

SASKATCHEWAN JUSTICE OF THE PEACE
ASSOCIATION SUBMISSION
TO THE
2013 PROVINCIAL COMPENSATION COMMISSION
FOR
JUSTICES OF THE PEACE



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The Saskatchewan Justice of the Peace Association is pleased to make this submission to the Provincial Justice of the Peace Compensation Commission appointed pursuant to ss. 10.1 to 10.8 of *The Justices of the Peace Act, 1988*.

All of which is respectfully submitted,

Saskatchewan Justice of the Peace Association (SJPA)

Per: _____
Jacob Lichtenwald, Chairperson
Compensation Subcommittee

Saskatchewan Justice of the Peace Commission
Submission of the Saskatchewan Justice of the Peace Association
October 2013

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Part I Justice of the Peace Compensation Commission Mandate

The mandate of the Justice of the Peace Compensation Commission is to make recommendations concerning the appropriate remuneration for Justices of the Peace of the Province of Saskatchewan for the period from April 1, 2013 to March 31, 2019. To assist the Commission with this task, the Saskatchewan Justice of the Peace Association (“SJPA”) makes the following submissions.

Part II Introduction to the Commission Process

A. Introduction

Justices of the Peace in the Province of Saskatchewan have significant judicial decision-making authority. They make daily decisions that impact on the liberty, security and privacy of the citizens of Saskatchewan. They are typically the first judicial decision-maker that individuals charged with criminal offences appear before and are often the only judicial decision-maker that individuals charged with regulatory offences will encounter.

The functions performed by Justices of the Peace require a significant degree of independent decision-making. As Professor Alan Mewett states in his landmark report to the Government of Ontario concerning the role of Justices of the Peace:

...the Justice of the Peace is the very person who stands between the individual and the arbitrary exercise of power by the state or its officials. It is essential that an independent person be the one who determines whether process (on criminal charges) should issue, whether a search warrant should be granted, whether and on what terms an accused should be released on bail and so on. This is a fundamental principle at the heart of the common law and in my opinion must be zealously preserved.¹

¹ A.W. Mewett, *The Office and Function of Justices of the Peace in Ontario* (1982)

Judicial independence is a key component of the Canadian legal system as a whole. Appropriate compensation for judicial work is required to safeguard independence and to attract and retain qualified candidates for the work involved.

The SJPA submits that the current compensation for Saskatchewan Justices of the Peace falls far short of the level required to protect and maintain judicial independence. The current compensation structure for the majority of Saskatchewan Justices of the Peace working in assigned communities across the province is not only the lowest in Canada, it results in the equivalent of an hourly compensation rate for most provincial Justices that can be lower than the Saskatchewan minimum wage.

In 2012, the Government of Saskatchewan recognized the need for a fundamental change in the compensation structure for Saskatchewan Justices of the Peace to comply with constitutional requirements for independence. Legislation to establish an independent compensation process was subsequently introduced and passed in the spring of 2013.

The need for an independent compensation process is rooted in the relationship between the judiciary and other branches of government and the fact that judicial decision makers need to be independent from political interference or involvement.

B. Judicial Independence

In the watershed 1997 decision of the Supreme Court of Canada, the *PEI Reference*², Lamer CJC outlined the three aspects of judicial independence: financial security, administrative independence, and security of tenure. According to Justice Lamer, a

² *Reference re Remuneration of the Judges of the Provincial Court of Prince Edward Island; R.v. Campbell; R.v. Wickman; Manitoba Provincial Court Judges Association v. Manitoba (Minister of Justice)* [1997] 3 S.C.R. 3. (PEI Reference).

judicial compensation commission process is necessary to ensure financial security for judges.

The Supreme Court of Canada reiterated the importance of the financial security principle in the 2005 *Bodner*³ decision. In *Bodner*, the Court addressed the meaning of financial security as follows:

“... financial security embodies three requirements. First, judicial salaries can be maintained or changed only by recourse to an independent commission. Second, no negotiations are permitted between the judiciary and the government. Third, salaries may not fall below a minimum level.”

In *Ell v. Alberta* 2003 SCC 35, the Supreme Court of Canada confirmed that financial security considerations also apply to Justices of the Peace. The Supreme Court held that the principles of judicial independence that apply to Judges also apply to Justices of the Peace as a result of their authority to exercise judicial functions.

In *Ell*, the Supreme Court of Canada commented that:

- Justices of the Peace are included in the definition of “justice” under s.2 of the *Criminal Code*, R.S.C. 1985, C.C. – 46, and are authorized to determine judicial interim release (bail) pursuant to s. 515 of the Code (para. 24).
- They serve on the front line of the criminal justice process and perform numerous judicial functions that significantly affect the rights and liberties of individuals (para. 24); and
- Principles of judicial independence apply as a result of their authority to exercise judicial functions (para.17);

³ *Provincial Court Judges’ Association of New Brunswick v. New Brunswick (Minister of Justice)*; *Ontario Judges Association v. Ontario (Management Board)*; *Bodner v. Alberta*; *Conférence des juges du Québec v. Québec (Attorney General)*; *Minc Québec (Attorney General)*, 2005 SCC44, (Bodner).

The Supreme Court of Canada acknowledged in *Ell* that Justices of the Peace “... have played an important role in Canada’s administration of justice since adoption of the position from England in the 18th century and that the administration of justice could not be carried on in the Provinces effectually without (their) appointment...”(para. 4).

C. Commission Process Requirements – Objective, Independent and Effective

In the *PEI Reference*, the Supreme Court of Canada found that compensation commission processes are to be *objective, independent and effective* in setting remuneration and benefits for the third branch of government – the judiciary.

In the *PEI Reference*, Justice Lamer elaborated upon the need for the independence of the Commission process as follows:

The rationale for independence flows from the constitutional function performed by these commissions – they serve as an institutional sieve, to prevent the setting or freezing of judicial remuneration from being used as a means to exert political pressure through the economic manipulation of the judiciary. It would undermine that goal if the independent commissions were under the control of the executive or the legislature.⁴

In *Bodner*⁵, the Supreme Court made further comments about the commission process as follows:

The Commission must objectively consider the submissions of all parties and any relevant factors identified in the enabling statute and regulations. Its

⁴ PEI Reference at paragraph 170.

⁵ Bodner at paragraph 16.

recommendations must result from a fair and objective hearing. Its report must explain and justify its position.⁶

D. Commission Reports

One lesson from the *Bodner* case is that it is crucial to the integrity of the commission process for the commission to write a detailed report containing specific recommendations supported with well-articulated reasoning.

A commission which supports each of its recommendations with full and detailed reasoning ultimately demands an equally reasoned response from government.

In terms of the recommendations themselves, the SJPA submits it is important that the Commission specify the following:

1. The effective date of the recommendations (e.g. April 1, 2013);
2. To whom the recommendations apply (e.g. all full-time and part-time Justices of the Peace as at April 1, 2013, regardless of later death, retirement or term expiration and all Justices of the Peace since appointed); and
3. The details of each aspect of the recommendation.

Issues have arisen over the years in different provinces resulting from a lack of clarity in commission reports. This has led to confusion and periods of uncertainty for both the affected judges and JPs and the civil servants who are charged with implementing

⁶ Bodner at paragraph 17.

the reports. For these reasons, it is important for recommendations to be clear and detailed.

E. Commission Process for Saskatchewan Justices

The Commission process for Saskatchewan Justices of the Peace is set out in s. 10.1 to 10.8 of *The Justice of the Peace Act, 1988*, the relevant portions of which read as follows:

Commission to inquire and make recommendations

10.3(1) A commission:

(a) shall inquire into and make recommendations with respect to:

(i) the annual salary of a justice of the peace mentioned in subsection 10.2(1);

(ii) the method of calculating the *pro rata* portions of the annual salary mentioned in subsections 10.2(4) and (5); and

(iii) the contributions to be made to the pension plan mentioned in subsection 10.2(6); and

(b) may inquire into and make recommendations with respect to benefits to be provided to justices of the peace pursuant to regulations made pursuant to clause 15(d).

(2) A commission's recommendations with respect to the percentage mentioned in subsection 10.2(1) cannot result in an annual salary amount for justices of the peace that is less than the annual salary being received by justices of the peace on the day on which the report containing the recommendation is submitted to the minister.

Commission reports

10.4 (1) Within six months after the day on which this section comes into force, the commission shall prepare and submit to the minister and the association a report containing:

- (a) its recommendations with respect to the matters mentioned in clause 10.3(1)(a) for the period commencing on April 1, 2013; and
 - (b) proposed regulations to implement those regulations.
- (2) On or before December 31, 2018, a commission shall prepare and submit a report to the minister and the association containing:
 - (a) its recommendations with respect to the matters mentioned in clause 10.3(1)(a) for the period commencing on April 1, 2019; and
 - (b) proposed regulations to implement those recommendations.
- (3) On or before December 31 of every sixth year after 2018, a commission shall prepare and submit a report ...
- (4) A report prepared and submitted pursuant to this section may be accompanied by a report containing any recommendations of the commission with respect to the matters mentioned in clause 10.3(1)(b).

The Commission is required to make recommendations concerning Justices of the Peace in the following areas: (1) annual salaries, (2) the method of calculating pro rata portions of annual salaries, and (3) pension plan contributions for Senior Justices of the Peace.

The Commission may also make advisory recommendations on the benefits to be received by Saskatchewan Justices of the Peace. These recommendations are at the discretion of the Commission.

The SJPA submits that it would be appropriate for the Commission to make advisory recommendations on Justice of the Peace benefits at this time for the following reasons:

- (1) Three Justice of the Peace positions currently have associated benefits which are set by regulation – these positions are the Supervising Justice and two Traffic Safety Justice positions. As regulatory changes will likely be required to address the issue of pension contributions for these Justices in any event, it

would be an opportune time to include consideration of additional benefits as well. Furthermore, the two Traffic Safety Justice positions are vacant at the present time which is an optimum point to deal with potential benefits changes for the positions;

- (2) The benefits issue will need to be addressed by the Government of Saskatchewan for Hub Justices of the Peace in the near future as these full-time Justices have “employee” characteristics which will, at a minimum, require assessment for CPP and Employment Insurance purposes. Government officials may benefit from the guidance of the Commission in making decisions relating to Hub Justices in this area.
- (3) The SJPA is proposing a per diem compensation formula for Community Justices that provides a straightforward benefits calculation and simplicity of benefits administration for these Justices. The expertise of the current Commission may assist Government of Saskatchewan officials in assessing this benefits model and with related decision-making;
- (4) The Commission process for Saskatchewan Justices of the Peace operates on a multi-year cycle with the next process set for 2018. As a result, there will not be another opportunity for an independent perspective and advice on the benefits issue for a lengthy period of time. Given current recruitment concerns and the importance of competitive benefits in this area, it will be critical for the benefits issue to be addressed in the near future. As a result, this may be the only opportunity for a Justice of the Peace Compensation Commission to have significant advisory input on the benefits issue before the Government of Saskatchewan makes key decisions in this area.

- (5) The remuneration for work performed by part-time and full-time Justices of the Peace should be paid at an equivalent level as the work is of equal value. In order to achieve equivalent compensation, it is important to provide similar benefits as benefits are an important aspect of remuneration for work. Addressing the benefits issue for some Justices of the Peace rather than the entire group would be contrary to an equivalent compensation objective.

Part III Justices of the Peace in Saskatchewan

A. An Overview of Saskatchewan Justices of the Peace

Saskatchewan Justices of the Peace are currently under the authority of the Chief Judge of the Provincial Court. In practice, the Chief Judge delegates authority to the Supervising Justice of the Peace to oversee JP operations on a province-wide basis.

The position involves a significant degree of decision-making authority in both the criminal and regulatory justice systems and has expanded in scope substantially from its early English origins.

B. An Historical Perspective

Justices of the Peace have been an integral part of the English judicial system since the fourteenth century. In 1340, Edward the III of England appointed “keepers of the peace” to better maintain public order and guard against the commission of crime. These early Justices tried all but the most serious of cases in both criminal and civil matters. They performed a variety of roles in the justice system including service as police officers, prosecutors, and judicial decision-makers.

The position continued in this capacity until 1848 when the role underwent a fundamental change. The police and prosecutorial functions were removed and the position became solely a judicial and administrative one.

In the 18th century, the Justice of the Peace position was imported from England to Canada by Royal Proclamation in 1763 which provided that the civil and criminal law of England would apply to the territory of what would subsequently become the Dominion of Canada.

The introduction of English criminal law into the Province of Quebec was subsequently extended into what is now the Province of Ontario by the Quebec Act of 1774. Justices of the Peace were subsequently appointed and began carrying out their responsibilities prior to the creation of the Province of Upper Canada by the Constitutional Act of 1791. In 1800, the Legislature of Upper Canada adopted the criminal law of England as the criminal law of the Province, Canadian Justices of the Peace thereby acquired the same extensive powers and authority enjoyed by their English counterparts.⁷

With Confederation in 1867 and the enactment of the *British North America Act*, provinces were vested with the power to appoint and set qualifications for Justices of the Peace. Appointments were made and Justices of the Peace began carrying out their responsibilities in the areas of criminal and civil law, with some variation occurring between jurisdictions as to the specific nature of the duties involved.

Early court processes presided over by Justices of the Peace at this time gradually gave way to courts presided over by Magistrates (a forerunner of a Provincial Court Judge) and Judges. The authority of Justices of the Peace waned during this period, a situation that remained relatively unchanged until the mid twentieth century.

⁷Ontario (J.C. McRuer), *Royal Commission Inquiry into Civil Rights*, Report No. 1, vol. 2 (1968) 523.

In the 1960's, a renewed focus on the Justice of the Peace position took place following the creation of the Provincial Court system. During this time period, the Government of Saskatchewan began considering a new role for provincial Justices of the Peace. In 1977, the traffic offence work carried out by Provincial Court Judges was transferred to Justices of the Peace with the opening of the first Traffic Safety Court in Regina. This was followed by Saskatoon Traffic Safety Court in 1981. In October 1983, City of Regina Bylaw matters formerly presided over by Provincial Court Judges were transferred to Justices of the Peace as well. City of Saskatoon Bylaw matters followed shortly thereafter. The transfer of the docket and trial responsibilities to Justices of the Peace in these regulatory areas was for the purpose of alleviating workload pressure on the Provincial Court.

In 1988, a further fundamental shift occurred for Justice of the Peace positions in Saskatchewan. At that time, formal government supervisory authority over Justices of the Peace ceased with the transfer of supervisory responsibilities for Justices of the Peace from Court Services to the Chief Judge of the Provincial Court. New legislation was passed to modernize the position and to address independence requirements for Justices of the Peace in order to comply with the *Canadian Charter of Rights and Freedoms*.

The role of the Justice of the Peace is continuing to evolve in Saskatchewan and in other Canadian jurisdictions as well. As it evolves, the recognition of the importance of the role and of the work being accomplished is also becoming increasingly recognized.

C. Qualifications

Saskatchewan Justices of the Peace must be Canadian citizens and Saskatchewan residents of good character who have the ability to exercise sound, independent judgment and uphold the rule of law. They must have strong analytical and conceptual skills, excellent communication skills, and the ability to accurately reference and appropriately

apply a variety of provincial and federal legislation. Preference is given to candidates with significant knowledge of legal process, and education, training and/or employment experience relevant to the position. The Supervising Justice of the Peace and Case Management Justices of the Peace are required to have a law degree. While there are no specific education or employment experience requirements for other Justices of the Peace, in practice, however, lawyers have become the candidate group for Senior Justice of the Peace positions.

D. Selection Process

The selection process for Justices of the Peace is equivalent to an executive hiring process. Position vacancies are advertised, a staffing panel is struck (which may include Judges of the Provincial Court), and applicants are selected for interviews based on specific knowledge, skills and abilities requirements identified for the positions by the Supervising Justice. The interview process is rigorous and includes a practical skills assessment component. Successful candidates are recommended for appointment by the Supervising Justice to the Minister of Justice with the Minister ultimately making appointment decisions.

E. Demographics

Of the 142 Justices of the Peace in the Province of Saskatchewan, 80% are 50 years of age or older. The average age is 57 years for these Justices. Approximately 56% of the Justices are male and 44% are female. Most reside and work in smaller urban or rural locations across the province as identified in Figure 1.

Saskatchewan Justices of the Peace have a variety of backgrounds. The current group of JPs include business owners and executives, accountants, financial planners, teachers,

university professors, social workers, pharmacists, lawyers and retired firefighters, police officers and conservation officers.

F. Current Position Structure

The current position structure for Justices of the Peace is as follows:

- Supervising Justice of the Peace (Full Time)
- Assistant Supervising Justice of the Peace (Full Time)
- Two (2) Traffic Safety Court Justices (Full Time)
- Six (6) Municipal Bylaw Justices (Part Time)
- Two (2) Case Management Justices (Part Time)
- Twenty-six (26) Stipend Justices of the Peace; and
- One hundred and four (104) Community Justices of the Peace.

The Supervising Justice of the Peace and the Assistant Supervising Justice of the Peace are located in Regina and are responsible for all aspects of the administration of JP operations. They develop and administer the training program for JPs, manage the JP Centre in Regina, handle human resources and budget matters, are responsible for policy development and research support, provide daily legal and policy guidance to Saskatchewan JPs and respond to numerous public inquiries. The Supervising Justice of the Peace also serves as a back up to the Traffic Safety and Case Management Justices of the Peace for docket and trial work. The Assistant Supervising Justice of the Peace serves as a back up to the Traffic Safety and Bylaw Justices for docket and trial work.

Traffic Safety Court Justices are located in Regina, Saskatoon and Prince Albert. They preside in court over a high volume of provincial regulatory offences including violations under *The Traffic Safety Act* and related moving violations under Municipal Bylaws as

well as offences under other Provincial Statutes such as *The Alcohol and Gaming Regulation Act, 1997*, *The Occupational Health and Safety Act*, *The Labour Standards Act*, *The Tobacco Control Act*, *The Trespass to Property Act*, *The Wildlife Act, 1998*, *The Dangerous Goods Transportation Act, 1997*, *The Private Investigators and Security Guards Act, 1997* and *The Fisheries Act*, to name just a few.

Unlike JPs in many other jurisdictions in Canada, Saskatchewan Traffic Safety Justices hear cases involving serious injuries and fatalities and have the authority to impose terms of incarceration. The limits on the maximum prison sentence that can be imposed by Saskatchewan Justices of the Peace are those set out in the provincial statutes dealt with by these Justices. Terms of imprisonment for provincial offences are rare but can be substantial with some types of offences carrying a potential term of imprisonment for up to two years. The lengthiest term of incarceration imposed by a Traffic Safety Justice to date is eighteen months for a serious set of driving offences.

As is the case with terms of incarceration, there are no policy limitations on the maximum fine amount that can be imposed by a Traffic Justice other than the limits set out in the statutes involved. Substantial fines can be imposed with maximums in the neighbourhood of \$300,000 for individuals and \$1,000,000 for corporations for certain types of offences. The highest fine imposed by a Justice of the Peace to date is \$300,000 for a serious occupational health and safety offence. While not sitting in court, these Justices also conduct judicial interim release hearings, receive Reports to Justice, receive applications and conduct hearings for seized property, receive Informations, confirm or cancel process, and issue search warrants, production orders, and a variety of additional documents including arrest warrants, summonses, and subpoenas.

The Municipal Bylaw Justices are located in Regina and Saskatoon. On a part-time basis, they preside in court over all non-moving violations under Municipal Bylaws such as building standards, fire prevention, noise control, animal control, and parking, and serve

as a backup for the Traffic Safety Court Justices. The Bylaw Justices deal with cases that range from minor parking infractions with minimal fines to serious fire prevention and building standards cases involving injuries and fatalities. Substantial fines can be levied (fines of up to \$25,000) and terms of incarceration imposed (up to 1 year in certain cases). While not sitting in court, Bylaw Justices assist the Traffic Safety Court justices in conducting judicial interim release hearings, considering search warrant and production order applications, receiving Reports to Justice and authorizing detention of items seized, receiving applications and conducting hearings for seized property, receiving Informations, confirming or cancelling related process, and handling a variety of additional documents including arrest warrants, summonses, and subpoenas.

