.

Andrew Griffith, a former senior public servant who writes extensively on citizenship and multiculturalism, said the federal government doesn’t collect data on employees who wear religious dress or symbols.

He doubts, however, that there are any women who wear the niqab in the public service because such requests would have been reviewed “on a case-by-case basis” under the federal



Press Clippings for the period of October 5th to 12th 2015 / Revue de presse pour la période du 5 au 12 octobre, 2015

government's "duty to accommodate" policy and would have set a precedent for all departments to follow.

"Frankly, I don't think the issue has ever come up and it's unlikely it would have happened without making consultations at the high levels," Griffiths told the Citizen. "You do have to know if someone is who they say they are and management would have to talk about how to handle this."

Griffith said accommodating women wearing the niqab in a government office would be a thorny issue. Apart from the legal issues, he said such dress could be seen as a "sign of separation" and could affect "team-building" in the office, as well as interaction with the public.

"How could they serve the public and request someone's identification and not show their face? It doesn't make sense," he said.

The Public Service Alliance of Canada, which represents the majority of federal employees, said it doesn't know how many women working in the public service wear a niqab – if any – and it has never received concerns or complaints about the garment.

PSAC President Robyn Benson said a ban on the niqab or any religious symbol would violate the anti-discriminatory provisions of employees' collective agreements and the Canadian Human Rights Act.

"Clearly a non-issue, this is just another cynical attempt by the Harper Conservatives to distract from what is really at stake in this election: the reckless government cuts that have impacted millions of Canadians," said Benson.

The public service employs about 8,800 Muslims and about 47 per cent of them are women, according to data from the 2011 National Household Survey.

The niqab issue has become a hot-button election topic in recent days, as the Federal Court of Appeal rejected the government's application to put the brakes on a Federal Court decision in favour of a Muslim woman, Zunera Ishaq, who wants to wear a niqab during her public citizenship ceremony.

The Conservatives are now seeking leave to appeal to the Supreme Court, saying the issue is of "pressing public concern."

NDP Leader Tom Mulcair responded almost immediately Wednesday, calling Harper's remarks "bizarre."



Press Clippings for the period of October 5th to 12th 2015 / Revue de presse pour la période du 5 au 12 octobre, 2015

“This is Stephen Harper at his worst,” said Mulcair, speaking at a campaign stop in Alberta. “For him to run an election campaign on the backs of minorities, stigmatizing, singling out, going after minorities with everything from C-24 to his bizarre attacks yesterday, he’s looking to divide Canadians.”

Bill C-24 created a new law allowing the federal government to strip dual nations of their Canadian citizenship if convicted of a serious crime.

“The role of the prime minister is to build bridges from ethnic groups to ethnic group, from province to province, from religion to religion. Stephen Harper’s just reminding us every time he does this, (he) doesn’t deserve to be the prime minister of Canada,” said Mulcair.

The federal government has no policy governing what people can wear to work other than those who wear uniforms.

Some departments have standards of conduct as part of their values and ethics codes that employees must sign when they join the public service, which urges workers to adopt “reasonable and respectful dress, behaviour and language that reflects the professional image of the ... public service.”

The government does have a “duty to accommodate” policy and Treasury Board spokesperson Lisa Murphy said in an email that the government allows public servants to wear religious symbols unless they pose health and safety risks or an “accommodation would create undue costs to the employer.”

But Ron Cochrane, co-chair of the joint union and management National Joint Council, said banning the niqab is “not in the cards.” He said a ban would violate the Canadian Human Rights Act and the anti-discrimination provisions of employees’ collective agreements.

“I think he would have a problem with discrimination,” said Cochrane. “I think we should all grow up. We are a multicultural society... and we shouldn’t start talking about discriminating against (niqabs).”

Un «problème» créé de toutes pièces par Harper, déplore l'AFPC

Paul Gaboury, Le Droit, le 8 octobre 2015



Press Clippings for the period of October 5th to 12th 2015 / Revue de presse pour la période du 5 au 12 octobre, 2015

En soulevant la possibilité d'interdire le niqab dans la fonction publique, le chef des conservateurs, Stephen Harper, «crée un problème de toutes pièces», selon la présidente de l'Alliance de la fonction publique du Canada, Robyn Benson.

