Négos: applaudissements et critiques

Paul Gaboury, Le Droit, Le 25 janvier 2016

Le président du Conseil du Trésor a confirmé qu'il abrogera les mesures prévues dans la loi C-59 permettant d'imposer unilatéralement un nouveau régime de maladie aux fonctionnaires fédéraux. Le ministre Scott Brison consultera du même souffle les syndicats au sujet de la loi omnibus C-4, qui modifie le régime de négociation collective dans le secteur public fédéral.

Si l'annonce touchant les congés de maladie a été bien accueillie, les dirigeants syndicaux auraient souhaité qu'Ottawa fasse aussi table rase de l'autre projet hérité de l'ancien gouvernement.

«La décision du gouvernement de ne pas appliquer les mesures touchant le régime de congés de maladie et d'abroger le C-59 est bienvenue. Toutefois, nous aurions aimé qu'il fasse la même chose en abrogeant le C-4, parce que cela a un impact important sur les présentes négociations pour un grand nombre de syndicats à qui le gouvernement a imposé un mode de résolution de différends qu'ils ne privilégiaient pas», a indiqué Larry Rousseau, vice-président de l'Alliance de la fonction publique du Canada pour la région de la capitale nationale.

Avec C-4, le gouvernement conservateur s'était donné des pouvoirs pour décider ce que constitue un service essentiel, et dans quelle convention sera établi la conciliation avec droit de grève, ou par l'arbitrage. «Avant, les syndicats décidaient longtemps d'avance quel mode de résolution de différends ils préféraient. Mais avec le C-4, c'est le gouvernement qui l'a imposé», a expliqué M. Rousseau. Désormais, C-4 oblige aussi un arbitre à tenir compte de la situation financière du gouvernement dans sa décision.

«Par exemple, si le déficit est plus élevé que prévu, avec une autre baisse possible du prix du pétrole et du dollar canadien, le gouvernement pourrait l'invoquer. Nous voudrions plutôt que cette question se règle à la table de négociations», a indiqué M. Rousseau.

Par ailleurs, les équipes de l'Alliance de la fonction publique sont attendues à Ottawa lundi prochain, pour reprendre les négociations qui se dérouleront du 2 au 4 février.

Brison warns public service bargaining must be 'realistic'

Kathryn May, Ottawa Citizen, January 31 2016

Treasury Board President Scott Brison, whose federal negotiators meet with public service unions Monday, is warning that bargaining must be "realistic" in the face of Canada's deteriorating economic situation.

The Liberal government resumes collective bargaining this week, beginning with the Public Service Alliance of Canada, the biggest of the 18 federal unions. It's the Liberals' first session at the table since negotiations with the previous Conservative government dissolved in acrimony before the Oct. 19 election.

The two sides have already locked horns because the unions want the Liberal government to repeal Tory-era legislation that rewrote the rules for collective bargaining and, they maintain, greatly diminished their bargaining clout. So far, Brison has agreed to review the law but not to repeal it.

The big question, however, is the Liberal government's position on sick leave. Will it table a new proposal or pick up where the Conservatives left off?

The last government offer came from Tony Clement, Brison's predecessor. His take-it-or-leave deal hit two hot buttons that galvanized unions into signing an unprecedented solidarity pact. Clement wanted to eliminate public servants' sick-leave banks — a total of 15 million days socked away — and reduce their 15 days of annual sick leave to six.

While the Liberals promised a "new mandate" for bargaining, Brison, who says he is "hell-bent on not prejudicing" the talks, declined to discuss details.

"We are going respect the negotiation process and bargain in good faith," he told the Citizen.

"There are a number of issues … but we will not be negotiating these agreements through the media or on the floor of the House of Commons. We will be doing it at the bargaining table in a respectful way with the public sector union negotiators."

But Brison's caution that bargaining must be realistic is a sober departure from the Liberals' apparent honeymoon with public servants, which began with election promises to restore respect and rebuild the bureaucracy after a decade of cuts and tension under the Conservatives. While the Liberals have clearly abandoned the Tories' hard-line approach, Brison is signalling he will be a tough negotiator.

The government is sympathetic to union demands for freer and fairer collective bargaining, but it also faces the prospect of a larger-than-expected deficit, falling oil prices and a worsening

economy. It needs to keep in check the $45 billion a year spent on public servants' compensation in order to fulfil its other promises.

"As a government, we have a mandate to move forward with a very aggressive agenda and that agenda will focus on creating jobs and growth," said Brison. "We also have a very tight fiscal situation, which we inherited from the previous government, and as such our ability to invest in jobs and growth requires us to negotiate realistically."

In contrast to the Tories, however, the Liberals and unions' interests are aligned in many ways, which may bode well for reaching a deal.

The government needs an effective public service to pull off its activist agenda, and public servants want to be considered relevant again. They want to be collaborated with, asked for advice and used to gather evidence for policy-making.

