

BACKGROUND INFORMATION

When the AJC's last collective agreement (2018-2022) was settled in July 2019, the AJC and the employer agreed to conduct two jointly-administered pay studies – an internal relativity study and an external pay comparability study.

The two studies were to be completed within 15 months, but this timeline was not met because the AJC had to engage in a prolonged fight with the employer to ensure that the methodology for the studies was fair and the contractual terms were respected.

The challenges were particularly acute for the internal relativity study. After an exhaustive effort to resolve an important methodological issue for the internal relativity study (use of contextual information), the AJC decided in May 2022 to seek a decision on the matter from an outside expert as provided for in the MOU for the joint pay studies. The expert's decision in October 2022 completely favoured the AJC and rejected the employer's arguments.

Following the expert's decision, the employer expressed a willingness to bargain a negotiated settlement. This overture eventually led to market adjustment discussions which began in earnest in March 2023.

The AJC's objectives in the market adjustment discussions with the employer were three-fold:

1. Achieve a pay increase/market adjustment that would result in fair, reasonable and comparable pay for all LPs as required by s. 148 of the *Federal Public Sector Labour Relations Act*;
2. Achieve this result using Ontario government lawyers, the highest paid public sector lawyers in Canada, as the most appropriate comparator for the purposes of determining comparable pay; and
3. Transition all LPs to the Toronto pay grid.

During the market adjustment negotiations, the AJC advocated strongly that Ontario government lawyers, the highest paid public sector lawyers in Canada, are the appropriate comparator for the purposes of pay comparability and a market adjustment.

The AJC's view is supported by the fact that approximately 57% of all LPs are employed in Ontario, including 15% in Toronto.

In all prior rounds of collective bargaining, the employer had rejected the use of Ontario government lawyers as the appropriate comparator. Instead, the employer insisted that LP pay should be compared to all other jurisdictions in Canada (where pay rates are lower) and despite the fact that in many instances very few LPs work in those jurisdictions.

While the employer did not explicitly say so, the AJC is of the view that the employer accepted its arguments and conceded that Ontario government lawyers are the appropriate pay comparator for LPs. This was a substantial accomplishment.

The AJC's objectives were realized on November 30, 2023, when the AJC and the employer signed a memorandum of settlement regarding the market adjustment and pay increases. As part of this settlement, it was agreed that the joint pay studies would not proceed (p. 6, para. 11 of the tentative agreement).

The memorandum of settlement was incorporated into [the tentative agreement](#) (pp. 4-14) which the AJC and the employer reached on February 9th, 2024.

RECOMMENDATION TO APPROVE THE TENTATIVE AGREEMENT

At its meeting on February 15, 2024, the AJC's Governing Council adopted a resolution approving a ratification vote and recommending to the membership that they approve the tentative agreement.

THE TENTATIVE AGREEMENT

Information about the key elements of the tentative agreement follows. You may access the full [tentative agreement here](#).

A reference to page numbers in the discussion means the page numbers in the tentative agreement.

The benefits of the tentative agreement include the following:

- A recognition, either implicitly or explicitly, by the employer that the reasonable comparator for LP pay is the pay of Ontario government lawyers, historically the highest-paid public sector lawyers in Canada. In the AJC's view, this is a better outcome than what likely would have been achieved by the joint pays studies which would have compared LP pay to the pay of government lawyers in many other Canadian jurisdictions (including those which pay their lawyers poorly) as well as internal public service comparators.
- The tentative agreement achieves pay comparability with Ontario government lawyers which is generally considered by compensation specialists to be within 5-10% of the pay of comparators. With the exception of the LP-02 classification, LPs at all levels will be within 5% of the comparable classification for Ontario government lawyers. LP-02s will be within 12.3% of the applicable comparator in Ontario.
- The tentative agreement achieves an equitable LP pay structure by eliminating the two-tier structure under which National LPs have been paid substantially less at the LP-02, LP-03 and LP-04 levels than their Toronto colleagues for 34 years. All LPs will transition to a new single pay grid.
- Toronto LPs will now benefit from increased mobility because they will no longer face the loss of their Toronto rate of pay if they choose to take a position in another region.
- The tentative agreement contains other gains as well:

- A pensionable lump sum allowance of \$2,500;
- Improvements relating to management leave, bereavement leave, leave for family-related responsibilities, domestic violence leave, and personal leave;
- New leave to engage in traditional Indigenous practices;
- Recognition of service with the House of Commons, Senate and Parliamentary agencies for the purposes of calculating vacation leave entitlement; and
- Clarifications relating to performance pay.