Case Management Justices are located in Regina and conduct pre-trial settlement discussions and case management processes for Small Claims proceedings. These Justices are lawyers designated as Judges for the purposes of Small Claims matters. This designation provides these Justices with the authority to make pre-trial judicial orders for the effective management of trial processes such as the production and exchange of documents and expert reports. These Justices are also dispute resolution professionals with the authority to issue default and consent judgments, award costs, and dismiss claims in which limitation periods have been exceeded.

Stipend Justices are located in each of the five (5) major communities in the province (Regina, Saskatoon, Prince Albert, Moose Jaw, and North Battleford). They carry cell phones and are required to be on call 24/7 for one week at a time on a rotational basis, resulting in 24/7 JP coverage 365 days of the year in these centres. These Justices follow regular schedules of attendances to police facilities. They conduct judicial interim release hearings, receive Informations, confirm or cancel process, issue subpoenas, summons and warrants for arrest, search warrants and production orders. In Saskatoon, Stipend Justices also attend City Hall to process court documents for Bylaw matters.

Stipend Justices in Moose Jaw, Prince Albert, and North Battleford preside over parking bylaw docket proceedings in these locations.

Several of the Stipend Justices are specifically designated as *Victims of Domestic Violence Act* (VDVA) Justices for the purposes of conducting hearings and issuing Emergency Intervention and Protection Orders pursuant to *The Victims of Domestic Violence Act* and *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*. These Justices carry cell phones and are on-call one week at a time, They are available province-wide to victims, the police and designated agencies who work in the areas of prevention of domestic violence and abuse of children (ie. Mobile Crisis, Victims Services).

VDVA Justices are required to conduct ex parte hearings to assess the level of immediate danger to alleged victims. They have significant authority in this area including the ability to impose non-contact orders, direct supervised removal of individuals and their property from residences, provide exclusive possession of a residence to a party for a period of time regardless of ownership of the residence, and any other provision they consider necessary for the immediate protection of a victim.

Community Justices are located in smaller communities throughout the Province and work on a “call in” basis. Similar to Stipend Justices, they process court documents including Informations, confirm or cancel process, issue warrants for arrest, search warrants and production orders and conduct judicial interim release and remand hearings. Community Justices also periodically handle docket court in circuit locations when the court party is unable to attend. These Justices of the Peace handle first appearances, adjournments, guilty pleas and sentencing on non-Criminal Code matters with all trials and Criminal Code matters being set over for a Provincial Court Judge to address. Community Justices also preside over regulatory matters in several circuit locations

including Leader, Shaunavon, Assiniboia, Moose Jaw, Southey, and the Mistawasis First Nation.

Hub Justices perform the work of Stipend and Community Justices through a centralized service hub located in Regina. These Justices consider search warrant applications, conduct judicial interim release hearings and process a variety of court documents by telecommunication for forty-six communities in Saskatchewan, mainly in the northern and south eastern areas of the province.

A Telewarrant program provides for specially designated Justices to be available province-wide to the police for the purpose of issuing “Feeney” warrants when it is impracticable for the police to appear personally before a Justice to make an application. Informations to obtain these warrants are submitted to the JP Hub by telecommunication. This Telewarrant service currently operates 24/7 through the Hub. The Hub is staffed by two full-time and several part-time Justices who work in eight hour shifts – 8 am to 5 pm (1 hour lunch break), 4 pm to midnight and midnight to 8 am.

G. Current Compensation System

Each Justice of the Peace category is compensated differently. The current compensation for each category is as follows.

- Supervising Justice of the Peace: \$100,268 per year (\$8,355.67 per month);
- Assistant Supervising Justice of the Peace: \$83,200 per year (\$40.00 per hour);
- Traffic Safety Court Justices of the Peace: \$95,268 per year (\$7,939 per month);
- Bylaw Court Justices: \$40.00 per hour;
- Case Management Justices: \$40.00 per hour.

- Stipend and VDVA Justices (26): \$400 per week
- Community Justices: \$25.00 per hour for court coverage

Fee for Service for other work

Community Justices of the Peace are paid primarily on a fee for service basis according to a fee schedule set out in s. 6(1) of *The Justices of the Peace Regulations, 1989*. This fee schedule is as follows:

Fee Schedule

Evening Release/Remand Hearing - \$20.00 per hearing;
 Daytime Release/Remand Hearing - \$10.00 per hearing;
 Substitutional Service for Emergency Intervention Orders - \$10.00 per application;
 Information to Obtain a Search Warrant - \$6.00 per warrant;
 Production Orders - \$6.00 per order;
 Management Orders - \$6.00 per order;
 Summons, Recognizance or Undertaking - \$2.00;
 Subpoena - \$2.00;
 Affidavit of Service - \$2.00;
 Warrant - \$2.00;
 Swearing an Information - \$2.00;
 Confirming/Cancelling Process - \$2.00;
 Report to Justice - \$2.00;
 Notice to Parent - \$2.00; and
 Probation Order - \$2.00.

The Stipend payment and the Community Justice of the Peace court coverage rate and fee schedule have not been adjusted since 1994. It is also important to note that use of a fee schedule is a controversial method of compensation for Justices of the Peace.

In a 1991 study conducted by the Manitoba Law Reform Commission, the Commission made the following comments about the fee for service compensation model:

A major difficulty associated with payment on a fee-for-service basis is the inherent potential in such a system for linking income to judicial decisions. The problem, simply stated, is that any system of remuneration based on volume of work done may be perceived as encouraging judicial officers to attract more business by cooperating with police requests. This potential link has been identified and criticized by several commentators concerned with the unique role of justices of the peace.

In 1968, the McRuer report called the then Ontario fee-for-service system subversive to the administration of justice.⁸ The potential for abuse in such a system was reiterated in 1973 by the Ontario Law Reform Commission⁹ and, again, in 1982 in Alan Mewett's report to the Attorney General of Ontario.¹⁰

Moreover, the results of a 1990 survey showed that many justices of the peace in Ontario believed that the method of payment could influence decisions in individual cases.¹¹

However, this controversial method of payment has continued in other jurisdictions as well as in Manitoba.^{12 13}

H. Current Benefits

a. Vacation and Statutory Holidays

All Senior full and part-time Justices earn vacation benefits and/or pay. The Supervising Justice and Traffic Safety Justices are entitled to annual vacation leave of between 3 and

⁸ Ontario (J.C. McRuer), *Royal Commission Inquiry into Civil Rights*, Report No. 1, vol. 2 (1968) 523.

⁹ Ontario Law Reform Commission, *Report on the Administration of Ontario Courts, Part II* (1973) 18.

¹⁰ A.W. Mewett, *The Office and Function of Justices of the Peace in Ontario* (1982).

¹¹ A.N. Doob, P.M. Baranek and S.M. Addanio, *Understanding Justices: A Study of Canadian Justices of the Peace* (draft) (1991) 112.

¹² Saskatchewan still pays some Justices of the Peace on a fee for service basis as does Alberta. JPs in the Yukon Territory can receive an annual honorarium as well as a fixed payment amount for each time a certain task is performed, or an hourly rate for time spent in hearings.

¹³ Manitoba, Law Reform Commission, *The Independence of the Justices of the Peace and Magistrates*, August 1991, Report #75.

6 weeks depending on years of service (the Supervising Justice currently receives 6 weeks vacation) and a leave of absence with pay for each statutory holiday.

b. Scheduled Days Off (SDO's)

The Supervising Justice of the Peace and Traffic Justices are entitled to 12 days off annually as paid leave. For a period of less than a year, SDO's are pro-rated, based on the number of days actually worked.

c. Sick Leave

The Supervising Justice of the Peace and Traffic Justices are entitled to sick leave benefits calculated at the rate of 1 ¼ days for each month of service (15 days a year), and may be used to a maximum of 12 consecutive months for each period of illness.

d. Leave of Absence

Leaves of absence may be granted by the Minister to the Supervising Justice of the Peace and Traffic Justices without pay, with pay or with partial pay.

e. Pressing Necessity

Subject to any guidelines established by the Chief Judge and with the Chief Judge's prior approval, the Supervising Justice of the Peace and Traffic Justices may use accumulated sick leave or take a leave of absence with pay for reasons of pressing necessity.

f. Expenses Away from Home

The Supervising Justice of the Peace and Traffic Justices are entitled to actual and reasonable travelling accommodation and meal expenses. (This has been interpreted to include training and representational allowance/expense and is paid in accordance with rates established for Government of Saskatchewan employees).

g. Moving Expenses

A Supervising Justice of the Peace and Traffic Justices who are required to move a permanent residence are entitled to moving expenses and reasonable relocation costs.

h. Group Life Insurance

The Supervising Justice of the Peace and Traffic Justices contribute to the Saskatchewan Group Life Insurance Plan.

i. Dental Plan

The Supervising Justice of the Peace and Traffic Justices contribute to the Public Employees Dental Plan.

j. Pension Plan

The Supervising Justice of the Peace and Traffic Justices contribute to the Public Employees Pension Plan at a rate of 5% of salary.

k. Disability

The Supervising Justice of the Peace and Traffic Safety Justices contribute to the Saskatchewan Disability Income Plan.

l. Health Plan

The Supervising Justice of the Peace and Traffic Safety Justices contribute to the Saskatchewan Extended Health Care Plan.

I. Jurisdiction/ Statutory Powers

Justices of the Peace are appointed through Order-in-Council under the authority of *The Justices of the Peace Act, 1988*. The position is a statutory creation. As a result, the

powers the Justice may exercise and the duties the Justice may perform are defined by legislation.

The jurisdiction of a Justice of the Peace is set out in a variety of sources as follows:

- (a) Federal statutes (i.e. *Criminal Code*, *Controlled Drugs and Substances Act*)
- (b) Federal regulations
- (c) Provincial statutes (i.e. *Summary Offences Procedure Act*, *Traffic Safety Act*)
- (d) Provincial regulations (*Vehicle Weights and Dimensions Regulations*)
- (e) Bylaws
- (f) Common law

The jurisdiction of a Justice of the Peace varies according to the type of matter involved as set out in the relevant statutes and regulations. The *Criminal Code* and the *Justices of the Peace Act, 1988* are the main sources of a JP's jurisdiction.

The Code provides Justices of the Peace with jurisdiction to handle summary conviction proceedings and a variety of additional matters including judicial interim release proceedings and most types of search warrant applications.

The Act provides a list of items that may be handled by a provincial JP. A Justice of the Peace who is not a senior Justice of the Peace may:

- (a) Receive an information and grant a summons or warrant or grant a summons or warrant on an information received by another justice of the peace;
- (b) Cancel or confirm police issued process;
- (c) Issue a subpoena or warrant if necessary to compel the attendance of any witness for either party;

- (d) Do all other acts and matters necessary preliminary to the hearing
- (e) Receive an information to obtain a search warrant and if acceptable issue a search warrant;
- (f) Hold a bail hearing (show cause hearing) to determine if an accused should be released or not;
- (g) Take affidavits, declarations, and administer oaths;
- (h) Accept guilty pleas and hear circumstances and determine the penalty on provincial Statutes, when acting on behalf of a Provincial Court Judge; and
- (i) Receive Informations laid under the *Controlled Drugs and Substances Act* (a federal statute) and other Federal Statutes.

A Senior Justice of the Peace has, in addition to the jurisdiction of a Justice of the Peace, the authority to hear trials involving provincial statutes and municipal bylaw offences.

Pursuant to *The Justices of the Peace Regulations, 1989*, Justices of the Peace in Saskatchewan are not permitted to:

- (a) Conduct a preliminary inquiry;
- (b) Hear criminal trials; or
- (c) Exercise any jurisdiction where the competency of the accused to conduct a defence or his/her fitness to stand trial is an issue.

J. Conditions of Work

Saskatchewan Justices of the Peace often work under less than optimum working conditions. Community and Stipend Justices in particular may be called to work at any time including evenings, nights, weekends and holidays. These Justices carry out the majority of their work in detention areas on police premises. In these locations,

they have direct and far more informal contact with police officers and accused persons than is the case in a court room setting.

It can be difficult to maintain the decorum of court proceedings in this work environment. Police officers occasionally misunderstand the Justice of the Peace role in this setting and are prone to actions or commentary that is inconsistent with the formal legal proceedings involved.

Justices of the Peace also face significant challenges in dealing with unrepresented people in such locations. They must ensure that the proceedings they conduct are fair in the absence of counsel for either party. They must also ensure the proceedings are understood by individuals appearing before them. Justices of the Peace must be alert to language and comprehension difficulties. They must also be sensitive to the realities of alcohol and drug related impairment and symptoms of withdrawal which frequently results in behavioural difficulties for accused persons in detention facilities at the time they are appearing before Justices of the Peace (within 24 hours of arrest) .

Hearings in detention facilities pose significant security issues for Justices of the Peace as well. These Justices are in close proximity to individuals in custody, typically without the benefit of a security presence in the hearing room other than the officer serving as the Crown's representative in the process. Security incidents involving volatile accused persons in these locations are not uncommon for Justices of the Peace.

The following summaries of a few of these incidents are examples of the working environment challenges that Community and Stipend Justices of the Peace in particular experience in the daily performance of their duties:

Justice Charlene Lavallee – Community Justice of the Peace, La Ronge,
Saskatchewan

“As a Justice of the Peace I attend at the local RCMP Detachment to preside at hearings for individuals in custody. There is a level of risk involved with presiding over these hearings. The hearing room is in the cells area of the Detachment. The cells area is the only secure area at the Detachment. Officers bring individuals from their cells down the hallway to the hearing room. The room that hearings are held in has one door and it is closed during hearings. After the hearing, individuals are returned to their cell unless they are being released. I have experienced at least five occasions when fights have erupted between the individual and an officer in the hallway, less than ten feet from where I am seated. The only exit from the hearing room leads directly to the hallway.

I have had individuals who have become uncooperative during a hearing begin yelling and covering their ears. One individual got down on the floor and tried to crawl under the table I was sitting at, yelling the whole time. Officers had to pull him out from under the table, struggle with him and return him to his cell. A couple of hours later I returned but he still had not settled down and the hearing had to be held through the door of his cell. Further to this, we had yet to have a hearing with his brother who could hear all the commotion and was yelling from his cell.

Then there are the individuals who have lived in remote areas and do not speak English as a first language. They are not familiar with the Justice system and have difficulty understanding the processes and procedures. I have been threatened twice by individuals. Living in a smaller community makes these threats plausible. I have been a Justice for a significant period of

time and during this span there have been a couple of very serious bacterial virus outbreaks. During one such outbreak all the Detachment staff, including civilian staff received inoculations for the virus.. I was distressed that I, who deal with the same members of the public as the officers did not have this preventative measure. Eventually, I was able to receive it through the Health Region but was dismayed that it was not available to a Justice of the Peace as front line protection.”

Justice Jacob (Jack) Lichtenwald – Stipend and Hub Justice of the Peace, Regina, Saskatchewan.

“I was appointed to the position of Justice of the Peace in 2009 and have primarily worked as a Stipend Justice of the Peace. Two years ago, I received the training and designation required to work as a Telecommunication Justice of the Peace in the Hub.

The Stipend Justices of the Peace are assigned weekly responsibilities that require attendance at the local police service every evening as well as early morning attendances on weekends and statutory holidays.

The detention cells at the Regina Police Service headquarters are located in the basement of the building. There is a small office ‘court room’ for the Justices of the Peace to perform their duties. It is next to the gun range. Often times, one can hear police officers practicing on the range. On these occasions, hearings take place with the sound of gunfire in the background. Hearings in the cells area can be challenging. Individuals in custody are under a great deal of stress and can behave inappropriately. They often have substance abuse issues and may be experiencing symptoms of withdrawal.

At times, the Stipend and/or Community Justices of the Peace, and for that matter, any Justice may be required to attend to a hospital. This year on one such occasion, I was required to mask up, wear latex gloves, conduct an interim release hearing in the accused's hospital room, and have my pen sterilized following the accused's signing of the required document. It was apparent that medical staff were attempting to prevent exposure to a hazardous situation. For privacy reasons, I was not given any medical information about the hazard. I also do not have medical coverage in my Justice of the Peace work should I contract an illness under these circumstances.

On another occasion, when I was at the local police service, the accused I had been scheduled to conduct a hearing for had relieved himself on the floor and walls of his cell shortly before the hearing. Trying to conduct a judicial proceeding in the face of this kind of behaviour is extremely difficult. The physical exposure under these conditions is obvious, but there are further psychological and emotional exposures as well. These are stressful and potentially dangerous experiences.”

Justices of the Peace are also occasionally exposed to significant sources of stress in the documents they deal with which include search warrant material containing graphic descriptions and images relating to serious offences such as murder and sexual assault, and photographs of accident trauma.

Part IV Compensation Assessment Factors

A. Compensation Considerations for Justices of the Peace in Saskatchewan

It is the position of the SJPA that the current compensation methods and/or levels of remuneration paid to Saskatchewan Justices of the Peace are not fair and reasonable for the work being accomplished. The existing compensation system does not achieve the requirements of judicial independence and financial security.

The SJPA submits that one of the goals of appropriate compensation is to attract the best candidates to the positions available. Given the increasingly important responsibilities assumed by Justices of the Peace in Saskatchewan's judicial system, there is a corresponding need to attract well-suited, competent, qualified and committed individuals to fill the positions.

Unless the compensation involved appropriately reflects the importance of the JP role within the justice system, desirable candidates will simply not be interested in undertaking the work. Appropriate compensation is also essential in order to retain current Justices of the Peace

With the exception of the Supervising Justice of the Peace and the Traffic Justices of the Peace, the salary and/or compensation for Justices of the Peace in Saskatchewan has not been adjusted since 1994. Recruitment and retention issues have become a significant concern. The corrections necessary require a **full transformational change**. The first steps in this transformational change process are new operational and compensation models for Saskatchewan Justices of the Peace.

a. A New JP Operations Model for Saskatchewan

In the fall of 2009, the Justice of the Peace Hub began operations in Regina, Saskatchewan. The Hub provides centralized JP services by telecommunication for forty six communities in the Province.

The primary services involved are remand and release hearings, search warrant consideration, and document processing. Hub staff can be accessed from 8 am to midnight weekdays and from 2 pm to 10 pm on weekends and holidays with an after hours stand-by service for urgent requests (i.e. Feeney Warrants, Blood Warrants).

