

1: Striking the Balance – Data Privacy vs. Personalization

Worldwar: Striking the Balance is an alternate history novel by American writer Harry Turtledove. It is the fourth and final novel of the *Worldwar* tetralogy, as well as the fourth installment in the extended *Worldwar* series that includes the *Colonization* trilogy and the novel *Homeward Bound*.

Despite all of the talking in the book, it is moving faster than the third book. It is kind of amusing. I do find myself enjoying this book [for the most part] more than the third book [so far]. They should have nuked Russia before this. The author actually reveals potentially why no nukes had been dropped prior to this while reading: So that was interesting to learn, and kind-of helps explain why Russia was not punished for setting off the first man-made atomic bomb. He could have shown Liu Han rising to dominance without having to have a man attempt to cow her into submission via rape. It did manage to hold my interest all the way through until the end, but it was horribly anticlimactic. The first time I read it, I did not realize it set up the next three books about the arrival of the Colonization Fleet and how they tried to acclimate to the new environment on Tosev 3. I still enjoyed reading it, but still feel like the ending was a major disappointment. I will leave it as a three-star, though, despite my disappointment with the ending. I did like elements of it. Tatiana was awesome, in her own bigoted, backwards way. I liked how a German Colonel, Russian pilot, and Jewish partisan worked together to save Lodz and the Jews living there. I had read a bio about him back in high school, and he never came across like the arrogant jerk he was in this book. I could not quite decide if the author hated him for some reason, or if the biography I read was severely watered down in terms of his behavior and attitude. A part of me has always been sad that Rachel never survived, but I always was glad that Penny came out of her shell. Rance never had it better! It was good to learn that General Patton survived the war. He disappeared after the first book. I say it was odd, because other than a brief paragraph about some men in a warehouse sobbing with the news of his death, nothing else happened. There were no repercussions due to his death. There was no chaos. I found myself wondering how Rommel would have fared against the Lizards and wishing he had been included in the narrative. Even if it were in passing. I also wondered how Guderian would have managed against the Lizards. It was humorous to me that the Russians proposed a cease-fire first and that they invited the other major powers to join them in the cease-fire. I suppose they felt they had the most to lose? It seemed like the Communists were presented in a far better light than any of the other major powers, despite their mistreatment of prisoners and willingness to use murder and violence and lies to get their way. The Chinese Communists were worse than the Russian Communists. They gladly butchered innocents to see their aims were met. They were more than willing to use murder and violence without any concern as to innocent people who were injured or killed by their actions. It was easy to despise them, and to be glad they remained under Lizard rule, as despicable as they were. I did enjoy the byplay between the parties during the peace talks, although that could have also been developed further. Overall, I am glad I read the book [again].

2: Striking the balance as an RA

Striking the Balance on Chambers | Never forget where you came from, but don't let that stop you from where you are going. Sound familiar? Never forget where you came from, but don't let that stop you from where you are going.

