



## Association of Justice Counsel Association des Juristes de Justice

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Press Clippings for the period of May 6-12, 2011  
Revue de presse pour la période du 6 au 12 mai 2011

### English Media

May 12

#### **SCC reins in labour rights protection**

The Charter's nascent protection for collective bargaining does not compel governments to extend to all organized workers the typical protections for collective bargaining enshrined in most Canadian labour laws, a divided Supreme Court has ruled.

After reserving for more than 16 months on Ontario A.G. v. Fraser, the top court split 8-1 on April 29 to allow the Ontario government's appeal of a decision which required legislators to give agricultural workers the same basic statutory collective bargaining rights as other workers in the province.

<http://www.lawyersweekly.ca/index.php?section=article&volume=31&number=2&article=1>

#### **Government must lead fight against profiling, report says**

##### **Goal is to improve life for minorities dealing with police, schools, youth services**

A sweeping report by the Commission des droits de la personne et des droits de la jeunesse made public yesterday calls on the Quebec government to take the lead in battling racial bias in the justice system and systemic discrimination in our schools.

The report, compiled in the wake of public hearings held last spring, urges the government to adopt anti-discrimination training and put more effort into hiring visible minorities.

<http://www.montrealgazette.com/news/Government+must+lead+fight+against+profiling+report+says/4768352/story.html>

## **Probation officers overworked, under-supported**

In Broadway is on probation, too (May 7), columnist Robert Marshall unfairly takes aim at Manitoba's probation officers.

First, it may interest Marshall to know that some probation officers in our province are overseeing approximately 100 cases. Coupling this fact with jail overcrowding, social workers' case loads, and demands on court services, is it any wonder that there are times when things break down within the criminal justice system?

Second, I believe all three cases cited by Marshall (over the course of an eight-year period) involved individuals who would fall under the Youth Criminal Justice Act (YCJA).

[http://www.winnipegfreepress.com/opinion/letters\\_to\\_the\\_editor/probation-officers-overworked-under-supported-121692904.html](http://www.winnipegfreepress.com/opinion/letters_to_the_editor/probation-officers-overworked-under-supported-121692904.html)

**May 11**

## **Finding the funds to fix the courts**

The backlog in the B.C. court system has been well documented. As of April 30, the Provincial Court had 127 judges to do the jobs of 144 people. In a Provincial Court review called Justice Delayed, released last fall, the court frankly admitted it was unable to keep pace with the number of cases.

That means trials are delayed. The court has an inventory of about 16,000 adult criminal prosecutions that are older than six months, according to Justice Delayed. The wait for a two-day civil trial was approaching 15 months at the time of the report.

<http://www.theglobeandmail.com/news/national/british-columbia/bc-politics/finding-the-funds-to-fix-the-courts/article2019185/>

**May 10**

## **Justice denied; defence on the offence**

A Black Press special series investigating the congestion and delays in B.C.'s legal system.

[http://www.bcclocalnews.com/okanagan\\_similkameen/keremeosreview/news/121598824.html](http://www.bcclocalnews.com/okanagan_similkameen/keremeosreview/news/121598824.html)

## **Gardner: PM could shape judiciary for a generation**

By 2015, four of the nine judges of Canada's Supreme Court will reach the mandatory retirement age of 75. The prime minister will decide who replaces them. He will also fill

countless vacancies in lower courts. Quite conceivably, Stephen Harper will determine the character of the judiciary for a generation.

<http://www.calgaryherald.com/news/decision-canada/Gardner+could+shape+judiciary+generation/4753325/story.html>

May 9

## **Essential-services designation for federal tech workers still up in the air**

The Federal Court of Appeal has ordered the Public Service Labour Relations Board to try again to define which services performed by public servants who care for the Canada Border Services Agency's computers are essential to public safety and security.

The definition could affect the collective agreements of thousands of federal employees who run the government's computer systems.

<http://www.ottawacitizen.com/business/Essential+services+designation+federal+tech+workers+still/4753273/story.html>

May 8

## **Underfunding of legal system causing crisis**

### **Shortage of judges, sheriffs resulting in cases being thrown out of court**

The provincial government's underfunding of the justice system has reached a crisis point. For the past few years, in an effort to save money, the provincial government has elected not to replace provincial court judges who retire or are senior and sit only part-time.

