

Omnibus Budget Bill C-38

Implications for Canada's North

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Contents

Introduction: Omnibus Budget Bill C-38	1
1. Implications for democracy	2
2. Impacts on Aboriginal people and communities	11
3. Dismantling of environmental protection and management	15
4. Impact on social security, labour rights and jobs	19
5. Oversight of food safety.....	23
6. What can Northerners do?	24

Omnibus Budget Bill C-38

Bill C-38, also known as the Omnibus Budget Bill, became law after receiving support from a majority of Members of Parliament in late spring 2012. The bill drew widespread opposition from a wide variety of Canadian individuals, organizations, and current and former parliamentarians. Bill C-38 is a 450-page document that will have sweeping effects on many aspects of Northerners' lives, and on the lives of all Canadians. This is the first document to analyze how C-38 will specifically affect Northerners.

Bill C-38 is much more than a simply "budget" implementation bill. It changes 57 existing laws, creates 3 new laws, and eliminates 7 agencies. It changes the rules on a wide range of important issues, ranging from the protection of fish and species at risk, to food safety and employment insurance. While the bill implements some of the commitments the Government of Canada made in its 2012 budget, it also introduces new things that were not mentioned in the budget.¹ The government has promised a second omnibus budget implementation bill to be tabled in the fall of 2012.²

To understand the full implications of the measures in Bill C-38, one must also consider the context of previous budgets, including a series of dramatic cuts and changes made by Conservative governments since 2006. Thus, while this document focuses on Bill C-38, it also outlines related measures in previous budgets and other pieces of legislation.

While all aspects of the bill were reviewed in the preparation of this report, we do not outline the entire document here. Instead, those measures that may be of most importance to Northerners are highlighted, under the following five broad categories:

- Implications for democracy
- Impacts on Aboriginal people and communities
- Changes to environmental protection and management
- Impacts on social security, labour rights, and jobs, and
- Oversight of food safety.

Throughout the report, readers will find examples of people who have spoken out and taken action against Bill C-38 or related measures by the Conservative government. There are even instances of government employees taking a stand against some of the bill's more troubling provisions. This is a critical time for Northerners to make their voices and concerns heard as well.

¹ For example, changes to employment insurance were not mentioned in the 2012 Budget.

² <http://www2.macleans.ca/2012/06/19/the-commons-duly-elected-to-carry-on-unapologetically/#more-268942>

1. Implications for democracy

Canadians have expressed strong concerns not only about the measures contained in the Bill, but about the scope of Bill C-38, the speed with which it was pushed through Parliament, and what this says about the health of Canadian democracy. By packaging many unrelated measures into a single budget bill, the government made the vote a matter of confidence (to vote against would mean calling a new election), and it did not allow detailed study of the specific changes by experts. For example, the Environment Committee did not even get a chance to review changes to environmental management. The Conservative majority voted to limit second-reading debate on the Bill to seven days. At the same time, several Members of Parliament, including Ministers, were making statements in Parliament that showed they did not understand what was actually in the Bill.³ No explanation of each of the 753 clauses was provided by Parliamentary staff to the public or media; and in some cases Ministers refused to answer media questions about what the various measures would mean.⁴ Northerners pride themselves on their ability to make good decisions for themselves and for their own communities. They strive to be heard and understood in the rest of Canada, and have their unique interests taken into account by Ottawa. Bill C-38 undermines these efforts. As described in more detail below, Bill C-38 weakens democratic systems and erodes federal accountability to Northerners in the following ways:

- Gives sweeping powers to ministers and the cabinet in Ottawa;
- Eliminates oversight of some government agencies and activities;
- Gives the government more control over what were previously arms-length agencies;
- Seeks to prevent non-profit organizations from being able to advocate on important issues; and
- Eliminates important studies about Northern people and the environment that would help inform decision-making.

First, Bill C-38 gives government ministers and the cabinet much more power to make discretionary decisions. Cabinet decisions are made outside the public eye and the records of their discussions are kept confidential, so the public has no means of finding out why decisions were made.

Elements of C-38 that give new discretionary powers to ministers and cabinet:

- ❖ Changes to the *Canadian Environmental Assessment Act* mean that in regions offshore of the NWT (and across most of the rest of Canada), the responsible Minister has wide discretion to decide which projects will require an environmental assessment and which will go to the permitting stage right away.
- ❖ Cabinet gets new powers to overrule both decisions made by the responsible Minister on environmental assessments and decisions made by the arms-length National Energy

³ See Elizabeth May's statement on a point of order arguing that C-38 is an 'imperfect' bill:
<http://www2.macleans.ca/2012/06/04/point-of-order-2/>

⁴ <http://www.theglobeandmail.com/news/politics/ottawa-notebook/opposition-fumes-as-tories-limit-debate-on-sweeping-budget-bill/article2421287/>

Board, which include approvals on pipelines and oil and gas activities in the NWT. Even if a project is expected to cause significant adverse effects, cabinet can now declare that these effects are “justified in the circumstances” (sic). This means decisions on environmental protection may be further politicized, and that the rationale for decision-making may not be made public. It is difficult to challenge Cabinet approvals of NEB projects, since applications must be filed within 15 days of the decision’s publication, and there is no opportunity to appear at a hearing.

- ❖ The responsible Minister can now adopt regulations with broad exemptions – e.g. exempting projects or bodies of water from protections under the Fisheries Act; exempting certain food products from marketing regulations.
- ❖ The responsible Minister is now charged with setting the criteria to decide what is “suitable employment” or a “reasonable” job search, before allowing someone to access employment insurance
- ❖ Cabinet will get more control over NWT borrowing: the cabinet will decide how to define borrowing, and what investments the borrowing limit will apply to. This may limit the ability of the GNWT to invest in public infrastructure and alternative energy systems. In some cases, this will force the GNWT to enter into public-private partnerships (P3s) or allow private development and ownership of infrastructure that may otherwise have served as a source of public revenues (eg. airports).

Second, Bill C-38 eliminates several oversight mechanisms that were set up to hold the federal government accountable.

Elements of C-38 that eliminate oversight of government agencies / activities:

- ❖ Abolishes the office of the Inspector General of the Canadian Security and Intelligence Service (CSIS).
- ❖ Abolishes the Kyoto Protocol Implementation Act, which was a way to hold the government accountable on its commitment to reduce the greenhouse gas (GHG) emissions that cause climate change.
- ❖ Dissolves the Public Appointments Commission, which was set up to be a watchdog on patronage appointments.