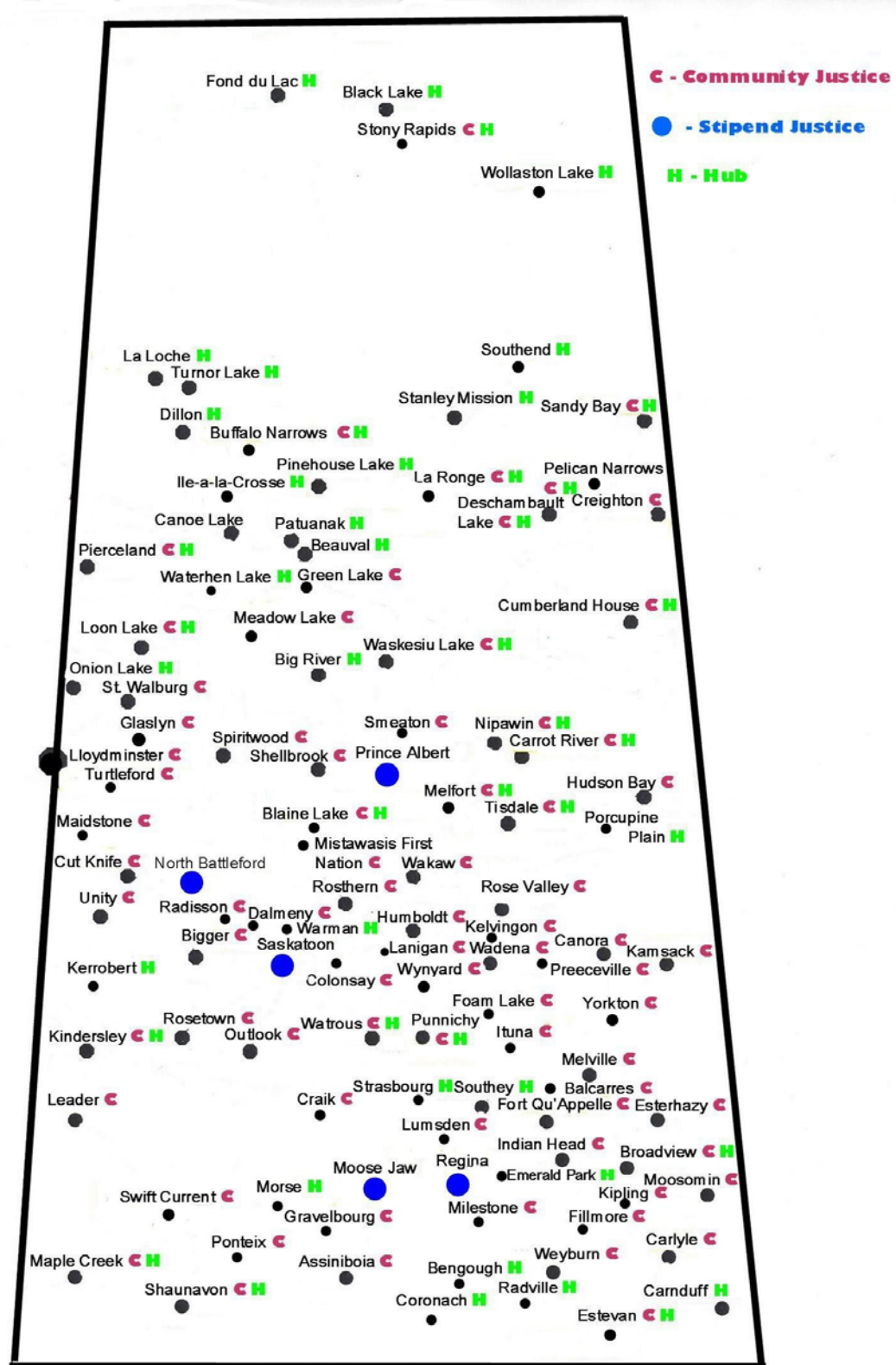
The communities that can access the Hub for JP services are marked with an “H” in Figure 1 which also identifies the assigned location of all Justices of the Peace in the Province of Saskatchewan.

The legend on the top right hand side of the page identifies the type of Justice of the Peace assigned to each community. Community Justices are marked with a “C” and Stipend locations are identified in Blue.

Where there are two letters identified for a location, the first letter identifies the primary method of service provision and the second letter is the secondary method of service.

For example, in La Ronge, Saskatchewan, the letters “C” and “H” are identified. This means that La Ronge has an assigned Community Justice as the primary form of service provision but is also permitted to access the Hub as a secondary “back up” when and as needed.

Figure 1 Assigned Location of all Justices of the Peace in Saskatchewan.



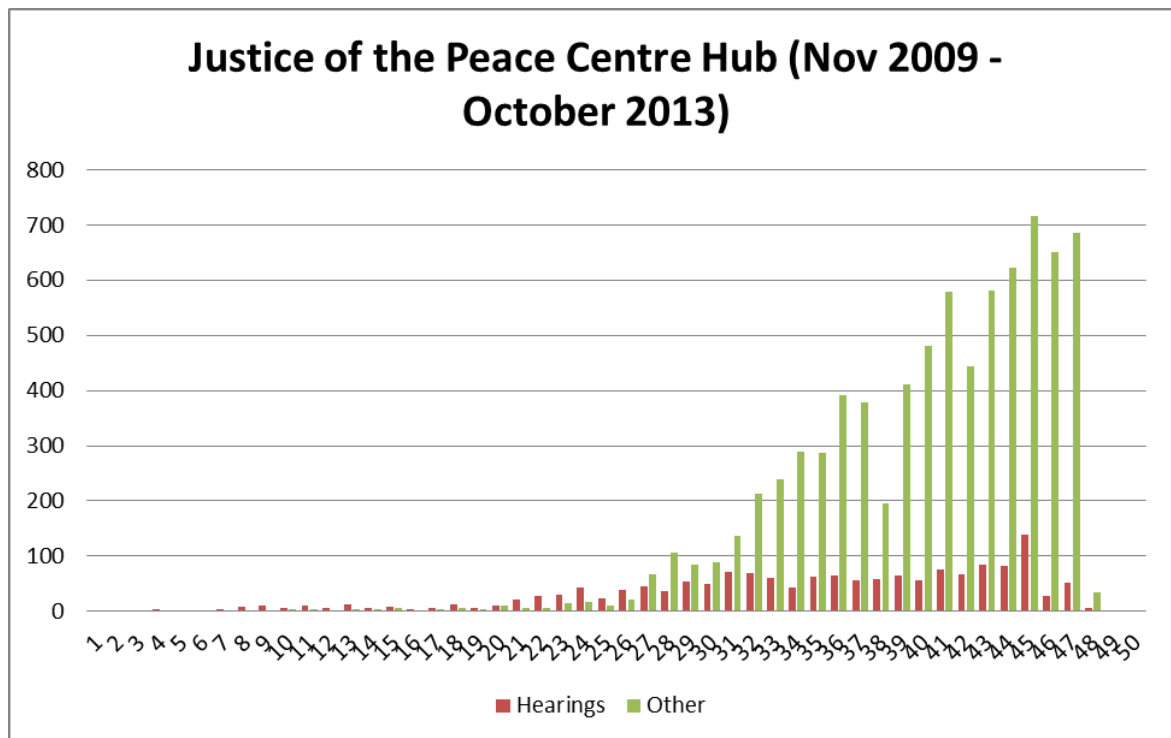
The Hub was created in 2009 to address challenges posed by recruitment and retention issues and limited availability of Justices of the Peace in northern Saskatchewan. As is evident in Figure 1, the Hub has made a substantial expansion into northern and south eastern Saskatchewan since it began operations in the communities of La Loche, Fond du Lac and Wollaston Lake.

The Justice of the Peace Hub currently provides primary JP services to the communities of La Loche, Black Lake, Turnor Lake, Big River, Fond du Lac, Wollaston Lake, Ill-a-la-Crosse, Pinehouse Lake, Southend, Onion Lake, Morse, Coronach, Bengough, Warman, Dillon, Lanigan, Stanley Mission, Porcupine Plain, Carnduff, Kerrobert and Beauval/Patuanak.

The Hub also acts as a back-up to local Justices of the Peace in La Ronge, Sandy Bay, Pelican Narrows, Buffalo Narrows, Cumberland House, Carrot River, Tisdale, Creighton, Deschambault Lake, Stony Rapids, Blaine Lake, Loon Lake, Macklin/Unity, Punnichy, Pierceland, Broadview, Maple Creek, Shaunavon, Watrous, Kindersley, Estevan, Melfort and Nipawin.

As noted in Chart 1, the volume of work handled by the Hub has risen dramatically during its operation period. For example, in month 45, there were over 700 requests for service and over 130 hearings. The Hub is currently operating at near maximum capacity given available resources and demand for access continues to be high. The Hub provides significant operations savings, requires a relatively small group of Justices to operate, addresses security and many working condition concerns, and deals with challenging recruitment issues in smaller communities. However, at \$25 per hour, Hub positions do not attract a significant candidate pool. There have been few qualified applicants for Hub positions to date. This is a concern for Hub operations as the Hub will continue to expand over the next six year period as resources permit in an effort to address recruitment issues in smaller centres and achieve administrative efficiencies.

Chart 1 Volume of Work Handled by the Hub



b. A New Salary Framework for Justices of the Peace

Section 10.2 of the Act sets out the new salary framework for Justices of the Peace and Senior Justices of the Peace as follows:

Salary and Pension Benefits

- 10.2 (1) Subject to subsections (4) and (5), the annual salary of a justice of the peace is the percentage of the annual salary of a judge of the Provincial Court of Saskatchewan that is prescribed in the regulations made by the commission.
- (5) The annual salary of the justice of the peace is to be adjusted on April 1 of each year.
- (6) The annual salary of a judge of the Provincial Court of Saskatchewan that is to be used to calculate and adjust the annual salary of a justice of the peace mentioned in subsection (1) is the annual salary of a judge of the Provincial Court as of April 1 of the year that precedes the year* in which the calculation is being made.

- (7) A senior justice of the peace is to be paid a pro rata portion of the annual salary of a justice of the peace mentioned in subsection (1) for each day or half-day in which the senior justice of the peace is engaged in his or her duties as a justice of the peace.
- (8) A justice of the peace other than a senior justice of the peace is to be paid a pro rata portion of the annual salary of a justice of the peace mentioned in subsection (1) for each hour in which the justice of the peace is engaged in his or her duties as a justice of the peace.

(emphasis added)

Various independent provincial commissions have considered and recommended compensation for Justices of the Peace in Canada. These commissions have recommended adjustments to the compensation of Justices of the Peace (including salary, benefits and/or allowances) based on a variety of assessment criteria.

The commission process set out for Justices of the Peace in Saskatchewan does not contain express assessment criteria. However, the SJPA submits that compensation commissions in other jurisdictions and previous commission processes for Provincial Court Judges may be looked to for guidance in this area. Judicial compensation commissions in Saskatchewan and other jurisdictions have typically considered the following assessment factors:

- Position comparators
- The history of remuneration for the position
- Economic and market conditions
- Changes in the cost of living
- Recruitment and retention
- The unique responsibilities and work environment for the position.

B. Justice of the Peace Duties Comparison across Jurisdictions

The first assessment factor that may be considered is comparative salary data for similar work performed by Justices of the Peace in other jurisdictions.

In considering fair and objective comparators for Justices of the Peace in Saskatchewan, it is helpful to review comparisons that other Justices of the Peace Compensation Commissions in Canada have considered.

There are numerous references to these comparisons and several surveys and/or studies that attempt to identify and determine roles, responsibilities, authorities and functions being performed by Justices of the Peace in each jurisdiction.

The SJPA submits that while there are some variances from jurisdiction to jurisdiction, the duties, functions, authority and/or responsibilities of JPs across jurisdictions are substantially similar and therefore the best comparison available for the Commission to consider.

In the Report and Recommendations of the 2006 Alberta Justice of the Peace Compensation Commission, David G. Tettensor, Q.C. states:

“While it is acknowledged there are limitations to comparing the compensation of Justices of the Peace in other jurisdictions, this is another of the mandatory criteria. A review of the summary of duties of Justices of the Peace in the various Canadian jurisdictions (Exhibit 5), reveals many similarities. In my view, they are the closest comparators relative to roles and responsibilities.” (1)

Table 1 identifies these comparative roles and responsibilities of Justices of the Peace in jurisdictions where compensation is recommended by independent commissions. Notes to this section and chart are found in Appendix A.

Table 1 Comparison of Justice of the Peace Duties in selected Jurisdictions

Duties	Saskatchewan	British Columbia	Alberta	Ontario	Quebec	Yukon
Trials for Provincial offences and/or Municipal Bylaws –non fatal accidents	X (2)	X	X (3)	X (4)	X (5)	X(6)
Trials for Provincial offences and/or Municipal Bylaws – fatal accidents	X(7)	-	-		X	
Sentencing with monetary fines	X(8)	X(9)	X	X	X	X
Sentencing with incarceration	X(10)	-	-	X	X	X
Case Management – Small Claims Mediation	X(11)	X(12)	-	X(13)	-	-
Emergency Protection Orders	X(14)	-	X	X	X	X(15)
Judicial Interim Release (Release and/or Remand) – not contested	X	X(16)	X	X	X	X(17)
Judicial Interim Release (Release and/or Remand - contested)	X			X	X	X
Teleconference/video link applications	X(18)	X	X(19)	X	X	X
Provincial Docket Court when PCJ is not available or at the PCJ request	X					
Consider and Issue Search Warrants, Production orders, sealing orders etc.	X	X	X(20)	X	X	X(21)
Issue arrest warrants	X	X	X	X	X(22)	X
Committal Warrants	X	X	X	X	X	
Swear and confirm informations	X	X	X	X	X	X
Oaths and Affirmations	X	X	X	X	X	X

As is apparent in Table 1, there is considerable similarity of overall authority for Justices of the Peace across jurisdictions in terms of primary functions performed (ie. trial work, release and remand hearings, search warrants and emergency protection orders). The end

notes to the table provide additional information about how JP jurisdiction is determined or assigned and related provincial regulations and procedures set by the court in the relevant Province or Territory.

In reviewing the comparative information, the SJPA submits that one trend of note in jurisdictions such as British Columbia and Alberta is that separate levels or categories of Justices have been amalgamated in terms of compensation considerations.

In Alberta, Sitting Justices preside in court and have the power to hear and adjudicate trials. These duties are carried out during regular court hours. Presiding Justices work out of a hub in either Edmonton or Calgary and provide 24 hour service for video/tele-bail and telewarrants for search warrants and judicial interim release hearings. A large portion of their work is done on evenings, weekends and holidays. Despite the different types of hours and responsibilities, both categories of Justices of the Peace receive equal remuneration.

In British Columbia, Judicial Justices also have two areas of responsibility. Some Justices provide 24 hour services through a “Justice Center” hub while others preside over traffic matters and ticketable offences under provincial legislation; consider search warrant applications and preside over bail hearings. Regardless of the area of responsibility, the Judicial Justices in BC are all remunerated on the same pay levels.

In Saskatchewan, the Community Justices of the Peace working on the Hub provide 24 hour service for remand and release hearings and search warrant consideration while Senior Justices preside over regulatory docket and trial matters. The SJPA submits that the Alberta and British Columbia trends suggest there is little basis for a significant difference between these two types of positions, particularly with the planned expansion of the hub model in Saskatchewan over the next six year period.

C. Salary Comparison with Provincial Court Judges

a. Salary Comparison Considerations

The SJPA suggests that the following ratio comparison is a method that can be used to determine the appropriate Justice of the Peace annual salary as a percentage of the Provincial Court Judges' annual salary for the year that precedes the year in which the calculation is being made.

The first step is to establish the salary ratio for a Saskatchewan Provincial Court Judge as compared to the average salary of Provincial Court Judges in the comparative jurisdictions. Secondly, establish the annual salary required for a Saskatchewan Justice of the Peace to achieve the same relative annual salary ratio to the Justice of the Peace in the same comparative jurisdictions.

The SJPA submits that a simple ratio equation can be used to confirm the equivalent salary values for Saskatchewan Provincial Court Judges as compared to the average of the Provincial Court Judges in comparative jurisdictions and the corresponding salary ratio for Saskatchewan Justices of the Peace as compared to the average salary of the Justices of the Peaces in the same jurisdictions.

- “a” is the Provincial Court Judge average annual salary from selected jurisdictions
- “b” is the Saskatchewan Provincial Court Judges annual salary
- “c” is the Justices of the Peace average annual salary from selected jurisdictions
- “d” is the annual base salary for a Saskatchewan Justice of the Peace in order to be compensated at an equivalent ratio as the Saskatchewan Provincial Court Judge is to the Provincial Court Judge average.

“e” is the annual salary of a Saskatchewan Provincial Court Judge for the year that precedes the year in which the calculation is being made.

The following is the 2012 salary ratio calculation using this formula method.

$$\frac{a}{b} = \frac{c}{d}$$

$$\frac{a}{b} = \frac{c}{d}$$

$$a = \$248,610$$

$$b = \$248,090$$

$$c = \$120,495$$

$$d = \text{annual base JP salary}$$

$$\frac{248,610}{248,090} = \frac{120,495}{d}$$

$$d = \$120,243$$

$$2012 \frac{d}{b} = \frac{120,243}{248,090} = 48.5\% \text{ Year to Year Comparison}$$

$$\frac{120,243}{238,943} = 50.3\% \text{ or } 50\% \text{ Year to Previous Year Comparison}$$

The SJPA submits that the appropriate Justice of the Peace annual base rate salary effective April 1 each year should be set at 50% of a Provincial Court Judge's salary as of April 1 of the year that precedes the year in which the calculation is being made. For greater certainty, the SJPA proposes that retroactive to April 1, 2013, the annual salary for a Justice of the Peace in Saskatchewan be set at \$124,045 per fiscal year.

**2013 Justice of the Peace
Annual Base Rate**

**2012 Annual Salary
= Provincial Court Judge x 50%
= \$248,090 x 50%
= \$124,045**

In developing a reasonable, fair and objective method for setting compensation for Justices of the Peace in Saskatchewan, the SJPA reviewed comparative salary information provided by the Government of Saskatchewan. The information included salary data for Provincial Court Judges in nine jurisdictions for the years 2003 to 2013 and Justice of the Peace salary data in seven jurisdictions over the same period. There were also a few per diem rates included in the comparative information for Justices of the Peace.

The SJPA subsequently updated the salary information in several areas and provided this information to the Government of Saskatchewan. It is the SJPA's understanding that this information exchange has resulted in both parties working with the same information regarding comparative salaries of Provincial Court Judges and Justices of the Peace.

In considering the comparative data for Justices of the Peace, it is apparent that only five of the seven jurisdictions referenced have compensation set through an independent commission process.

The SJPA submits that the appropriate comparative regions to be considered in establishing compensation for Justices of the Peace in Saskatchewan are the five jurisdictions in which compensation is set through an independent compensation commission process. These five jurisdictions are British Columbia, Alberta, Ontario, Quebec and the Yukon.

In these provinces and territories, the appropriate relationship between salaries for Judges and Justices of the Peace has been objectively determined through careful consideration and assessment by an independent body. In the remaining jurisdictions, compensation levels have been arbitrarily set by the provincial governments involved and do not reflect an objective, independent approach to determine what the appropriate salary relationship between Justices and Judges should be.

The SJPA also considered the appropriate timeframe to use in assessing the comparative data. A six year time period from 2007 to 2012 has been used as the relevant review period given that Justice of the Peace compensation will be reviewed in six year cycles. The SJPA submits that the most relevant historical information (i.e. trends, patterns) for a current review period will occur in the immediately preceding six year cycle.

Table 2 identifies the annual base rate salaries of Provincial and Territorial Court Judges. This table was provided by the Government of Saskatchewan.. All notes to this table appear in Appendix B.

Table 3 identifies the annual base rate salaries of Justices of the Peace throughout Canada. This table was also provided by the Government of Saskatchewan. All notes to this table appear in Appendix C.

Table 4 identifies the annual base rate salaries of the Provincial Court Judges in jurisdictions in which the Justice of the Peace salaries are established as a result of recommendations from an independent compensation commission process.

The table establishes the average annual base rate salaries of Provincial Court Judges over a six year period from April 1, 2007 to April 1, 2012. The table assists in identifying the a) and b) figures for the ratio calculation. It also compares the annual base rate salary of a Provincial Court Judge in Saskatchewan as it relates in percentage terms to the average salary across jurisdictions.