Between Feminism and Anti-Feminism As a young woman, I was attracted to the language of equality and social justice and felt compelled to take a position in the feminism debate. However, after I examined the terms, arguments, and underlying framework of feminism, it became clear that I was emerging with more questions than answers. The lack of clear definitions, the shallow and subjective readings of history, and the inconsistency between the figureheads and intellectual powerhouses of the movement all drove me to consider an alternative. I drifted to the other side of the debate and was disappointed by the lack of answers among anti-feminist reactionaries. The same vitriol, inadequacy, and inconsistency prevailed, though it was arguably even worse in reactionism and pseudo-intellectualism. Moving from one camp to its equal and opposite extreme revealed that they are, neither in substance nor in form, not significantly different. In fact, both movements operate in a closed circuit, fueling each other within the same paradigm. Rivals in the Gender Wars: Such emotional, exaggerated, and high volume diatribes presume a dystopia for both genders: The Remedy of Sacred Law What is the alternative to these movements? How can it prevent sexual abuse and harassment by men, behavior that seems to have only amplified today, in spite of or perhaps because of the efforts of feminism? As Muslims, we must deliver Islam in a relevant manner that explores diverse societies and how the sublime moral beliefs of Islam can shape a well-ordered society. The full philosophical justifications for the principles of justice are also knowable by and acceptable to all reasonable citizens. One did not need highly trained lawyers speaking in jargon with high fees to represent them in courts where they would feel out of place. Inheritance laws exemplify this. In pre-modern Islamic societies, women inherited less than men in four scenarios, similar to men in ten scenarios, and more than men in fourteen scenarios. They merely operate within the paradigm that has birthed feminism, selectively and irrationally pontificating and neglecting the real problems men and women face. There is no attempt to reconcile these two camps: Overcoming the self-serving polemics on all sides requires more than a return to reason and sensibility. We must move away from zero-sum discourse towards the makings of a well-ordered society, where harmony prevails over discord, and we are guided by the words of our Creator: The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give zakah and obey Allah and His Messenger. Those â€” Allah will have mercy upon them. Indeed, Allah is Exalted in Might and Wise. Her interests include literature, art, psychology, philosophy, and sociocultural thought.

3: Striking the Balance - Europe Comics

Striking the balance between operational and health and safety duties in the Fire and Rescue Service Foreword This statement is intended to clarify how the Fire and.

It is the fourth and final novel of the original Worldwar series, which was followed by the Colonization series. The volume begins at the start of The United States attempts to reverse engineer captured Race technology in an effort to create ballistic missiles at a military base in Couch, Missouri. Sergeant Sam Yeager attempts to help Robert Goddard and other scientists with this research by interrogating captured aliens. In the process of his work, Yeager has developed a friendship with two of the alien prisoners, Ristin and Ullhass, both of whom are surprisingly willing to help their human captors. The US Army throws everything into defending the city. Captain Rance Auerbach is part of this initial defense. During the fighting, Auerbach is critically wounded and incapacitated. He awakens in a refugee hospital to find that the Race is advancing rapidly on Denver. Fortunately, Brigadier General Leslie Groves and the metallurgical laboratory manage to produce an atomic bomb which they use to halt the Race. The sense of victory among Americans is offset by mourning over the recent death of President Franklin D. They manage to reach Quincy, Illinois but begin taking higher and higher casualties as they progress. The first American ballistic missiles are also launched against the Race, though they are so crude and unsophisticated that they do little damage against the invaders. Still, the speed with which the Americans and Germans have developed such weapons frightens the Race. In Poland, the Wehrmacht continues its advance eastward toward Lodz. However, as they get deeper and deeper into Polish territory, they encounter Jewish partisans whose sympathies lean toward the Race. Mordechai Anielewicz and his fellow Jews do not trust the Nazis and do not wish to see them in control of Poland. This situation is exacerbated by the realization that Soviet forces in the Ukraine are slowly making their way toward Poland as well. No one is sure what will happen if and when the Wehrmacht and the Red Army meet on the battlefield. For a time, the Wehrmacht and the partisans manage to work together against the Race. Although later, he extended this invitation to both the United Kingdom and Japan. However, the chances for peace are severely endangered when Hitler secretly plans to resume hostilities by launching a surprise attack against the Race in Poland. However, Hitler sends SS agents into Poland under Otto Skorzeny and they immediately begin to cause friction between the local Poles, the Jewish partisans, and the Wehrmacht. He establishes a line of communication to the partisans through a Polish farmer named Sascha. Anielewicz and his fellow partisans manage to find and disable the weapon. The Wehrmacht moves into position for the offensive. Furious, Skorzeny heads into Lodz to discern the problem. Ribbentrop is relieved when Atvar tells him that no reports of an attack in Poland have been made. Soon after returning to camp, he is detained by SS men and interrogated. Somewhere in Poland, Ludmila Gorbunova crash lands while trying to deliver supplies to partisans. She gets little or no help from the locals who are largely unable and unwilling to aid a Soviet pilot. A Jewish partisan named Ignacy does eventually manage to help her locate a working Fieseler Fi Storch. She takes off with the intent of returning to the Soviet Union after her extended stay in Estonia. Fearing what will happen to their commander if he is interrogated by the SS, the tank crewmen inform Ludmila about his fate and ask for her help. She readily offers her assistance. There they make contact with Mordechai and tell him about Skorzeny. All three head to the condemned building where the bomb is being guarded by partisans. They find the Jewish guard dead. Upon entering the building, Skorzeny attacks them with nerve gas and a submachine-gun. They manage to kill Skorzeny and avert the detonation of the bomb. In Cairo, the Race reaches an accord with the human powers. The Race will completely withdraw from the territories under the control of the United States, the Soviet Union, and the Third Reich in, with the exception of Poland, which the Race intends to hold as a buffer state between the Reich and the USSR. Because Britain and Japan lacked nuclear capabilities Atvar did not grant full diplomatic relations to either of them, nor did he return any part of the British Empire to the United Kingdom, leaving them with a few scattered island holdings which had avoided invasion. The Race also withdrew their forces from their small holding in Canada, which they considered uninhabitable due to its climate, and ceased hostilities with New Zealand, which the Race did not