MARKET ADJUSTMENT AND PAY IMPROVEMENTS

Overview

The tentative agreement reached on February 9th, 2024:

- Transitions all LPs (National and Toronto) to a new single pay grid (formerly the Toronto pay grid);
- Secures pay increases totaling 12.5% over four years (4.75% on May 10, 2022; 3.5% on May 10, 2023; 2.25% on May 10, 2024; and 2% on May 10, 2025); and
- Brings LP pay to a level that is comparable to Ontario government lawyers, the highest paid public sector lawyers in Canada.

The transition of lawyers at the LP-00, LP-01, LP-02 and LP-03 classifications to the new single pay grid does not change their anniversary date for the purposes of advancing through the lock-step increments in their classification (pp. 8-9).

Based on these market adjustment and pay improvements, the tentative agreement provides that the joint pay studies will not proceed (p. 6, para. 11).

Compensation specialists generally consider pay to be “comparable” if it is within **5-10%** of the comparator. The pay comparability to Ontario government lawyers achieved by this tentative agreement is summarized below using 2023 pay rates:

Classification Level	Comparability to Ontario Government Lawyer Pay (2023 pay rates)
LP-00 (Articling Students) Pay Effective 2023	Exceeds Ontario government articling student pay by 30%
LP-01 (Junior Counsel) Pay Effective 2023	Within 4% of Ontario CC1 pay

LP-02 (Counsel) Pay Effective 2023	Within 12.4% of Ontario CC3 pay *
LP-03 (Senior Counsel) Pay Effective 2023	Within 3% of Ontario CC3 pay
LP-04 (General Counsel) Pay Effective 2023	Within 5% of Ontario CC4 pay
LP-05 (Senior General Counsel) Pay Effective 2023	Within 2% of Ontario CC4 pay

*LP-02s will be within 12.3% of the CC3 level in Ontario. Since the Ontario CC3 level is the result of the merger of two classification levels (CC2 and CC3), this makes a direct comparison between the Ontario CC3 level and the LP-02 level somewhat problematic. A direct comparison would be most appropriate between the LP-02 level and the Ontario CC2 level – which no longer exists. Given the context that Ontario CC3 classification is the equivalent of a merger of LP-02 and LP-03 classifications, the fact that the top of the LP-02 pay grid is within 12.3% of the Ontario CC3 level is discussed further below in the Detailed Pay Comparability Section.

It should be noted that on February 12, 2024, the Ontario Court of Appeal released its decision which struck down wage restraint legislation in Ontario. It is not known at this time what precise impact this will have on the pay of Ontario government lawyers.

DETAILED PAY COMPARABILITY

A detailed pay comparability analysis for each LP level follows.

LP-00 (Articling Students) Pay

- Comparator – Ontario government articling students whose annual pay is **\$75,781** (2023 pay grid).
- Current LP-00 pay range - **\$41,565 - \$90,4745** (2021 pay grid).
- LP-00 pay range under the tentative agreement - **\$45,089 - \$98,438** (2023 pay grid).
- Top of LP-00 pay grid (step 18) is **130%** of the pay for Ontario government articling studies (2023 pay grids). Stated another way, the top LP-00 pay **exceeds** the Ontario government articling student pay by **30%**.
- When the last pay increase is applied in May 2025, the top of the LP-00 pay grid (step 18) will be **\$102,671**.

