

PART I
BACKGROUND INFORMATION

Treasury Board of Canada

The Treasury Board is a Cabinet committee of the Queen's Privy Council of Canada. It was established in 1867 and given statutory powers in 1869. The Treasury Board is responsible for accountability and ethics, financial, personnel and administrative management, comptrollership, approving regulations and most Orders-in-Council.

The formal role of the President is to chair the Treasury Board. The President carries out his responsibility for the management of the government by translating the policies and programs approved by Cabinet into operational reality and by providing departments with the resources and the administrative environment they need to do their work. The Treasury Board has an administrative arm, the Treasury Board Secretariat.

One of the key functions of the Treasury Board is to act as the employer for the Core Public Administration, which includes federal government departments and some agencies. As such, The Treasury Board is the largest employer in the country with a payroll in excess of \$12.5B. One of its responsibilities is to negotiate collective agreements with the bargaining agents that represent the employees in the core public administration. In its approach to collective bargaining and the renewal of collective agreements, the Employer's goal is to ensure fair compensation for employees and, at the same time, to deliver on our overall fiscal responsibility and our commitment to the priorities of the government and Canadians.

Core Public Administration

The Core Public Administration (CPA) is defined in section 11 of the *Financial Administration Act*³ and comprises the departments named in Schedule I and the other portions of the federal public administration named in Schedule IV of the Act. For ease of reference, the schedules are reproduced in Appendix B.

³ **Financial Administration Act (R.S., 1985, c. F-11)**

Treasury Board is the employer of the Core Public Administration (CPA) which is comprised of about 192,000 employees. In excess of 158,000 employees are represented by seventeen (17) bargaining agents in one of the by twenty-seven (27) distinct bargaining units outlined in the table below.

Bargaining Agent	Bargaining Unit	Population
Public Service Alliance of Canada (PSAC)	Program and Administrative Services (PA)	79,697
	Operational Services (SV)	12,470
	Technical Services (TC)	10,863
	Border Services (FB)	8,925
	Education and Library Science (EB)	1,186
Professional Institute of the Public Service of Canada (PIPSC)	Computer Systems (CS)	12,940
	Applied Science and Patent Examination (SP)	6,681
	Audit, Commerce and Purchasing (AV)	5,899
	Architecture, Engineering and Land Survey (NR)	2,997
	Research (RE)	2,767
	Health Services (HS)	2,757
Canadian Association of Professional Employees (CAPE)	Economics and Social Science Services (EC)	11,370
	Translation (TR)	1,068
Union of Canadian Correctional Officers (UCCO-SACC-CSN)	Correctional Services (CX)	5,808
Association of Canadian Financial Officers (ACFO)	Financial Management (FI)	3,690
Association of Justice Counsel (AJC)	Law (LA)	2,285
Professional Association of Foreign Service Officers (PAFSO)	Foreign Service (FS)	1,201
International Brotherhood of Electrical Workers (IBEW)	Electronics (EL)	1,111
Canadian Merchant Service Guild (CMSG)	Ships' Officers (SO)	1,020
Federal Government Dockyard Trades & Labour Council (West) (FGDTLC (W))	Ship Repair – West Coast (SR-W)	933
Federal Government Dockyard Trades & Labour Council (East) (FGDTLC (E))	Ship Repair – East Coast (SR-E)	840
Canadian Federal Pilots Association (CFPA)	Aircraft Operations (AO)	422

Bargaining Agent	Bargaining Unit	Population
Canadian Auto Workers (CAW)	Radio Operations (RO)	344
Canadian Military Colleges Faculty Association (CMCFA)	University Teaching (UT)	210
Federal Government Dockyard Chargehands Association (FGDCA)	Ship Repair Chargehands and Production Supervisors – East (SR-C)	85
Communications, Energy and Paperworkers Union of Canada (CEP)	Non-Supervisory Printing Services (PR-NS)	24
National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada)	Air Traffic Control (AI)	7

There are currently 9 on-going negotiation processes. Of those, six are the subject of tentative agreements that are being ratified by the bargaining agent's membership. For the remaining processes, two are before arbitration boards and one is proceeding to Public Interest Commissions.

