

## Ottawa seeks dismissal of Phoenix legal action forcing it to pay workers on time

Government lawyers say arbitrary deadline to fix payroll problems not practical

By Katie Simpson, [CBC News](#) Posted: Dec 03, 2016 5:00 AM ET Last Updated: Dec 03, 2016 5:00 AM ET

Government lawyers are calling on the Federal Court to dismiss a complaint seeking to force Ottawa to pay public servants on time while it sorts out its troubled payroll system.

The request is part of the government's response to a legal action launched by several unions over the Phoenix payroll fiasco.

In June, the Public Service Alliance of Canada, along with a dozen other unions, teamed up to file the complaint in the hope of getting financial relief for its members.

- [Public servants warned about possible Phoenix scam](#)
- [Judy Foote says 15,000 cases remain in Phoenix backlog](#)

More than 80,000 public servants have been underpaid, overpaid, or not paid at all since the government implemented its new Phoenix payroll program.

In the government's Nov. 28 court filing, which was seen by CBC News, lawyers for the Treasury Board argue that an order to force the government to pay its employees on time is not necessary because Ottawa is already working to fix the situation.

"The government has taken many steps to address pay administration issues, including the opening of satellite pay offices and the hiring of additional compensation trainees," the court filing states.

"Moreover, the government has implemented a claims process to compensate employees for out-of-pocket expenses incurred as a result of the pay transformation and has ensured that emergency salary advances and priority payments are made available," the document says.

### Deadline not 'practical,' lawyers say

In the same court filing, Treasury Board lawyers also argue against a request to set a deadline for the Phoenix system to work properly.

"Though the parties agree that the ultimate objective is for the pay administration system to reach its steady state, it is not open to the applicants to ask this court to set the arbitrary timelines they propose," the document says.

"Given the evolving nature of the pay issues and the complex nature of the remaining files and of pay administration generally, the setting of specific target dates is neither useful nor practical."

"Setting arbitrary dates does not assist in the resolution of pay issues. Consequently, the request for the court to set an arbitrary date for the final resolution of the pay administration issues is of no practical effect," the document adds.

The government has already missed one self-imposed deadline connected to Phoenix.

Public Services and Procurement had promised to resolve problems for more than 80,000 workers by the end of October.

More than a month later, at least 15,000 cases remain unresolved.

The government says the outstanding claims are complex, and many of the remaining issues pre-date the Phoenix roll-out.

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