Allowing climate change to accelerate puts a huge burden on Northern communities. It is expected to cost \$230 million alone just to fix buildings in the Northwest Territories that are made unsafe due to climate change; this equals more than \$5,000 for each person in the NWT. Inuvik alone is facing costs of \$140 million to repair buildings affected by the disappearance of permafrost.⁵ The economic impact of climate change to Canada as a whole is expected to total 5

⁵ Federation of Canadian Municipalities: <http://www.fcm.ca/home/issues/environment/climate-change-adaptation.htm>

billion dollars per year by 2020, and by 2050 the costs will be as high as 21 to 43 billion dollars per year.⁶

With regard to the issue of public appointments, Northerners have already experienced frustration at the federal government's delays and political interference in appointments to co-management boards. For example, in May 2012 the Aboriginal Affairs Minister vetoed the reappointment of the Chair of the Nunavut Impact Review Board (NIRB), even though he had the support of the Government of Nunavut, Nunavut Tunngavik Inc., and rest of the NIRB Board.⁷

In addition to the 2012 budget's cuts to oversight and accountability, an earlier round of budget cuts in 2006 eliminated the Law Commission of Canada, an independent review body that provided advice on how to make Canada's legal system more just. It had made important recommendations on Aboriginal rights, child abuse in Canadian institutions, marriage equality, and electoral reform (proportional representation).⁸

The Conservative government has also undermined oversight by cutting funding to the Parliamentary Budget Office (PBO), which is mandated to hold governments to account for how they spend.⁹ Government ministers have argued that the PBO should have a more limited mandate, and federal departments have failed to cooperate with the PBO's investigations.¹⁰ The 2011 election was triggered when the government was found to be in contempt of Parliament, in part for refusing to provide information about the costs of Bill C-10 (which involves huge new expenses for the criminal justice system) and corporate tax cuts.

The Conservative government has refused to disclose details about how the billions of dollars of spending cuts in the 2012 budget will affect specific programs and services that Canadians rely on. In June 2012, Parliamentary Budget Officer Kevin Page released a legal opinion stating that the government was breaking its own law by withholding details from him on spending cuts in 56 departments and agencies. In early October, Page issued an ultimatum: officials must provide him with these details or he will take the government to court. As of October 17th, the Privy Council Office had changed its instructions and 25 departments and agencies had agreed to provide the information.¹¹

⁶ National Roundtable on the Environment and the Economy, *Paying the Price: The Economic Impacts of Climate Change for Canada*, 2011. <http://nrtee-trnee.ca/climate/climate-prosperity/the-economic-impacts-of-climate-change-for-canada/paying-the-price>

⁷ <http://makitanunavut.wordpress.com/2012/05/23/aandc-minister-vetoes-the-re-appointment-of-nirb-chairperson/>

⁸ <http://voices-voix.ca/en/facts/profile/law-commission-canada>

⁹ "The mandate of the Parliamentary Budget Officer is to provide independent analysis to Parliament on the state of the nation's finances, the government's estimates and trends in the Canadian economy..." Quoted from the PBO website: <http://www.cbo-dpb.gc.ca/en/>

¹⁰ <http://voices-voix.ca/en/facts/profile/kevin-page>

¹¹ <http://www.hilltimes.com/civil-circles/news/2012/10/15/pbo-forces-feds-to-release-details-on-budget-cuts-says-parliament-wins/32436>

SPEAKING OUT: Kevin Page, Parliamentary Budget Officer¹²

Kevin Page was appointed in 2008, filling a role created by legislation passed in 2006 to fulfill a Conservative election promise of more accountability in government spending. The PBO quickly became a thorn in the side of the Conservative government. Page exposed the skyrocketing cost of Canada's military mission in Afghanistan and produced far higher estimates of the cost of F-35 fighter jet purchases than the government had done. Page also forecast that spending and corporate tax cuts would lead to a massive deficit, and criticized the government's approach to keeping financial records.

Nine months after taking office, Page's budget was cut by one-third (to \$1.8 million per year), despite PBO estimates that the office needed \$5 million to do its job properly. Conservative members of Parliament and Senators started complaining that Page was "overstepping his mandate," and demanded that the PBO lose its independent status. The PBO was told it "is not to provide analysis and opinion to parliamentarians such that could be seen to challenge the government of the day."¹³ An external legal opinion found that the role of the PBO had been "systematically undermined" by the Conservative government.

In July 2009, 129 economists, including seven current Canada Research chairs, called for more political support for the PBO because of its high-quality reports and success in "elevating democratic debate in Canada."

In 2009, the government offered to restore the PBO's budget to its original funding level on the condition that Page would no longer report his findings directly to members of Parliament or the public. Page refused, and simply forged ahead with his limited budget. Page has spoken out clearly in instances where his office has found examples of problematic spending or government communications. For example, when asked whether he thought the government was trying to mislead Canadians about the true cost of F-35 fighter jets, Page answered point-blank: "yes". In October 2012, Page has threatened to take the government to court if it does not provide details on spending cuts contained in Budget 2012. Using a hockey fight analogy, Page said that "if we turtle on this one, we're finished."¹⁴

Third, Bill C-38 also gives Cabinet more control over agencies that were previously at arms-length from the government.

Elements of C-38 that give Cabinet more control over arms-length agencies:

- ❖ Cabinet now has the power to appoint the CEO of the Canadian Air Transport Security Authority.
- ❖ PPP Canada (Public-Private Partnerships Canada) becomes an agent of the Crown, rather than an arms-length crown corporation. It is mandated to provide incentives for the privatization of public infrastructure.

¹² Unless otherwise noted, all information in this section is sourced from: <http://voices-voix.ca/en/facts/profile/kevin-page>

¹³ Ibid.

¹⁴ <http://www.thestar.com/news/canada/politics/article/1215311--tim-harper-parliamentary-budget-officer-kevin-page-fights-for-his-independence>

SPEAKING OUT: *Paul Kennedy, head of the Commission for Public Complaints regarding the RCMP¹⁵*

Paul Kennedy served from 2005-2009 as head of the Commission. He sought adequate funding for investigations, increased accountability and improved service standards, and worked to reform RCMP policies on taser use. After he advocated for a more powerful and independent Commission, Kennedy's appointment was not renewed. In January 2010, Kennedy spoke out at a rally on Parliament Hill expressing concern about the fate of civilian oversight bodies under the current government. He was joined by two others who had been removed from their watchdog positions after speaking out: Peter Tinsley, who had been the Military Police Complaints Commissioner; and Linda Keen, former President of Canada's nuclear safety regulator.

Fourth, Bill C-38 makes it more difficult for non-profit organizations to speak out and engage the public in the kinds of policy debates that make democracy meaningful.