Table 2 Provincial Court Judge Salaries across Canada

Jurisdiction⁽¹⁾	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
British Columbia	158,000	161,250	161,250	198,000	202,356	220,000	225,500	231,138	231,138	231,138	231,138 ⁽²⁾
Alberta	200,000	210,000	220,000	220,000	220,000	220,000	250,000	255,000	257,550	263,731	270,588
Saskatchewan	158,000	161,634	165,190	195,000	198,900	204,552	220,916	229,753	238,943	248,090	254,458
Manitoba	156,560	161,256	168,000	173,400	178,230	192,166	201,774	211,862	218,000	224,104	230,155
Ontario	206,348	213,054	219,979	228,338	234,503	242,007	248,057	252,274	262,113	267,355	275,381 ⁽³⁾
Québec (July 1 to June 30)	155,069	205,000	210,954	217,533	220,731	224,211	221,270	225,737	227,488	230,723	236,491 ⁽⁴⁾
Nova Scotia	160,140	163,342	172,000	176,300	180,708	197,000	202,910	207,577	214,000	216,183	223,537
Yukon	178,000	189,900	195,407	199,901	215,742	222,214	228,880	235,746	242,819	250,103	256,355

Table 3 Justice of the Peace Salaries Across Canada

Jurisdiction(1)	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
British Columbia(2)	73,872	73,872	75,600	77,112	78,654	94,730	97,100	99,525	99,525	99,525	99,525
Alberta (3) (Actual Pay)	100,000	105,000	110,000	110,000	110,000	110,000	110,000	110,000	110,000	110,000	110,000
Alberta (4) (JP Recommendations)	n/a	n/a	n/a	n/a	110,000	135,000	141,000	144,000	146,000	154,000	
Alberta (5) (AB Gov't Recommendations)	n/a	n/a	n/a	n/a	110,000	117,480	125,000	127,500	128,760	131,866	
Manitoba(6)	67,320	69,340	72,240	74,489	76,639	82,631	86,763	91,101	93,740	96,364	98,967
Ontario(7)	85,933	88,511	103,000	106,000	109,000	112,488	115,300	116,123	120,652	123,053	
Québec(8) (from July 1 to June 30 as of 2007/08)	n/a	90,000	91,800	93,636	110,000	110,000	110,000	119,000	119,895	121,091	
Nova Scotia(9)	80,070	81,671	86,000	88,150	90,354	98,500	101,455	103,789	107,000	108,091	+ NS IAI**
Yukon(10)	87,000	98,500	101,356	103,687	109,500	112,785	116,169	119,654.07	123,243.69	126,941	

There are two relationships within the salary comparisons that are key indicators when establishing the appropriate and objective salary considerations for a Saskatchewan Justice of the Peace. The first is the salary of a Saskatchewan Provincial Court Judge and how the Judge's salary relates to other Judges in the comparable regions. The second is the salary Saskatchewan Justices of the Peace require so that their position is in the same equivalent relationship to the Justice of the Peace average as the Saskatchewan Provincial Court Judges are to the Judges' salary average.

Table 4 Saskatchewan PCJ Salary Comparisons to PCJ Salaries in Selected Jurisdictions

Jurisdiction ⁽¹⁾	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13
British Columbia	202,356	220,000	225,500	231,138	231,138	231,138
Alberta	220,000	220,000	250,000	255,000	257,550	263,731
Saskatchewan	198,900	204,552	220,916	229,753	238,943	248,090
Ontario	234,503	242,007	248,057	252,274	262,113	267,355
Québec (from July 1 to June 30)	220,731	224,211	221,270	225,737	227,488	230,723
Yukon	215,742	222,214	228,880	235,746	242,819	250,103
Average PCJ Salaries (not including Saskatchewan PCJ)	218,666	225,686	234,741	239,979	244,222	248,610
Percentage Difference from Saskatchewan PCJ	91%	91%	94%	96%	98%	100%

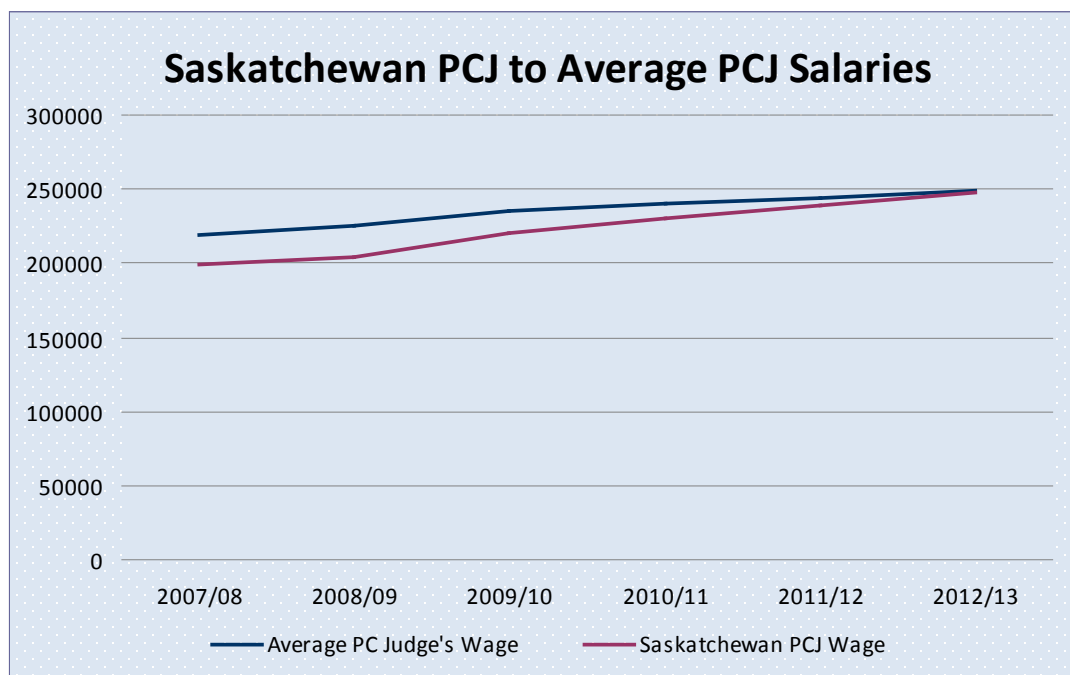
The appropriate relationship between a Justice of the Peace salary and a Provincial Court Judges salary has been a matter of debate in independent commission processes in other jurisdictions. For example, the 2000 Judicial Compensation Commission for Alberta considered the comparative relationship between the duties and responsibilities of Judges and JPs and concluded that compensation for JPs should be set at approximately two-thirds of Judges' compensation as "this is a fair apportionment based on the relative degree of responsibilities".

The Government of Alberta rejected the 2/3 relationship recommendation and modified salaries such that they were closer to 50% of the compensation level for Judges. In 2006, the Government of Alberta supported a joint proposal at a 50% compensation level, arguing in part that this level would “maintain a reasonable relationship to the compensation of the Provincial Court Judges”. Indeed the resulting salaries were exactly 50% of the Judges’ salaries.

The Justices of the Peace in Alberta have proposed a further salary increase relative to Judges’ salaries in their 2009 Judicial Compensation Commission submission. Implementation of their proposal would result in a JP’s salary increasing to a range between 56 – 61% of a Provincial Court Judges’ salary in Alberta. The 2009 submission by the Alberta Government to the Justice of the Peace Compensation Commission proposed that full-time Justices of the Peace salaries be based upon fifty percent of a full-time Provincial Court Judges’ salary.

Graph I below depicts the annual base salary of a Saskatchewan PCJ trending toward parity with the annual base salary of the PCJ comparative average over six years.

Graph I



The SJPA submits it is important to note the Saskatchewan Provincial Court Judges' annual base salary achieves parity with the Provincial Court Judges' average in the comparative jurisdictions in 2013. This trend establishes a consistent narrowing of the disparity in the average over the past 6 years toward achieving an at par comparison. This would suggest that it would be appropriate for a Saskatchewan Justice of the Peace salary to achieve parity with the Justice of the Peace average salary in a similar manner. It is important that the Saskatchewan Justice of the Peace annual salary be placed in an equivalent relationship to the average annual salary for Justices of the Peace across the comparative jurisdictions. Improper placement relative to the comparators will result in a disparity for the next six years.

Table 5 identifies the annual base salaries of Justices of the Peace with independent compensation commissions across Canada. It is important to note the following:

- 1) The 2010 BC Compensation Commission recommended an 8% salary increase for Justices of the Peace in British Columbia in 2012/13. The British Columbia Provincial Government did not accept or implement the recommended increase for the Justices of the Peace or PCJ's due to the economic hardship the Province is experiencing. The Provincial Court Judges have initiated court action in this regard and it continues at the present time.
- 2) In Alberta, both the Justices of the Peace and the Province of Alberta have submitted their compensation positions to the 2009 Commission. Table IV below reflects the positions presented to the Commission for consideration by each party for the five year period from 2008 to 2012.
- 3) The last line in the chart indicates the annual base salary required for a Saskatchewan Justice of the Peace to be at par with the comparative average salary in 2012.

Table 5 Justice of the Peace Salaries in Jurisdictions with Independent Commissions

Jurisdiction	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13
British Columbia	78,654	94,730	97,100	99,525	99,525	99,525
Alberta – JP Recommendations	110,000	135,000	141,000	144,000	146,000	154,000
Alberta – AB Gov't Recommendations	110,000	117,480	125,000	127,500	128,760	131,866
Ontario	109,000	112,488	115,300	116,123	120,652	123,053
Québec	110,000	110,000	110,000	119,000	119,895	121,091
Yukon ⁽¹⁾	109,500	112,785	116,169	119,654.07	123,243.69	126,941
Average Annual JP Salaries – with AB JP recommendations	103,431	113,001	115,914	119,660	121,863	124,922
Average Annual JP Salaries – with AB Gov't recommendations	103,431	109,497	112,714	116,360	118,415	120,495

Table 6 identifies the ratio relationship between the annual base salary for Justices of the Peace and the annual salaries for PCJs in their same jurisdiction. It also identifies the average annual base salary of a PCJ and the average annual base salary of a JP in the comparative region. Despite the fact the JP salaries involved are not formally tied to salaries for Provincial Court Judges, it is evident there is remarkable consistency in the year-to-year salary ratios.

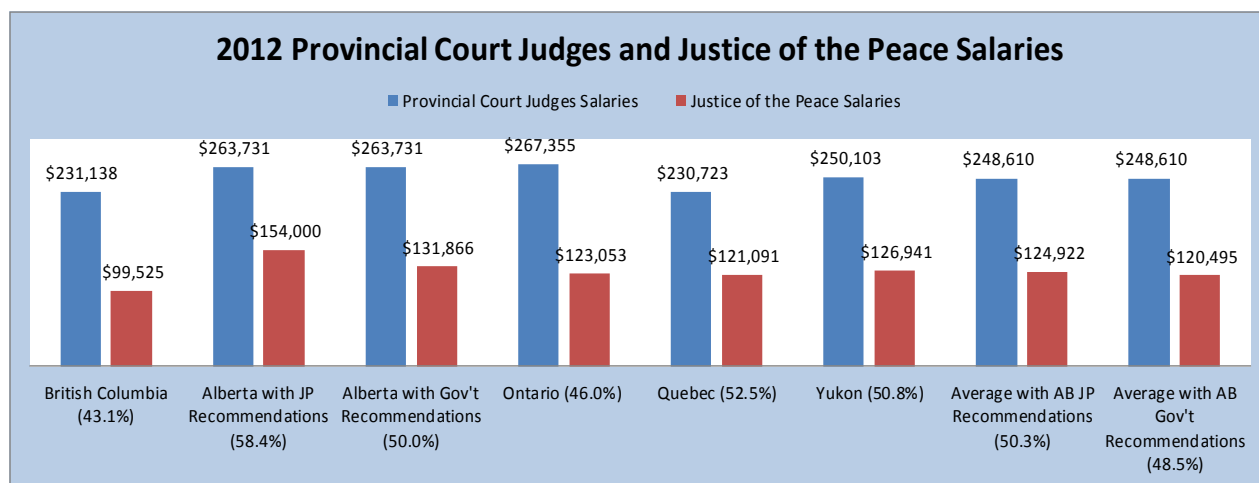
Table 6 Justice of the Peace Salary Differential from Provincial Court Judges Salaries

PCJ to JP Differential	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13
British Columbia - PCJ	202,356	220,000,	225,500	231,138	231,138	231,138
British Columbia – JP	78,654	94,730	97,100	99,525	99,525	99,525
% Differential	38.9%	43.1%	43.1 %	43.1%	43.1%	43.1%
Alberta – PCJ	220,000	220,000	250,000	255,000	257,550	263,731
Alberta – JP	110,000	135,000	141,000	144,000	146,000	154,000
Recommendations						
% Differential	50.0%	61.4%	56.4%	56.5%	56.7%	58.4%
Alberta – PCJ	220,000	220,000	250,000	255,000	257,550	263,731
Alberta – Gov’t	110,000	117,480	125,000	127,500	128,760	131,866
Recommendations						
% Differential	50.0%	53.4%	50.0%	50.0%	50.0%	50.0%
Ontario – PCJ	234,503	242,007	248,057	252,274	262,113	267,355
Ontario – JP	109,000	112,488	115,300	116,123	120,652	123,053
% Differential	46.5%	46.5%	46.5%	46.0%	46.0%	46.0%
Quebec – PCJ	220,731	224,211	221,270	225,737	227,488	230,723
Quebec – JP	110,000	110,000	110,000	119,000	119,895	121,091
% Differential	49.8%	49.1%	49.7%	52.7%	52.7%	52.5%
Yukon – PCJ	215,742	222,214	228,880	235,746	242,819	250,103
Yukon – JP	109,500	112,785	116,169	119,654	123,244	126,941
% Differential	50.8%	50.8%	50.8%	50.8%	50.8%	50.8%

It is important to note that of the five comparative jurisdictions three are at or above a 50% ratio relationship for the Justice of the Peace salary to the Provincial Court Judge salary in the same year comparison.

Graph 2 identifies the 2012 comparative relationship between JP salaries and those of Provincial Court Judges in their respective jurisdictions. It also identifies the average ratio percentage relationship across the five comparative jurisdictions.

Graph 2 Comparison of Provincial Court Judge and Justice of the Peace Salaries

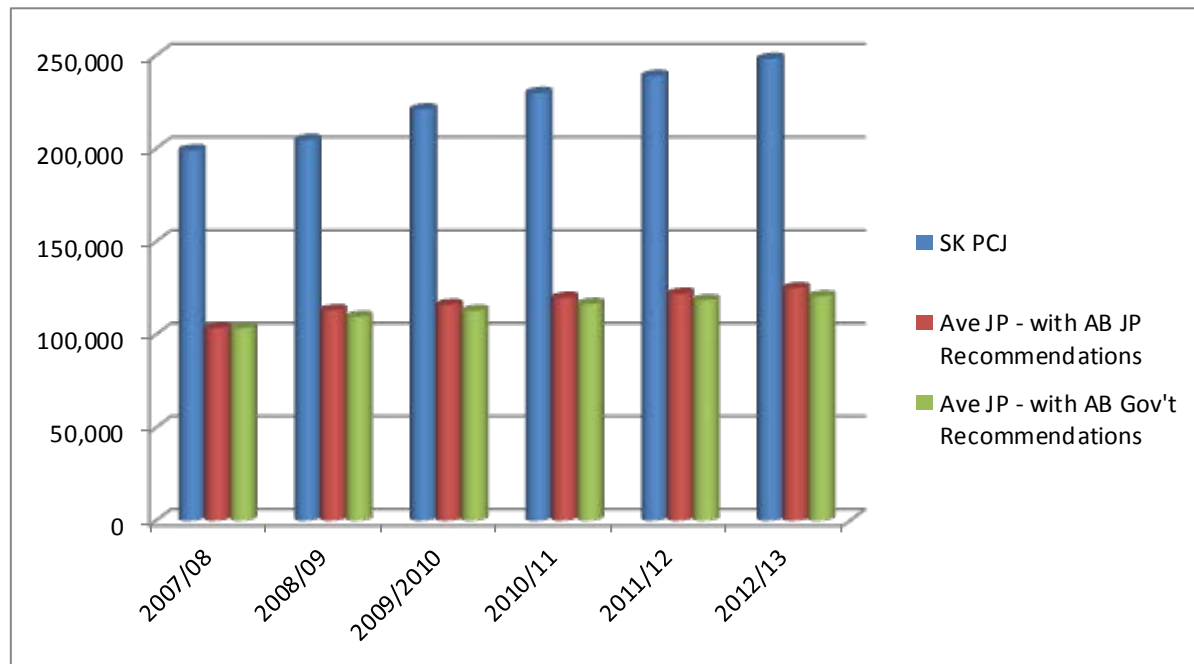


This average ratio percentage is **48.5%** of a Provincial Court Judge's average salary in the **same year comparison** when using the Government of Alberta's 2009 salary proposal.

Note that this ratio percentage is consistent with the SJPAC's proposed salary recommendation for Saskatchewan Justices of the Peace.

Graph 3 shows the average percentage difference of the annual salary of a JP to the average annual salary of a PCJ.

Graph 3 Saskatchewan Provincial Court Judge's Salaries compared to Average Justice of the Peace Salaries



The SJPA submits it is important to note the predictable and steady ratio percentage relationship between the average Justice of the Peace salary and the average Provincial Court Judge's salary in the same year comparison. The SJPA submits that this is an important indicator for the Commission to use when establishing a fair, reasonable and objective percentage relationship between the compensation for a Saskatchewan Justice of the Peace and the compensation for a Saskatchewan Provincial Court Judge.

This graph indicates the annual salary that would have been required for a Justice of the Peace over the past 6 year period had the salary been tied to the average salary received by Justices of the Peace as the average relates to a Saskatchewan Provincial Court Judge's annual salary.

When considering any of the following:

- 1) The comparison of a Saskatchewan Provincial Court Judge to the average annual Judges' salary;
- 2) The comparison of a Saskatchewan Justice of the Peace to the average salary of the Justice of the Peace;
- 3) The development of the average salary for a Provincial Court Judge in any given year;
or
- 4) The development of the average salaries for a Justice of the Peace in any given year,

all of the above comparisons and calculations use the same year to the same year comparisons or calculations. They compare "like to like" factors which ensures the results are objective, consistent and measurable in the same time frame in terms of length of time and period of time.

The calculations in the tables, charts and graphs are all year to year. However, the final assessment requires a year to previous year calculation as a result of the salary calculation framework set out in the Act. The annual salary of a Justice of the Peace is to be a percentage of a Provincial Court Judge's annual salary. The annual salary referenced in the Act, however, is the annual salary for the Judge in the year that precedes the year in which the calculation is being made.

The further calculation required is a comparison of the current year Justices of the Peace annual salary (established to be at par with the average salaries of Justices of the Peace in the comparison jurisdictions) to the Provincial Court Judges' annual salary in the previous year.

Table 7 sets out an example of the calculations required to convert a year-to-year comparison to an offset year comparison between the annual salary of a SK PCJ and the salary of a JP at a 50% ratio over a 6 year period.

Table 7 Preceding Year Calculation

	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Saskatchewan Provincial Court Judges' Annual Salary	\$191,900	\$201,552	\$220,916	\$229,894	\$238,943	\$248,098	
Justice of the Peace Salary Comparison at 50% of the offset year		\$99,450	\$102,276	\$110,458	\$114,877	\$119,472	\$124,045

Table 8 below indicates the percentage required to achieve the annual year-to-year rate in the offset year that the annual base salary of a Saskatchewan PCJ that precedes the year of the Saskatchewan JP.

Table 8 Offset Year Calculation for Average Annual JP Salary

2011/12 SK PCJ	2012/13 Ave JP (with AB JP Recommendation)	Percentage	2012/13 Ave JP (with AB Gov't Recommendation)	Percentage
\$238,943	\$124,922	52.3%	\$120,495	50.4%

b. Compensation Structure

The SJPA proposes the following Compensation Structure be implemented to determine the manner in which Justice of the Peace categories are paid when considering the salary for each category.

The categories within the proposed Compensation Structure are as follows:

Table 9 Compensation Structure

Position	Recommended Rate of Pay
1) Supervising Justice of the Peace	115%
2) Assistant Supervising Justice of the Peace	110%
3) Senior Justice of the Peace	105%
4) Justice of the Peace	100% - Base rate

The proposed JP compensation structure establishes a consistent and predictable calculation to positions placed higher in the system. The positions that are placed higher in the system incrementally have additional duties or responsibilities that increase the breadth and depth of their jurisdiction and/or administrative functions and warrant a higher rate of pay.