At the same time, the unions will be hard-pressed to win public support — and some say even that of their members — if they end up in a dispute or strike against a popular government that already has set a new conciliatory tone by unwinding some Tory-era legislation that was felt to erode workers' rights.

"Going on strike against Justin Trudeau is a whole different thing from striking against Stephen Harper," said one longtime bureaucrat. "The public will have no sympathy for striking public servants."

Public servants are well-paid and enjoy generous benefits compared with many Canadian workers, which the Conservatives adeptly exploited to win public support as they tried to save money by taking a whack at public servants' pensions and benefits.

"The last government defined the public service as the problem and this one wants to make the public service part of the solution," said one union official.

Clement's sick-leave reforms took aim at absenteeism, suggesting public servants — who typically take 12 days of sick leave a year — are malingerers who abused their sick leave. When the unions refused to make concessions on sick leave, Clement passed legislation to unilaterally impose a new short-term disability plan to replace the existing regime.

Contrast that with Brison, who says he is looking for "opportunities to modernize sick leave."

Unions have long argued that the problems with the existing sick-leave regime can be fixed without replacing it and have offered a list of ideas for a new government to consider.

Whatever the proposal, the Liberals' fiscal plan banked on the $900 million the Conservatives had booked in savings for 2015-16 by eliminating sick-leave banks. Without it, the savings will have to be rolled back and added to the government's deficits.

The unions have long argued the $900 million saving was "mythical" accounting.

Public servants are entitled to 15 sick days, but it is part of their salary and they aren't replaced when they are sick. They can't cash out unused sick leave, and most retire with months of banked leave, which disappears with them.

But sick leave isn't the only issue. The unions have made unconventional bargaining demands, such as bringing integrity back to government science, and improving transparency, health and wellness in the workplace. The Liberals promised to deal with these during the election.

There is also the issue of wages. The Conservatives tabled the same raise it gave executives — a 0.5-per-cent increase for last year and 0.5 per cent for this year. MPs gave themselves a 2.3-per-cent raise and senators got 2.7 per cent. Every one-per-cent increase in wages would cost about $450 million a year.

The Sick Leave Battle, at a glance

The previous Conservative government argued the existing sick-leave plan, which dates back to 1923, is outdated and out of sync with modern practices.

Existing sick leave plan: Public servants get 15 days of fully paid sick leave a year. They can carry over any unused days from year to year. They typically take about 12 days a year, banking the rest. There are about 15 million unused sick days currently banked.

Waiting period: If they fall ill, they have to wait 13 weeks (65 days) before they can go on long-term disability. Those who have banked sick leave can use it to bridge this waiting period, or they can collect employment insurance.

The Conservative Proposal:

The accumulated sick leave regime would be replaced by a short-term disability plan with more focus on prevention, case management and rehabilitation to get the sick and injured earlier care and back to work faster.

Sick Days: Employees would get six "discretionary" days a year and could carry over two of any unused days. They face a five-day waiting period with no pay before they can apply for short-

term disability. They can use vacation or other leave to cover the waiting period but can't use their banked sick leave.

They must also give a case management worker access to their medical records and meet the definition of "totally disabled" to qualify for short term disability.

Short-term disability: Typically covers employees for 26 weeks, offering graduated incomes that begin at 100 per cent of salary and drop off the longer employees are offwork.

Long-term Disability Plan: This plan kicks in after the term for short-term disability is up for employees who are still ill. Employees typically collect 70 per cent of their salaries until they return to work or up to age 65 if they can no longer work.

Banked sick leave: Employees' sick leave banks would disappear by 2017.

Contract: Sick leave would not longer be part of employees' collective agreements.

What the Liberal government will propose is not known.

Ottawa abandonnera le régime des congés de maladie décrié par les syndicats

Andy Blatchford, La Presse, le 26 janvier 2016

Le gouvernement libéral compte abandonner la ligne dure adoptée par son prédécesseur conservateur lors des négociations en vue du renouvellement des conventions collectives des employés de l'État, une décision qui pourrait bien coûter près de 1 milliard $ au Trésor public pour l'exercice financier en cours.

Le gouvernement libéral a confirmé son intention d'abroger une loi votée sous les conservateurs imposant des modifications au régime d'invalidité de courte durée et de congés de maladie des fonctionnaires fédéraux.

Le Conseil du trésor a récemment signalé aux syndicats du secteur public fédéral qu'il ferait du retrait d'un article du projet de loi de mise en oeuvre du budget C-59 l'«un des premiers éléments de son ordre du jour».

Le gouvernement Harper avait prévu économiser 900 millions $ en adoptant cette mesure l'an dernier, même si des négociations se poursuivaient à ce sujet entre lui et les syndicats. Cette

décision comptable lui avait permis de présenter un budget prévoyant un surplus de 2,4 milliards $, incluant une somme en cas d'imprévu.