Ways that C-38 prevents civil society from doing advocacy:

- ❖ The new *Canadian Environmental Assessment Act* could block concerned civil society groups from participating in environmental reviews of projects as they had done before in the public interest; instead, only those who are “directly affected” will be allowed to participate in hearings (this is not defined in the Act).
- ❖ New limits have been placed on non-profit organizations’ sources of funding if they are doing policy advocacy work.
- ❖ C-38 contains tougher punishment for charitable organizations that are judged to have spent more than 10% of their activities on advocacy, or those that make mistakes on their tax returns. For example, their ability to issue charitable tax receipts can be suspended for one year.

Closely related to the above measures, the 2012 federal budget has earmarked \$8 million for policing and auditing charities; this will require charities to divert time and energy from doing their own work to respond to audits.

SPEAKING OUT: Rémy Beauregard, President of the International Centre for Human Rights and Democratic Development (Rights & Democracy)¹⁶

Rémy Beauregard was a highly respected public servant. Before becoming President of Rights & Democracy, he worked with African human rights and children’s organizations and served as Executive Director of the Ontario Human Rights Commission.

¹⁵ Unless otherwise noted, all information in this section is sourced from: <http://voices-voix.ca/en/facts/profile/paul-kennedy>

¹⁶ Unless otherwise noted, all information in this section is sourced from: <http://voices-voix.ca/en/facts/profile/remy-beauregard>

Rights & Democracy was an agency created in 1988 by the Mulroney government to promote human rights in countries important to Canada's foreign policy, such as Haiti and Afghanistan. The Conservative government under Harper appointed a slate of new members to the Rights & Democracy Board, who began bullying Beauregard. They were focused on preventing support for three small projects promoting human rights for Palestinians, which were coordinated by B'Tselem, a leading Israeli human rights group, and its partner organizations. The new Board members alleged improper management and accused Beauregard of associating with terrorist organizations after he met with a Lebanese government delegation. After months of extreme stress, Rémy Beauregard died of a massive heart attack on January 8, 2010, at age 66. A subsequent investigation by the Standing Committee on Foreign Affairs & International Development, as well as a forensic audit, both exonerated Beauregard completely and were critical of the new Board's management.

One of the measures in Bill C-38 eliminated Rights & Democracy completely.

SPEAKING OUT: *The Canadian Council for International Cooperation (CCIC)*

CCIC is a coalition of voluntary organizations seeking to end global poverty and to promote social justice and human dignity for all. CCIC analyzes federal policies on foreign affairs, aid, peace-building, trade and human rights. In recent years, CCIC has been critical of the way Canada's international aid agency (CIDA) distributes funds to NGO partners, raising issues of transparency and accountability. After almost four decades of receiving federal funding, the government cut off all funding to CCIC in July 2010, forced the coalition to lay off 17 of its 25 employees.

In addition to making it more difficult for non-profit organizations to speak out, in the past few years the federal government has often barred government scientists from talking to the media or the general public without obtaining consent from the Prime Minister's office, and without being accompanied by a government 'minder'.¹⁷ In December 2011, the Conservative government imposed a type of 'pledge of allegiance' reminding all federal employees of their 'duty of loyalty' to support the elected government.¹⁸ This pledge even extends to an ethics code adopted by CBC/Radio-Canada in April 2012, which appears to seriously threaten journalistic freedom and integrity.¹⁹

Fifth, Bill C-38 also cancels several key research and statistical studies. These have been an important way to measure the social and environmental health in the NWT as compared to other regions of Canada, and to ensure that decisions made in Ottawa reflect Northern realities. There is concern that federal decisions will now be based on more narrow or more political interests if there is less evidence being collected to inform those decisions.

¹⁷ See <http://voices-voix.ca/en/facts/profile/environment-canada> and <http://www.winnipegfreepress.com/opinion/westview/the-birth-of-a-banana-republic-149786775.html>

¹⁸ <http://www.cbc.ca/news/canada/nova-scotia/story/2012/06/14/ns-parks-canada-letter-warning.html>

¹⁹ <http://www.eurekablog.ca/?p=1305>

Elements of C-38 that eliminate research / statistical studies:

- ❖ Eliminates the First Nations Statistical Institute – the only First Nation-led and managed Crown corporation in Canada, and the only organization providing statistical data on social/economic conditions of First Nations across Canada.
- ❖ Eliminates the National Council of Welfare—the only organization that researched and analyzed welfare trends across the entire country, and provided data for comparing welfare of Canadians with citizens of other countries.
- ❖ Shuts down the National Roundtable on the Environment and the Economy (NRTEE), a multi-stakeholder group which provided research and policy analysis. In June 2012, NRTEE issued an important report tracking the lack of progress in reducing GHG emissions across Canada, noting the implications for climate change.

Aside from Bill C-38 itself, the following important research programs were affected by cuts in the 2012 budget:

- Canada's entire ocean contaminants research program will be dismantled. Scientists who have conducted landmark research on contaminants in marine mammals (e.g. whales and seals) and mercury in fish will lose their jobs.²⁰
- A team of Environment Canada smokestack specialists is being disbanded after working with enforcement officers and industry to crack down on toxic air pollution (including carcinogens). This team played a key role in designing a better monitoring plan for Alberta's oilsands.²¹
- Environment Canada's program for monitoring the quality of effluent discharge, including from mines, will be cut by 20 per cent.²²
- The Municipal Water and Wastewater Survey, the only national study of water consumption habits, is being cut after being in place since 1983.²³
- In April 2012, half of Statistics Canada's 5000 employees were notified that their jobs were at risk.²⁴ StatsCan surveys have been eliminated, including long-term national studies on health, children/youth, and labour income. In May 2012, Statistics Canada stopped collecting information about how much federal money flows to each of the provinces/territories for employment insurance (EI) claimants.²⁴ This will make it very difficult to track how changes to EI eligibility contained in Bill C-38 are affecting people in each of the regions.

