

[Federal Crowns to get 15.25% pay boost](#)

Tentative deal increases wages despite cutbacks across departments

Law times, Monday, July 09, 2012 | Written by Kendyl Sebesta

The Association of Justice Counsel has reached a tentative agreement with the Treasury Board of Canada Secretariat that will spike the wages of roughly 2,700 federal Crown counsel by 12 per cent in the same year the Justice Department is looking for millions in savings.

Association president Lisa Blais made the announcement late last month in a letter to members that trumpeted “yet another high watermark” in its rocky road to a collective agreement with the government.

The agreement will result in an overall 15.25-per-cent increase in federal Crown counsel wages from May 2011 to May 2014. It includes an anticipated 12-per-cent increase in 2013 alone. The deal also provides for a 1.5-per-cent increase this year on top of a 1.75-per-cent boost last year.

If ratified by the association’s members within the next several weeks, the tentative agreement could significantly raise the salaries of federal lawyers from the current average. In 2010, that number was \$106,000, according to the association.

The agreement also comes at a time when federal budgets are decreasing across the board. Recently, hundreds of Department of Justice employees received notices of upcoming layoffs over the next three years. At the same time, youth justice programs in Canada are on the chopping block following funding cuts of \$35.6 million.

Despite the cuts, Blais insists the salary increases are necessary for federal Crowns who haven’t seen a significant wage hike in nearly 20 years.

“This tentative agreement will have a significant impact on all our members,” says Blais. “It closes what has virtually been a 20-year wage free fall and corrects that inequity.

It’s certainly an important and significant occasion in our history amid a particularly difficult climate and, hopefully, it will be ratified by our members.”

Members of the association will vote on the tentative agreement over the next few weeks with results expected as early as August.

The association reached the tentative agreement with the board on June 25.

If ratified, the deal would see pay ranges for federal Crown counsel converted to lockstep pay ranges with fixed steps by May 2013.

Lawyers who aren't at the top of the range will move to the next highest step on the new lockstep pay range as part of the agreement. If members don't ratify the deal, the parties will set new arbitration dates.

The agreement follows a constitutional challenge of the wage-restraint provisions of the Expenditure Restraint Act launched by the association in 2010 related to the 2006-07 fiscal year.

The Superior Court of Justice ruled last year that the act was unconstitutional on the basis that it violated federal lawyers' and prosecutors' right to bargain collectively.

The federal government introduced the act during the worldwide economic collapse in 2009. It capped increases for federal workers at roughly nine per cent over five years from 2006. That was the same year the association became the federal lawyers' union.

At that time, federal Crown counsel earned slightly more than \$100,000 a year, an amount significantly less than what other lawyers make in both the private sector and at the provincial Ministry of the Attorney General.

In the meantime, the association has filed a cross appeal to declare the entire act unconstitutional following an appeal of the Superior Court's decision by the attorney general last year.

The Court of Appeal is also considering an appeal by the attorney general over a decision awarding costs of \$135,000 to the association in relation to the initial constitutional challenge.

However, Blais notes the new agreement is a separate matter from the constitutional challenge. She says the constitutional matters address the issue of establishing an appropriate base rate of pay for 2006 while the tentative agreement addresses the three-year period beginning in May 2011.

"It certainly is an unusual dynamic, but we felt we had to move forward and think about what we could do for our members in the present," says Blais. "Any mechanism that gets us closer to closing that gap has to be dealt with. Right now, we're focused on moving forward."

In its submission to the arbitration board in May as part of its ongoing bargaining with the association, the Treasury Board hinted that the funds for the wage increase would likely be hard to come by.

"At the federal government level, expected deficits from 2008-09 to 2014-15 will reach a cumulative \$152 billion and the federal debt will climb to almost \$614 billion," the board's submission noted.

"This means the government has limited fiscal flexibility in which to address emerging concerns and priorities during these uncertain times, including collective bargaining demands."

But the government is now touting the tentative agreement as a win for all sides. "This agreement is a

win for employees and for Canadian taxpayers,” said Treasury Board spokeswoman Theresa Knowles.

“With this agreement, the government is confident it will be able to attract and retain quality prosecutors and other lawyers while at the same time ensuring value for taxpayers.

The key components of this agreement are the elimination of accumulated overtime, the elimination of compensation for travelling time, the elimination of voluntary severance — which to date has been eliminated for 230,000 unionized and non-unionized federal government employees — and a total cumulative increase of 15.25 per cent over a three-year contract that will expire on May 9, 2014.”

Knowles said the overall increase will involve a two-per-cent boost in May 2013 with an additional 10 per cent for restructuring and adjustment due to market pressures. As for where the money will come from, she said departments have to fund wage increases from their existing budgets.

For background on the Crowns' battle with the government, see "[Crowns win salary ruling.](#)" For related content, see "[Delays predicted as DOJ chops more jobs.](#)" To answer this week's poll question on this issue, see the *Law Times* homepage.