En novembre, le nouveau gouvernement libéral avait indiqué que l'exercice financier 2015-2016 se terminerait plutôt par un déficit de 3 milliards $.

Néanmoins, à l'interne, le gouvernement est conscient que davantage de fonds pourraient être retirés des finances publiques concernant le régime d'invalidité à court terme et les congés de maladie.

«Si le (programme d'invalidité à court terme) n'est pas en vigueur durant cet exercice, les 900 millions $ en économies en 2015-16 devront être annulées», indique la note d'information sur les «questions urgentes» remise au premier ministre Justin Trudeau peu après son entrée en fonction.

La note ajoutait que la question pourrait nécessiter une action ou une décision dans un délai de 50 jours après le scrutin d'octobre.

Le président du Conseil du trésor, Scott Brison, a refusé de parler des répercussions fiscales d'un tel changement mais il a insisté pour dire que le gouvernement négociera de bonne foi avec les syndicats.

Indépendamment de l'issue des négociations sur les conventions collectives, le gouvernement fédéral ne verra jamais en dollars réels les 900 millions $ d'économies, a fait valoir la présidente de l'Institut professionnel de la fonction publique du Canada, Debi Daviau.

La raison en est que sa valeur est un passif comptabilisé, a-t-elle indiqué.

«Ils peuvent retirer le passif de leurs états financiers, mais la population canadienne doit comprendre qu'il s'agit d'une dette qui serait restée là pour l'éternité sans devoir vraiment être payée un jour», a expliqué Mme Daviau.

«En vérité - et je suis certaine que ce n'est pas ce que les Canadiens veulent entendre -, 900 millions $ de plus seront ajoutés au déficit», a-t-elle ajouté.

Mme Daviau a indiqué que les syndicats avaient suspendu leurs actions en justice contre le gouvernement, étant donné son intention d'abroger l'article en question du projet de loi C-59 de mise en oeuvre du budget, déposé en avril 2015.

PS unions want more than 'review' of contentious labour bill

Kathryn May, Ottawa Citizen, January 29 2015

The Liberal government and federal unions are locking horns over a piece of Conservative-era labour legislation even before they reach their first round of collective bargaining.

Treasury Board President Scott Brison said Friday he is sticking to his plan to review rather than repeal Bill C-4, the contentious Tory legislation that completely changed the ground rules for collective bargaining in the public service.

“We will undertake a full review of Bill C-4,” he said. “This is something we take seriously and we will work with stakeholders, including unions, to review C-4.”

With a review underway, Brison refused to discuss repealing the legislation.

That’s not what the unions wanted to hear. This week, union leaders asked the government to immediately repeal the legislation and bring back the rules that previously governed bargaining.

The 18 unions signed a solidarity pact more than a year ago over the contentious issue of sick leave and disability management. They have presented a united front in refusing to make any concessions.

“We are in strong disagreement with your proposal to revisit Bill C-4 through consultations with ‘public sector partners,’” they wrote in a joint letter.

“We urge you to put things back as they were so that our unions and the Treasury Board Secretariat can move forward for the benefit of the public service and Canadians.”

The letter gave no indication whether unions would participate in Brison’s proposed consultations or not.

The letter comes as the biggest union, the Public Service Alliance of Canada, is poised for its first bargaining session with the Liberals on Monday.

So far, unions haven't refused to bargain with C-4's provisions in force, but some labour leaders have said they didn't think they could complete a deal under the legislation.

Despite Brison's refusal to repeal C-4, the Liberals have taken some significant steps to rebuild labour relations after a decade of acrimony between the unions and the Conservatives. This week, the government introduced legislation to repeal two anti-labour bills – one that affected the way unions certify and decertify, and another that forced unions to open their books to scrutiny.

Brison has also promised to repeal Tory-era legislation that gave the government power to unilaterally impose a new sick-leave regime, as one of his "first orders of business."

The repeal of this bill, C-59, would lift a major threat hanging over bogged-down contract talks on sick-leave reforms. With the promise, the union abandoned the injunction it was seeking to stop C-59 until the courts heard its constitutional challenge of the legislation.

Brison said the repeal of C-59 sets the tone for the government's commitment to rebuilding labour relations and restoring respect for the public service. "We are being respectful and engaged and will be during this process," he said.

C-59 gave the Conservatives the power to override contracts and impose a sick-leave deal that eliminated public servants' sick-leave banks. The government hoped to save $1.5 billion over five years.

The unions argue that C-4 is unconstitutional, stacks the deck in the government's favour and undermines fair collective bargaining. They have challenged the constitutionality of the law with a first hearing scheduled for the summer.

The unions were buoyed by a Supreme Court of Canada ruling last year that profoundly changed the landscape for labour rights and collective bargaining. The court granted an appeal by the Saskatchewan Federation of Labour of the province's controversial essential-services law, which limited which workers could strike.