²⁰ <http://www.environmentalhealthnews.org/ehs/news/2012/opinion-mass-firing-of-canada2019s-ocean-scientists>

²¹ <http://www.canada.com/business/Feds+pollution+monitoring+team/667995/story.html>

²² <http://www.thetelegram.com/Business/2012-04-30/article-2966801/Ottawa-axes-water-surveillance/1>

²³ <http://www.ec.gc.ca/eau-water/default.asp?lang=En&n=ED7C2D33-1>

²⁴ <http://www.winnipegfreepress.com/fpnewstopstory/ottawa-cuts-off-some-ei-data-just-as-it-readies-new-rules-for-jobless-claimants-153207835.html>

Since 2006, the Conservative government has eliminated the following research / statistical programs:

- Severe cuts to the Canadian Foundation for Climate and Atmospheric Sciences (CFCAS) since 2009 have resulted in the dismantling of PEARL (Polar Environment Atmospheric Research Laboratory) on Ellesmere Island, which has collected data on climate change in the far north since 2005. Cuts to CFCAS have also resulted in the defunding of the Polar Environment Climate Stability Network, which also studies the mechanisms of climate change in the Arctic, including the role of ice, the Arctic Ocean and the atmosphere.²⁵
- The long-form census was cancelled in June 2010, which contained many important indicators about social welfare in the NWT that are not being collected through other means. Canada's chief statistician at the time resigned in protest over this cancellation.²⁶
- The Canadian Policy Research Network (CPRN) was de-funded and forced to close in October 2009. Ranked as the most influential policy institute in Canada, CPRN conducted surveys showing Canadians' support for democracy and social programs.²⁷
- The Canadian Council on Learning lost all federal funding and was forced to shut down in spring 2012. The Council produced reports on topics like early childhood learning, aboriginal learning, and literacy levels, and produced an annual Composite Learning Index (CLI), which measured on a regional basis the extent to which Canadians are learning in school, at home, in the workplace and in their community.²⁸

As well as reducing the production of new research information, the Conservative government has increasingly **restricted Canadians' access to information**. A 2010 study by British researchers ranks Canada dead-last in a comparison of several countries' freedom-of-information systems.²⁹ Despite pledging significant reforms to the Access to Information (ATI) system in its 2006 election platform, the Conservative government has ignored recommendations for reform from the House of Commons as well as from the then-Information Commissioner, who resigned in 2009. According to the Commissioner, "There's less information being released by government than ever before."³⁰ In 1999-2000, the federal ATI system disclosed all the requested information 40.6 % of the time. In 2009-2010, in only 15% of cases did citizens get everything they requested. The Harper government also put an end to a very useful ATI research tool, a decades-old database that kept track of all information requests that had been answered, so other citizens could access the documents as well. The database was no longer maintained as of April 2008.

The Community Access Program was eliminated with 2012 budget cuts; this will likely affect many Northerners' ability to access information. This program was created in 1995 to provide

²⁵ <http://voices-voix.ca/en/facts/profile/canadian-foundation-climate-and-atmospheric-sciences>

²⁶ <http://voices-voix.ca/en/facts/profile/munir-sheikh-0>

²⁷ <http://voices-voix.ca/en/facts/profile/canadian-policy-research-networks-cprn>

²⁸ <http://voices-voix.ca/en/facts/profile/canadian-council-learning>

²⁹ <http://www.theglobeandmail.com/news/politics/canada-ranks-last-in-freedom-of-information-study/article1863083/page1/>

³⁰ <http://voices-voix.ca/en/facts/profile/access-information>

free or low-cost access to Internet in rural regions of Canada, through offering computer literacy trainings and Internet-user skills in public libraries and community centers.³¹

In addition, 2012 budget cuts have meant that 20% of the staff at Library and Archives Canada have been laid off, with libraries closed at many government departments.

SPEAKING OUT: *Dene Nation on water monitoring*

In August 2011, the Dene Nation issued a press release raising the alarm about Environment Canada's decision to shut down 21 of its 23 water monitoring sites in the Northwest Territories.³² This embarrassed Prime Minister Harper while he was on a northern tour. Harper quickly announced that the move was "not authorized," stating that once Environment Minister Peter Kent found out about it, he had ordered water sampling to resume. The Canadian Press requested the internal file on this matter, but it was withheld for more than six months beyond the legislated deadline, prompting a complaint to the information commissioner. When it was finally obtained, the file showed that senior officials at Environment Canada, with the Minister's knowledge, had indeed authorized the temporary suspension of water monitoring in the north, due to severe budget cuts imposed on Environment Canada in 2011.³³

³¹ <http://voices-voix.ca/en/facts/profile/community-access-program-cap>

³² <http://mediamentor-circumpolar.blogspot.ca/2011/08/feds-killing-water-monitoring-regime-in.html>

³³ <http://ca.news.yahoo.com/harper-rebuked-officials-doing-job-documents-suggest-083742453.html>

2. Impacts on Aboriginal people and communities

Aboriginal people make up almost half the population of the Northwest Territories, and will be impacted in specific ways by Bill C-38. Aboriginal governments and organizations were not consulted about Bill C-38, even though it will likely have significant impacts on Aboriginal rights, values, and programs.³⁴ While governments traditionally do not consult anyone about their budget bills, this omnibus bill goes far beyond a traditional budget bill.

In the previous section it was noted that Bill C-38 eliminates the First Nations Statistical Institute – the only organization providing statistical data on social/economic conditions of First Nations people across Canada. Other ways that Bill C-38 may impact Aboriginal people and communities in the NWT are described below:

- Removal of key protections for harvested animals such as caribou and fish;
- Limits to Aboriginal participation in environmental reviews; and
- Changes to the criminal justice system affecting Aboriginal offenders.

First, C-38 takes away key protections for traditionally harvested animals such as caribou and fish, which could affect these animals' abundance, health, or their very survival. More details on these changes are provided in section 3 below, which focuses on the dismantling of environmental protection and management.

Elements of C-38 that affect harvested species:

- ❖ Removes protection of fish habitat (“HADD” provision) from the *Fisheries Act*. Only “commercial, recreational and aboriginal fisheries” will be considered for protection. Aboriginal fisheries are specifically defined as “food, subsistence, social and ceremonial fisheries”, but it is not clear whether this includes traditional fisheries that are not currently harvested actively. Even within Aboriginal fisheries, the *Act* essentially allows any fish to be harmed (e.g. through contamination, mutation, or non-permanent destruction of habitat), as long as there is no proof they were killed directly. Even then, the responsible Minister can create exceptions for certain projects or bodies of water no matter how much damage is caused.
- ❖ Changes to the *Species At Risk Act* mean pipeline projects are specifically exempted from having to protect species at risk (such as boreal caribou) and their habitat.
- ❖ *Species At Risk Act* amendments also mean permits on projects threatening critical habitat for species at risk (such as boreal caribou) will be open-ended, instead of having to apply for renewal every three or five years. This means that even if there is a dangerous decline

³⁴ The federal government’s failure to observe the duty to consult regarding Bill C-38 was raised by Nunavut Tunngavik Incorporated in a May 2012 letter to the Prime Minister.

in status of a species at risk, there will be no way to review a permit already granted for a project that may be threatening the species.