Mercredi, des dirigeants syndicaux du secteur public fédéral avaient été invités à se prononcer, lors d'un point de presse, sur la question du niqab. Ils avaient indiqué que ce n'était pas un enjeu de la présente campagne électorale, et affirmé que personne ne connaissait une femme portant le niqab au sein de la fonction publique fédérale.

La présidente Benson en a rajouté sur le site internet de l'AFPC dans un message où elle affirme que personne n'a jamais soulevé cette question au sein de la fonction publique.

«Il y a longtemps que je travaille pour le gouvernement et que je représente les membres de l'Alliance de la Fonction publique du Canada. Jamais je n'ai entendu quelqu'un - fonctionnaire, gestionnaire ou membre du public - se plaindre ou s'inquiéter du niqab. Ce n'est pas un problème », indique la présidente nationale de l'AFPC, le plus important syndicat du secteur public fédéral avec un effectif de 175 000 membres.

L'interdiction de porter un symbole religieux dans la fonction publique va à l'encontre des conventions collectives et de la Loi canadienne sur les droits de la personne, a par ailleurs tenu à rappeler la présidente Benson.

Mme Benson ajoute que «les conservateurs de Stephen Harper prennent un malin plaisir à détourner l'attention des vrais enjeux électoraux».

«La vérité, c'est que des millions de Canadiens subissent l'impact des coupes irréfléchies de ce gouvernement. Le bilan désastreux des conservateurs se fait sentir d'un bout à l'autre du pays. La fonction publique a été amputée et le moral est à plat depuis trop longtemps. Les élections tombent à point, parce qu'elles nous permettront de changer les choses», a fait valoir la présidente Benson.

Inside the battle for Ottawa's public-service vote

In Ottawa, it seems no end of Conservative candidates want civil servants to know how much they care. Oh, and the PM does too.

Laura Payton, MacLean's October 6, 2015

Federal public servants, in the past accused by the Conservative Party of abusing sick leave, making too much money and being generally untrustworthy because they're all a bunch of



Press Clippings for the period of October 5th to 12th 2015 / Revue de presse pour la période du 5 au 12 octobre, 2015

Liberals, heard a surprisingly different message Thursday from Ottawa-area candidate Pierre Poilievre.

Public servants “have worked with integrity and professionalism to make this government a success. Canadians are well-served by our world-class public servants, and our Prime Minister has seen their work and appreciates it first-hand,” Poilievre said. “Our government is thankful for the hard work of public servants in upholding the interests of Canadians,” he added.

Framed as a response to “misleading” statements from public-sector unions, Poilievre had invited the media to hear him discuss an open letter from Conservative Leader Stephen Harper, who has led the government for almost 10 years. Curiously, he was there rather than Conservative candidate Tony Clement, the incumbent from Ontario cottage country, who as Treasury Board president would be the lead minister on public-sector issues. More curiously, arranged around Poilievre were the nine other Conservative candidates running in the Ottawa area.

It was almost as if the Conservatives felt the need to reassure and reach out to the more than 127,000 federal public servants living—and voting—in the Ottawa area.

If you include all three levels of government, there are more than 142,000 bureaucrats in Ottawa and Gatineau, the Quebec city across the Ottawa River from the capital, according to the latest Statistics Canada numbers. Ottawa alone accounts for more than 98,000 of those workers, 89,000 of whom are federal, making the civil service a substantial voting bloc in the capital. And while they’re concentrated in the downtown core, plenty live in the suburbs. When the *Ottawa Citizen* crunched the 2011 numbers (that was before the government cut 20,000 federal jobs across the country), it found pockets of Orleans and the city’s southwest end where more than a third of the population worked for the government. In other pockets, government workers were still between 27 to 32 per cent of the population.