The Conservatives changes in Bill C-4 are almost identical to the Saskatchewan legislation – especially the provisions on essential services. The unions had hoped the Liberals would repeal the look-alike legislation rather than follow the Conservatives hard-line course to fight the unions' constitutional challenge of C-4.

Repealing imposed public service sick-leave deals among Liberals 'first orders of business'

Kathryn May, National Post, January 25 2016

Treasury Board President Scott Brison has promised federal unions that steps to repeal Tory legislation that gave the government power to unilaterally impose a new sick-leave regime will begin when Parliament resumes this week.

Negotiations with federal public service unions are set to resume and sick leave benefits should remain a part of the discussions. It is well-documented that public sector workers claim sick leave more than the private sector. Less understood are the reasons for this gap, which has its origins in incentives, the public service culture of entitlement to superior benefits and the refusal of government unions to tell its members that the gap exists and is widening.

In their defence, the government unions cite a Statistics Canada regression analysis that allegedly found that differences between public and private sector leave use are explained mostly by more unionization as well as an older labour force. That unions play a large role seems obvious, but is misleading. The key variable is the public sector's seemingly unlimited access to taxpayer funds, not unionization. High unionization rates in the private sector would not lead to similar sick leave benefits, because firms would risk insolvency. After all, public sector-style pay and benefits in the auto industry helped drive Chrysler and General Motors into bankruptcy. It is not enough for unions to ask for unaffordable benefits; it requires an employer willing to pay for them. As for aging, this highlights another problem with regression analysis; does causality run from an aging labour force to more sick leave use, or do the superior pensions and benefits of the public sector attract older workers? There are many instances of middle-aged people joining government for the pension and medical benefits. A unionized government job is a wonderful place to grow old and retire.

Treasury Board officials notified the unions in a letter that sections of Bill C-59, which allow the government to force a sick-leave deal, will be repealed as one of the "first orders of business. "

The move lifts a major threat hanging over bogged-down contract talks on sick-leave reforms and come as the largest union, the Public Service Alliance of Canada, gets ready for its first bargaining session with the Liberals on Feb. 1.

"We are pleased that the new Liberal government has promised to repeal the labour law changes in Bill C-59 and given assurances that the will not unilaterally take away our negotiated sick leave provisions," said PSAC president Robyn Benson.

But Brison isn't going as far with another Conservative omnibus bill, C-4, which completely changed the rules for collective bargaining in the public service. The unions also want those changes repealed for the rest of this round of bargaining.

"We want the government to do the same with C-4 so our union and Treasury Board can go back to a system of fair collective bargaining on a level-playing field and achieve a collective agreement that strengthens public services for all Canadians," said Benson. "We continue to oppose the labour law changes imposed through the Conservative government's Bill C-4."

Treasury Board's letter, however, said the government "intends to engage in consultations with public sector partners to revisit legislative provisions introduced through Bill C-4." That process "will be put in place at the earliest opportunity."

Debi Daviau, president of the Professional Institute of the Public Service of Canada, said the repeal of C-59 bodes well for improved labour relations and will help the upcoming bargaining sessions get off on the right foot. PIPSC returns to the table at the end of February.

But Daviau questions whether this round of bargaining can be fairly completed under the rules of C-4, which some say greatly diminished unions' bargaining clout and breaches workers' rights. She said the "jury is still out" on whether unions could bargain under those rules.

"We believe we can progress, but I don't know if we can conclude this round fairly with C-4 in play," she said.

But she argued the C-4 provisions — which changed everything from the right to strike and arbitration to new rules for essential services — should be undone as soon as possible to finish this round of bargaining; then consultations can proceed on how to fix or modernize the system.

"We would like to see them take our advice to repeal those anti-labour bits of C-4, go back to the old process, and then go into the consultation process to review the legislation," said Daviau.

"We are in the middle of a round of bargaining that can't be concluded without this being addressed. We don't have time for a long, drawn-out consultation process."

The Conservatives drastically changed the ground rules for bargaining in the public service, first with the sweeping reforms of omnibus budget bill C-4 in 2013, followed by more in C-59 last year.

C-59 gave the Conservatives the power to override contracts and impose a sick leave deal that eliminated public servants' sick leave banks, saving $1.5 billion over five years.

The unions have filed constitutional challenges against both bills, which could take years to wind through the courts. With C-59, the unions, fearing the Conservatives would invoke the powers during the federal election, sought an injunction to stop it until the constitutional challenge was heard.

When elected, the Liberals assured unions they wouldn't use C-59's powers to force a deal. The unions took the government at its word and agreed to defer the injunction hearing until March 1. With Brison's promise to repeal it, however, the unions agreed to drop the case altogether.

They have also agreed to put the constitutional challenge of C-59 on hold until the legislation is repealed.

The problem is Brison's consultations could have an impact on the unions' constitutional challenge of C-4. The first court date is set for June, which could be in the middle of consultations.