SPEAKING OUT: *Dene Nation on the Fisheries Act*

In April 2012, the Dene Nation passed a unanimous resolution calling on the federal government to abandon the changes to the *Fisheries Act*, stating that “the federal government is in no position to determine which fish, or other species, and their place in the environment are of value to Dene” and the “Dene Nation has a high standard for the protection of fish and fish habitat that would not be met.”³⁵ Letters of concern were also sent by the Assembly of First Nations and the First Nations Leadership Council in B.C., citing impacts to Aboriginal rights and interests.³⁶

Second, changes to environmental assessment rules to introduce tight timelines could make it very challenging for Aboriginal communities to meaningfully participate in project reviews, given that community staff are often already overloaded and overwhelmed. New restrictions limiting participation to those who are “directly affected” by projects may exclude some Aboriginal communities or groups who are downstream or affected by broader ecosystem changes. Through Bill C-38, cabinet obtains the power to make final decisions on projects such as pipelines, and requirements for secrecy around cabinet decision-making mean the government will not have to explain how Aboriginal rights and interests have been accommodated in those decisions.

Elements of C-38 that could limit Aboriginal participation in project reviews:

- ❖ The new *Canadian Environmental Assessment Act* imposes timelines of 12 months for environmental assessments, 18 months for review panels undertaken by the National Energy Board or the Canadian Nuclear Safety Commission and 24 months for all other review panels (no matter how complex the project). In the NWT, these timelines will at least apply to reviews by the National Energy Board (i.e. most oil and gas activities in the NWT as well as pipelines) and major offshore projects.
- ❖ The new *Canadian Environmental Assessment Act* could block concerned Aboriginal people or organizations from participating in environmental impact reviews of projects if they are not considered to be “directly affected”.
- ❖ Cabinet now has the power to overrule decisions made by the National Energy Board.

Third, Bill C-38 unfairly impacts Aboriginal offenders. According to the Canadian Bar Association,³⁷ the measure in Bill C-38 which removes the right to a parole suspension hearing will disproportionately impact Aboriginal offenders who, as a result of systemic discrimination, have lower rates of conditional release and higher rates of revocation. It may cut off Aboriginal

³⁵ <http://www.denation.com/pdf/Motions/DLM/2012APR-DLM-INUVIK/Motion%20004%20Proposed%20Changes%20to%20the%20Federal%20Fisheries%20Act.pdf>

³⁶ <http://www.afn.ca/index.php/en/news-media/latest-news/Technical-Bulletin-Update-on-Bill-C-38-Jobs-Growth-and-Long-term-Prosp>

https://d3n8a8pro7vhmx.cloudfront.net/envirolawsmatter/pages/26/attachments/original/1333029174/FNLC_to_PM_DFO_Habitat_Protection_March_29.pdf?1333029174

³⁷ <http://www.cba.org/cba/submissions/pdf/12-31-03-eng-Division37.pdf>

offenders' access to Elder-assisted hearings, which were set up as a result of Supreme Court decisions that ordered the courts to take into account the special circumstances of Aboriginal offenders. The Canadian Bar Association believes this Bill will likely result in Aboriginal people spending more time in jail. In the NWT, this often means more time spent away from their home communities and families.

Elements of C-38 that affect justice for Aboriginal offenders:

- ❖ Changes to the *Corrections and Conditional Release Act* mean that someone who has had their parole suspended no longer has the chance to appear in person before the Parole Board. This means that Aboriginal offenders may no longer have access to the Elder-assisted hearings that were set up to address discrimination in parole decisions. These changes have been called a violation of constitutional rights by the Canadian Bar Association.

These measures included in C-38 are an extension of the changes introduced through Bill C-10, which was passed in March 2012 despite widespread opposition. Bill C-10 eliminated conditional sentences for minor and property offenders and instead sends those people to jail. It means more youth offenders will spend months in custodial centres awaiting trial. It means people in remote, rural and northern communities will be shipped far from their families to serve time. Bill C-10 will disproportionately impact Aboriginal people, who make up the majority of offenders in regions such as the North and the Prairies. According to the Canadian Bar Association, which represents 37,000 lawyers across the country: "It represents a huge step backwards; rather than prioritizing public safety, it emphasizes retribution above all else. It's an approach that will make us less safe, less secure, and ultimately, less Canadian."³⁸

One of the programs cut in the 2012 Budget was the award-winning program LifeLine, which helped to rehabilitate long-term prisoners.³⁹

In addition, the following programs serving Aboriginal people were affected by 2012 budget cuts:

- The National Aboriginal Health Organization was eliminated.
- As a result of budget cuts, Health Canada has stopped funding Pauktuutit's National Inuit Health Projects after almost three decades of cooperation. Pauktuutit recently completed Inuit-specific five-year strategic plans to address fetal alcohol syndrome (FASD), injury prevention and sexual health, and now has no funds to move these plans forward.⁴⁰
- Other cuts to Health Canada's First Nations & Inuit Health Branch have resulted in the elimination of the Aboriginal Youth Suicide Prevention Strategy.

³⁸ Ibid.

³⁹ <http://voices-voix.ca/en/facts/profile/lifeline> LifeLine was created in 1991 by the Correctional Service Canada (CSC) to help rehabilitate prisoners facing life sentences and prepare them for reintegration into society when they have been released on parole. The CSC will now be laying off about 26 ex-inmates who successfully reintegrated after parole and were employed as mentors with the LifeLine program.

⁴⁰ <http://pauktuutit.ca/index.php/funding-for-pauktuutits-national-inuit-health-projects-eliminated/>

- The core funding for all national Aboriginal representative organizations will be cut by 10% by 2014, and all regional Aboriginal organizations will face either 10% cuts or a ceiling of \$500,000.⁴¹

Since 2006, the Conservative government has cut many programs serving Aboriginal people, including the following:

- In the 2010 budget, federal funding to the Aboriginal Healing Foundation was eliminated, forcing 134 Aboriginal-run healing centres to shut down or drastically cut back their services.
- In 2006 the Court Challenges Program was eliminated without an opportunity for debate in the House of Commons. This program had provided funding since 1978 for individuals challenging discriminatory legislation, and had achieved important legal landmark decisions. These included recognition that Canadians accused of a crime have the right to a trial in their own language and that Aboriginal Canadians living off reserve have the right to vote in band elections.
- In 2010, the federal government cut funding to the Native Women's Association's Sisters in Spirit initiative. The government abolished the SIS database which documented the cases of 600 missing and murdered Aboriginal women in Canada. New rules required SIS to stop doing research, policy and advocacy work.⁴²

⁴¹ <http://www.cbc.ca/news/canada/north/story/2012/09/08/north-dene-nation-funding.html>

⁴² <http://voices-voix.ca/en/facts/profile/sisters-spirit>

3. Dismantling of environmental protection and management

While the overhaul to the *Canadian Environmental Assessment Act* contained in Bill C-38 does not apply to areas of environmental assessment covered by the *Mackenzie Valley Resource Management Act* or the *NWT Waters Act* (in the Inuvialuit Settlement Region), the NWT will still be highly affected by the dismantling of federal protections for fish, waterways and oceans, and species at risk such as boreal caribou. Each of these areas is covered in detail below, followed by a summary of changes to environmental assessment in the NWT contained in C-38, some of which have already been mentioned above.