consider a large enough land mass for colony purposes. Japan was shorn off from its empire in Asia, with the exception of Indochina and Singapore , but leaving their island holdings in the Pacific intact. With that, the war ends. Nevertheless, fighting continues in those territories the Race still controls , especially China where a determined Communist insurgency under Mao Tse-Tung seeks liberation. It is clear that the peace is only temporary. The Race has not recognized the right of the human powers to their own independence and still officially intends to conquer the entire world at a later date. Nazi Germany is apparently still eager to use force in order to drive the Race off earth completely, though perhaps not in the immediate future. In the Soviet Union, Iosef Stalin assures Molotov that war with the Race and the other human powers is inevitable, especially since the Colonization Fleet is expected to reach earth by the s. In the United States, an America in ruins begins the long process of reconstruction.

4: Striking the Balance | Turtledove | FANDOM powered by Wikia

Striking the Balance, the conclusion to this alternate history series, should have offered so much more. The first two hundred pages are a drawn out series of chapters which serve as a catch-up for the plethora of characters which the book follows.

Striking the Balance – Data Privacy vs. Personalization by Nancy Jacobson

Share Data privacy is everywhere in the news today. For the first time, the public is getting to peek behind the curtain at Facebook and, by proxy, the entire tech industry, and finding what appears to be cavalier attitudes about personal privacy. Most of us are just beginning to comprehend the near total consolidation and distribution of our online activities. While the concept seems straightforward enough, it mandates massive and expensive changes for companies around the world. High-profile testimony on Capitol Hill may be the prelude to similar regulations in the U.S. Even without formal policy, enterprises will need to offer consumers increased transparency and the opportunity to select their desired level of privacy and personalization. In other words, they must do what it takes to build connection and trust with their customers.

Public Awareness While the volume of personal data collected by corporations and employers has been steadily increasing, awareness of implications to the individual have not followed the same trajectory. Many recognize that data collected about their tastes, preferences and whereabouts feed marketing and content campaigns, but only a minority of people seem to be concerned about what it might mean about the erosion of their privacy. Some are frustrated with the lack of choice in determining the extent to which data is harvested across the online ecosystem – not just the company or platform they joined. And some are concerned with how they may be conflated with groups they feel do not reflect them. Is the public waking up from its convenience-induced complacency?

Customer Expectations While consumers do have some very limited – and intentionally hidden – capabilities to determine what data is captured, the prevalent perception is that data collection is inevitable. Individuals sign away rights by agreeing to terms and conditions too long and complicated to read in exchange for the ability to use an app. Some consumers are aware of options and tweak their privacy preferences in application settings, but many view it as a binary opt-in or opt-out decision. What does this mean for enterprises?