Bargaining could also still be underway. It has been inching along for more than year with little progress. The government was supposed to file the evidence defending its case against the unions' C-4 challenge last week but hasn't done so.

The Liberals have positioned themselves as friends of the public service, promising more respect than the Conservatives and to build a better relationship. But the government faces major economic challenges that will make it a tough negotiator when it comes to wage increases or the sick leave issue.

The Liberals also promised during the election to return to the table with a "new mandate," but when that mandate will be unveiled is uncertain.

It's unlikely a deal will be reached any time soon, which means the sick-leave savings booked — particularly the $900 million booked for this year — won't materialize and will be added to the growing deficits the government plans to run over the next few years.

The C-4 rules will have a major impact on negotiations if the government and unions hit an impasse.

Under it, the Tories changed the Public Service Labour Relations Act of 1967 that give public servants the right to unionize and bargain collectively. The reforms effectively put the government in the driver's seat when determining which unions get to strike and which ones go to arbitration to resolve contract disputes. The changes gave the government the exclusive right to decide which workers are essential and can't strike.

They also reduced the independence of arbitrators who must now consider the government's economic and budgetary priorities as the "predominant factor" when proposing settlements to any impasses.

Politics and governance are not entertainment

Norman Brandson, Winnipeg Free Press, January 26 2016

With the installation of new masters in Ottawa, we have the expectation the business of government will be carried out differently.

The prime minister has issued guidelines for the conduct of political staff. He has indicated ministers will have a degree of independence from the steely hand of central control.

Openness and transparency are the new watchwords — government appointments will be on merit rather than party loyalty. Political interference has had its day. We are entering the era of good feelings.

There are, however, a few small clouds no bigger than a person's hand on the horizon — linkages between politics and governance. These linkages produce tension and ambiguity that render the bogeyman of political interference more nuanced than we like to think.

The skills required to obtain elective office are not necessarily the skills required to run the complex machinery of government. We elect governments — on the basis of their political platforms — to govern. We have a vague notion there's a neat dividing line between what the prime minister and his ministers do — the political stuff — and what the non-partisan public service does — running the complex machinery of government.

There is, however, something called the doctrine of ministerial responsibility that says a minister is responsible for everything, particularly any bad stuff, his or her department does (or fails to do).

Surely this must presume the minister has operational as well as policy authority. There exists no clear definition of just how far down the operational chain, and by what methods, this authority might be exercised. And although it's fair to say the public service is generally non-partisan, it would be naive to conclude the service is always unbiased.

To dismiss political staff as "kids in short pants" is to fundamentally misunderstand both the role and the importance such people play in every government. Certainly there are a number of enthusiastic, young, true believers who accompany every new government. They provide support for ministers and other MPs and for the planning, policy and other central agencies that translate a government's political platform into the policies and programs administered by the bureaucracy.

Their latitude for political interference is supposed to be minimal and when it occurs — more frequently in recent years — it is an inattentive or timid deputy minister who fails to bring it to an immediate stop. There are, however, many more senior political appointees populating the system, including the inner sanctum surrounding the prime minister. After all, under the previous administration, it wasn't someone in short pants managing the file on Sen. Mike Duffy.

Senior policy advisers and communications staff deal directly with cabinet members on a regular basis. They are close to the levers of power and occasionally may even grasp them. It is easy to vilify these unelected, shadowy figures, and we shouldn't minimize the influence they can exert within government. There are times when they operate in that wide grey zone between pure politics and pure operations.

Notwithstanding the PM's guidelines there will be slip-ups — count on it. But let's also not lose sight of the fact these political advisers are a vital necessity for a government to implement the platform on which we elected them to govern.

The public service can be a useful partner, and the prime minister sees it as such, but we did not vote for a single public servant. And it would be a mistake to assume the public service is always empathetic to all the planks of the government's platform.

There will always be tension between ministerial independence, cabinet solidarity and government messaging. Strong central control eliminates that tension (while perhaps creating others).

Prime Minister Justin Trudeau will tolerate, if not total independence, at least wider discretion than ministers have been allowed in recent years. Most new cabinets are introduced as an all-star cast, but all contain at least a few duds. It won't be too long before the first ministerial verbal boo-boo occurs.

Transparency in government is laudable, particularly in an age when governments have become skilled at managing the message, controlling information while espousing openness has evolved into an art form. In my experience, the overwhelming reason governments conform to the letter of the law while making access as difficult as possible is fear information is being requested for use in portraying the government in a bad — and in their view unfair — light.

If the government is serious about transparency, it will ensure a more routine release of information rendering freedom of information law a last resort. Even so, politics is a full-contact sport so some of this more easily obtained information will undoubtedly be used to bludgeon the administration.