First, C-38 significantly weakens the *Fisheries Act* by removing important protection for fish habitat and water resources. This endangers the abundant and largely pristine fresh water resources within the NWT as well as trans-boundary watersheds. The NWT currently has very little capacity to replace those federal protections with its own territorial provisions. There is currently no mention in any NWT legislation of fish or fish habitat.

Removal of protections for fish, fish habitat, and water resources in C-38:

- ❖ Removes from the *Fisheries Act* the prohibition against the harmful alteration, disruption, or destruction of fish habitat (“HADD”).
- ❖ Removes from the *Fisheries Act* the prohibition against obstructing fish passage.
- ❖ The new *Fisheries Act* only prohibits “serious harm to fish that are part of a commercial, recreational or Aboriginal fishery.” Essentially, only those fish that are known to have obvious value to people will be considered for protection under the revised *Act*. “Serious harm” is defined as killing fish or permanently altering or destroying their habitat. This raises questions like what proof is required to show an action has directly caused the death of fish, and whether “temporary” destruction of habitat can be effectively restored to its previous state.
- ❖ The Minister of Fisheries can create regulations exempting entire projects or bodies of water from the prohibition against serious harm to fisheries. This makes it easier for lakes (including fishing lakes) to be reclassified as toxic dump sites for industrial projects.⁴³
- ❖ C-38 allows for the downloading of fisheries responsibilities to provinces and territories. However, the federal government has not yet committed any additional resources to help provinces and territories fill the void created by the new version of the *Fisheries Act*. The

⁴³ See <http://www.miningwatch.ca/protecting-water>

GNWT is likely to be particularly challenged, since it has no current legislative foundation to build upon, a small population and limited resources, and a vast region full of lakes and waterways.

In addition, 2012 budget cuts have forced the closure of more than half of the Department of Fisheries and Oceans' (DFO) habitat protection offices across Canada; more than one-third of DFO's habitat staff are expected to lose their jobs.⁴⁴

SPEAKING OUT: Canadian scientists and former Fisheries Ministers

In March 2012, more than 600 Canadian scientists, including many of Canada's most senior ecologists and aquatic scientists, signed on to a letter asking Harper to abandon plans to remove habitat protections from the *Fisheries Act*, calling the changes "most unwise".⁴⁵ Another letter in May from the 1,000-strong Canadian Society For Ecology and Evolution (CSEE) stated that changes to the *Fisheries Act* would mean that up to 80 per cent of Canada's 71 freshwater species at risk of extinction would lose protection.⁴⁶

On June 1st, 2012, three former federal Fisheries Ministers wrote an open letter to Prime Minister Harper, stating: "we believe there is genuine public concern over the perceived threat this legislation poses to the health of Canada's environment...despite the significance of the legislation, to date the responsible ministers have provided no plausible, let alone convincing, rationale for proceeding with the unusual process that has been adopted. Quite frankly, Canadians are entitled to know whether these changes were written, or insisted upon, by the Minister of Fisheries or by interest groups outside the government. If the latter is true, who are they?"⁴⁷

Second, the federal government has responsibility for ocean health and navigable waterways within the NWT. Bill C-38 removes many of these protections.

Removal of protections for waterways and ocean/coastal health in C-38:

- ❖ Removes environmental screening for all offshore projects that are not on a "designated project" list (issued in July 2012). Projects that will no longer be checked for environmental impacts include offshore oil and gas exploration and offshore pipelines that are within an area that was previously studied by a review panel (such as the Mackenzie Gas Project Joint Review Panel).
- ❖ The present one-year limit on permits for disposing of waste at sea can now be renewed four times, as a result of amendments to the *Canadian Environmental Protection Act*.
- ❖ The *Coasting Trade Act* is changed to allow for more seismic testing, which may result in increased off-shore drilling.

⁴⁴ <http://skeenawild.org/news/government-is-cutting-33-of-all-dfo-habitat-staff-closing-closing-offices-i/>

⁴⁵ Schindler et al, letter to Prime Minister Harper re: Potential amendments to section 35 of the Fisheries Act, dated March 22, 2012.

⁴⁶ <http://www.vancouversun.com/Canadian+scientists+slam+weakening+federal+Fisheries/6691159/story.html>

⁴⁷ <http://www.theglobeandmail.com/commentary/an-open-letter-to-stephen-harper-on-fisheries/article4224866/>

- ❖ Pipelines and power lines will be exempt from the provisions of the *Navigable Waters Protection Act*. This Act regulates the deposit of waste or tailings into waterways as well as infilling and dredging, and protects public access to navigable waterways (e.g. the Mackenzie River).

Third, C-38 severely weakens the federal *Species At Risk Act* (SARA). Species found in the NWT that are listed as “threatened” or “endangered” under the federal *Act* include: boreal woodland caribou, wood bison, the peregrine falcon, and the whooping crane.⁴⁸

Removal of protections for species at risk in C-38:

- ❖ Changes to the *Species At Risk Act* mean pipeline projects are specifically exempted from having to protect species at risk (such as boreal caribou) and their habitat.
- ❖ *Species At Risk Act* amendments also mean permits on projects threatening critical habitat for species at risk (such as boreal caribou) will be open-ended, instead of having to apply for renewal every three or five years. This means that even if there is a dangerous decline in status of a species at risk, there will be no way to review a permit already granted for a project that may be threatening the species.

While many impacts to land and water within the Mackenzie Valley are regulated under the *Mackenzie Valley Resource Management Act*, and impacts in the Inuvialuit Settlement Region are regulated by co-management boards and the NWT Water Board, the new *Canadian Environmental Assessment Act* contained in C-38 will apply to offshore drilling activities in the Beaufort Sea, where the primary regulator is the National Energy Board.⁴⁹ In addition, C-38 will affect the way the National Energy Board regulates many aspects of pipelines and onshore oil and gas activities in the NWT.

The new version of the *Canadian Environmental Assessment Act* established under Bill C-38 also gives the Canadian Nuclear Safety Commission (CNSC) new powers of assessment over uranium mines and mills, as well as other facilities associated with the development, production and use of nuclear energy (section 15). Previously CNSC was just a licensing body; it does not have experience conducting environmental assessments.

