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AJC in the News – L’AJJ défraie les manchettes

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Federal lawyers uniquely positioned in coming 2014 labour turmoil



Prime Minister Stephen Harper addresses students and Conservative supporters at Brentwood College School on Jan. 7, 2014. (Chad Hipolito/THE CANADIAN PRESS)

From the Globe and Mail, January 12, 2014

Dean Beeby, Canadian Press

The Harper government has promised hard-nosed contract talks this year with most of its public-sector unions, but one group may be in for a somewhat easier ride: lawyers.

The Conservative government last year signed a deal with its lawyers that gave them a whopping 12 per cent salary increase for the current year

And the workforce downsizing that hit most departments has not been nearly as severe among the 2,500 federal lawyers at the Justice Department and elsewhere.

Tony Clement, president of the Treasury Board, has warned public servants they face new performance reviews to weed out poor workers. But the lawyers' group already has such reviews embedded in its contract, the only federal union with such a provision.

And those performance reviews have an upside for some lawyers, who can get up to seven per cent of their salaries for a job well done. Six of every 10 lawyers earn the lump-sum bonus each year.

→ The fledgling union that represents federal lawyers, the Association of Justice Counsel, filed notice last week that it wants to start talks with Treasury Board on a new deal to replace the current one, which expires in early May.

And the union president says federal lawyers have a good case for further contract improvements, noting there are sympathetic ears among Conservatives.

“Our members are the people who draft the anti-terror legislation. They’re the ones who prosecute the terrorists and drug dealers. They’re the ones who go after the tax cheats,” Lisa Blais said in an interview.

“This is a law-and-order government and they’d be hard-pressed to load on the responsibilities but take away the resources. ... Optically, it would be very difficult.”

Blais’ union negotiated the current deal in 2012. Talks appeared headed for arbitration when Treasury Board had a sudden change of heart and agreed to a 15.25 per cent salary increase over three years, with most of the hike in the final year, 2013-2014.

Ten per cent of that hike was simply to help keep salaries in line with Crown lawyers working for the provinces, after what Blais calls 20 years’ of steady erosion.

Treasury Board seemed to soften its position after a March 2012 Senate committee report on organized crime noted that salaries in the Public Prosecution Service of Canada were at least 40 per cent below those of Crown prosecutors working for the provinces.

The committee, dominated by Conservatives, called on the government to review salary levels at the service, which employs some 15 per cent of all federal lawyers.

→ And last November, a Conservative member of the House of Commons finance committee, Brian Jean, acknowledged at a meeting that “Crown prosecutors are not paid enough.”

A lawyer himself, Jean practised for 11 years in Fort McMurray, Alta., and told the committee he made twice as much money in the private sector as Crown prosecutors who had much more experience. Jean announced last week he is returning to private life.

Indeed, some 45 MPs in the Commons list their occupation as lawyer — the second most common after businessperson (56 MPs) — presumably giving them insight into the legal

profession's challenges. Clement and Justice Minister Peter MacKay are both lawyers, and MacKay was a Crown counsel in Nova Scotia.

Blais says her members, unionized since 2006, welcomed last year's deal, but adds there's more to be done.

"This is just the beginning, in our view, of closing a 20-year wage gap," she said. "We still have some catching up to do."

The most experienced federal lawyers make about \$220,000 base salary under the current contract.

A spokeswoman for Clement, Heather Domerecky, called the 2012 agreement "the best deal possible," a way to avoid binding arbitration that might have resulted in a more expensive contract.

The government has since tilted playing field heavily in favour of the employer. The omnibus Bill C-4 amended key sections of the Public Service Labour Relations Act to give Treasury Board more clout in labour negotiations — amendments carefully drafted by federal lawyers whose union now will have to live by the new rules.

"These are reasonable changes so that critical factors, like the need to recruit and retain qualified employees and whether the government can afford the increases, are given due consideration through the course of collective bargaining," Domerecky said in an email.

Lawyers remain key to drafting and implementing the Harper government's touted law-and-order agenda, handling some 50,000 litigation files at any given time, a level growing by as much as four per cent annually.