As indicated above, The Law group represents one of the twenty-seven (27) bargaining units and is represented by the Association of Justice Counsel, one of the seventeen (17) bargaining agents within the core public administration. Many of the proposals put forward in this round of bargaining touches on issues linked with other processes. These will clearly be identified in more detail in Parts II and IV of this brief.

Expenditure Restraint Act

In January 2009, in direct response to the global economic crisis, the Minister of Finances tabled Budget 2009 before Parliament. Bill C-10⁴, the supporting legislation to implement the budget was tabled for first reading on February 6, 2009 and received royal assent on March 12, 2009. Part 10 of this bill contained the provisions of the *Expenditure restraint Act* (ERA) which for ease of reference is reproduced in Appendix C.

⁴ *An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and related fiscal measures*

The ERA provides a framework for economic increases during the restraint period that covers the period of April 1, 2006 to March 31, 2011. It applies to more than 400,000 federal public sector employees, including employees represented by a bargaining agent, employees not represented by a bargaining agent and those excluded from a bargaining unit. The ERA also applies to Crown Corporations and public bodies listed in Schedule 1 of the Act.

In accordance with Section 16 of the ERA, the maximum annual pay increases are as follows:

- 2.5% for an annual period beginning between April 1, 2006 and March 31, 2007;
- 2.3% for an annual period beginning between April 1, 2007 and March 31, 2008;
- 1.5% for an annual period beginning between April 1, 2008 and March 31, 2009;
- 1.5% for an annual period beginning between April 1, 2009 and March 31, 2010 and;
- 1.5% for an annual period beginning between April 1, 2010 and March 31, 2011.

The ERA prohibits any increase in or introduction of any form of additional remuneration, such as any allowance, bonus, differential or premium or any payment that is similar to any of those payments. Lump-sum payments are deemed to be bonuses under the ERA. Any creation or increase to an additional remuneration during a given annual pay period that begins on or after December 8, 2008 and prior to March 31, 2011 is subject to the restraint levels set out in the ERA. However, nothing in the ERA is to be construed as precluding the entitlement of any employee to incremental increases, merit or performance increases, in-range increases, performance bonuses or similar forms of compensation. Any changes to performance pay plans and any type of restructuring of rates of pay during a given annual pay period that begins on or after December 8, 2008 and prior to March 31, 2011 are prohibited by the ERA. Section 34(a) of the ERA also provides additional conditions specific to employee in the Law (LA) group bargaining unit.

Employer Bargaining Team

The representatives of the Treasury Board in this round of bargaining are as follows.

Treasury Board of Canada Secretariat

Marc Thibodeau Director of Operations, Collective Bargaining

James Butler Negotiator

Veterans Affairs

Eric Marinacci Regional Director Pensions Advocacy

Justice Canada

Terry McAuley Director/Senior General Counsel (Confirm Proper Title)

Pam McCurry Associate Assistant Deputy Attorney General

Colin Wetter Acting Senior Regional Director, Alberta

Kathleen Roussel Acting Senior General Counsel and Executive Director,
Environment Canada

Colleen Laframboise Director, Labour Relations and Compensation

Public Prosecution Service of Canada

Lyne Côté Director General

Robert Prior Director, Federal Prosecution Service, B.C.

Law (LA) Group Definition⁵

The Law Group comprises positions that are primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions.

Inclusions

Notwithstanding the generality of the foregoing, for greater certainty, it includes positions that have, as their primary purpose, responsibility for one or more of the following activities:

1. the provision of legal advice; the preparation of contracts, leases and other legal documents; the representation of litigants; and the provision of legal research and editing services;
2. the drafting and interpretation of legislation; and
3. the leadership of any of the above activities.

Also included are positions in the Department of Justice requiring the performance of legal functions pursuant to the Department of Justice Act.

Exclusions

Positions excluded from the Law Group are those whose primary purpose is included in the definition of any other group.

Also excluded are positions that require the interpretation of regulations, the drafting of contracts, leases or other legal documents, or the conduct of studies and in which a comprehensive knowledge of law is desirable but not mandatory.