While public resistance to wholesale data collection is growing, enterprises must consider closely the following: The prevailing desire for choice will drive the need to provide a sliding scale of privacy and personalization. This will impact everything from marketing campaigns to app design. Based on GDPR constructs, enterprises will need to accommodate the following rights:

Transparency Enterprises will be forced to pull back – and keep back – the curtain. The days of blind trust will be replaced with demand for full transparency. Organizations will be required to state clearly how they plan to use personal data in concise, easy-to-understand terms, free of legal jargon and clearly marked and highlighted. Companies already are pushing content to their user base regarding their enhanced data privacy policies. As time progresses, the public will demand policies and practices that are even easier to access, read and understand – along with their options to choose. Companies will need to enhance their data governance and revisit how they collect and store their customer data regardless of citizenship. They will need to expand the data set previously viewed as sensitive and establish and expand data governance wherever they store or use customer data. This will include areas such as sales and marketing, contextual data being served up via an application, and internal and external data analytics. Companies also will need to do the hard work of identifying, consolidating and auditing the disparate sources of data across their entire enterprise. Progressive companies are already moving beyond the regulatory and legal requirements and addressing data privacy as a matter of customer perception and trust. While many companies are busy tightening their ships to avoid GDPR penalties, all companies need to revisit their digital strategies and their implications on data. ISG helps companies develop digital strategies for products and services that entail new data privacy and personalization techniques and sound corporate data governance structures. Are you concerned about your broader ecosystem? Contact me to discuss how we can help.

About the author Nancy Jacobson brings a strategic focus to ISG clients aligning solutions to business and IT strategies and managing complex transformation environments to deliver business value and drive revenue

growth. She brings over 25 years of consulting and management experience defining and leading large-scale transformations for Fortune companies.

5: Worldwar: Striking the Balance - Wikipedia

As the resident adviser application deadline approaches, there are many questions to be answered about the job and what it entails. As with any job, being an RA comes with its ups and downs.

Striking the Balance is an alternate history novel by American writer Harry Turtledove. It is the fourth and final novel of the Worldwar tetralogy, as well as the fourth installment in the extended Worldwar series that includes the Colonization trilogy and the novel Homeward Bound. In this book, while the Race considers total annihilation or continuing hostilities, the humans make a stand for the sovereignty of the planet. After a landing in the United Kingdom, Prime Minister Winston Churchill inflicted a massive victory against the Race using mustard gas, gaining much abandoned technology, and inspiring the other nations to use poison gas. The United States attempts to reverse engineer captured Race technology in an effort to create ballistic missiles at a military base in Couch, Missouri. Sergeant Yeager attempts to help Robert Goddard and other scientists with this research by interrogating captured aliens. In the process of his work, Yeager has developed a friendship with two of the alien prisoners, Ristin and Ulhass. Both members of the Race show an alarming adaptability to American customs, learning to play baseball and adopting human slang, along with a surprising willingness to help their human captors. The Race has apparently lost interest in Chicago and seeks instead to capture Denver. Captain Rance Auerbach is among the U. Army soldiers who are ordered to try and halt the new offensive. During the fighting, Rance is critically wounded and incapacitated. He awakens in a refugee hospital to find that the Race is advancing rapidly on Denver. Fortunately, Brigadier General Groves and the metallurgical laboratory manage to produce an atomic bomb which they use to halt the Race. Instead he orders the detonation of one over the front lines in Florida, causing the collapse of the entire American position in the state. Americans are upset by the recent death of President Franklin Roosevelt, and Atvar hopes that this will cause a succession crisis, tearing the United States apart; however, this does not happen, and the Presidency is smoothly transferred to Secretary of State Cordell Hull. Army, under the command of General George Patton, launches a counter-offensive down the Mississippi River, slowly liberating it from the Race. They manage to reach Quincy, Illinois but begin taking higher and higher casualties as they progress. The first American ballistic missiles are also launched against the Race, though they are so crude and unsophisticated that they do little damage against the invaders. But stocks of anti-missile weapons are low as the Race already expended many to shoot down German missiles. The speed with which the Americans and Germans have developed such weapons stuns and frightens the Race. In Poland, the Wehrmacht continues its advance eastward toward Lodz. However, as they get deeper and deeper into Polish territory, they encounter Jewish partisans whose sympathies lean toward the Race. Mordechai Anielewicz and his fellow Jews do not trust the Nazis and do not wish to see them in control of Poland. This situation is exacerbated by the realization that Soviet forces in Ukraine are slowly making their way toward Poland as well. No one is sure what will happen if and when the Wehrmacht and the Red Army meet on the battlefield. For a time, the Wehrmacht and the partisans manage to work together against the Race. However, the chances for peace are severely endangered when Hitler secretly plans to resume hostilities by launching a surprise attack against the Race in Poland. However, Hitler sends SS agents into Poland under Otto Skorzeny and they immediately begin to cause friction between the local Poles, the Jewish partisans, and the Wehrmacht. He establishes a line of communication to the partisans through a Polish farmer named Karol. Mordechai and his fellow partisans manage to find and disable the weapon. The Wehrmacht moves into position for the offensive. Furious, Skorzeny heads into Lodz to discern the problem. Ribbentrop is relieved when Atvar tells him that no reports of an attack in Poland have been made. Soon after returning to camp, he is detained by SS men and interrogated. Somewhere in Poland, Ludmila Gorbunova crash lands while trying to deliver supplies to partisans, as the partisans forget about a pine tree in the middle of the runway, which she runs into, wrecking her aircraft. She gets little or no help from the locals who are largely unable and unwilling to aid a Soviet pilot. A Jewish partisan named Ignacy does eventually manage to help her locate a working Fieseler Storch. She takes off with the intent of returning to the Soviet Union after her extended stay in Estonia. Fearing what