The Conservatives may be in trouble in a couple of those ridings, according to polling by Environics at the end of September (the polls were commissioned by Lead Now as part of its Anyone But Conservative campaign). The polls suggest the Liberals have the lead in two of four ridings that are currently Conservative (the ridings have been redrawn, but the territory they cover was held by Conservative MPs in the last Parliament).

In Ottawa West-Nepean, Liberal Anita Vandenbeld leads Conservative Abdul Abdi with 39 per cent support to 35 per cent, with a margin of error of 3.6 per cent 19 times out of 20. Next door, in the more urban Nepean riding, Conservative Andy Wang, a former Poilievre staffer, leads Liberal Chandra Arya 40 per cent to 34 per cent with a margin of error of 4.1 per cent (that’s the same margin of error provided for the remaining Ottawa ridings).



Press Clippings for the period of October 5th to 12th 2015 / Revue de presse pour la période du 5 au 12 octobre, 2015

In Kanata-Carleton, which borders the west side of both Nepean ridings, Conservative Walter Pamic has a seven-point lead over Liberal Karen McCrimmon, at 44 to 37. On the east side of Ottawa, Liberal Andrew Leslie leads incumbent Conservative Royal Galipeau 51 to 36.

The Conservatives are also suffering [the loss of John Baird](#), a long-time local politician who represented Ottawa West-Nepean under its old boundaries and most recently served as Canada's foreign affairs minister, who stepped down earlier this year to work in the private sector. That left Poilievre as the most notable Conservative politician in the Ottawa area, an MP who doesn't hold the same reputation as Baird for working well on local issues with his opposition colleagues.

Still, with two weeks left, it seems the Conservatives are trying to shore up their credibility with federal public servants. Harper's letter follows one by Liberal Leader Justin Trudeau that portrayed Trudeau as a partner for government workers.

"Respect and trust for our public servants by the federal government has never been so low, and I want to take this opportunity to assure you that I have a fundamentally different view than Stephen Harper of our public service," Trudeau wrote in the open letter.

The slights by the Conservatives have been as recent as June, when the government passed its omnibus budget bill, C-59, which included a measure that allows it to impose a collective agreement on its employees.

Debi Daviau, president of the Professional Institute of the Public Service of Canada, said Harper's open letter suggests the Conservatives in the Ottawa area are feeling "quite desperate." "You can bet that these guys have had a lot of doors slammed in their faces at this point," she said. "I'm thinking that they're facing a lot of opposition when they're going door-to-door in this region."

Poilievre told reporters that the Conservatives' current sick leave and pension proposals protect public servants and pledged to continue to protect those items if the party is re-elected. Asked to qualify the party's relationship with federal bureaucrats, Poilievre didn't miss a beat. "We have a good relationship and we're very lucky to have the best civil servants in the world, who have helped us balance the budget, cut taxes and protect Canadians from terrorism," he said.

Feds lose bid to place niqab ruling on hold

Jim Bronskill, The Canadian Press, October 5 2015



Press Clippings for the period of October 5th to 12th 2015 / Revue de presse pour la période du 5 au 12 octobre, 2015

A new court ruling means a devout Muslim woman who chooses to cover her face now has a chance to become a Canadian and vote in the Oct. 19 federal election.

The Federal Court of Appeal rejected Monday a government request to put a recent decision in favour of Zunera Ishaq on hold while Ottawa seeks a hearing in the Supreme Court of Canada.

Justice Johanne Trudel dismissed the government's application for a stay of a Sept. 15 decision that affirmed the unlawfulness of a federal rule prohibiting a niqab at a citizenship ceremony.

Ishaq, 29, came to Ontario from Pakistan in 2008. She refused to take part in a citizenship ceremony because she would have to show her face due to a December 2011 policy requiring candidates who wear full or partial face coverings to remove them during recitation of the oath.

The Federal Court of Canada found the rule unlawful in February and the Court of Appeal recently upheld the decision. A three-judge panel ruled from the bench immediately after a hearing, saying they wanted Ishaq to obtain citizenship in time to vote.