Patronage may be a word never to pass the lips of our new prime minister. But make no mistake, he heads a political party, one that operates under the same dynamics as all major political parties. Appointing one's friends and supporters to every one of the numerous agencies under federal authority is clearly not supposed to happen on Trudeau's watch. However, not only will some such appointments occur, they should. Some of these agencies oversee activities that impinge directly on the government's stated political agenda, the agenda we elected it to carry out. It is not unreasonable they are managed by people who are supporters of that agenda.

Stumbles will occur, and accusations of political interference will be made. Ministers will say and do some dumb things. Information released by the government will come back to haunt it. Some patronage appointments will be made.

The reaction of the prime minister and his government to the resultant heat will be the true test of whether or not we really have a new style of government or whether we will revert to politics as usual. And we are part of that test. If we continue to treat politics and governance as entertainment, a kind of modern bear-baiting, then don't be surprised if the shutters come down on open government. After all, we get the government we deserve.

Norman Brandson was deputy minister of the former Manitoba departments of environment, water stewardship and conservation from 1990 to 2006.

Trudeau's cozy relationship with unions will end up costing us coin

Tasha Kheiriddin, iPolitics.ca, January 28 2016

Nice work if you can get it. At a campaign rally in Waterloo on September 15, a local union paid 23 members $100 each to stand behind Liberal Leader Justin Trudeau as he made an announcement about investing $750 million in worker training programs.

Problem was, the party didn't declare the rent-a-crowd to Elections Canada. The Elections Commissioner has now ruled that the Liberals benefitted from the equivalent of a $2,300 donation, which the party has now paid to the Receiver General.

The Liberals claim they were unaware of the payments. But they certainly courted Big Labour's support during the campaign. In "an open letter to Canadian public servants" published September 25, 2015, Trudeau pledged to repeal several bills that unions didn't like.

These included changes to sick leave in Bill C-59, and to collective bargaining rights in Bill C-4. The Liberals also pledged to revoke Bill C-377 on union disclosure and C-525 on union certification. Now that they're in power, the Liberals are busily following through on those promises.

Employment Minister MaryAnn Mihychuk announced this week that C-377, which required unions to make public all transactions over $5,000 and executive salaries in excess of $100,000, and Bill C-525, which required a secret ballot vote before certifying a workplace in industries governed by the Canada Labour Code, are both on the chopping block.

"During the election we committed to repeal these bills because they hinder the positive working relationships between workers and employers," said Mihychuk. Of course, they did protect workers from union pressure to certify, and the abuse of dues by union leadership, but those facts don't seem to concern the new government. They still trouble the Tories, though; they're promising to fight the changes in, of all places, the Senate, where they maintain a majority for now.

Of greater concern to Canadians might be another Liberal announcement this week — that they're killing changes to sick leave introduced by the Conservatives.

Bill C-59 would have replaced a sick leave system that was both over-generous and stingy at the same time. New workers did not qualify for long-term disability until they had paid into the system for a considerable period of time, while others who had been with the government for years cashed in generous benefits.

How generous? Government workers could bank 15 days of leave a year. Bureaucrats take 18 sick days a year; the average private sector worker takes six. A Treasury report in 2013 found that, every day, 19,000 federal public servants call in sick. Another 13,000 are off on long-term

disability, for an average of close to eight years. The total annual cost to the taxpayer? One billion dollars.

By scrapping BIll C-59, the government is buying labour peace — but at a hefty price. The $900 million in savings booked by the Conservatives won't be realized this year or in years to come — and the Liberals' deficits will balloon further as a consequence.

At this rate, public sector morale may be a whole lot healthier, but the public they work for could be feeling more than a little nauseated.

Tasha Kheiriddin *is a political writer and broadcaster who frequently comments in both English and French. After practising law and a stint in the government of Mike Harris, Tasha became the Ontario director of the Canadian Taxpayers Federation and co-wrote the 2005 bestseller, Rescuing Canada's Right: Blueprint for a Conservative Revolution. Tasha moved back to Montreal in 2006 and served as vice-president of the Montreal Economic Institute, and later director for Quebec of the Fraser Institute, while also lecturing on conservative politics at McGill University. Tasha now lives in Whitby, Ontario with her daughter Zara, born in 2009.*

Ottawa coupable de discrimination envers les enfants autochtones

La Presse Canadienne, La Presse, le 26 janvier 2016

Le gouvernement fédéral a fait preuve de discrimination envers les enfants sur les réserves autochtones dans son financement des services à l'enfance, a tranché le Tribunal canadien des droits de la personne.

Le tribunal, une entité quasi judiciaire qui ne juge que les causes portant sur la discrimination, a publié ses conclusions mardi matin, à la suite d'une enquête sur une plainte de l'Assemblée des Premières Nations et de la Société de soutien à l'enfance et à la famille des premières nations du Canada, formulée en 2007.

Les deux groupes soutenaient que le gouvernement fédéral avait échoué à fournir aux enfants des Premières Nations le même niveau de services qu'ailleurs, ce qui contrevient à la Loi canadienne sur les droits de la personne.