will happen to their commander if he is interrogated by the SS, the tank crewmen inform Ludmila about his fate and ask for her help. She readily offers her assistance. There they make contact with Mordechai and tell him about Skorzeny. All three head to the condemned building where the bomb is being guarded by partisans. They find the Jewish guard dead. Upon entering the building, Skorzeny attacks them with nerve gas and a submachine-gun. They manage to kill Skorzeny and avert the detonation of the bomb. In Cairo, the Race reaches an accord with the human powers. The Race will completely withdraw from the territories under the control of the United States, the Soviet Union, and the Third Reich in , with the exception of Poland, which the Race intends to hold as a buffer state between the Reich and the USSR. Australia was fully conquered after the atomic bombing of Sydney and Melbourne. With that, the war ends. Nevertheless, fighting continues in those territories the Race still controls, especially China where a determined Communist insurgency under Mao Zedong seeks liberation. And the Red Army continues to mop up remnant German units from the German invasion. It is clear that the peace is only temporary. The Race has not recognized the right of the human powers to their own independence and still officially intends to conquer the entire world at a later date. Nazi Germany is apparently still eager to use force in order to drive the Race off the planet completely, though perhaps not in the immediate future. In the Soviet Union, Stalin assures Molotov that war with the Race and the other human powers is inevitable, especially since a second wave of alien colonists is expected to reach earth by the s. In the United States, an America in ruins begins the long process of reconstruction. Striking the Balance"[edit] See list of Worldwar characters for fictional and historical characters. However, from the descriptions given in the novel it is possible to surmise that much of the technology used by the Race is not only feasible but is in fact in common use at the start of the 21st century. The military equipment of the Race is almost entirely analogous to human technology. Their primary ground forces are composed of tanks and mechanized infantry with supporting self-propelled artillery and gunships. Battleships and aircraft carriers in particular strike the Race as literally unimaginable. In addition, the Race was caught completely off-guard by the use of chemical weapons such as mustard gas to the point of not having any countermeasures such as gas masks. Their air forces are not fundamentally different from human air forces in terms of tactics and doctrine, being based primarily on the concept of achieving air superiority through the use of fighters. The Race apparently makes use of several theoretically feasible but not yet materially possible technologies, namely nuclear fusion power and interstellar travel. Turtledove describes the alien vessels making the journey from Tau Ceti to Earth in twenty years, implying that they can travel at one-half the speed of light. Vessels of the Race seems to create artificial gravity by means of rotation.