The SJPA proposes that the Justice of the Peace salary be considered the base salary amount. For the purposes of the Compensation Structure, the base salary is considered to be 100% of salary. All subsequent categories of Justices of the Peace are then paid at a percentage in relation to the base salary of a Justice of the Peace.

Table 10 provides a compensation structure comparison of salary levels between Saskatchewan Provincial Court Judges, Ontario Justices of the Peace, and the Proposed Saskatchewan Justice of the Peace Compensation Structure.

Table 10 Compensation Structure Comparison

Saskatchewan Provincial Court Judge	Ontario Justice of the Peace	Proposed Saskatchewan Justice of the Peace
Chief Judge = Base Rate + 7.5% = 107.5%	Associate Chief Justice – Coordinator of Justices of the Peace (Judge - no comparator)	Supervising Justice of the Peace = Base + 15% = 115%
Associate Chief Judge = Base Rate + 5% = 105%	Senior Advisory JP = Base Rate + 10% = 110%*	Assistant Supervising Justice of the Peace = Base + 10% = 110%
PCJ with Administrative Duties = Base Rate + 2.5% = 102.5%	Regional Senior JP = Base Rate + 5% = 105%*	Senior Justice of the Peace = Base + 5% = 105%
Provincial Court Judge Base Rate = 100%	Justice of the Peace Base Rate = 100%	Justice of the Peace Base Rate = 100%

* 2009 Salary Information – Ontario Regulation 233/09

As is evident in the table, there is a distinct compensation rate pattern among progressively higher levels of judicial and administrative responsibility in the comparative pay structures referenced. The proposed rate structure for Justices of the Peace in Saskatchewan is relatively consistent with this pattern.

It is important to note that while the Supervising Justice of the Peace has always received a higher base annual salary than the Traffic Court Justice, the amount has varied over the years. The annual base salary rates for the Supervising Justice of the Peace commencing May 1, 1989 are identified in section 14(1) of the *Justice of the Peace Regulations, 1989*. The annual base salary rates for Traffic Court Justice of the Peace from July 1, 1990 are identified in section 3(1) of the *Traffic Safety Court of Saskatchewan Regulations*.

When looking at a year-to-year comparison of the Supervising Justice of the Peace and the Traffic Court Justices, the monthly salary for the Supervising Justice of the Peace from July 1, 1999 to June 30, 2000, was \$5,685. The Traffic Court Justice of the Peace during the same

period was \$4,900. The Supervising Justice of the Peace was paid an additional 16% of the Traffic Court Justice's monthly/annual rate.

Commencing June 7, 2004, the Supervising Justice of the Peace's salary was changed to a fixed amount of \$5,000 above a Traffic Court Justice as set out in section 14(1) of the *Justice of the Peace Regulations, 1989*.

This fixed amount of \$5,000 per year resulted in the Supervising Justice of the Peace being paid 6.6% higher than the Traffic Court Justice's monthly/annual rate. In 2012, this additional \$5,000 per year results in a 5.2% higher annual base salary than that of a Traffic Court Justice.

The additional \$5,000 amount paid to the Supervising Justice has resulted in a salary that has diminished over time relative to the annual salary of a Traffic Safety Court Justice.

The 15% differential proposed in Table 10 would be tied to the base salary rate of a Justice of the Peace rather than the Senior Justice. It is in effect slightly less than 10% as it relates to a Senior Justice of the Peace (the position equivalent to the former Traffic Court Justice).

Table 11 shows the base annual salary for each JP rate category as compared to the equivalent position of a Provincial Court Judge.

Table 11 PCJ Compensation Structure and Proposed JP Compensation Structure

Comparative Rates	2013 Salary	Comparative Rates	Proposed 2013 Salary	% Differential from Comparative Rates
Chief Judge (Base + 7.5%)	\$273,542	Supervising Justice of the Peace (Base + 15%)	\$142,652	52%
Associate Chief Judge (Base + 5%)	\$267,181	Assistant Supervising Justice of the Peace (Base + 10%)	\$136,450	51%
Provincial Court Judge with Administrative Duties (Base + 2.5%)	\$260,819	Senior Justice of the Peace (Base + 5%)	\$130,247	50%
Provincial Court Judge (Base)	\$254,458	Justice of the Peace (Base = 48% of Provincial Court Judge Salary)	\$124,045	48%

The table identifies proposed percentage rate increases for JPs as compared to the rate differential for equivalent PCJ positions. The resulting percentages are very similar to percentages arrived at through reference to average salary. It is important to note the annual base salary relationship of each category as they relate to a year-to-year percentage. While the percentage varies from 48% to 52%, it is clear that both the additional duties, responsibility and authority are being compensated in a like manner to the Provincial Court Judge compensation structure system.

It is also important to note that the Supervising Justice of the Peace is required to be a lawyer with the requisite skill set to administer the duties, responsibility, structure and services provided by Justices of the Peace throughout Saskatchewan. In reviewing comparable legal positions within the public service and their respective salary levels, the SJPA submits that two comparator groups are relevant. These groups are (1) senior legal counsel employed in the Saskatchewan public service and (2) senior legal counsel employed by the Saskatchewan Legal Aid Commission.

Senior legal counsel in the public service are entrusted with significant responsibilities and public duties and in these ways have some similarity to the Supervising Justice position. The current salary range for Senior Crown Counsel is \$119,695 to \$147,945. Senior counsel from the Saskatchewan Legal Aid Commission are also a relevant comparator group given the public nature of their duties and the considerable expertise they have in the area of Criminal Law. The current salary range for Legal Aid counsel is \$74,792 to \$134,923.

The SJPA percentage recommendation for the Supervising Justice of the Peace of \$142, 652 is approximately midway between the maximum for Senior Crown Counsel and the maximum for Legal Aid counsel. The SJPA submits this is an appropriate placement for this position.

c. Pension

Section 10.2 (9) of the Act sets out the pension entitlement for Senior Justices of the Peace as follows:

10.2 (9) Subject to subsection 10.8(4), the Public Employees Pension Plan established pursuant to *The Public Employees Pension Plan Act* applies to a senior justice of the peace.

The SJPA proposes that all full-time Saskatchewan Justices of the Peace participate in the Provincial Employees' Pension Plan (PEPP). The SJPA proposes the contribution rate for the government be set at 10% of the annual base salary paid to the Justices of the Peace. While the proposed contribution rate of 10% of base salary is substantially less than the government's pension contribution rate for a Provincial Court Judge, it is the mid point (mean average) of the comparable government contribution rates for Justices of the Peace in British Columbia, Alberta, and Ontario. Table 12 below identifies both the type of pension plan and the government contribution rate in the comparative jurisdictions..

Table 12 Justice of the Peace Pensions in Similar Jurisdictions

	British Columbia	Alberta *	Ontario	Quebec	Yukon**
Pension Plan Type	Defined Benefit	10 Year Tenure	Defined Benefit	Defined Benefit	Defined Benefit
Employer Contribution Rate	9.43% up to YMPE and 10.93% over YMPE = Approx. 10.2%	13% Cash Payment	6.4% up to YMPE and 9.5% above YMPE = Approx. 8%	Government Contribution Rate unknown	> 40% similar to the Provincial Court Judge's contribution

* Proposed by both Alberta Government and the 2009 Alberta Justice of the Peace Compensation Commission.

** Yukon full-time Justice of the Peace is a member of the Provincial Court Judges' Pension Plan. The formula is based on 3% per year of service.

When considering a pension benefit for Justices of the Peace, the SJPA suggests consideration for either Option “A” or Option “B”.

Option “A”

All Justices of the Peace (both part-time and full-time) become members in the PEPP plan. The Government (employer) contribution rate is proposed at 10% and the Justice of the Peace contribution rate is proposed at 5% of base earned salary.

Option “B”

All full-time Justices of the Peace become members in the PEPP plan. The Government (employer) contribution rate is proposed at 10% and the Justice of the Peace contribution rate is proposed at 5% of the base earned salary.

All part-time (per diem or hourly) Justices of the Peace receive the proposed 10% Government (employer) contribution rate included as a pension benefits factor in the formula calculation for establishing the pro rata per diem and/or hourly rate. Part-time Justices of the Peace in British Columbia and Alberta receive the employer’s pension percentage contribution rate as a factor in the per diem calculation.

d. Insured Benefits

The SJPA reviewed benefits information for Out-of-Scope employees in the Saskatchewan public service. These benefits are as follows:

- 1) Group Life;
- 2) Disability;
- 3) Dental Benefits; and
- 4) Health Benefits.

The details of these benefits are described in the Benefits Information document attached in Appendix E.

The SJPA proposes that full-time Justices of the Peace receives these insured benefits at the same level and manner in which permanent, non-unionized employees of the Saskatchewan Public Service Commission currently receive them.

It is important to note that the Saskatchewan Provincial Court Judges and Government of Saskatchewan employees currently receive these benefits in a similar manner.

Justices of the Peace in four of the comparable jurisdictions (B.C., Alberta, Ontario, and Quebec) also receive such benefits in a similar manner to this proposal. The source information for these benefits is set out in Appendix F.

Insured benefits should be provided to all full-time Justices. The SJPA proposes that part-time Justices would have a benefits factor used in their per diem calculation. A benefits factor is used to calculate per diem rates in British Columbia and Alberta.

e. Other Benefits and Allowances

Currently there are two sets of Regulations that identify benefits for full-time Justice of the Peace positions. They are the *Justice of the Peace Regulations, 1989* and the *Traffic Safety Court of Saskatchewan Regulations*. The full-time positions involved are the Supervising Justice of the Peace and Traffic Safety Court Justices.

The SJPA notes that while the Supervising JP position is staffed, the Traffic Safety Justice positions (one in Saskatoon and one in Regina) are vacant. The positions have been backfilled with Senior Bylaw Justices who have been carrying out Traffic Safety Justice duties in an acting capacity for several years.

These three full-time positions are the only Justice of the Peace positions that receive salary, benefits and allowances. The SJPA submits that all full-time Justices of the Peace should receive the same level of benefit consideration.

The SJPA proposes that all full-time Justices of the Peace receive the following:

i. Scheduled Days Off

A Justice of the Peace receive 12 working days each fiscal year to be entitled days off. This proposal is consistent with current SDO benefits for the Supervising Justice of the Peace and the Traffic Safety Court Justice positions. This benefit is also currently provided to Out of Scope Government of Saskatchewan employees.

ii. Statutory Holidays

In addition to annual leave, the SJPA submits that a Justice of the Peace should receive a leave of absence with pay for each statutory holiday, or a day off in lieu in the event of a requirement to work a statutory holiday.

This proposal is consistent with current statutory holiday benefits for the Supervising Justice of the Peace and the Traffic Safety Court Justice positions. This benefit is also currently provided for Government of Saskatchewan employees and Saskatchewan Provincial Court Judges.

The SJPA also proposes that all part-time (per diem and/or hourly) Justices of the Peace receive the proposed Statutory Holiday leave of absence with pay consideration as a factor in establishing the pro rata per diem and/or hourly rate. This will be addressed in the submission relating to the Per Diem calculation.

iii. Sick Leave

The SJPA proposes that all full-time Justices of the Peace be entitled to sick leave benefits calculated at a rate of one and one quarter days for each full month of service or 15 days per fiscal year. This proposal is consistent with sick leave benefits for the Supervising Justice of the Peace and the Traffic Justice Positions. A similar benefit is also currently received by Saskatchewan Provincial Court Judges, Government of Saskatchewan employees and Justices of the Peace in comparative jurisdictions.

The SJPA also proposes that all part-time (per diem and/or hourly) Justices of the Peace receive the proposed Sick Leave benefit as a factor to be included in the formula calculation for establishing the pro rata per diem and/or hourly rate. This will be addressed in the submission for the Per Diem calculation.

iv. Vacation

The SJPA proposes that all full-time Justices of the Peace receive 30 days of vacation per year. Table 13 below compares the number of vacation days received by Justices of the Peace in comparable jurisdictions.

Table 13 Vacation Comparisons:

Jurisdiction	Provincial Court Judge	British Columbia	Alberta	Ontario	Quebec	Yukon
Annual Vacation Entitlement	30 days	30 days	30 days*	22-35 days 8-26	30 days	35 days

Source: Government of Saskatchewan

* 30 vacation days are proposed by both the Government of Alberta and the Society for Justices of the Peace in Alberta in their submissions to the 2009 Alberta Justices of the Peace Compensation Commission.

The SJPA also proposes that all part-time (per diem or hourly) Justices of the Peace receive the proposed 30 day annual vacation rate to be included in the formula calculation for establishing the pro rata per diem and/or hourly rate. The SJPA notes that part-time Provincial Court Judges in Saskatchewan and Justices of the Peace in British Columbia and Alberta factor in vacation days when determining the number of days worked annually by full-time assignment. This will be addressed in the Per Diem submission.

f. Per Diem

Section 10.2(4) of *The Justices of the Peace Act, 1988* requires that “The senior justice of the peace be paid a *pro rata* portion of the annual salary of a justice of the peace mentioned in subsection (1) for each day or half-day in which the senior justice of the peace is engaged in his or her duties as a justice of the peace.”

Section 10.2(5) provides that a Justice of the Peace other than a Senior Justice of the Peace is to be paid a *pro rata* portion of the annual salary of a Justice of the Peace mentioned in subsection (1) for each hour in which the Justice is engaged in his or her duties.

The Saskatchewan Justices of the Peace Association (SJPA) proposes the establishment of a per diem rate (daily compensation rate) for part-time JPs. It is proposed that this rate then be further reduced to an hourly rate by dividing the per diem rate by 8 based on an 8 hour work day.

In other jurisdictions such as Alberta and British Columbia, there has been consistent acceptance by past Compensation Commissions and their respective Governments that part-time Justices of the Peace should receive compensation that is equivalent to that received by full-time Justices of the Peace. The SJPA proposes that the same principle be used to guide the Commissions’ recommendation when calculating the Per Diem amount. The application of the formula achieves the goal of equal compensation being paid to full-time and part-time Justices of the Peace.

Table 14 below compares the factors used when calculating Per Diem rates as well as the resulting rates.

Table 14 Per Diem Rates in Jurisdictions with Independent Compensation Commissions

Jurisdiction	Annual Salary 2012/13	Benefit %	Number of Days Worked Annually	Overhead Allowance \$ /day	Per Diem Rate	Per Diem to Hourly Compensation (=Per Diem/ 8hrs per day)
SK Provincial Court Judges	\$248,090	*	220	-	\$1,128	\$141.00
British Columbia JP (2)	\$99,525	20%	219	\$80 per day	\$625	\$78.12
Alberta JP (based on JP recommendation)	\$154,000	13.1% + \$5,000	218	20%	\$963	\$120.38
Alberta JP (based on Gov't recommendation)	\$131,866	13.1 % + \$5000	218	20%	\$828	\$106.00
Quebec JP	\$121,091	*	248	-	\$488	\$61.00

* Both the Saskatchewan Provincial Court Judge and the Quebec Justice of the Peace part-time (Per Diem) position assignments can only be performed by retired individuals. It is important to note these Per Diem calculation factors considered that the people working in these positions in these circumstances are in receipt of their pension resulting from their previous full-time assignment. This is not the situation in Saskatchewan or the other comparative jurisdictions.

Below are calculations used by each jurisdiction when determining the Per Diem rates.

1) Saskatchewan Provincial Court Judges

$$\text{Per Diem} = \frac{\text{Base annual salary}}{\text{Sitting days available in a year}}$$

$$\text{Sitting Days} = 366 - 30 \text{ vacation days} - 12 \text{ Stat holidays} - 104 \text{ weekend days} = 220 \text{ days per year}$$

$$\text{Per Diem Rate} = \frac{\$248,048}{220} = \$1,127.50$$

Source: SPCJA Submission to the Saskatchewan Provincial Court Commission, November 2011, Page 95, Paragraph #244.

2) British Columbia Justices of the Peace

$$\text{Per Diem Rate} = \frac{\text{Base Annual Salary} + 20\% \text{ Benefits} + \text{Overhead Allowance}}{\text{Actual Days Worked}} \quad \text{Per Day}$$

$$\text{Actual Days Worked} = \text{Total Work Days} - \text{Vacation} - \text{Stat Holidays}$$

$$219 = 261 - 30 - 12$$

$$\text{Per Diem} = \frac{\$99,525 + (454.45 \times .20) + \$80}{219} = \$625$$

Source: Government of Saskatchewan

3) Alberta Justices of the Peace

$$\text{Per Diem} = \frac{\text{Base Annual Salary} + \text{Pension Benefit*} + \text{Office/Overhead Allowance} + \text{Rate for Insured Benefits}}{\text{Actual Days Worked}}$$

$$\text{Actual Days Worked} = \text{Full-time Shifts} - \text{Vacation} - \text{Stat Holidays}$$

$$218 = 261 - 30 - 13$$

$$\text{Per Diem} = \frac{\$131,866* + 13.1\%(131,866) + 20\%(131,866) + \$5,000}{218}$$

$$\text{Per Diem} = \frac{\$180,514}{218} = \$828$$

* Based on Government of Alberta's proposed Per Diem Rate for 2012/13

Source: Government of Alberta's 2009 Submission to the Compensation Commission. Page 7, Paragraphs 19-21

4) Quebec Justices of the Peace

$$\text{Per Diem} = \frac{\text{Base Annual Salary}}{\text{Actual Days Worked}}$$

Actual Days Worked = Assumption is that it is equal = 248
to work days - Stat Holidays

$$\text{Per Diem} = \frac{\$121,091}{248} = \$488$$

Based on the comparators provided, the SJPA proposes that the formula for a Saskatchewan Justice of the Peace Per Diem be calculated as follows:

$$\text{Per Diem} = \frac{\text{Base Annual Salary} + \text{Pension \% Factor} + \text{Benefit \% Factor}}{\text{Annual Actual Days Worked}}$$

Base Annual Salary = 48% of a year to year comparison of the
Provincial Court Judge's annual base salary

Pension Factor % = 10%

Benefit Factor = Option A or Option B

Option A = Where the Government of Saskatchewan includes source deductions in the payment schedule, and contributes to the employer portion of the Canada Pension Plan deduction. The proposed benefit factor is:

<u>Benefit</u>	<u>% Pay</u>
Pension	10.00 %
Dental Plan*	1.50 %
Sick Leave*	5.70 %
Health Plan*	<u>1.89 %</u>
Total Benefits	19.09 %

Option B = Where the Government of Saskatchewan does not include source deductions in the payment schedule, and the Canada Pension Plan contribution is the sole responsibility of the Justices of the Peace, the proposed benefit factor is:

<u>Benefit</u>	<u>% Pay</u>
Pension	10.00 %
Dental Plan	1.50 %
Sick Leave	5.70 %

Health Plan	1.89 %
Canada Pension Plan	<u>4.95 %</u>
Total Benefits	24.04 %

* Source for the Dental Plan, Sick Leave, and Health Plan Benefit cost factor is the Government of Saskatchewan submission to the 2011 Provincial Court Commission. Reference is the: Public Employees Benefit's Agency.

Actual Days Worked = The same as the current Provincial Court Judges benefit calculation of 220 days

The following calculation uses the proposed base salary for 2013:

Option A:

$$\text{Per Diem} = \frac{\$122,140 + 19.01(122,140)}{220} = \$661$$

Option B:

$$\text{Per Diem} = \frac{\$122,140 + 24.04(122,140)}{220} = \$689$$

The SJPA propose the daily Per Diem rate be divided by 8 to determine the hourly compensation rate. The hourly compensation rate can then be used to calculate the pro rata requirement for compensation for part-time Justices of the Peace.

g. Professional Development and Training

The SJPA recognises the importance of training, professional development, and attendance at regional/provincial seminars and conferences. Within the comparative jurisdictions, many Justices of the Peace receive an annual monetary allowance for professional development. This is similar to the annual allowances received by Provincial Court Judges in Saskatchewan. Presently, however, the primary professional development opportunity for Justices of the Peace in Saskatchewan is through training at the Justice of the Peace Centre where the courses are developed and delivered internally at no cost to Justices of the Peace. There are currently few external resources for relevant training in the Province of Saskatchewan and/or delivery models that meet the needs of the Saskatchewan Justices of the Peace.