D'après la directrice générale de la Société de soutien à l'enfance et à la famille des premières nations, Cindy Blackstock, il est incroyable qu'une telle plainte ait même dû être déposée.

Témoignages déchirants

Le bien-être des enfants était central dans le rapport de la Commission de vérité et réconciliation qui, durant six ans, a récolté des témoignages déchirants sur le système de pensionnats autochtones, qui était de mise des années 1870 jusqu'à 1996.

Le rapport recommandait à tous les paliers de gouvernement de réduire le nombre d'enfants autochtones pris en charge par les services sociaux en fournissant les ressources adéquates aux communautés et aux organisations de services à l'enfance.

First Nations advocate wants 'real action' after child welfare ruling

Christina Commisso, CTVNews.ca, January 26 2016

First Nations advocate Cindy Blackstock says she's hopeful that a ruling by the Canadian Human Rights Tribunal that found the government spent less on social services for on-reserve children will lead to "real action on the ground" and compensation for those affected.

"They are racially discriminating against kids," Blackstock said of the federal government. "They have to make a decision over there whether they want (that) to continue."

Blackstock told CTV's Power Play that Canada should compensate all the children who have gone through the federal system. "We asked the tribunal to award the maximum amount under the act, which is a measly $20,000 (per person)," she said.

The decision comes nearly nine years after a complaint was filed by the Assembly of First Nations and The First Nations Child and Family Caring Society of Canada, where Blackstock is executive director.

In its ruling, the tribunal found that funding formula used by the federal First Nations Child and Family Services Program (FNCFS) and related agreements with the provinces and territories have resulted in the denial of child welfare services on reserves.

The tribunal also found cases in which there was a financial incentive for the government to remove children living on reserves from their parents' care and place them in foster care, even though that's not the standard of care off reserves.

Blackstock said social services' "first job is to keep families together by providing parenting supports and all the rest of it," but that "those are almost non-existent in the federal funding formula, which meant that more children were going into child welfare care."

"I can't even believe we had to take the federal government to court to get them to treat First Nations children fairly," Blackstock told CTV News Channel earlier in the day. "I'm hoping they'll use this opportunity to end the inequality for 163,000 children, not only in children's welfare, but in education, health and basics like water."

She said the federal government's own documents show the gap in funding for social services on reserves runs between 22 and 34 per cent, and that between 1989 and 2012, First Nations children spent more than 66 million nights in foster care.

Blackstock also cited a case in which a young girl suffered a heart attack and a Health Canada official said they would “absolutely not” fund a medical device that would have allowed her to go home for Christmas. Blackstock said a private citizen eventually paid for the device.

"I'm a taxpayer and when there are children in need, I want the answer from the federal government to be absolutely yes, not absolutely no," she said.

Minister of Indigenous and Northern Affairs Carolyn Bennett said during a news conference hours after the decision was released, that "we know that we are going to have to significantly increase the dollars that are available for child welfare programs."

Bennett would not indicate exactly how much money would be committed to increasing social services for children on reserves, but she said it would be part of the budget process.

"This is about real number on which I will be judged," Bennett said. "Will we get more children out of foster care? Will we get better social outcomes for children?"

Justice minister and former regional chief of the B.C. Assembly of First Nations, Jody Wilson-Raybould, said the federal government welcomes the human rights tribunal's decision "without question."

"For myself, and I think as Canadians and the values that we have, this is about equality. This is about and ensuring there is equal investment."

She said the government is committed to sitting down with First Nations leaders “at a very early time” to work out a new fiscal relationship and to address gaps in social services.

However, in response to a question from NDP Leader Tom Mulcair during afternoon question period, the Justice Minister did leave the door open a crack to a possible appeal.

“It’s a 180-page document,” Wilson-Reybould said. “Certainly we will take careful reading of it, but understand and recognize that there will likely not be any reason that we will seek judicial review.”

Mulcair called on the prime minister to commit “necessary funding in the budget so that we can begin to reverse this history of discrimination, colonialism and racism in Canadian institutions.”

The Congress of Aboriginal Peoples National Chief Dwight Dorey said he's "extremely happy" with the decision.

"It has been a long nine years for First Nations child welfare advocates who have waited patiently for the complaint to make its way through the justice system," Dorey said in a statement. "Communities and welfare agencies that have struggled in the past, can hopefully now look forward to receiving adequate resources to help protect our children."

Meanwhile, Assembly of First Nations National Chief Perry Bellegarde said the tribunal's ruling presents an immediate opportunity to fix the system.

He said he expects to see the funding gap addressed in the upcoming federal budget.

"In this great country there is no room for discrimination and racism," Bellegarde said during a news conference.

"To all the young children that have gone through the failed system, we want to ensure them they're not forgotten," he said.

The tribunal found that the First Nations Child and Family Services Program and other related provincial agreements intend to provide funding to ensure the safety and well-being of First Nations by supporting culturally appropriate child and family services.