6: Striking the Balance (Worldwar, #4) by Harry Turtledove

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The Report sets out certain of our research on the issues considered, and refers at many points to the submissions of the stakeholders that have been consulted through the approximately month process that has culminated in the Report. While the conduct of the Review is dealt with in detail in Chapter 2 “Conduct of the Review”, it is worth mentioning as an introductory point that the Report is not merely the result of legal research but is the product, as well, of extensive stakeholder submissions and consultations in , and an Advisory Group process that took place in early . Michel, James Little Secretary of the Review , Chuck Andary, and Imogen Bailey, as well as all of the stakeholders and subject matter experts that have participated in the process. As we explained in each of the approximately 30 stakeholder consultation meetings, our retainer in respect of the Review is a solicitor-client relationship. Accordingly, the Review was not conducted as an independent public inquiry, like the Walkerton Inquiry, for example; rather, our instructions were to research and deliver an expert legal opinion “with a twist. The very significant twist was that our instructions also included the mandate to conduct a broad based consultation within the Ontario construction industry. Equally importantly, our clients committed to us from the outset that we would be allowed intellectual independence in our work. In conducting the Review we have communicated with over 60 stakeholders, and have identified approximately 90 issues and sub-issues. In part, the number of stakeholders and issues resulted from our mandate to proceed in a manner that was inclusive, transparent and collaborative. As discussed in the stakeholder consultation meetings, the core issues in respect of our mandate were, and are, the modernization of the Act; promptness of payment; and the effectiveness of dispute resolution. Our mandate did not include, for example, opining on procurement issues, which are not a subject encompassed by the Act, and did not extend to proposing the introduction of or major amendments to other provincial legislation. On this basis, we determined that a small number of issues, such as financial disclosure during the procurement of projects, bidder exclusion provisions, and the potential passage of false claims legislation, were beyond our remit. Having said this, however, the vast majority of the issues identified during the course of the Review to date have been researched and considered and are addressed in the Report that follows. It is also important to note the breadth of the issues we have considered in respect of the Act. While certain areas were outside of our remit as noted above, everything within the context of the Act was open to consideration. In fact, we considered potential fundamental changes up to and including repealing the Act itself. Accordingly, the recommendations that flow from our report are aimed at allowing the Act to better achieve its policy objectives and at bolstering certain elements of the Act, such as expediting payment and improving the efficiency of dispute resolution, that have not evolved optimally over the years since . In addition, we recommend some relatively new concepts which we believe will strengthen the Act while at the same time supporting the intent of the legislation. A few words regarding the form of the Report. The Information Package, which was broken down into fourteen categories of issues, was intended to provide the background context for the issues that had been identified up to that point in time. Of course, since the issuance of the Information Package we have conducted the stakeholder consultation meetings and the Advisory Group Meetings, and have received multiple written stakeholder submissions all of which have been posted on the Review website , and this process has allowed us to draw a distinction between the core issues, a grouping of substantive issues, and a grouping of technical issues. Also, some issues that initially appeared to be distinct from one another have, as our research and analysis has developed, proven to be significantly related. As well, we have decided to recommend that no changes be made to the priorities provisions of the Act, and to recommend that alternative dispute resolution remain voluntary and outside the Act, such that our analysis in regards to these issues does not form part of the Report, but will be posted to the Review website as background papers. Thus, the breakdown of categories contained in the Information Package has changed, and the reader will readily see that the final Report follows its own organizational structure. While over the course of five meetings the Advisory Group was not unanimous in respect of every issue discussed, a broad