In consideration of the above, the SPJA proposes that Justices of the Peace receive compensation at fifty percent of their salary when their attendance at training is outside their normal work schedule. When the professional development occurs within their normal work schedule, Justices of the Peace should be paid their ordinary compensation rate.

The reduced remuneration rate proposed is intended to signify the commitment of Justices of the Peace in Saskatchewan to maintaining and further developing their skill set, professionalism and performance level.

h. Stand-By Pay (on Call)

At the present time, there are some circumstances that require a Justice of the Peace be available to report to duty on non-scheduled work time. These circumstances require the affected Justice of the Peace to carry a phone or be available to be contacted at home. They must be available to report to work in a reasonable period of time. A few examples of this requirement include: 1) Hub coverage - midnight until 8:00 a.m. (weekdays), and 10:00 p.m. until the following day at 2:00 pm (on weekends) during which time a Justice of the Peace is required to be available to the Hub and to complete work of an emergent nature, 2) Stipend Justices of the Peace who are

required to carry a cell phone, and be available to report to duty in their assigned city for completion of urgent work.

The SJPA proposes that an “on call or standby” rate be established and paid to the Justices of the Peace required to perform this function as part of their work assignment.

When considering the amount to be paid for this assignment which is in addition to scheduled work, the SJPA considered the following comparisons: (See Appendix A for a detailed description)

1. North West Territories – 1 hour of pay for every 24 hours of stand-by (\$55/hr)
2. Nova Scotia Justices of the Peace – 1 hour of pay for every 3 hours of stand-by
3. Saskatchewan Public Service – stand by differential may be paid for each 8 hour stand-by period
4. The Royal Canadian Mounted Police – stand-by pay recommended at either 1 hour of pay for 4 hours stand by for operational readiness or 1 hour of pay for 8 hours of stand by for operational availability
5. Treasury Board of Canada and Public Service Alliance Canada (PSAC) – ½ hour pay for 4 hours stand-by or 1 hour of pay for 8 hours stand-by

The SJPA proposes that a Justice of the Peace receive 1/8 of the Per Diem rate for every 24 hours or portion thereof that they are required to be on stand-by.

i. Alternate Location Work Assignments

At times a Provincial Court Judge is required to leave their work assignment in the host Court and travel to various circuit court locations. The time required to travel to the circuit court and return back to the host Court location is included in the Provincial Court Judge’s working hours.

In other words, the Provincial Court Judge is being compensated for the time he/she is required to travel to and from these alternate locations in addition to compensation for the court time involved.

The current compensation system for a Justice of the Peace does not cover the travel time to and from the alternate location as “work” time. JPs are only paid for the actual time spent in court while performing their work assignment. For example, a Justice of the Peace travelling from Moose Jaw to Assiniboia for court spends two hours travelling to and from the court point that he/she is not compensated for.

The SJPA proposes that Justices of the Peace assigned work in an alternate location (away from their home community) be compensated for the time required to travel to and from their assignment. This time should be considered work time and the affected Justices of the Peace be paid the appropriate rate of pay for time they are away.

j. Expenses Away from Home

The SJPA proposes that all Justices of the Peace, whether full-time or part-time, receive the following consideration for expenses incurred as a result of performing any JP duty that requires the Justice of the Peace to travel out of their assigned community. The SJPA further submits that Justices of the Peace should be entitled to be paid the amount of any actual and reasonable travelling and sustenance expenses that they incur as a result of required travel out of their assigned community, in accordance with any guidelines that the Supervising Justice of the Peace and/or Chief Judge may establish from time to time.

This position is consistent with the “expenses away from home” benefit that Provincial Court Judges currently receive pursuant to the *Provincial Court Regulations*.

k. Legal Resources for Disciplinary Proceedings

Disciplinary proceedings for Justices of the Peace in Saskatchewan are rare. However, when these processes are required, Justices of the Peace are not able to access legal resources through the Provincial Court or the Government of Saskatchewan. They must hire external counsel at their own expense, regardless of the outcome of the proceedings. For part-time Justices in particular, this presents a financial hardship and creates a barrier to legal representation in a proceeding with potentially serious outcomes such as removal from office.

In British Columbia, on a policy basis, Judges and Justices of the Peace requiring counsel apply to the Associate Deputy Minister of Justice who makes the decision about whether to authorize the appointment of counsel.

In Ontario, pursuant to the *Courts of Justice Act*, RSO 1990, c C.43 s 51.7, the Judicial Council addresses the legal expense issue for judges subject to disciplinary proceedings. The Council makes a recommendation to the Attorney General who is bound by the recommendation. Legal fees paid cannot exceed the maximum rate normally paid by the Ontario government for similar services.

In Quebec, as a matter of policy, the Government of Quebec pays the legal fees of Judges requiring representation before the Judicial Council. Payment of legal fees is limited to both a maximum amount and number of hours.

In the Yukon, on a policy basis, the Ministry of Justice pays the legal costs of Judges and Justices when they are the subject of disciplinary proceedings. Requests for counsel are directed to the Chief Judge who communicates the request to the Judicial Council. Following an investigation and report by counsel as to whether legal services should be provided and, if so at what stage of the proceedings, the Deputy Minister of Justice determines whether to approve, vary or reject the request.

In the Northwest Territories, s. 31.7 of *The Territorial Court Act* provides compensation for legal fees incurred in disciplinary proceedings before the Judicial Council.

Source: Inter-Jurisdictional Survey of Provincial Court Practices in Disciplinary Matters

The SJPA submits that coverage of legal expenses in discipline processes is an appropriate benefit for Saskatchewan Justices of the Peace. The SJPA suggests that the Ontario model for fee coverage be considered for use in Saskatchewan.

Discipline proceedings for Saskatchewan Justices of the Peace are heard by the Justice of the Peace Review Council pursuant to s. 12 of *The Justices of the Peace Act, 1988*. The SJPA submits that the Council would be in the best position to make an independent determination as to whether legal expenses should be covered in the circumstances and to make a binding recommendation to the Attorney General of Saskatchewan within any prescribed fee parameters for private counsel.

The SJPA further submits that such a benefit should apply to all disciplinary proceedings for Justices with the exception of court proceedings in which a Justice of the Peace is charged with the commission of a criminal offence and discipline proceedings related to the criminal charge.

I. Counselling Services

The stressful conditions under which Saskatchewan Justices of the Peace work have been previously outlined. While most Justices are able to cope with the stress levels involved, some Justices have identified difficulty with specific incidents of extreme stress and others with stress accumulated over time. For example, in 2013 alone, two Justices of the Peace reported symptoms of post traumatic stress disorder triggered by their JP work. There were no medical benefits or services in place to assist these Justices. One of these Justices subsequently resigned.

Provincial Court Judges in Saskatchewan have access to counselling services specifically structured for Judges when and as needed through the Judges Counselling Program (unlimited

number of sessions). Government of Saskatchewan employees also have access to counselling services through the Employee and Family Assistance Program (six sessions per issue).

The SJPA submits that Saskatchewan Justices should also have access to counselling services to address stress issues when they arise. The SJPA further submits that at a minimum, access to counselling should be equivalent to the access Government of Saskatchewan employees currently have to the Employee and Family Assistance Program. The SJPA further submits that access to these counselling services should be provided at no cost to Justices of the Peace requiring this resource.

D. Economic Conditions

The SJPA agrees with the Government of Saskatchewan that the economic conditions findings of the 2011 Saskatchewan Judicial Compensation Commission are applicable in these circumstances. These findings were subsequently applied in determining appropriate salary adjustments for Provincial Court Judges in Saskatchewan.

These findings are identified at paragraph 250 of the Commission report. In summary, the findings are that these are currently good economic times for Saskatchewan and that the economic future for Saskatchewan looks good as well.

As the Government of Saskatchewan notes at page 6 of its 2012-2013 Budget Summary "Keeping the Saskatchewan Advantage":

“At a time when other jurisdictions struggle with slow economic growth, growing debts and deficits, Saskatchewan is leading the way with sound provincial finances and a growing economy. We are a “have” province with record population growth and opportunities unprecedented in our history.”

Given agreement in this area, the SJPA makes no submission relative to economic conditions beyond requesting that the Commission adopt the economic conditions findings referenced in the 2011 Saskatchewan Judicial Compensation Commission report.

E. Cost of Living Adjustments

The SJPA submits that adjusting salaries to take into consideration increases in the cost of living is one of the factors that can be assessed in setting the appropriate compensation for Justices of the Peace. However, the SJPA is of the view this factor is more appropriately considered in future commission processes once base salary levels have been set. The SJPA notes that the salaries set for the Provincial Court Judges in the 2011 Commission Process included cost of living adjustments which will automatically result in adjustments to JP compensation tied to these salaries. As a result, although there has been a decline in the real adjusted income for many JPs since the last fee for service increase in 1994, the SJPA makes no submission relative to cost of living factors at this time.

F. Recruitment and Retention

The recruitment of Justices of the Peace is currently a challenging task in Saskatchewan. Few applications are received in response to advertised positions. Typically less than a third of the applicants have the required knowledge, skills and abilities for the positions. Of the candidates interviewed for positions, generally half do not pass the interview. The staffing process takes approximately 1-2 months. The Order-in-Council process can then take anywhere from two to six months to complete. It is not uncommon for successful candidates to ultimately decline the appointment as they found preferable work at a higher rate of pay during the timeframe required to complete the process.

In 2010, as an interim measure to address recruitment and retention issues, the mandatory age of retirement for Justices of the Peace was raised from 65 to 70 years of age.

a. Community Justices of the Peace

Recruiting Community Justices of the Peace is difficult with current compensation levels. Few individuals are prepared to commit to on-going availability on evenings, nights and weekends or to the training and responsibility involved for the modest fees provided. For example, it typically takes 45 minutes to an hour to consider the average search warrant. Community Justices of the Peace are currently paid \$6.00 in total for this work. These positions are also based in smaller communities which results in a limited candidate pool for vacant positions. Additional issues identified by potential candidates and JPs exiting these positions include: (1) safety concerns as Justices of the Peace in smaller communities are readily identifiable in the event threats are made and (2) frequent conflict of interest issues.

The outcomes of four of the most recent Community Justice of the Peace competitions demonstrate the difficulty in this area as follows:

Estevan: 1 Applicant (did not pass the interview)

Big River: 1 Applicant (did not pass the interview)

Southend: 1 Applicant (did not pass the interview)

Nipawin: 2 Applicants (1 did not pass the interview, 1 appointed)

The appointment of one Community Justice of the Peace in four attempted competitions is a less than optimum outcome, particularly given the expense of the staffing process.

b. Stipend Justices of the Peace

Recruitment of Stipend Justices has also been a challenge. These Justices handle a high volume of work and are on 24/7 stand-by for assigned periods of time. They are also required to carry a cell phone during their work assignments. They are frequently contacted during evening hours and spend significant periods of time in police detention

areas on evenings and weekends carrying out their responsibilities. They typically spend 25 to 35 hours per week performing Justice of the Peace tasks for a weekly stipend payment of \$400.00. This results in compensation of approximately \$11.00 to \$16.00 per hour. This is inadequate compensation for this high volume, stressful work. It has also been insufficient to attract new candidates into the work.

The outcome of a recent Stipend competition in the City of Saskatoon demonstrates the concern. There were 21 applicants for the position, only 6 of whom had the required knowledge, skills and abilities for the position. Only one of the candidates passed the interview. The successful candidate then resigned prior to commencing work as he had found preferable work at a higher compensation level during the waiting period for his appointment. The vacancy was ultimately covered by an existing Justice of the Peace who agreed to re-locate to accept the work.

In the case of both Community and Stipend Justices, the work involved is currently being carried out by a dedicated group of individuals with a strong sense of community and a belief that it is important to make a contribution to the community. It has become increasingly difficult to find qualified candidates for this work who are willing to perform the work primarily on the basis that it is important work for the community without regard for the compensation level involved.

c. Senior Justices of the Peace

The Province of Saskatchewan has been fortunate in having a group of well-qualified lay Senior Justices handling trial work. However, it is difficult to find lay persons with the requisite skill set and training timeframes for lay people in this area are quite lengthy. For these reasons, and given the critical and often complex nature of trial work, it is better suited to those with legal training. The Supervising Justice has advised that succession planning for these positions has proceeded on this basis.

In 2011, changes were made to *The Justices of the Peace Act, 1988* to allow lawyers to be appointed as Justices of the Peace. Six lawyers were subsequently recruited to serve as Senior Justices. The background of these appointees is as follows:

- One retired Director of Legal Aid
- One retired Crown Prosecutor
- One semi-retired private practitioner with a criminal defence practice
- One retired general practitioner
- Two dispute resolution professionals

These individuals were all excellent appointment choices. However, most were retired or semi-retired at the time of appointment. Relying solely upon retired lawyers creates a short tenure of office to the mandatory retirement age of 70 and will result in a relatively frequent turnover rate for the positions. This presents a significant recruitment and retention challenge in terms of the short maximum retention period possible under the circumstances and a continuing, frequent need to recruit for these positions.

A need for frequent recruitment will be an additional challenge as it has been difficult to attract lawyers to this work. Current compensation levels have generally served as a barrier to all but retired and semi-retired members of the legal community. For example, the most recent recruitment attempt for a Senior Justice in Prince Albert had only a single applicant, resulting in the cancellation of the competition.

The SJPA submits that in order to attract younger members of the legal community in addition to semi-retired and retired members, the salary levels must, at a minimum, be

within the ranges in place for comparable legal positions in the public sector. The compensation percentage put forward by the SJPA for Senior Justices (\$130,247) would place these positions in the mid-range of current salaries reported for Senior Crown Counsel (\$119,695 to \$147,945). The SJPA submits this is an appropriate placement for recruitment purposes.

d. Assistant Supervising Justice of the Peace

The Assistant Supervising Justice of the Peace is a relatively new position that has not yet been formally classified. It has been staffed with an existing Senior Justice of the Peace. As a result, it is not yet known whether there will be significant recruitment challenges for the position.

e. Supervising Justice of the Peace

The Supervising Justice of the Peace position was designated exclusively for lawyers in July of 2009 and this qualification will continue to be applied to the position. As a result, Saskatchewan lawyers will form the candidate group for staffing this senior position.

The SJPA percentage recommendation for the Supervising Justice of the Peace would result in the salary for the position being placed well within Crown Counsel and Legal Aid salary ranges which the SJPA submits is an appropriate placement for recruitment and retention purposes.

Part V Recommendations

A. Base Salary

The SJPA proposes that effective April 1, 2013, the percentage of a Provincial Court Judges annual salary for Justices of the Peace be set at 50% of the year that precedes the

year in which the calculation is being made. For greater certainty, this would result in the 2013 Justice of the Peace annual salary being set at 50% of the Provincial Court Judge's 2012 annual salary, and the 2014 Justice of the Peace annual salary being set at 50% of the 2013 Provincial Court Judge's annual salary, and continuing on in this manner.

This salary level would result in the following:

$$\begin{aligned}\text{2013 Justice of the Peace annual salary} &= \text{2012 Provincial Court Judge's annual} \\ &\quad \text{salary} \times 50\% \\ &= \$248,090 \times 50\% \\ &= \mathbf{\$124,045}\end{aligned}$$

Implementing the proposed 50% recommendation will result in the 2013 Justice of the Peace annual salary being set at \$124,045. It would also result in a year to year annual salary percentage differential comparison rate of 48.75%.

B. Compensation Structure

The SJPA proposes that the adjusted salary rate for the Senior Justice of the Peace be set at 105%; the Assistant Supervising Justice of the Peace be set at 110%, and the Supervising Justice of the Peace be set at 115% of the annual Justice of the Peace salary. The resulting salary levels for 2013 would be \$130,247 for Senior Justices of the Peace, \$136,450 for the Assistant Supervising Justice of the Peace and \$142,652 for the Supervising Justice of the Peace.

C. Pension

The SJPA proposes that all Justice of the Peace receive consideration for pension. The SJPA proposes that the Government of Saskatchewan contribute 10% of the annual salary that the Justice of the Peace receives for pension.

The SJPA proposes that all full-time Justices of the Peace become members of the Saskatchewan Provincial Employees Pension Plan (PEPP). It is proposed that each Justice of the Peace contribute 5% to the plan.

The SJPA proposes that part-time Justice of the Peace receive the 10% Government contribution for pension to be included when calculating the per diem and/or total hourly compensation rates.

D. Insured Benefits

The SJPA proposes full-time Justices of the Peace receive Group Life Insurance, Disability Plan, Dental Benefits and Health (medical plan) benefits at the same level and manner in which permanent, non-unionized employees of the Saskatchewan Public Service Commission currently receive these benefits. The SJPA proposes the part-time Justices of the Peace be compensated at a percentage factor in the per diem and/or total hourly compensation rate.

E. Vacation

The SJPA proposes that all full-time Justices of the Peace receive 30 days annual vacation. The SJPA proposes that when calculating the formula for per diem and/or total hourly compensation rates, the 30 days for vacation be subtracted from the annual work day calculation to determine actual work days.

F. Scheduled Days Off

The SJPA proposes that all full-time Justices of the Peace receive 12 scheduled days off (SDOs) per year. The Supervising Justice of the Peace and Traffic Justices of the Peace currently receive this allowance as identified within the respective Regulations. This proposal will extend this benefit to all full-time Justices of the Peace

G. Statutory Holidays

The SJPA propose that all full-time Justices of the Peace receive statutory holidays off with pay or days in lieu if required to work. The SJPA propose that all part-time Justices of the Peace receive consideration for statutory holidays when calculating the formula for per diem and/or total compensation hourly rates. It is proposed that 12 days for statutory holidays be subtracted from the annual work day calculation to determine actual work days (i.e. annual workdays minus vacation minus statutory holidays).

H. Per Diem

The SJPA proposes the following formula be implemented when determining the per diem rate as a pro rata calculation required by the Act for Senior Justices of the Peace.

a. Senior Justices of the Peace Per Diem

The SJPA submits that the Senior Justices of the Peace Per Diem is equal to the Senior Justice of the Peace annual base salary plus Pension percentage plus Insured Benefit percentage divided by Annual actual days worked.

Source Deductions Includes Employer Contribution for CPP

$$\begin{array}{lcl} \text{Proposed Per Diem for} & \text{Senior Justice of} & \text{Pension} \quad \text{Insured} \\ \text{Senior Justice of the Peace} & = \text{the Peace annual} & + \% \quad + \text{Benefits} \\ \text{adjusted salary (105\%)} & \underline{\text{base salary}} & \underline{\hspace{1cm} \% \hspace{1cm}} \\ & \text{Annual actual days worked} & \end{array}$$

$$\begin{array}{l} \text{Proposed Per Diem for Senior Justice} \\ \text{of the Peace adjusted salary (105\%)} = \frac{\$130,247 + (10\% + 9.09\%)130,247}{220} \end{array}$$

$$= \$705$$

$$\text{The proposed } \frac{1}{2} \text{ per diem equals } = \$352.50$$

b. Justice of the Peace Per Diem

The SJPA proposes the Justice of the Peace Per Diem be equal to the Justice of the Peace annual base salary plus Pension percentage plus Insured Benefit percentage divided by Annual actual days worked.