That heavy load was behind a 12 per cent jump in the number of lawyers working for the federal government in the four years ending March 2012, to 2,536, said Carole Saindon, a Justice Department spokeswoman.

The numbers declined to 2,448 last year, though Blais acknowledges "we haven't been as hard hit as some departments."

No dates have been set for contract talks with Treasury Board, which is also negotiating with more than a dozen public-sector unions whose contracts are all expiring at the same time.

With a deficit to wipe out in time for the 2015 election, the government is looking to hold the line on public-sector wages and benefits.

Les avocats du fédéral avantagés dans leurs négociations



En tout temps, quelque 50 000 affaires juridiques sont traitées par les services fédéraux, avec une hausse d'environ 4% par année. ARCHIVES, La Presse

Dean Beeby
La Presse Canadienne

Le gouvernement Harper a promis de dures négociations de conventions collectives avec la majorité des employés du secteur public fédéral, mais les avocats pourraient s'en tirer à meilleur compte.

L'an dernier, les conservateurs ont effectivement signé une entente avec les avocats fédéraux, entente qui octroie une importante augmentation salariale de 12 % pour 2013-2014.

Les mises à pied ayant eu lieu dans la plupart des ministères ont également été de moindre ampleur au sein des 2500 avocats oeuvrant au ministère de la Justice et ailleurs.

Tony Clement, le président du Conseil du Trésor, avait annoncé aux fonctionnaires fédéraux qu'ils devraient subir des évaluations destinées à se débarrasser des travailleurs improductifs. Chez les avocats, toutefois, une telle disposition est déjà inscrite dans leur nouvelle convention collective - la seule du genre à l'échelle fédérale.

Et ces évaluations sont avantageuses pour certains avocats, qui peuvent obtenir jusqu'à 7 % de leur salaire pour du travail bien fait. Six avocats sur 10 reçoivent ce boni à chaque année.

Le syndicat représentant les avocats fédéraux a par ailleurs annoncé, la semaine dernière qu'il désirait entamer des négociations avec le Conseil du Trésor pour remplacer la convention actuelle, qui arrivera à échéance en mai.

Les contacts seraient d'ailleurs bons entre le syndicat et les conservateurs.

« Nos membres sont ceux qui ont écrit la loi contre le terrorisme. Ce sont eux qui poursuivent les terroristes et les trafiquants de drogue. Ce sont eux qui s'en prennent aux fraudeurs fiscaux », mentionne la présidente du syndicat Lisa Blais. « C'est un gouvernement basé sur la loi et l'ordre, et ce serait mal vu que nos tâches soient accrues mais que les ressources soient réduites... En fait, ce serait très difficile. »

Négociations fructueuses en 2012

En 2012, les négociations semblaient se diriger vers un arbitrage, mais ont pris un tour pour le mieux lorsque le Conseil du Trésor a pris acte d'un rapport mentionnant que le salaire des avocats fédéraux du Service des poursuites pénales du Canada était d'au moins 40 % inférieur à ceux des provinces.

Les avocats ont finalement obtenu une augmentation de salaire de 15,25 % sur trois ans, la majorité de celle-ci étant offerte au cours de la dernière année de la convention, en 2013-2014.

Au dire de M^{me} Blais, les syndiqués ont favorablement accueilli l'entente de 2012, mais estime que du travail reste à accomplir.

« Ce n'est que le début, selon nous, de la fin d'un déficit salarial datant de 20 ans. Il y a encore du rattrapage à faire. »

Une porte-parole de Tony Clement, Heather Domereckyj, qualifie l'entente de 2012 de « meilleur accord possible », soit une méthode permettant d'éviter l'arbitration qui aurait pu entraîner l'imposition d'une convention collective plus coûteuse.

Depuis, le gouvernement a fait résolument pencher la balance en faveur de l'employeur. Le projet de loi omnibus C-4 vient amender plusieurs sections de la Loi sur les relations de travail dans la fonction publique, pour donner plus de pouvoir au Conseil du Trésor.

En tout temps, quelque 50 000 affaires juridiques sont traitées par les services fédéraux, avec une hausse d'environ 4 % par année.
