



Government of British Columbia

Supplemental Submission and Response

to the

Judicial Compensation Commission

June 23, 2016

Introduction

1. The Government of British Columbia provided its Submission and Response to the Judicial Compensation Commission on June 14, 2016. In the Submission, the Government noted that facilitated discussions were underway with the Judicial Justices regarding their Judicial Review of the 2010 and 2013 Judicial Justice Compensation Commissions. Accordingly, Government indicated that it would be providing a Supplemental Submission as soon as possible. This is the Government's Supplemental Submission.

Overview of the Resolution of the Judicial Reviews

2. Former Chief Justice Finch was jointly requested by the Province and the Judicial Justices' Association of BC (the "Association") to facilitate discussions between the parties following commencement of the Judicial Review proceedings by the Association. The facilitated discussions were designed to explore whether there was any common ground between the parties' interests in relation to the Judicial Review. Former Chief Justice Finch held meetings with the parties and their counsel on April 29, May 6, and June 7, 2016. In the course of those discussions, each of the Association and the Province presented their interests. After clarifying some aspects, the parties were able to identify an approach to resolution of the litigation and thereby avoid the need for further court proceedings.
3. Ultimately, the resolution reached between the parties will result in the Attorney General placing a motion before the Legislature for the fiscal year April 1, 2013 to March 31, 2014 to increase the salary of full-time Judicial Justices by 4.9% higher than it was in the previous fiscal year; and a further motion before the Legislature that commencing in the 2014-2015 fiscal year, ad hoc Judicial Justices will receive the same per diem rate for their work as per diem Judicial Justices. There will be no need to take further steps in the litigation which will be dismissed in due course.

The Government's Submission to the Commission Regarding Judicial Justices

Salaries

4. Following resolution of the Judicial Reviews as described above, the salary for full-time Judicial Justices in 2016-17 will be \$110,249. This is the salary which should be used by the Commission as the current salary for the purposes of determining Judicial Justices' salaries for the next three fiscal years within the Commission's mandate.
5. The duty of this Commission is to recommend salaries prospectively for three years (April 1, 2017 – March 31, 2020). The position of the Government is that the salaries of full-time Judicial Justices should be increased by 1.5% per year, resulting in the following:
 - \$111, 903 in the first year;
 - \$113,581 in the second year; and
 - \$115,285 in the third year.
6. The position of the Government is that the proposed increase in salary provides reasonable and adequate compensation to Judicial Justices.
7. Government's position is supported by consideration of the factors identified in the *Judicial Compensation Act*. The Government's position recognizes the fiscal and economic realities in British Columbia, the compensation provided to publicly funded employees, as well as the compensation provided in respect to similar judicial positions across Canada taking into account differences in jurisdiction.

Parity

8. The Association suggests that per diem and ad hoc Judicial Justices should be paid the same rate. It is the position of Government that this issue has now been resolved, as described above.

Shift Premium

9. The Association submits that Judicial Justices should receive shift premiums in addition to their salary. The Government does not support this proposal.

Professional Development Allowance

10. The Association submits that the annual Professional Development Allowance be increased from \$1,500 to \$2,500. The Government does not support this proposal.

Pension

11. The Association submits that the Commission should recommend that Judicial Justices be included in the Judges' Pension Plan. The Government does not support the pension proposal of the Association.
12. Judicial Justices are included in the Public Service Pension Plan pursuant to Section 15 of the *Judicial Compensation Act*:

The Public Service Pension Plan applies to a full time judicial justice on the full time judicial justice delivering to the Public Service Pension Board of Trustees notice of that full time judicial justice's election to have the plan apply to that full time judicial justice.

13. Thus, the legislation is clear that the Judges' Pension Plan in Part 3 of the *Act* does not apply to Judicial Justices, and only applies to Judges.