On Monday, Trudel said she could not agree to the federal request for a stay of the appeal court's mid-September ruling.

"I find that the appellant has not demonstrated that refusing his application for stay would result in irreparable harm to the public interest," she wrote. "This suffices to dispose of the appellant's motion for stay."

In a statement released Monday night, Ishaq said she was pleased the courts have reaffirmed her right to citizenship and to vote.

Ishaq also said she was disappointed with the government's focus on her case "when there is so much more that merits the attention of Canadians at this time."

"I'm also disappointed that Mr. Harper continually twists the facts of my case for his gain," she said.

"I wish to confirm that I will be identified without my veil for the purposes of the ceremony. This has nothing to do with identity and everything to do with my right -- and the right of all Canadians -- to think, believe and dress without government interference."

The issue of face coverings at citizenship ceremonies has become a highly divisive one on the federal election trail, generating sparks in two French-language debates.

Press Clippings for the period of October 5th to 12th 2015 / Revue de presse pour la période du 5 au 12 octobre, 2015

The Conservatives argue it is essential -- and consistent with national values -- to show one's face at the very moment of becoming a Canadian citizen.

"We are disappointed in the court's decision, especially as we were waiting on the Supreme Court to hear our appeal," Conservative spokesman Stephen Lecce said in a statement.

"We have committed to rectifying this matter going forward by introducing legislation that will require one to show their face while swearing the oath of citizenship."

The NDP and Liberals have accused the government of using the issue, which affects only a small number of women, as a means of distracting voters from more important issues like the economy.

Critics of the federal stance note all new citizens must show their face as proof of identity before becoming a Canadian and that the government should not tell them what they can wear during the actual ceremony.

Métis rights case finally before Supreme Court of Canada

It took 16 years to get the case heard by the high court.

Karian Roman, CBC News, October 8, 2015

A much anticipated court case about Métis and non-status Indian rights is finally before the Supreme Court of Canada Thursday, 16 years after the legal wrangling began.

The top court is being asked to determine whether the approximately 200,000 Métis and 400,000 non-status Indians in Canada have the right to be treated as "Indians" under the Constitution Act and fall under federal jurisdiction.

Métis and non-status Indians argue that because neither the provinces nor Ottawa have been willing to accept jurisdiction, they have fallen through the cracks.

Press Clippings for the period of October 5th to 12th 2015 / Revue de presse pour la période du 5 au 12 octobre, 2015

"So you see them showing up on our streets in our major cities, not properly educated, without proper health care, without proper social services; the forgotten people, said Joseph Magnet, lead counsel for the Congress of Aboriginal Peoples (CAP).

The landmark case was launched in 1999 by prominent Métis leader Harry Daniels, but it did not go to trial until 2011. In an historic victory, the Federal Court ruled in the Métis and non-status Indians' favour, declaring they fall under federal jurisdiction, meaning they could try to negotiate access to federal programs and services.

'Most disadvantaged of all'

In his 175-page judgment the trial judge highlighted the real effects of a lack of status when he quoted an internal government document on the matter: "The Métis and non-status Indian people, lacking even the protection of the Department of Indian Affairs and Northern Development, are far more exposed to discrimination and other social disabilities. It is true today that in the absence of federal initiative in this field they are the most disadvantaged of all Canadian citizens."

After the federal government appealed the ruling, the federal Court of Appeal upheld the lower court's ruling in favour of the Métis, but not in favour of non-status Indians.

Neither lower court gave the Métis and non-status Indians the additional declarations they were looking for: that if they do fall under federal jurisdiction, the federal government has a fiduciary obligation to them and an obligation to negotiate with them.

CAP appealed to the Supreme Court, hoping to get a final determination. In a sign of how big the stakes are, the case has 12 intervenors, including aboriginal organizations and provincial governments.

"We've been treated as a people without rights and basically as a third class aboriginal peoples," said Clément Chartier, president of the National Métis Council, one of the intervenors in the case.