Summary of how C-38 affects environmental assessment in the NWT:

- ❖ With regard to offshore projects, changes to the *Canadian Environmental Assessment Act* mean that the responsible Minister has wide discretion to decide which projects will require an environmental assessment and which will go to the permitting stage right away. Only projects that are on a special list will even be considered for environmental assessment. This list, which was issued in July 2012, does **not** include offshore oil and gas exploration or certain offshore pipelines – there will no longer be any screening for how environmental impacts of these projects can or should be mitigated.

⁴⁸ For a complete list see: <http://nwtspeciesatrisk.ca/tiki/tiki-index.php?page=SearchRegion>

⁴⁹ http://www.neb-one.gc.ca/clf-nsi/rthnb/pplctnsbfrthnb/rctcffshrdrlngrvw/fnlrppt2011/fnlrppt2011-eng.html#s3_1

- ❖ Cabinet now has the power to overrule both decisions made by the responsible Minister on environmental assessments, and decisions made by the National Energy Board. Even if a project is expected to cause significant adverse effects, the federal cabinet can declare them “justified in the circumstances” (sic) and keep its reasons for doing so confidential.
- ❖ Projects such as uranium mines and nuclear facilities now receive authorization from the Canadian Nuclear Safety Commission.⁵⁰ Under C-38, assessments of projects that fall under CNSC authority cannot be bumped up to a joint Review Panel for a fuller environmental assessment. Since the CNSC is not mentioned within the MVRMA, it is unclear whether this provision applies to projects in the NWT.
- ❖ The new *Canadian Environmental Assessment Act* imposes timelines of 12 months for environmental assessments, 18 months for review panels undertaken by the National Energy Board or the Canadian Nuclear Safety Commission and 24 months for all other review panels, no matter how complex the project. This raises concerns that reviews will be rushed to completion without necessarily taking the time needed to thoroughly consider all relevant issues and perspectives.
- ❖ The new *CEAA* could block concerned people or organizations from participating in environmental impact reviews of projects if they are not considered to be “directly affected”. The law fails to define “directly affected,” leaving it open to interpretation.

⁵⁰ Previously, these projects were reviewed under standard environmental assessment processes. In the Mackenzie Valley of the NWT, permits would have been screened by the appropriate Land & Water Board and usually referred to environmental assessment by the Mackenzie Valley Environmental Impact Review Board.

4. Impact on social security, labour rights and jobs

First, by making significant changes to Old Age Security and Employment Insurance, Bill C-38 could result in a major reduction in the social security of Canadians and northerners.

Summary of how C-38 affects Employment Insurance and Old Age Security:

- ❖ Eligibility for Old Age Security (OAS), and by extension the Guaranteed Income Supplement, has been raised from age 65 to age 67, to be phased in between 2023 and 2029.
- ❖ The responsible Minister will establish criteria to determine what constitutes “suitable employment” or a “reasonable” job search, which will then determine eligibility for Employment Insurance (EI). The draft regulations, proposed in May 2012, lay out a system whereby EI claimants who have used the system longer or more frequently will be required to conduct a broader job search (including outside their field) and accept lower wages. “Frequent” claimants would have to accept a job in any field with up to a 30% pay cut from their previous earnings.
- ❖ The Bill ends some pilot projects for high unemployment regions, including parts of the NWT. In these regions:
 - unemployed workers will no longer have access to an extra five weeks of benefits
 - some unemployed workers will no longer have their benefits based on their best 14 weeks of prior earnings and
 - those working while claiming benefits can no longer keep 100% of their first full day of earnings per week; instead, 50% of all earnings will be clawed back.
- ❖ With regard to EI appeals, the Board of Referees system (a broad network of 900 local experts that has been in place since the 1940s) will be replaced by a much smaller “Social Security Tribunal” (as a result of an amendment to the *Department of Human Resources and Skills Development Act*). The Canadian Labour Congress has raised concerns that judgments on EI appeals by unemployed workers will be much less informed by knowledge of local conditions and the changing realities of the job market. In addition, there will likely be significant backlogs.

Additional dollars have been allocated in the 2012 budget to enforce the new job search requirements for Employment Insurance (EI) eligibility. There is no significant new spending in the 2012 Budget, however, to train unemployed workers.

As a result of the changes to Old Age Security, it is estimated that the average low income Canadian senior will lose up to \$16,000 a year, while a wealthy senior is projected to lose up to

\$6,400 a year.⁵¹ The increased age of eligibility will likely serve to drive lower income workers, many with illnesses or disabilities, to stay in the workforce longer. Reports by the Parliamentary Budget Officer and the Department of Finance say that expected costs of OAS over the coming decades are manageable and will not lead to fiscal crisis.⁵²

Second, Bill C-38 removes certain labour rights for workers contracted by the federal government, which could have larger implications for workers and wages across the country.

Elements of C38 that affect labour rights and employment equity:

- ❖ Repeals the *Fair Wages and Hours of Labour Act*, so that construction workers on federal government contracts are no longer assured wages and hours comparable to similar workers in the district
- ❖ The responsible Minister will have the power to allow companies into the Federal Contractors Program even if they do not practice pay equity.

In April 2012, the federal government changed the rules governing the Temporary Foreign Workers Program, allowing employers to pay foreign workers up to 15% below the Canadian average wage for a job in a specific region, and fast-tracking employer applications for some categories of migrant workers from 12 weeks to just 10 days.⁵³ The practice of hiring temporary foreign workers has a major impact on the Canadian labour force: between 2007-2011, 29.1% of all net new paid jobs created in Canada went to temporary foreign workers.⁵⁴ At the same time, the government included a measure in C-38 that would block the full-fledged immigration of skilled workers, who would be entitled to the same wages and rights as other Canadians. (see text box)

SPEAKING OUT: *Immigration applicants sue for their rights*

Within Bill C-38, amendments to section 14 of the *Immigration and Refugee Protection Act* deleted 280,000 applications made before 2008 by people trying to immigrate to Canada under the federal skilled workers' program. In response, about 900 applicants came together to sue Immigration Minister Kenney. A federal court ruled in favour of the applicants, saying that the government has an obligation to process all applications it accepted into the system, and recommending that the government find a better way to deal with the backlog.⁵⁵

Given this context, the measures in C-38 may contribute to an overall decrease in Canadian wages, as there will be competition for lower-paying jobs amongst unemployed workers forced

⁵¹ New Democratic Party of Canada, *Report: Budget Hearings 2012*. June 4, 2012.