"However, the evidence above indicates that Aboriginal Affairs and Northern Development Canada is far from meeting these intended goals and, in fact, that First Nations are adversely impacted and, in some cases, denied adequate child welfare services by the application of the FNCFS Program and other funding methods," the decision reads.

Blackstock said she expects the Ottawa to take immediate action.

"The federal government has known for the last 16 years that these inequalities exist, that they're driving children into these very harmful situations, and more important they have the recommendations to act," she said.

Reforming Bill C-51 Can't Wait Another Year

Laura Tribe, Huffington Post, January 1 2016

It's been one year. Saturday marked exactly 365 days since the former Conservative government introduced Bill C-51, with its controversial spy powers that experts warn are shredding our basic constitutional rights.

So, where do things stand now? After intense debate, C-51 was pushed through Parliament and is now law, but its many opponents are making progress.

Over the past few weeks, we have seen positive signs from the new federal government, as it has finally promised to meet calls for public consultation from Canadians, civil society and experts.

Ralph Goodale, Canada's minister of public safety, has said that consultations will be extended to the Canadian public -- although when or what that will look like remains unclear. How robust will they be? Will repeal still be an option? Only time will tell.

When the Liberals were first elected, civil society and experts -- including my organization, OpenMedia -- outlined three key priorities for addressing C-51. Consultation is one, but a genuine consultation must begin with an explanation of the government's own position, and after three months in office we're still not sure where the government stands.

Alongside the proposal for public consultation, talk of new Parliamentary oversight mechanisms have dominated headlines in recent weeks, again responding to a glaring gap in C-51. The prime minister announced that Liberal MP David McGuinty will be leading the future Parliamentary oversight committee. Earlier this month, Minister Goodale traveled to the U.K. alongside McGuinty to learn more about British oversight models and mechanisms for Parliamentary review.

These are some good signs. But there's one giant problem: while all of this is happening, C-51 is still law. And lack of spy agency oversight is just one of many worrying aspects of this legislation.

When are we going to see comprehensive action to undo the broader damage to Canadians' rights?

Goodale has said that reforms on C-51 won't likely be introduced until the fall at the earliest. Sadly, in the meantime, Canadians' rights are being violated everyday C-51 remains in place.

Oversight can't retroactively undo the damage that current legislation is doing. Each day, we're being subjected to excess surveillance. Our data is being shared without any checks and balances in place. There is no recourse for innocent Canadians.

C-51's overreaching powers are being normalized.

Many of the effects of this legislation won't be felt for years to come -- but in the meantime, we go on with our lives. Canadians remain on no-fly lists. Our private data is being collected. Information is being shared and compiled between government agencies. Rights are being violated. And all of this is happening without the oversight to ensure it's being done legally, effectively and safely.

Canadians have made clear their desire to repeal this irresponsible legislation and start from scratch. Over 300,000 have called for full repeal at KillC51.ca, with many more taking part in protests across the country.

It will take some time for public consultations, expert input, and analysis to determine the best policies and legislative solutions for Canada's security mechanisms. But we do know that right now, C-51 is quite simply incompatible with our Charter of Rights and Freedoms. Why do we have to spend the best part of yet another year subject to laws that even the Liberals, the party ruling with an overwhelming majority, thinks are problematic? I'm growing impatient. And my trust that government spy agencies will not utilize their new powers while the consultations are taking place is low. Every indication suggests that they are desperate to collect as much information as possible about all Canadians, with complete disregard for their privacy and innocence:

- The RCMP continues to call for warrant-less access to our telecom subscriber information, despite strong warnings from the Privacy Commissioner of Canada that this would violate the privacy of innocent Canadians.
- The Vancouver Police Department, Ontario Provincial Police and RCMP all refuse to answer if they are using incredibly invasive Stingray surveillance technologies to trick cell phones into revealing sensitive private information.
- Privacy breaches of personal mental health records in B.C., and foreign governments hacking our government websites, only further demonstrate why C-51's information sharing between so many government departments makes our sensitive data even more vulnerable to increased violations.
- Police have been requesting massive amounts of our private cell phone data. Although these "tower dumps" have recently been declared a gross violation of privacy by an Ontario court, C-51 has empowered spy agencies like CSIS and CSE with all kinds of different tools to access more of our data, with less cause. What (or who) is going to stop them from using it?
- We cannot assume a default respect for Canadians' privacy, or that government agencies will work within a limited scope of the powers provided to them. I know that we need to get this right. But in 365 more days, will I be writing this same piece?

It's time for the government to tell us how they will undo the damage caused by each day that C-51 remains on the books.

It's time for action.

Laura Tribe is Digital Rights Specialist for OpenMedia, a community-based organization that works to keep the Internet open, affordable, and surveillance-free. OpenMedia co-hosts the KillC51.ca petition that has attracted over 310,000 signatures.