Harry Daniels died in 2004. His son, Gabriel Daniels, says he believes his father was put on earth for this case, to fight for the betterment of his people.

"One of the big reasons he was here was to do this," Daniels says. "It's really an honour to see it unfold and I just hope it goes the way we want."

Federal position



Press Clippings for the period of October 5th to 12th 2015 / Revue de presse pour la période du 5 au 12 octobre, 2015

The federal government continues to argue that the framers of the Constitution did not intend Métis to be part of Section 91(24) of the Constitution, which spells out that "Indians" are the exclusive jurisdiction of the federal government.

And the federal government says in its factum that even if Métis and non-status Indians were to get that recognition, it would not compel Parliament to "exercise that legislative power in any particular way."

That is why CAP says it wants the court to also impose both negotiating and fiduciary duties on the federal government.

"Then they can't keep denying that they have to do something," says Dwight Dorey, CAP national chief.

Onze dirigeants syndicaux votent «pour le changement»

Paul Gaboury, Le Droit, le 7 octobre 7 2015

Onze dirigeants syndicaux du secteur public fédéral, représentant plus de 300 000 fonctionnaires, ont décidé d'aller voter ensemble, mercredi, à Ottawa, dans l'espoir de faire sortir le vote et d'inciter leurs membres à voter «pour le changement» le soir du 19 octobre prochain.

«Nous croyons que l'écrasante majorité de nos membres et même des Canadiens veulent du changement, et le meilleur moyen de le garantir, c'est de voter pour le changement», a indiqué Larry Rousseau, vice-président exécutif de l'Alliance de la fonction publique du Canada (AFPC) dans la région de la capitale nationale.

Ce dernier était accompagné des dirigeants de 10 autres syndicats, dont l'Institut professionnel de la fonction publique et de l'Association canadienne des employés professionnels, au bureau d'Élections Canada situé sur la rue Carling, à Ottawa.

Les dirigeants syndicaux ont pu voter dans leur circonscription respective par bulletin spécial, comme le permet la loi électorale. Ils ont incité leurs membres à faire de même, ou à voter par anticipation du 9 au 12 octobre.



Press Clippings for the period of October 5th to 12th 2015 / Revue de presse pour la période du 5 au 12 octobre, 2015

«Tous les Canadiens ont payé le prix de l'échec de ce gouvernement. La fonction publique est rabaisée et démoralisée depuis trop longtemps déjà. Cette élection, c'est l'occasion de remédier à la situation», a indiqué Debi Daviau, présidente de l'Institut professionnel.

Depuis le début de la campagne, la stratégie des syndicats est de s'assurer que les candidats conservateurs ne soient pas élus ou réélus. «Nos membres sont assez intelligents pour faire le bon choix. Dans la région, nous espérons qu'aucun conservateur ne soit élu», a indiqué M. Rousseau.

Les dirigeants syndicaux disent s'attendre à un taux de participation élevé des fonctionnaires et des Canadiens à ce scrutin. «Sur 2 600 appels faits auprès de nos membres, seulement 1% d'entre eux ont indiqué qu'ils n'iraient pas voter», explique M. Rousseau.

Par ailleurs, les dirigeants syndicaux ont dû bien malgré eux parler du niqab, et en ont profité pour dénoncer Stephen Harper d'avoir évoqué la possibilité de l'interdire dans la fonction publique pendant cette campagne, une question «non pertinente», selon les dirigeants syndicaux. «Faudrait trouver une personne qui le porte. Je n'en connais pas», a lancé la présidente Daviau de l'Institut professionnel.

«La liste des problèmes de la fonction publique est tellement longue que cette question ne fait même pas partie des préoccupations de nos membres ou des Canadiens», a ajouté M. Rousseau.

L'accès à la justice, absent regretté de la campagne

Mathieu Bouchard et Audrey Boctor, Droit-Inc., le 8 octobre 2015

Selon le rapport [Les problèmes juridiques de la vie quotidienne](#), publié par le Ministère de la Justice du Canada en 2007, 44,6 % des Canadiens seront aux prises avec au moins un problème juridique civil sur une période de trois ans.