consensus was generally reached with relation to three core issues: Above all, we have in our recommendations attempted to achieve an appropriate balance between competing interests and tensions, hence the title of this Report, *Striking The Balance*. Among the linked principles we encountered perhaps the most fundamental was that of regulation versus freedom of contract, however the competing values of cash flow versus collateralization also featured prominently, as did efficiency versus thoroughness in regards to dispute resolution. Generally, there was a need to address a complex set of interacting mechanisms in as practical a manner as possible in the circumstances. In each case, we have attempted to develop a recommendation that is practical and efficient. Having said this, it must also be recognized, and the reader will appreciate, that we have reached the fundamental conclusion that promptness of payment, supported by the remarkable efficiency of adjudication, represents a policy objective that justifies the need to strike a balance that allows for blending these recommended features into the legislation. As part of this introduction we would like to make one fundamental recommendation. That is, given the breadth and scope of the changes we recommend, a new Act will be created, an Act that will encompass rights and remedies that extend considerably beyond construction liens and trusts, and we suggest this new act be named the Construction Act: It is our view that such a change correlates with the changes we recommend, the changes in the industry that have taken place since , and the collective desire to move forward with a modernized piece of legislation. In conclusion, we consider ourselves fortunate to have been selected to conduct the Review, and, with the assistance of the persons mentioned above, we have made every effort to fulfill our mandate. Bruce Reynolds, Counsel 30 April Chapter 2: The appointment was announced to the public by the Ministry of the Attorney General. The original deadline was ultimately extended to April 30, Following the Announcement, we set out to design a process that would not only fit the needs of the industry but also would be flexible enough to ensure that the consultation would produce valuable submissions and meaningful dialogue. The goal was to create an open and transparent process. Ultimately, the process was organized in three distinct phases, as follows: Phase 1 Phase 1 commenced shortly after the Announcement, in February of Initially, MAG provided a list containing the contact information of various stakeholders that had been involved in the process surrounding Bill We heard from many stakeholders in short order after the Announcement. Ultimately hundreds of people were heard from, representing over 60 stakeholders. There were more issues than originally anticipated. Phase 2 The Information Package, when issued, contained over 60 issues and sub-issues to be considered by the stakeholder community. Its distribution marked the commencement of Phase 2 of the Review process. At this time, the process of preparing a survey which was to be administered by a third party consultant also began. The results of this survey were used to confirm general submissions made by stakeholders and to analyze the views of the industry generally. Concurrently with the EKOS process, we began the task of coordinating what would become approximately 30 stakeholder meetings that took place between September and December of The initial timeframes for the performance of these consultation meetings required significant adjustment as the Review did not have the power of subpoena and was required to accommodate the busy schedules of industry representatives in order to complete as many meetings as possible. As a result of the extended timeframe, a request was made to the Ministries to extend the deadline for the report which request was subsequently granted such that an initial extension was given to March 31, , followed by a further extension to April 30, as described below. The stakeholders were grouped, where appropriate, in order to achieve a more efficient process. These meetings were held at our offices in order to present an accommodating neutral environment for stakeholders to share their views and discuss potential opportunities for modernizing the Act. A representative of MAG attended each of the meetings in order to prepare summaries of the discussion. Copies of the summaries of the Consultation Process are provided on the Review website. Nearly every consultation meeting generated a new idea or new issue for the Review. As part of the Consultation Process, we invited each of the stakeholders as well as members of the industry generally to provide written submissions in relation to the issues identified in the Information Package. These submissions were extremely helpful and were reviewed as part of the ongoing process leading up to Phase 3. In January , we posted the written submissions on the Review website. Following the receipt of the written submissions and the conclusion of the Consultation Process, a supplemental issues list containing 27 new or