Option A – Source Deductions - Includes Employer Contribution for CPP

$$\begin{array}{lcl} \text{Proposed Per Diem for} & \text{Justice of the Peace} & \text{Pension} \quad \text{Insured} \\ \text{Justice of the Peace} & = & \underline{\text{Annual base salary} + \% \quad + \text{Benefits \%}} \\ & & \text{Annual actual days worked} \end{array}$$

$$= \frac{\$124,045 + (10\% + 9.09\%)124,045}{220}$$

$$= \$671$$

Option B – No Source Deductions

$$\begin{array}{lcl} \text{Proposed Per Diem for} & \text{Justice of the Peace} & \text{Pension} \quad \text{Insured} \\ \text{Justice of the Peace} & = & \underline{\text{Annual base salary} + \% \quad + \text{Benefits \%} + \text{CPP}} \\ & & \text{Annual actual days worked} \\ & = & \$124,045 + (10\% + 9.09\% + 4.95)124,045 \\ & = & \$699 \end{array}$$

The SJPA propose the total compensation hourly rate be 1/8 of the per diem rate.

Option A = **\$83.88**

Option B = **\$87.38**

I. Stand-by

The SJPA proposes that Justices of the Peace be compensated at 1/8 their per diem rate for every 24 hours or portion thereof they are required to be on stand-by.

J. Alternate Location Work Assignments

The SJPA proposes that Justices of the Peace that are assigned work in an alternate location (away from their home community) be compensated for the time required to travel to and from their assignment at their regular rate of pay.

K. Counselling Services Support

The SJPA submits that Saskatchewan Justices should also have access to counselling services to address stress issues when they arise. The SJPA proposes that at a minimum, access to counselling should be equivalent to the access Government of Saskatchewan employees currently have to the Employee and Family Assistance Program (6 sessions per issue). The SJPA further submits that access to these counselling services should be provided at no cost to Justices of the Peace requiring this resource.

L. Legal Services Support

The SJPA proposes that the Justice of the Peace Review Council be given the authority to determine whether a Justice's legal expenses in a discipline proceeding should be covered

and to make a binding recommendation to the Attorney General of Saskatchewan within any prescribed fee parameters for private counsel.

M. Expenses

The SJPA proposes that where a Justice of the Peace attends at any place other than the place where he or she is regularly assigned duties, the Justice of the Peace is entitled to be paid the amount of any actual and reasonable travelling and sustenance expenses incurred as a result of that attendance, in accordance with any guidelines that the Supervising Justice of the Peace may establish from time to time.

N. Commission Costs

The SJPA anticipates that the costs of participation in the Commission process will be resolved outside of the Commission process. Out of an abundance of caution, however, the SJPA respectfully requests the opportunity to file an additional written brief on the matter of costs in the event that the issue cannot be resolved otherwise.

Part VI Conclusion

The Justice of the Peace position in Saskatchewan is an important one. It is one that deserves support in order to function as it is intended. The SJPA respectfully requests that the Commission recommend a level of compensation commensurate with the significant responsibilities involved. Saskatchewan Justices of the Peace are a dedicated group and they deserve the resources required to continue to serve the Province of Saskatchewan in a professional manner.

APPENDIX A

Notes to Table 1 Comparison of Justice of the Peace Duties in Selected Jurisdictions

¹ David G. Tettensor, Q.C in Report and Recommendations of the 2006 Alberta Justice of the Peace Compensation Commission page 21

² Senior Justice of the Peace presides over Provincial Offense trials in Saskatchewan.

³ Alberta has two categories of Justices of the Peace: presiding and sitting. Sitting justices have all the powers that presiding justices have and can also conduct hearings in certain circumstances. As of 2010 there were 21 presiding justices and 23 sitting justices. Sitting Justices of the Peace have the power to hear and adjudicate trials concerning provincial and municipal offenses except for complaints involving a death or a Charter complaint. Presiding Justices operate video/tele-bail and telewarrant offices in Edmonton and Calgary which operate 24/7 and handles search warrants and judicial interim release hearings.

⁴ Ontario Presiding Justices of the Peace try provincial offences, and their decisions in such cases can be appealed to the Ontario Court of Justice. They also hear federal summary convictions offences initiated following the summary convictions procedure set out in Part XXVII of the Criminal Code and these decisions can be appealed directly to a judge of the Superior Court. No trial relating to an offence in the Criminal Code is assigned to a Justice of the Peace.

⁵ Justices of the Peace in Quebec do not adjudicate Criminal Code offences. However, they do hear federal offence cases commenced under the summary convictions procedure in the Criminal Code. They sit in the Criminal and Penal Division of the Court of Quebec and hear proceedings for federal offences commenced under the Quebec summary convictions procedure as well as for provincial offences.

⁶ Only the full-time Yukon Justice of the Peace can hear trials. In federal matters, the Justice of the Peace can sometimes impose fines but does not hear cases other than provincial summary conviction offences. The maximum prison sentence that he can impose is three months or six months for a conditional sentence. In Federal matters, they have limited powers in relation to arrest, detention and investigation. Moreover, in practice these powers are often exercised by judges of the Territorial Court who have the same status and treatment as judges of a provincial court.

⁷ Saskatchewan and Quebec are the only jurisdictions where Justices preside over trials involving fatalities

⁸ There are no policy limitations on the maximum fine that can be imposed by a Saskatchewan Senior Justice other than the limits set out in the statutes involved. Substantial fines can be imposed with maximums in the neighborhood of \$300,000 for individuals and \$1,000,000 for corporations for certain types of offenses.

⁹ BC Judicial Justices of the Peace generally hear cases relating to provincial and municipal offences initiated by a certificate of offence. They do not preside over trials where the defendant is liable to be sentenced to a term of imprisonment. They preside at payment hearings and can make payment orders of up to \$25,000 and can hear certain cases relating to federal statutory offences.

¹⁰ Saskatchewan is the only jurisdiction in which Justices can impose sentences with a period of incarceration of up to 2 years less a day.

¹¹ Case Management is handled by a Senior Justice with a law degree.

¹² British Columbia Justices of the Peace preside in simplified trial proceedings for selected small claim actions in certain locations. They start with a mediation process and if unsuccessful the Justice of the Peace continues with the trial.

¹³ Ontario has an emergency protection process for children handled by Justice of the Peace for children

¹⁴ Some Justices are specifically designated as Victims of Domestic Violence Act (VDVA Justices). These Justices conduct hearings and issue Emergency Intervention and Protection Orders pursuant to the *Victims of Domestic Violence Act* and *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*. Two Justices carry cell phones and are on call 24/7, to victims, the police and other designated agencies who work in the area prevention of domestic violence and abuse of children.

¹⁵ Yukon Justices of the Peace are designated into 4 levels. Most Justices have individualized “assignments”. As a Level 1/Administrative Justice, they perform weddings, take oaths, and receive informations. Presiding Level 2 Justices have the authority to read court documents to an accused, issue process/warrants/subpoenas; hears uncontested bail hearings; uncontested peace bonds; arraignments and extensions of time to pay. There is a designated Family Violence JP on call 24/7 for Emergency Intervention orders. Presiding Level 3 Justices have the authority to deal with contested peace bonds, judicial interim release hearings; ex parte hearings/traffic court; search warrants; DNA/Feeney warrants; telewarrants and sentencing municipal/territorial/federal/youth offences. Community or Stipend Justices are on-call. Their authority includes Feeney warrants, swearing informations, issuing process and some “presiding” duties, limited by individual letters of authority. All Justices are part-time with the exception of the Senior Presiding Justice who has authority to do approximately 95% of what a Territorial Court Judge does.

¹⁶ The few BC judicial justices of the peace assigned to the Justice Centre in Burnaby conduct hearings on a remote basis either by telephone or video for the entire province.

¹⁷ Bail hearings are handled by Justice of the Peace in a courtroom during the day. There is no “after hours” bail hearings. Contested judicial interim release hearings are only handled by a Presiding Level 3 Justice

¹⁸ Usually handled by Justices working in “the Hub” which operates 24/7

¹⁹ Hearing offices situated in Calgary and Edmonton have Justices 24/7 to deal with in-person and remote appearances

²⁰ In Federal law matters, Alberta Justices of the Peace have important arrest, detention and investigative powers (search warrants and other avenues of investigation). In practise however, only a minority of Justices of the Peace exercise these powers.

²¹ Very few Yukon Justices of the Peace are authorized to deal with search warrants. These warrants are issued by the Senior Presiding Justice of the Peace.

²² Quebec and Yukon Justices of the Peace can issue general warrants and DNA warrants under the Criminal Code.

Sources: “A Comparative Study of Justices of the Peace in Canada, Fabien Gelin, Associate Professor at McGill University’s Faculty of Law and Institute of Comparative Law, September 2010.
“Justice of the Peace Jurisdiction: A Preliminary Overview of Legislation & Practises by Provinces/Territory” Report prepared by Dawn North, JJP for Associate Chief Judge Threlfall Provincial Court of British Columbia, 2006.

APPENDIX B

Endnotes to Table 1 Provincial Court Judge Salaries across Canada

(1) Federal Judges salaries and salaries for New Brunswick, Prince Edward Island, Newfoundland, Labrador and Northwest Territories were not used as no data was available for corresponding Justice of the Peace Salaries.

(2) The British Columbia salary rates for 2011/12 and 2012/13 are as per the 2010 British Columbia Judges Compensation Commission Report (the Report) and the salary rate for 2013/14 is as per the Government of British Columbia's second Response to the Report. The Report recommended no salary increase for 2011/12 and 2012/13 and a salary increase for 2013/14 equal to the accumulated British Columbia Consumer Price Index over the preceding three fiscal years. The recommended salary increase for 2013/14 was not accepted by the Government in its first Response to the Report, which Response set the salary increase that year at zero and did not accept the Commission's recommendation to increase the pension accrual rate from 3% to 3.5%. The Supreme Court of British Columbia issued a judgment on July 11, 2012 directing that the matter of the Government's responses to the Commission's Report be returned to the Government and the Legislative Assembly for reconsideration. The Government in its second Response to the Report in March 2013 did not accept the recommended 2013/14 salary, substituting an increase of 1.5% for that year, and did not accept the recommended increase to the pension accrual rate. A judicial review application with respect to the Government's second Response was filed by the British Columbia judges in May 2013.

(3) Ontario judges receive a statutory salary increase based on the percentage change in the "Industrial Aggregate Index" for Canada as published by Statistics Canada for the preceding 12 month period in each year to a maximum of 7%. The next Provincial Judges Remuneration Commission report for Ontario was due December 31, 2010 covering the period April 1, 2010 to March 31, 2014. A report has not yet been issued. Industrial Aggregate Index for Ontario for 2012/13 was 2%.

(4) The 2010 Rapport du Comité de la rémunération des juges recommended salaries for judges of the Court of Québec at \$225,737 for 2010/11, \$228,333 for 2011/12 and \$232,443 for 2012/13. The Government of Québec did not accept the recommended salary rates for 2011/12 and 2012/13 and substituted the amounts noted above. CPI amounts were added for a total salary.

APPENDIX C

Endnotes for Table 2 Justice of the Peace Salaries across Canada

* The table only includes jurisdictions with Justice of the Peace compensation commissions or where salaries are set as a percentage of provincial judges' salaries. Salaries and per diem rates cover the period from April 1 to March 31 in each year, except as noted above. ** "NS IAI" means the "Nova Scotia Industrial Aggregate Index", being the percentage change from year to year in the average annual weekly earnings published by Statistics Canada for Nova Scotia.

End Notes

¹ New Brunswick does not have justices of the peace. Information on compensation information for justices of the peace in Saskatchewan, Prince Edward Island, Newfoundland and Labrador, the Northwest Territories and Nunavut is not included as this compensation is not established through an independent compensation commission process. Compensation for justices of the peace in Manitoba and Nova Scotia is set by legislation, with salaries based on a percentage of the salary of a Provincial Court judge, and not through a separate independent compensation commission process.

² Judicially independent justices of the peace in British Columbia are designated as full time or part time judicial justices. Part time judicial justices are paid on a per diem basis. The per diem rate used in British Columbia from 2003/04 to 2007/08 was calculated based on the annual judicial justices' salary/210 x .8. The judicial justices' salary rates for 2011/12 and 2012/13 are as per the 2010 British Columbia Judicial Justices Compensation Commission Report, which recommended that these rates not be increased. This Commission also recommended an 8% salary increase for 2013/14 and, effective April 1, 2011, a per diem rate compensation formula equal to a full time judicial justices' salary/219 + 24.5% benefits + \$80 overhead. These recommended increases were not accepted by the Government of British Columbia.

³ Judicially independent justices of the peace in Alberta may be appointed on a full time or part time basis. Full time justices of the peace receive an additional amount equal to 10% of their salary in lieu of pension benefits. Part time justices of the peace are paid on a per diem basis. Full time and part time justices of the peace are entitled to an additional payment of \$2.50 for each hour worked on an evening or night shift.

⁴ The Alberta Justice of the Peace Association made their submissions to an Independent Commission in 2009. No recommendation has been made yet.

⁵ The Alberta Government made their submissions to an Independent Commission in 2009 recommending the Justice of the Peace Salary be set at 50% of the judges' salary. No recommendation has been made yet.

⁶ Judicially independent justices of the peace in Manitoba are designated as judicial justices of the peace and are appointed on a full time basis only. Section 48 of *The Provincial Court Act*,

C.C.S.M. c. C275 provides that judicial justices of the peace are entitled to be paid a salary that is a percentage, as set by regulation, of the salary of a Provincial Court judge. Section 3 of the *Justice of the Peace Regulation*, Regulation 117/2006 sets that percentage at 43%. The salary rates for 2008/09 to 2010/11 are based on the rates recommended for puisne judges by the 2008 Manitoba Judicial Compensation Committee, in accordance with a Manitoba Court of Queen's Bench judgment directing that all recommendations of that Committee regarding the salaries to be paid to judges be implemented immediately. This judgment was appealed by the Government of Manitoba on July 18, 2012. The salary rates for 2011/12 to 2013/14 are based on the rates recommended for puisne judges by 2011 Manitoba Judicial Compensation Committee, which recommendations were accepted by the Government of Manitoba.

⁷ All Ontario justices of the peace appointed since 2006 are designated as presiding justices of the peace and are appointed on a full time basis only. Retired justices of the peace in Ontario who continue working are paid a per diem rate based on the salary of a full time presiding justice of the peace. The Fifth Triennial Justice of the Peace Remuneration Commission for Ontario accepted a joint submission recommending an increase in salaries for full time presiding justices of the peace equal to the increase in the Industrial Aggregate Index (Ontario) for 2008/09, 2009/10 and 2010/11.

⁸ Judicially independent presiding justices of the peace (juges de paix magistrats) were appointed in Québec beginning in 2004. Retired presiding justices of the peace may return to work on a full or part-time basis and receive their pension plus a per diem payment of \$488 for each day worked.

⁹ Judicially independent justices of the peace in Nova Scotia are designated as full time or part time presiding justices of the peace. Currently there are no full time presiding justices of the peace. Section 10 of the *Justices of the Peace Regulation*, N.S. Regulation 51/2002 provides that a full time presiding justices of the peace shall be paid an annual salary equal to 50% of the salary of Provincial Court judge and a part time presiding justice of the peace shall be paid an hourly rate based on the salary of a full time presiding justices of the peace. The 2011/12 hourly rate is \$58.50 per hour subject to adjustments for minimum shift payments. In a judgment issued February 1, 2013, the Nova Scotia Supreme Court declared in [2013] N.S.J. No. 61 that section 10 of the Regulation is unconstitutional, but issued a stay of the declaration for twelve months.

¹⁰ Salaried presiding justices of the peace in the Yukon are required to have their remuneration established in accordance with a compensation commission process. There is one salaried presiding justice of the peace, the Senior Presiding Justice of the Peace. All other justices of the peace are paid an hourly rate set by regulation according to their level of authority as designated by the Chief Judge of the Territorial Court, although past Yukon commissions have made recommendations in regard to their compensation.

APPENDIX D

Source Material for On Call Considerations

When considering the amount to be paid for on call assignments in addition to scheduled work assignments, the SJPA considered the following comparison source information:

1) Nova Scotia Justice of the Peace Legislation

[54] *Remuneration of the Justices.* The *Justices of the Peace Act* leaves to regulations “the fees, allowances, benefits or salary to be paid to justices of the peace”: s. 12(1)(e). A full-time justice, of which there are none, would be paid “an annual salary equal to 50% of the salary of a judge of the Provincial Court”: *Justice of the Peace Regulations*, NS Reg 51/2002, s. 10(1). Subsection (2) reads “A part-time presiding justice of the peace shall be paid at an hourly rate based on the salary of a full-time presiding justice of the peace . . .”. And, subsection (3) reads: “For the purpose of calculating salary payments in accordance with subsection (2), one hour during which a part-time presiding justice of the peace is on call to the Justices of the Peace Centre is equivalent to one-third of an hour during which the justice is in attendance at the Centre”.

2) *Saskatchewan Public Service Regulations, 1999.*

Stand-by duty

- 90 (1) In addition to an employee’s regular salary, the commission may authorize an employee to receive a stand-by differential in an amount approved by the commission to be paid for each eight-hour period or portion of an eight-hour period that an employee is assigned to be on stand-by.
- (2) Salaried psychiatrists or physicians employed at institutions or clinical centres for mentally disabled persons are eligible for stand-by duty payment in an amount not to exceed the maximum of the Emergency Room Coverage Program as negotiated between the Government of Saskatchewan and the Saskatchewan Medical Association.

3) The Royal Canadian Mounted Police – Contract Policing Information

a. Operational Response

- 3.1. A member who is designated as a responder will:
 - 3.1.1. Remain immediately deployable;
 - 3.1.2. Abstain from alcohol consumption;
 - 3.1.3. Be reachable at a known telephone number; and
 - 3.1.4. Be readily available to return for duty when contacted.
- 3.2. Immediate Operational Readiness (OR) applies when operational policing duties require immediate action. See Unit Back-Up Plan, OM ch. 16.9. sec 4. and ch. 16.12.
 - 3.2.1. An off-duty member will be compensated one hour at the straight-time rate for each four-hour period he/she is on OR.
- 3.3. Operational Availability (OA) relates to all other situations that require a response within a reasonable timeframe, depending on the circumstances. See OM ch. 16.12.
 - 3.3.1. An off-duty member will be compensated one hour at the straight-time rate for each eight-hour period he/she is on OA.

4) Treasury Board of Canada/Public Services Alliance Canada (PSAC)

Collective Bargaining Agreement, June 21, 2011.

Technical Services at Article 30 – Standby

Article 30 – Standby

- 30.01 Where the Employer requires an employee to be available on standby during off-duty hours, such employee shall be compensated at the rate of one-half (1/2) hour for each four (4)-hour period or part thereof for which the employee has been designated as being on standby duty.
- 30.02 An employee designated by letter or by list for standby duty shall be available during his or her period of standby at a known telephone number and be available to return for work as quickly as possible if called. In designating employees for standby, the Employer will endeavour to provide for the equitable distribution of standby duties.

The Collective Bargaining Agreement also identifies the compensation for an employee when called back to work as follows:

After the employee has completed his or her work for the day and has left his or her place of work, and returns to work, the employee shall be paid the greater of:

- i. compensation equivalent to three (3) hours' pay at the applicable overtime rate of pay for each call-back to a maximum of eight (8) hours' compensation in an eight (8)-hour period. Such maximum shall include any reporting pay pursuant to clause 32.06 and the relevant reporting pay provisions, or
- ii. compensation at the applicable rate of overtime compensation for time worked, provided that the period worked by the employee is not contiguous to the employee's normal hours of work.

An employee who receives a call to duty or responds to a telephone or data line call while on standby or at any other time outside of his or her scheduled hours of work, may at the discretion of the Employer work at the employee's residence or at another place to which the Employer agrees. In such instances, the employee shall be paid the greater of:

- a. compensation at the applicable overtime rate for any time worked, or
- b. compensation equivalent to one (1) hour's pay at the straight-time rate, which shall apply only the first time an employee performs work during an eight (8) hour period, starting when the employee first commences the work.

APPENDIX E

Benefits Information

For Permanent, Non-Unionized Employees
(Classified Service, Unclassified Service and Contract Employees)



Introduction

The information provided in this document is in summary form and was created by the Compensation Branch, Saskatchewan Public Service Commission. Information in this document will be updated by the Compensation Branch as required.