Les problèmes juridiques se présentent rarement de façon isolée. Un problème juridique (par exemple, le harcèlement en milieu de travail) en cause souvent d'autres (par exemple, mesures disciplinaires, congédiement injuste, assurance-emploi) et mène souvent à d'autres types de difficultés (par exemple, santé mentale et physique, effets sur la famille et les relations interpersonnelles). Près de 40 % des personnes ayant un ou des problèmes juridiques éprouvent des problèmes sociaux ou de santé qu'ils attribuent directement à leur(s) problème(s) juridique(s).



Press Clippings for the period of October 5th to 12th 2015 / Revue de presse pour la période du 5 au 12 octobre, 2015

De nombreux rapports font le constat qu'entre ceux et celles qui sont admissibles à l'aide juridique et ceux et celles qui ont les moyens d'engager un avocat, se trouvent un ensemble d'individus qui sont incapables d'avoir accès à la justice civile. L'augmentation exponentielle de justiciables qui se représentent seuls devant les tribunaux – environ 50 % dans les instances familiales au Canada – n'en est qu'une manifestation concrète.

Plus difficiles à mesurer sont ceux et celles qui abandonnent complètement, notamment parce qu'ils ou elles croient que rien ne peut être fait, sont incertain(e)s quant à leurs droits, ne savent pas quoi faire, ne peuvent consacrer le temps et l'énergie à leur cause, ou ont tout simplement peur. Non quantifiables sont les sentiments d'exclusion sociale éprouvés par ceux et celles qui affrontent le système sans soutien adéquat.

L'aide juridique, une partie de la solution

L'aide juridique n'est pas une solution complète à cette crise, mais elle en fait partie intégrante. Des sondages confirment d'ailleurs un appui décisif en faveur de l'aide juridique, avec 65 à 74 % des répondants affirmant que celle-ci devrait recevoir la même priorité et le même financement que d'autres services sociaux importants.

Malgré cela, le rapport [Atteindre l'égalité devant la justice](#), publié par l'Association du Barreau canadien en 2013, indique que les fonds consacrés à l'aide juridique en matière civile ont baissé de 20 % depuis 1994. Entre 1992 et 2012, le nombre de demandes d'aide juridique approuvées en matière civile a baissé des deux tiers.

Selon le [World Justice Project](#) de 2011, le Canada se place au 54^e rang mondial sur 66 pays en ce qui concerne l'aide juridique en matière civile, derrière de nombreux pays ayant un PIB inférieur, et derrière les États-Unis, 50^e au monde selon cet indicateur.

Dans le cadre de la présente campagne électorale, alors que l'économie est, pour plusieurs, l'enjeu principal et la classe moyenne le public cible, l'accès à la justice devrait être à l'avant-plan.

En effet, bien que les études canadiennes approfondies sur le sujet en soient encore à leurs débuts (le rapport du [Forum canadien de la justice civile](#) est prévu pour 2016), des études réalisées dans d'autres pays sont révélatrices quant au rendement social que rapportent les investissements dans l'aide juridique. Selon des études ayant examiné la situation en Australie,



Press Clippings for the period of October 5th to 12th 2015 / Revue de presse pour la période du 5 au 12 octobre, 2015

au Royaume-Uni et aux États-Unis, chaque dollar dépensé dans ce domaine se traduit par 2 à 18 dollars d'économie de fonds publics dans d'autres domaines.

Il est incontestable que les problèmes juridiques non résolus engendrent des coûts pour l'individu ainsi que pour les familles, les entreprises et la société dans son ensemble. L'investissement dans l'aide juridique devrait faire partie d'une stratégie globale non seulement de redressement, mais aussi de prévention.

Pourquoi l'accès à la justice ne figure-t-il pas à l'agenda de la campagne?

Le rapport de l'ABC identifie quatre obstacles systématiques aux efforts visant à assurer l'égalité devant la justice, notamment un manque de sensibilisation de la population et des lacunes dans la stratégie et la coordination. Plus fondamentalement, il évoque la dévaluation de la justice comme bien public.