modified issues was prepared. Shortly after, we wrote to stakeholders informing them that the new issues list was available and inviting stakeholders to provide discrete supplementary submissions on these issues. A further tranche of written submissions was then received in relation to these new issues that were also considered in the writing of this Report. All submissions are on the Review website. The final step of Phase 2 was the formation of the Advisory Group. We invited a group of eminently qualified subject matter experts to participate in 3 meetings to be held between January and March of . The Advisory Group was comprised of the following individuals: Rather, they brought to the table an ability to provide the context of multiple stakeholder perspectives. Phase 3 In Phase 3, the Advisory Group meetings were held for the purpose of obtaining input in respect of the issues, and determining whether it was possible to achieve consensus on certain issues, as well as to refine recommendations that were being developed following the Consultation Process. In order to promote discussion, the Advisory Group meetings were conducted on a confidential basis. In March of , certain members of the Advisory Group asked if it would be possible to add further Advisory Group meetings in order to continue the progress that had been made at the previous three meetings. In view of the potential opportunity to achieve further consensus, we gave careful consideration to the possibility of further meetings and ultimately requested a further extension from the Ministry to provide our Report. Shortly after, the Ministries granted the request for an extension so that this Report could be submitted by April 30, As noted in Chapter 1 – Introduction , while over the course of five meetings the Advisory Group was not unanimous in respect of every issue discussed, a broad consensus was generally reached with relation to three core issues: During the entirety of Phase 3, our team has been extensively engaged in researching certain of the issues under consideration in numerous jurisdictions in addition to our own. That said we could not have produced this Report without the important and significant contributions of the stakeholder community and the Advisory Group. We extend our thanks to each and every contributor for their hard work and collaborative spirit. Overview While in theory the Act contains all of the necessary procedures to pursue a claim for lien, some stakeholders report having experienced difficulties in applying certain definitions contained in the Act, including the definitions of: As a result, we have considered the following issues: The definition immediately prior to the amendment read: The definition now reads: The Court of Appeal also dismissed the appeals, holding that each case would be decided on its facts, noting as follows: In most cases, the installation or repair of machinery used in a business operated in a building, particularly where the machinery is portable, will not give rise to lien rights under the CLA. On the other hand, where machinery is installed in a building for the use of a business and is completely and permanently integrated into the building, a lien claim will arise. The issue of portability is now said to be largely irrelevant, at least by some commentators. A third definitional approach involves the use of non-exhaustive lists and exclusions to clear up ambiguities. In *Waste Ltd.* There is also commentary to suggest that some degree of permanence may be required; [39] a repair of some permanence could result in an increase in the value of the land, while work such as snow removal that is part of regular maintenance does not increase the value of the land, and should thus be excluded. Again, the element of permanence is important in this distinction. The following chart outlines some of the considerations in relation to the work, but the applicability and weight of each will depend on the circumstances: Capital Repair Increase to the value of the land, building, structure or works No change or nominal increase to the value of the land, building, structure or works Higher degree of permanence Temporary, low degree of permanence Upgrade to the land, building, structure or works Replacement of similar quality or correction of a defect In distinguishing between lienable repairs and non-lienable maintenance, the principal considerations therefore are the permanence of the work, the effect the supply has on the land, building, structure or works, and whether or not it is part of an improvement. For some of these contracts, the physical installation of industrial, mechanical, or electrical equipment may be a relatively small element of the work to be performed under a contract, but the project generally may fall within the definition of improvement because of this work. At section 6 1 c and d of the New Zealand Construction Contracts Act , the installation and maintenance of communications systems is included. In the other jurisdictions reviewed, the inclusion or exclusion of IT projects is not clear. The Provincial Building and Construction Trades Council of Ontario and the International Union of Operating Engineers, Local were in favour of making all of the

definitions as inclusive as possible to protect workers, suppliers, and contractors. Some municipalities indicated that, for IT contracts, payments are made on the basis of various testing phases rather than substantial performance. The municipalities indicated that, in this context, there are discrepancies in how the Act is applied; some municipalities apply the Act to IT projects while others do not. Further, many IT projects include long-term maintenance payments. The ongoing nature of these projects makes it unclear as to how the Act should apply.

7: Striking The Perfect Balance

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