<http://www.timescolonist.com/opinion/op-ed/Underfunding+legal+system+causing+crisis/4747351/story.html>

## **Justice Department study missing in faint hope murder repeal controversy**

An internal study by the Justice Department, never made public, praised Canada's so-called "faint hope" clause for murderers even as the Harper government pressed for — and won — its elimination.

The controversial clause, which allowed first- and second-degree murderers to request an early parole hearing after serving 15 years in prison, was repealed just two days before the federal election was called.

<http://www.winnipegfreepress.com/canada/breakingnews/justice-department-study-missing-in-faint-hope-murder-repeal-controversy.html>

May 7

### **Broadway is on probation, too**

Probation's a problem in this province. At one time, the illusory faith and healing power of probation must have been extraordinary.

<http://www.winnipegfreepress.com/opinion/westview/broadway-is-on-probation-too-121432674.html>

May 6

### **B.C. won't appeal class size ruling**

The B.C. government will not appeal a court ruling that declared unconstitutional a provincial law that has for almost a decade denied teachers certain bargaining rights during contract negotiations.

<http://www.vancouversun.com/news/appeal+class+size+ruling/4733869/story.html>

## Médias francophones

12 mai

### **230 000\$ pour les juges québécois**

Le gouvernement accepte d'augmenter le salaire des magistrats de la Cour du Québec, qui gagnent déjà plus de 221 000 \$ annuellement. Les détails.

<http://www.droit-inc.com/article5647-230-000-pour-les-juges-quebecois>

11 mai

### **Prison : Une facture salée**

Les contribuables québécois paieront cher pour l'abolition de la règle impopulaire du «deux pour un» dont bénéficiaient les prévenus, durant leur période de détention provisoire, avant d'être condamnés à leur peine.

Dans un document dont le Journal a obtenu copie, le ministère québécois de la Sécurité publique évalue que cet amendement législatif adopté par Ottawa, en février 2010, entraînera «des dépenses additionnelles de 142,8 M\$ en immobilisation» dans ses prisons. Le réseau carcéral provincial devra donc se doter de nouvelles cellules pour contrer d'éventuels problèmes de surpopulation de détenus.

<http://lejournaldemontreal.canoe.ca/actualites/national/archives/2011/05/20110511-062210.html>

9 mai

### **Le ministre écarte l'idée d'en fermer**

Le gouvernement québécois rejette tout scénario de fermeture de palais de justice aux prises avec un problème de rentabilité.

<http://fr.canoe.ca/infos/quebeccanada/archives/2011/05/20110509-061901.html>

## **Des changements en Justice**

### **«Trop long, trop cher!»**

Le système judiciaire québécois est «trop long, trop cher» et le ministre Jean-Marc Fournier promet un «audacieux» projet de réforme qui devrait «bouleverser les pratiques» dans les salles de cour.

<http://fr.canoe.ca/infos/quebeccanada/archives/2011/05/20110509-061903.html>

## **Pour que le milieu de la justice retrouve ses lettres de noblesse**

Choqué par les sondages d'appréciation des professions et métiers qui placent souvent les avocats dans le fond du baril, Me Jean-François Houle constate plutôt que ses homologues ont à cœur les intérêts de leurs clients. Il parle des avocats comme étant, en grande majorité, des personnes honnêtes et travaillantes.

<http://www.journalexpress.ca/Actualites/Justice/2011-05-09/article-2490649/Pour-que-le-milieu-de-la-justice-retrouve-ses-lettres-de-noblesse/1>

<b>8 mai</b>
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## **Un rapport a été caché aux parlementaires**

Un rapport interne du ministère fédéral de la Justice, jamais rendu public, soutenait la clause de la dernière chance pour les meurtriers alors que le gouvernement Harper souhaitait son élimination, avant d'avoir gain de cause.

<http://www.journalmetro.com/linfo/article/854234--un-rapport-a-ete-cache-aux-parlementaires>