Dans le cadre du projet « justicepourtous », l'ABC a préparé [une trousse de participation électorale](#) contenant des questions, des faits et des messages clés afin de faciliter la participation et encourager ses membres à mettre l'accès à la justice à l'agenda. Tant et aussi longtemps que les électeurs ne feront pas de l'accès à la justice une priorité, elle ne le sera pas non plus pour les élus.

L'ABC a d'ailleurs invité les chefs de chacun des principaux partis politiques à répondre à trois questions concernant l'accès à la justice.

À vous de juger [leurs réponses](#).

Me **Mathieu Bouchard** est secrétaire de l'ABC-Québec et membre de l'exécutif du Conseil national des sections. Me **Audrey Bactor** est présidente sortante de la section de droit Administratif de l'ABC-Québec et trésorière de la Section nationale du droit Administratif. Les deux avocats sont membres du cabinet Irving Mitchell.

Unshackled public service will be more effective

Valerie Percival, Ipolitics.ca, October 12 2015

Is the public service a 'servant' of the government? Or the public?

Press Clippings for the period of October 5th to 12th 2015 / Revue de presse pour la période du 5 au 12 octobre, 2015

Clearly, the public service must respect the authority of the democratically elected government. But during this election campaign, two very different interpretations of ‘loyalty’ have emerged. And this has ramifications for the quality of Canadian policies and services at home and abroad.

Konrad Yakubuski, in his *Globe and Mail* column “**Yes minister no more**” advocates a passive public service. Public servants can express “opinions,” but should shuffle paper, speak when spoken to, and do what they are told.

The other interpretation of the public service, evident in Kevin Page’s new book *Unaccountable*, also accepts the need for loyalty to the government. But of independent and equal value is the provision of effective, accountable and transparent advice and services.

The *Public Services’ Values and Ethics Code*, implemented by the Harper government, backs up this view. Public servants are “essential to Canada’s well-being and the enduring strength of the Canadian democracy, [they] uphold the public trust.” Non-partisan, they must uphold “the highest ethical standards” and “care for public resources responsibly”. Bureaucrats must ensure “excellence in the design and delivery of public sector policy.” Ministers “play a critical role in supporting public servants’ responsibility to provide professional and frank advice.”

What happens to the public service when the government does not respect the *Code*? When it stifles the expression of ideas, intimidates and smears those who disagree with government policy choices, develops ‘enemies lists’, obfuscates the truth, and occasionally lies?

How do career civil servants react when the government misleads parliament about the cost of the F-35 fighter jet procurement? Or its knowledge that the transfer of Afghan detainees to the torture-plagued Afghan prison system violated international law?

Press Clippings for the period of October 5th to 12th 2015 / Revue de presse pour la période du 5 au 12 octobre, 2015

What lessons do current and future leaders of the public service learn when the head of the nuclear Canadian Nuclear Safety Commission (CNSC) is intimidated and smeared as she exercises safety oversight for the Chalk River nuclear reactor? Or when the PMO's communications staff knowingly lie about the repayment of Mike Duffy's expenses?

The result is this. Ambitious bureaucrats censor both themselves and their colleagues. They tell the government what it wants to hear, not what it needs to hear. Those principled enough to push back are at best not supported, and at worst are thrown under the bus with CNSC's Linda Keen.

Knowledge and experience are not valued. Policy-making becomes just the coordination, management and flow of information. Substantive policy debates are a thing of the past. It's literally foreign policy by Haiku and Limerick. The people who master processes and relationships, and who are untroubled by substance shortfalls or ethical dilemmas, rise to the top.

It need not be this way. Contrary to what Yakubuski thinks, policy advice is more than "opinion." Allowing the public service to operate according to its mandate will ensure policies are based on evidence and implemented by experienced experts. Debate, reflection, and, dare I say it, research can improve policies. Better policies mean a more competitive, prosperous, and equitable Canada.