

Federal government fights for limit on Crown pay raises

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Lawyers help people seek justice and fight for their rights, but what happens when lawyers say *they* have been wronged and need justice?

They hire a lawyer.

Federal Crown attorneys have done just that in their bid to seek justice from, well, the Justice Department.

“Lawyers also need legal representation and (legal) advice like everyone else,” said Andrew Lokan, a Toronto lawyer representing about 2,700 federal Crowns who have taken their employer — the Canadian government — to court over a longstanding salary issue.

Justice Department lawyers have long complained their salaries are not competitive with those of Crown attorneys who work for Ontario’s Ministry of the Attorney General.

In March 2009, the federal government passed legislation limiting lawyers’ ability to get a raise, raising their hackles. In June 2010, the Crowns took their employer to court. Last March, Ontario Superior Court Justice Duncan Grace ruled the legislation unconstitutional.

The federal government is going to court Wednesday to seek a stay of that ruling.

Some two-thirds of the 2,700 federal Crowns work in Ontario, one reason why they compare their salaries to what their Ontario counterparts earn.

Ontario Crowns make \$76,018 to \$200,294. Lokan said federal Crowns earn at least 30 per cent less.

They also say that salaries paid to lawyers hired by the British Columbia, Alberta and Saskatchewan governments “far outstrip” theirs and that the average salary paid in the private sector is even greater.

Non-competitive salaries are a deterrent in hiring and retaining lawyers, the federal Crowns say.

In evidence filed in court, the Association of Justice Counsel, the federal lawyers’ bargaining agent, says the government’s own internal reports note the difficulties in recruitment and retention of qualified lawyers. In one report, the Department of Justice expressly acknowledges that “we are recruiting in a very competitive labour market, with private sector and other levels of government in some cases offering much more attractive compensation packages than we are.”

Lokan did not want to talk about the case on Tuesday, but noted it has “not affected the lawyers’ ability to work professionally.”

A spokesperson for the Justice Department could not comment.