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## ‘Crucial time’ time for Crowns as government tightens its belts

By Richard Cleroux, Law Times columnist, January 27, 2014

It could be quite a year for federal government lawyers. Their labour contract is up for renewal and they’ll be going head-to-head with the federal Treasury Board and its president, Tony Clement, a man who doesn’t have a reputation as the sweetest guy in the world.

There are more than 2,700 federal government lawyers. They practice every kind of law imaginable for the government: litigation, criminal prosecutions, and treaties and negotiations of all kinds with as many countries as you can name. In addition, they write the federal laws politicians present in Parliament. It’s a big job as the smallest word error in a new law can lead to the biggest embarrassment for the government or to the most expensive consequences in a court of law down the road.

Lisa Blais is the smart-talking, bilingual president of the Association of Justice Counsel. She’s every bit the tough “union boss” she calls herself. She filed her union’s notice to reopen negotiations on Jan. 9 and expects to get talks started in February.

She admits she’s in a “bizarre” position since government lawyers wrote the labour law used in the negotiations.



But that's not to say things have gone badly for government lawyers. Right now, they earn between \$70,000 and \$200,000 a year. The average is about \$100,000. It all depends on their specialty and what they might have been doing before they came to the government.

The lawyers' union is a recent thing. It began in 2006 and Blais says although they got a good settlement in 2012 — with a 15.25-per-cent increase over three years — there was a lot of catching up to do.

Federal lawyers also get something called performance pay representing a bonus depending on how well they did their jobs. If they exceed expectations, they get up to seven per cent in bonus pay. Blais says that 20 years ago, federal lawyers used to be the best-paid government lawyers in the country. But within two decades, they had fallen way behind their counterparts working for other governments in Canada.

The deal they signed in 2012 took federal lawyers from the bottom of the list of lawyers working for governments right up to third place just behind their Ontario and Alberta counterparts.

“There was a lot of catching up to do,” says Blais.

There are still issues such as pensions, sick leave, and benefits to work out.

But 2014 is a big negotiation year for the debt-ridden federal government, so it's only talking about cuts and freezes for 17 of the 27 unions.

In the meantime, the government cut its roster of lawyers last year. Right now, four out of five government lawyers are with the Justice Department with another 15 per cent at the Public Prosecution Service of Canada and the remainder in other areas.

“Over the last few months, we have felt the impact of the federal government's debt reduction,” says Blais. The government declared 49 lawyers surplus and eliminated 30 jobs in the tax law portfolio. But compared to the cuts in some departments, that was peanuts.

Still, Blais says, the Conservatives will have to decide whether they intend to go ahead with their law-and-order agenda or let it drop since it's lawyers who make the Conservatives' agenda viable. “We're not making widgets,” she says. “We write legislation, prosecute drug deals and terrorists, and protect the environment.”

At any given time, there are more than 50,000 litigation files and the number grows by about four per cent every year.

With elections coming up next year, it wouldn't be a good time for the government to have all of its lawyers on strike. So the union is already organizing a member mobilization campaign and has joined the Canadian Labour Congress in order to bolster its cause. It's also planning campaigns on Twitter and Facebook to reach opinion makers and the news media.

Blais calls it "a crucial time" for her members. Clement knows what that means. It's crucial for him, too, especially with Finance Minister Jim Flaherty trying desperately to balance a budget in time for the next election.