A current version of this document is available at www.psc.gov.sk.ca.

Pension

All employees of the public service employed since October 1, 1977 participate in a defined contribution (money purchase) pension plan called the Public Employees Pension Plan (PEPP). The purpose of PEPP is to provide retirement assets to its members. Assets and expenses of the plan are managed solely in the best interests of the members.

Members currently contribute 5% of salary and the employer contributes 7.25%.

Employees can make additional or voluntary contributions, subject to Canada Revenue Agency limits. A voluntary contribution is additional money that employees choose to contribute to PEPP to help build retirement income. These contributions are not matched by the employer.

If an employee was a member of another registered employer-sponsored pension plan, it may be possible to transfer the benefit to PEPP, in accordance with a portability agreement.

The plan provides significant flexibility through a number of investment options to reflect an individual's tolerance for risk including conservative, aggressive and balanced portfolios, as well as a bond fund.

Detailed information is available on the PEBA website.
www.peba.gov.sk.ca/pepphome.htm

Insured Benefit Programs

The Government of Saskatchewan provides its employees with a variety of insured benefit programs to help protect their financial and health care security and that of their families.

Benefits Information

For Permanent, Non-Unionized Employees
(Classified Service, Unclassified Service and Contract Employees)



Group Life

The group life plan provides employees life insurance benefits at a more affordable rate than that available through individual life insurance policies.

Basic life insurance coverage is two times annual salary and there is no waiting period. Premiums for the first \$25,000 of coverage are paid by the employer and the remaining premiums are paid by the employee. Employees have flexibility to purchase optional insurance (up to \$500,000 basic plus optional combined) and also to purchase spousal insurance up to \$100,000.

http://www.peba.gov.sk.ca/Benefits/glif/group_home.htm.

Disability

The disability plan provides partial income replacement if the employee is disabled for a prolonged illness or disability as well as supportive rehabilitation services to assist return to work.

The employer pays the premiums. Employees are eligible after three months of continuous service. Eligible employees from another participating employer will have the waiting period waived. The employee booklet can be accessed on the **Public Employees' Benefits Agency (PEBA) website**.

http://www.peba.gov.sk.ca/Benefits/dip/dip_home.htm.

Dental Benefits

All preventative, basic, routine, major restorative and denturist dental work is 100% reimbursable based on the Maximum Reimbursement Schedule. There is also up to \$1,500 coverage for orthodontics per person per year with a lifetime maximum of \$3,000.

The employer pays the premiums. There is a six (6) month waiting period but once served, costs incurred in the first six months are eligible for reimbursement. An employee's spouse and eligible dependents are also covered under the plan.

http://www.peba.gov.sk.ca/Benefits/dental/dental_home.htm

Health Benefits

The employer pays the premiums and the plan provides coverage of certain medical services and supplies such as prescription drugs, chiropractic and physiotherapy services. The employee's spouse and eligible dependents are covered under the plan. The plan provides for coordination with spouse's plans where they exist.

Benefits Information

For Permanent, Non-Unionized Employees
(Classified Service, Unclassified Service and Contract Employees)



Some benefits are:

Health Practitioners (Chiropractic, Physiotherapy, Podiatrist, Speech and Language)	Up to \$400 per year for each specialty
Prescription Drugs	Formulary drugs are fully covered; employees receive a pay direct drug card and eligible claims will be submitted electronically for payment
Out of Canada Coverage	\$1,000,000 per person per lifetime
Road Ambulance	Unlimited
Massage Therapy	Maximum \$200 per year
Vision	Eye examination every two (2) years; dependents under 21 once a year and glasses \$300 per person per two (2) policy years effective July 1, 2010

A comprehensive list of the benefits is available on the PEBA website.
http://www.peba.gov.sk.ca/Benefits/ehcp/ehcp_home.htm

Other Benefits

Sick Leave

Sick leave is available for short term illnesses and assists in bridging employees through the waiting period for the disability plan. Sick leave is earned on the basis of 1-1/4 days for each month worked. Unused sick leave credits accumulate and there is no limit to the accumulation. Under certain circumstances, employees may borrow up to 30 days of sick leave if their entitlements are exhausted.

Pressing Necessity/Family Leave

If an emergency arises, an employee may request leave for pressing necessity. If an employee has non-emergency family obligations, upon prior approval, an employee may take a paid or unpaid leave from work to meet these commitments. Based on the sick leave balance, up to five (5) days per year may be approved for personal or family responsibility.

Eligible leave with pay will be deducted from available sick leave credits.
<http://www.psc.gov.sk.ca/hrmanual/702-1>

Performance Pay

Employees are eligible July 1st of each year for an in-range salary adjustment based on performance subject to range maximum. <http://www.psc.gov.sk.ca/hrmanual/ps1201>

Benefits Information

For Permanent, Non-Unionized Employees
(Classified Service, Unclassified Service and Contract Employees)



Salary on Promotion

Employees receiving a promotion within Executive government are provided with a salary increase of up to 8% of salary subject to the minimum and maximum of the higher salary range. <http://www.psc.gov.sk.ca/hrmanual/ps1201>

Professional Fees

Where employees are required by legislation or by their employing ministry to be a member of a professional association their professional fees will be paid by the employer.

Vacation Leave and Scheduled Days Off

Vacation Leave

Years of Service	Vacation Entitlement	SDOs	Total Entitlement
Up to 7	15 days	12	5 weeks and 2 days
8 to 14	20 days	12	6 weeks and 2 days
15 to 21	25 days	12	7 weeks and 2 days
22 or more	30 days	12	8 weeks and 2 days

All full time employees are entitled to 15, 20, 25 or 30 days of vacation leave per year based on eligible years of service.

www.psc.gov.sk.ca/hrmanual/ps1203

Service with other specified employers counts toward eligible years of service for calculation of vacation leave, for example Crown Corporations, Regional Health Authorities and Affiliates, Saskatchewan Boards of Education and Saskatchewan Association of Health Care Organizations.

Scheduled Days Off

Employees with undefined hours of work receive 12 scheduled days off (SDOs) per year. Employees with defined hours of work, management support group, do not receive SDOs but are entitled to one day off every two weeks.

Designated Holidays

There are twelve (12) designated holidays with pay: New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day and one additional day each year designated by the Chair of the Public Service Commission. <http://www.psc.gov.sk.ca/holidays>

Benefits Information

For Permanent, Non-Unionized Employees
(Classified Service, Unclassified Service and Contract Employees)



Flexible Hours of Work Arrangements

Subject to operational requirements and with approval, flexible hours of work arrangements allow permanent full-time employees to balance work and home life and still retain their permanent status. This enables employees to address issues such as child/elder care or provides the opportunity to volunteer. This can be accomplished through:

- Variable Hours where the hours of work per day can be reduced or less days are worked during the week. For example working 8am to 3pm and receiving 75% pay;
- Leave with Income Averaging which allows an employee to work full time and take a period of time off with reduced pay for a specified period. For example, work nine (9) months and take three (3) months off while receiving 75% pay for 12 months; or,
- Flexible stop and start times.

www.psc.gov.sk.ca/hrmanual/ps709-1

Deferred Salary Leave Plan (DSLP)

This plan allows employees to finance a leave of absence (six to 12 months) by deferring salary prior to the leave of absence.

http://www.peba.gov.sk.ca/Benefits/dslp/dslp_home.htm

Flexible Benefit Account

Employees are eligible for reimbursement to a fixed annual maximum to offset the costs associated with activities that promote physical fitness, strength, mobility and/or balance (fees and/or equipment, including fitness counseling), financial advice or payment of student loans. www.psc.gov.sk.ca/hrmanual/ps1205-flexbenefit

Employee and Family Assistance Plan (EFAP)

The Employee and Family Assistance Program offers a wide range of confidential personal counselling services for employees and their dependents. www.psc.gov.sk.ca/efap

Learning and Development

Tuition and Books

Up to 100% education allowance can be advanced to employees prior to commencement of approved courses. www.psc.gov.sk.ca/hrmanual/ps901-1

Education Leave

Employees may be eligible for a percentage of salary to assist with learning related expenses. www.psc.gov.sk.ca/hrmanual/ps901-2

Other Learning Opportunities

Employees approved to attend conferences and other learning opportunities are provided time to attend and are reimbursed for related travel expenses.

Benefits Information

For Permanent, Non-Unionized Employees
(Classified Service, Unclassified Service and Contract Employees)



Maternity/Paternity/Adoption Leave and Top up

Employees who have worked at least 20 consecutive weeks are eligible for up to 24 months maternity, paternity or adoption leave.

Out of scope employees who collect Employment Insurance benefits for maternity/paternity/adoption leave will have their income topped up to 95% of their regular salary for the first 17 weeks of the EI period including the two-week waiting period.

www.psc.gov.sk.ca/hrmanual/ps702-6

Telework

Where practical, approval may be provided for Telework arrangements.

www.psc.gov.sk.ca/hrmanual/ps1104

Travel on Government Business

Employees are reimbursed for travel, accommodation and meals when traveling on government business. In addition, there is \$150,000 in flight insurance.

When traveling out of country employees have out of country medical insurance provided by their Extended Health Care plan.

www.psc.gov.sk.ca/hrmanual/ps601-2

www.psc.gov.sk.ca/hrmanual/ps601-3

Relocation Expenses

Upon initial hire, promotion or transfer involving a physical relocation, an employee may be eligible for assistance with relocation expenses relating to the sale of a primary residence (real estate and legal fees), search for accommodation costs, in-transit insurance and other incidentals expenses such as water and telephone hookup.

www.psc.gov.sk.ca/hrmanual/ps706

Northern Benefits

Employees working in designated Northern Communities receive the following additional compensation:

- Depending on location, a yearly Northern District Allowance (NDA) ranging from \$2,171 to \$8,476 is paid above your salary.
- One additional week of vacation if you receive NDA.
- Where medical attention is not available at the employee's headquarters, travel assistance is available for medical and dental leave. www.psc.gov.sk.ca/hrmanual/ps707-2
- If employees work in a fly in location, once a year the employee and family will be provided assistance for a scheduled return air flight.

www.psc.gov.sk.ca/hrmanual/ps707-1

APRIL 1, 2012

**PAY SCHEDULE 08
MANAGEMENT CLASSIFICATION AND COMPENSATION PLAN (MCP)
EMPLOYEES IN 36 HOUR WEEK (MSG)**

Class	Monthly		Annual		Hourly Rates	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
* GPA					\$11.833	\$14.398
MCP1	\$3,304	\$4,295	\$39,648	\$51,540	\$21.179	\$27.535
MCP2	\$3,633	\$4,726	\$43,596	\$56,712	\$23.288	\$30.294
MCP3	\$3,998	\$5,198	\$47,976	\$62,376	\$25.625	\$33.321
MCP4	\$4,396	\$5,716	\$52,752	\$68,592	\$28.181	\$36.644

**PAY SCHEDULE 00
MANAGEMENT CLASSIFICATION AND COMPENSATION PLAN (MCP)
EMPLOYEES IN UNDEFINED HOURS (MANAGEMENT)**

Class	Monthly		Annual		Hourly Rates	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
* GPA					\$11.833	\$14.398
MCP1	\$3,502	\$4,552	\$42,024	\$54,624	\$21.179	\$27.535
MCP2	\$3,850	\$5,009	\$46,200	\$60,108	\$23.288	\$30.294
MCP3	\$4,237	\$5,509	\$50,844	\$66,108	\$25.625	\$33.321
MCP4	\$4,659	\$6,058	\$55,908	\$72,696	\$28.181	\$36.644
MCP5	\$5,126	\$6,664	\$61,512	\$79,968	\$31.003	\$40.309
MCP6	\$5,639	\$7,330	\$67,668	\$87,960	\$34.107	\$44.333
MCP7	\$6,203	\$8,065	\$74,436	\$96,780	\$37.518	\$48.779
MCP8	\$6,824	\$8,869	\$81,888	\$106,428	\$41.273	\$53.646
MCP9	\$7,506	\$9,756	\$90,072	\$117,072	\$45.400	\$59.010
MCP10	\$8,257	\$10,733	\$99,084	\$128,796	\$49.940	\$64.919
MCP11	\$9,083	\$11,808	\$108,996	\$141,696	\$54.935	\$71.420
MCP12	\$9,990	\$12,988	\$119,880	\$155,856	\$60.423	\$78.555

* Persons with Cognitive Disabilities - General Program Assistants



About EFAP

When should I contact EFAP?

EFAP counsellors would like to offer support, regardless of the issues you're facing, even if you just want someone to listen. Common issues for which assistance is requested include:

- family relationships
- emotional problems
- grief and loss
- workplace change, conflict and stress
- traumatic events
- problems caused by alcohol, drugs, gambling and other negative coping behaviors

» EFAP Contact & Counsellors

Biographies, photos and contact information of the EFAP counsellors.

» Your Confidentiality

Protecting your confidentiality is very important and has a direct impact on the success of your experience with EFAP counsellors. Visit this link to learn more about your confidentiality within the program.

» Definitions and Terms

Definitions of words you might see in EFAP information, or if you meet with a counsellor.

» EFAP Governance

Further information about how EFAP is governed.

[Home](#) / [About the Employee Services Portal](#) / [Human Resource Services](#) / [HR Services for Employees](#) / [Employee and Family Assistance Program](#) / [About EFAP](#)

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Information for Service Providers

All approved service providers must meet the criteria or standards as established by the EFAP and the Common Governance Committee (e.g. appropriate education, code of ethics, liability insurance, etc.).

To arrange the most appropriate assistance, the EFAP may recommend referral to an approved community service provider. Referral is made only with the consent of the employee or family member seeking assistance.

If the approved service provider is a private, fee-charging agency or practitioner, financial support is available for counselling within the guidelines as established by the Common Governance Committee.

- The Service Provider must have a Master's Level degree in social work, psychology or educational psychology from an approved university.
- Service Providers must have at least five years of post-degree broadly based counselling experience in a clinical setting, three of which were under professional clinical supervision.
- Service Providers must be a current member in good standing of a recognized and EFAP approved professional counselling association and adhere to an identified Code of Ethics.
- Service providers must be covered by annually renewed liability insurance in the amount of at least \$2,000,000.00.
- All service providers are expected to arrange for peer consultation/supervision.
- Approved service providers will provide therapeutic services to referred employees on an individual contractual basis through a Letter of Authorization sent to the service provider on each employee.
- Service providers are expected to charge a reasonable fee for service that would approximate the current fee charged by other community counsellors in the client's geographical area doing similar work.
- Service providers are expected to be available within a two week period of time to see newly referred employees.
- Service providers agree to follow the invoicing procedures approved by the Employee and Family Assistance Program.

Note: EFAP staff reserve the right to refer clients to service providers with a combination of education and experience best suited to the clients' needs based upon our professional assessment and judgment. If you are interested in becoming an EFAP Service Provider, please email efap@gov.sk.ca or contact the director, Lynda Bankley.

[Home](#) / [About the Employee Services Portal](#) / [Human Resource Services](#) / [HR Services for Employees](#) / [Employee and Family Assistance Program](#) / [Information for Service Providers](#)

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About EFAP

EFAP counsellors are open to hearing from you, regardless of the issues you're facing, even if you just want someone to listen. Common issues for which assistance is requested include:

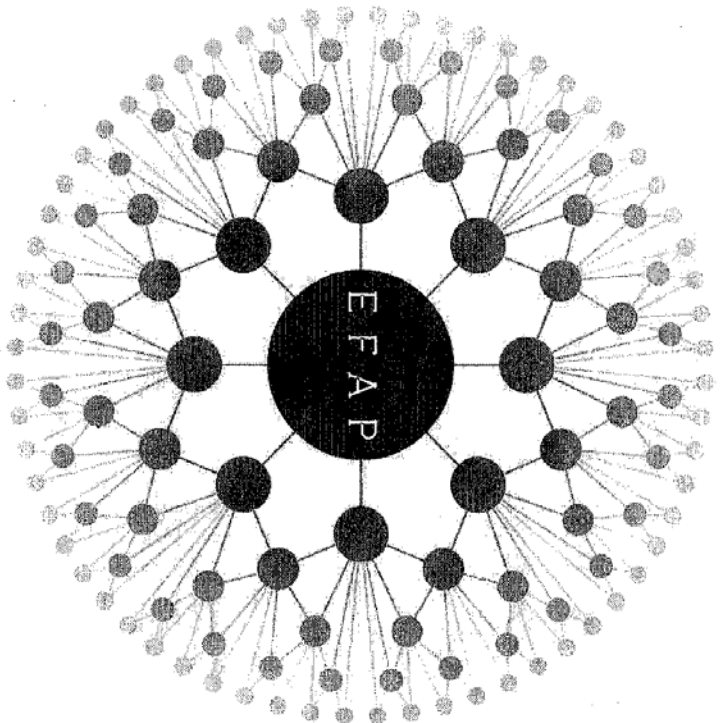
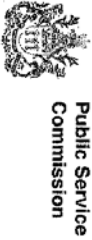
- family relationships
- emotional problems
- grief and loss
- workplace change, conflict and stress
- traumatic events
- problems caused by alcohol, drugs, gambling and other negative coping behaviours

EFAP's mission is to serve employees by offering assistance in work and personal counselling, and by providing prevention and intervention services.

EFAP offices are located at:
5th Floor, 2100 Broad Street
Regina, Saskatchewan
S4P 1Y5

Phone: (306) 787-7563 or 787-7567

For more information and wellness resources, visit
www.psc.gov.sk.ca/efap



Employee and Family Assistance Program

Supporting public service employees and their families.

Sometimes life's obstacles can feel overwhelming.

At times like these, it's comforting to know you have someone to lean on—someone to listen to your concerns and offer advice and support.

The Employee and Family Assistance Program (EFAP) is a professional and confidential assessment, counselling and referral service. We assist public service employees and eligible family members in working through personal problems or concerns. All communication with EFAP is discreet and confidential.

It's very easy to contact an EFAP counsellor. Simply use the contact information on this brochure. When you contact the program, one of the counsellors will arrange a confidential telephone conversation or a face-to-face meeting to discuss your personal situation, offer options, solutions and resources, and assist you in creating positive change(s).

Wellness Resources

EFAP counsellors have a number of resources available to help ensure you maintain a healthy mind, body and spirit. Feel free to contact one of the counsellors to discuss options for maintaining health and wellness.

EFAP is a joint initiative of the Saskatchewan Public Service Commission, the Saskatchewan Government and General Employees' Union, and the Canadian Union of Public Employees. Local 600.

"Someone to tell it to is one of the fundamental needs of human beings."

-Miles Franklin

Your Counsellors

Lynda Bankley

Lynda is the Director of EFAP at PSC, as well as a professional counsellor. Lynda has a background in social work and a strong desire to assist individuals through difficult times in their lives. Lynda has a solution-focused perspective. She believes that when things begin to feel overwhelming, or when we find we're struggling to manage our everyday responsibilities, we sometimes need professional support.



Contact Lynda at (306) 787-7563
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Erica Gray

Erica is a social worker and a counsellor with EFAP. Erica finds great pleasure in helping individuals overcome problems and reach their full potential. She has learned that people often require an ear that is ready to listen, an encouraging word, and the assurance that, with support, their challenges can be overcome. Erica believes that all individuals can feel empowered to address life's undertakings, and that all people are resilient.



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APPENDIX F

Source Information for Benefits Data

British Columbia — Extended Health Care and Dental Plans Regulation, BC Reg 403/97 Sub 1, 2

Alberta – Justice of the Peace Regulation 6/1999 Schedule 1

Ontario – Ontario Regulation 233/09 Salaries and Benefits of the Justice of the Peace

Quebec –1) – Conference of the justice of the peace in Quebec c. Quebec (Attorney General), 2012 QCCS 1021 (2) National Assembly, Bill 50 (2004, chapter12) An Act to amend the Courts of Justice Act and other legislative provisions as regards the status of the justices of the peace.

Yukon – not available