⁵² <http://www.cbc.ca/news/politics/story/2012/02/08/pol-old-age-security.html>

⁵³ <http://openparliament.ca/debates/2012/5/10/pat-martin-4/>

⁵⁴ <http://www.progressive-economics.ca/2012/05/07/temporary-foreign-workers-and-the-labour-market/>

⁵⁵ <http://www.thestar.com/news/canada/politics/article/1211698--ottawa-loses-legal-battle-over-immigration-backlog>

to take 30% pay cuts, low-income seniors, and an expedited wave of foreign workers who do not have the same rights as other Canadian workers.

Cuts in Budget 2012 will result in the direct loss of about 19,200 federal employee jobs over the next three years.⁵⁶ The Canadian Labour Congress estimates that the budget will result in 50,000 total jobs lost in the public, private, and non-profit sectors across Canada.⁵⁷ It is not known how many of these job losses will occur in the NWT. Sectors that may be particularly affected include regional Aboriginal representative organizations, which have had their funding cut by 10%. The cuts may also have broader impacts on important northern industries such as tourism. For example, 638 positions at Parks Canada are being eliminated, many of these in small remote communities. This will mean shorter tourism seasons for communities with infrastructure serving parks.⁵⁸

Some jobs in the mineral exploration industry may be supported by Bill C-38's extension of the temporary Mineral Exploration Tax Credit for flow-through share investors, which encourages more investment in companies that do mineral exploration. It is possible, however, that Bill C-38 may decrease activities by responsible companies in the mining and oil and gas industries, since the Bill's sweeping changes to the environmental assessment regime may lead to conflicts and legal challenges. Uncertainty may also result from C-38's vague definitions about acceptable environmental impacts, the wide new discretionary powers given to ministers and cabinet, and from unanswered legal questions about the delegation of environmental assessment responsibilities to provinces and territories.

Furthermore, Bill C-38 creates new rules permitting more foreign investment in Canadian companies (as detailed in the text box below). This raises questions about the extent to which private investments in the NWT will create benefits that will stay in the NWT, or even in Canada.

How C-38 encourages foreign investment and privatization:

- Foreign investors can now buy shares in Canadian financial institutions, and potentially could take over a Canadian bank
- C-38's new rules allow foreign takeover of Canadian telecommunications companies, with the exception of the "Big Three" (Bell, Telus, and Rogers) which are protected from foreign investment
- PPP Canada (Public-Private Partnerships Canada) becomes an agent of the Crown, rather than an arms-length crown corporation. It is mandated to provide incentives for the privatization of public infrastructure.

In addition, the government announced in May 2012 that it is changing *Investment Canada Act* regulations to allow up to \$1 billion in foreign money to be invested in a Canadian

⁵⁶ <http://behindthenumbers.ca/2012/04/02/federal-job-cuts-the-real-numbers/>

⁵⁷ <http://www.canadianlabour.ca/news-room/publications/clc-analysis-2012-federal-budget>

⁵⁸ <http://www.cbc.ca/news/canada/story/2012/04/30/pol-federal-job-cuts-parks-canada-hit.html>

company before the investment is reviewed for whether it is a “net benefit” to Canada. Currently, the limit is \$330 million.⁵⁹

⁵⁹ <http://www.cbc.ca/news/politics/story/2012/05/25/pol-investment-canada-act-threshold-raised.html?cmp=rss>

5. Oversight of food safety

Bill C-38 changes rules about how the government oversees food inspection, marketing, and the approval of food additives.

How C-38 changes government oversight of food safety:

- Changes to the *Canada Seeds Act* shift the job of inspecting seed crops from Canadian Food Inspection Agency inspectors to “authorized service providers” in the private sector.
- Changes to the *Food and Drugs Act* mean that Health Canada will be able to approve new food additives more quickly.
- The responsible Minister can now exempt certain food products, or certain advertisements related to food, from marketing regulations.

The 2012 budget cut \$56.1 million from the Canada Food Inspection Agency (CFIA), and Bill C-38 reduces the mandate of both the CFIA and Health Canada. The issue of reduced government food inspection services was cited as a concern by the United Nations Special Rapporteur on the Right to Food on his 2012 visit to Canada, and could result in higher risk for the spread of food-borne diseases.⁶⁰

SPEAKING OUT: Luc Pomerleau, veteran biologist at the Canada Food Inspection Agency (CFIA)

Luc Pomerleau served as a biologist at the CFIA for twenty years. In 2008, he gave his union a copy of internal documents showing CFIA’s plans to replace government food safety monitoring with industry self-regulation. Pomerleau was then fired for alleged “gross misconduct” and “breaching security”.⁶¹

Food safety concerns have been very prominent in recent years: in 2008, twenty people died from the bacterial infection listeriosis due to an outbreak at a meat packing plant under federal inspection. Most recently, in September 2012, there were fifteen confirmed cases of illness caused by food contaminated by the potentially deadly E. coli O157 bacterium, found in meat processed by an XL Foods plant in Alberta.⁶²

⁶⁰ New Democratic Party, Report: Budget Hearings 2012.

⁶¹ <http://voices-voix.ca/en/facts/profile/luc-pomerleau>

⁶² <http://www.cbc.ca/news/canada/story/2012/10/17/xl-foods-beef-recall-expands.html>

6. What can Northerners do?

There are no easy solutions. Canadians are facing challenges to our democratic traditions through the increased use of omnibus bills. Some of the changes in C-38 have raised concerns about the protection of Aboriginal rights and labour rights, and about the weakening of environmental protections, social security, and food security regimes.

On June 4th, 2012, as part of the nation-wide Black Out Speak Out campaign, citizens gathered in Yellowknife and other NWT communities to protest Bill C-38 and to express their alternative visions for Canada. As late fall sets in and harsher weather descends upon the North, it is less likely that people will gather on the streets to protest the second omnibus budget implementation bill. Northerners will have to be creative to ensure their voices are heard in Ottawa and across the rest of this country.

What Northerners do best is try to work together. The changes in Bill C-38 create potential risks for many different kinds of people: Aboriginal people, workers, seniors, people who eat food off the land, people who buy store-bought food, and people who care about clean water and environment. C-38 also risks hurting business people, by creating uncertainty associated with the new rules for environmental assessment, which may spur conflicts and lawsuits. All of these people and groups can join together to make their voices stronger.

Many people who live in the North are federal government employees. According to many commentators,⁶³ the federal government has developed a troubling culture of secrecy, with experts such as scientists barred from talking to the public.⁶⁴ Silencing these kinds of experts risks putting us all in danger. Northerners must demand accountability from those federal employees, and also be ready to support and protect them when they try to do what is best for their communities and for the North.

⁶³ For example: <http://www.thestar.com/opinion/article/740829--siddiqui-harper-acting-like-an-elected-dictator>

⁶⁴ <http://www.winnipegfreepress.com/opinion/westview/the-birth-of-a-banana-republic-149786775.html>