⁵ Classification Standard for the Law (LA) Group, Office of the Chief Human Resources Officer of Canada, Treasury Board Secretariat.

Bargaining Unit Characteristics

Employee Population and Payroll

For the purposes of collective bargaining, the payroll data and group demographics used is as of December 31, 2006. There were, at that time, 2,174 members of the bargaining unit employed in 21 departments. As is indicated in the following table, the bargaining unit payroll for the Group, as of December 31, 2006, is \$220,295,973. The mean salary for bargaining unit members as of that date is \$101,332, while the average salary for the CPA is \$60, 413. Appendix D provides a more detailed breakdown of the Law group payroll distribution.

Law Group (LA) Payroll and Mean Salary As of December 31, 2006			
Sub-Group	Population	Payroll	Mean Salary
LA Dev.	40	1,618,255	40,456
LA 01	266	18,155,280	68,253
LA 2A	1,124	112,824,586	100,467
LA 2B	360	42,699,679	118, 610
LA 3A	85	11,304,703	134, 580
LA 3B	19	2,827,201	148,800
LA 3C	1	172,800	172,800
Toronto Regional Rates			
LA Dev.	0	0	0
LA 01	64	4,587,725	71,683
LA 2A	131	14,104,695	107,669
LA 2B	53	7,138,996	134,698
LA 3A	26	3,832,985	147,423
LA 3B	5	761,000	152,200
Total	2,174	220,295,973	101, 322
Core Public Administration	158,564	9,579,271,501	60, 413

Note: The payroll for the LA Group represents approximately 2.3 % of the overall payroll for the core public administration. The LA Group population represents approximately 1.37 % of the total number of employees in the core public administration.

Demographic Data

The following tables provide demographic information with respect to the Law Group.

Geographic Distribution

A more detailed breakdown by level and sub-group of the distribution by geographic area is provided in Appendix E. Of the 1,346 employees working in Ontario, 1,058 or more than 78% are working in the National Capital Region. Similarly, of the 217 employees working in the Province of Quebec, 51 or more than 23% are working in the NCR. Consequently, the NCR account for 51% of the group population.

Summary of Geographic Distribution As of December 31, 2006								
	Atlantic	Québec	Ontario	Prairies	B.C.	Terr.	Out.	Total
LA Dev.								
Total	1	4	18	7	7	3	0	40
%	2.5%	10%	45%	17.5%	17.5%	7.5%	0	100%
LA 01								
Total	16	32	200	39	35	8	0	330
%	4.8%	9.7%	60.6%	11.8%	10.6%	2.4%	0	100%
LA 02								
Total	79	163	1,030	201	161	32	2	1,668
%	4.7%	9.8%	61.8%	12.1%	9.7%	1.9%	0.1%	100%
LA 03								
Total	0	18	98	10	10	0	0	136
%	0	13.2%	72.1%	7.4%	7.4%	0	0	
TOTAL	96	217	1,346	257	213	43	2	2,174
%	4.4	10.0	61.9	11.8	9.8	2.0	0.1	100.0

Distribution by Years of Service and Gender

The complete distribution of employees by years of service and gender is provided in Appendix F. The average years of service for members of this group is 9.5 years. For the CPA, this average is 12.8 years or 12.7 years for represented employees only.

Distribution by Years of Service and Gender As of December 31, 2006			
Years of Service	Male	Female	Total
0-4 years	308	347	655
5-14 years	477	516	993
15-16 years	53	54	107
17 years	29	20	49
18-24 years	132	113	245
25-27 years	32	21	53
28 and more years	49	23	72
Total	1,080	1,094	2,174
Weighted Average	10.2	8.9	9.5

Distribution by Department

The Public Prosecution Services of Canada (PPSC) was created on December 12, 2006. Approximately 25% of the 2,077 employees are employed at PPSC.

Departmental Distribution – Major Employing Departments As of December 31, 2006		
Departments	Number of Employees	% of Total
Department of Justice and Public Prosecution Services of Canada	2,077	95.5%
Department of Veterans Affairs	34	1.6%
Other (19 departments)	63	2.9%
Total	2,174	100%