It has been noted that the rate of pay that articling students are actually receiving is often low and varies substantially across the country (<https://www.justice.gc.ca/eng/abt-apd/recru/sb-pa.html#s2>). The AJC

will be ramping up its advocacy efforts to ensure that the pay actually received by articling students is comparable to the pay of Ontario government articling students.

LP-01 (Junior Counsel) Pay

- Comparator – Ontario CC1 classification with a pay range of **\$93,026 - \$128,050** (2023 pay grid).
- Current LP-01 pay range - **\$82,430 - \$113,687** (2021 pay grid).
- LP-01 pay range under the tentative agreement - **\$89,418 - \$123,325** (2023 pay grid).
- Top of LP-01 pay grid (step 8) is **96.3%** of the top of the Ontario CC1 classification (2023 pay grids). Stated another way, the top LP-01 pay is **within 4%** of the top Ontario CC1 pay.
- When the last pay increase is applied in May 2025, the top of the LP-01 pay grid (step 8) will be **\$128,628**.

LP-02 (Counsel) Pay

- Comparator – Ontario CC3 classification with a pay range of **\$137,281 - \$225,815** (2023 pay grid).
- Current LP-02 pay range - **\$114,884 - \$158,449** (National) and **\$115,237 - \$182,413** (Toronto).
- Pay range for **all LP-02s** under the tentative agreement - **\$125,006 - \$197,877** (2023 pay grid)
- Top of LP-02 pay grid (step 11) is **87.76%** of the top of the Ontario CC3 classification (2023 pay grids). Stated another way, the top LP-02 pay is within **12.24%** of the top Ontario CC3 pay.
- A first blush, it may appear that LP-02 pay is not as comparable to the pay of Ontario government lawyers as at other LP classifications. However, it should be noted that the Ontario CC3 classification is actually the result of the merger of two classifications (Ontario CC2 and Ontario CC3) which occurred in the early 2000s. The Ontario CC2 classification was likely comparable to the LP-02 classification. Understood in this context, the comparability of LP-02 pay to Ontario CC3 may be viewed more positively since it is only 2.24% outside the general range for comparability (which can be as high as 10%). That said, potential options for the AJC going forward include advocating for an LP-02 to LP-03 progression program or a merger of the LP-02 and LP-03 classifications. For LP-02s who are already performing LP-03 duties, consideration should be given to job content grievances which can lead to reclassification to a higher level.
- When the last pay increase is applied in May 2025, the top of the LP-02 pay grid (step 11) will be **\$206,385**.

LP-03 (Senior Counsel) Pay

- Comparator – Ontario CC3 classification with a pay range of **\$137,281 - \$225,815** (2023 pay grid).
- Current LP-03 pay range - **\$139,221 - \$175,163** (National) and **\$146,164 - \$201,509** (Toronto) (2021 pay grid)
- Pay range for **all LP-03s** under the tentative agreement - **\$158,555 - \$218,679** (2023 pay grid)
- Top of LP-03 pay grid (step 8) is **96.8%** of the top of the Ontario CC3 classification (2023 pay grids). Stated another way, the top LP-03 pay is **within 3.2%** of the top Ontario CC3 pay.
- When the last pay increase is applied in May 2025, the top of the LP-03 pay grid (step 8) will be \$228,083.

LP-04 (General Counsel) Pay

- Comparator – Ontario CC4 classification with a pay range of **\$187,193 - \$245,876** (2023 pay grid).
- Current LP-04 pay range - **\$156,661 - \$198,999** (National) and **\$165,858 - \$216,226** (Toronto) (2021 pay grid).
- Pay range for **all LP-04s** under the tentative agreement - **\$179,918 - \$234,556** (2023 pay grid)
- Top of LP-04 pay grid is **95.39%** of the top of the Ontario CC4 classification (2023 pay grids). Stated another way, the top LP-04 pay is **within 5%** of the top Ontario CC4 pay.
- When the last pay increase is applied in May 2025, the top of the LP-04 pay grid will be **\$244,642**.

LP-05 (Senior General Counsel) Pay

- Comparator – Ontario CC4 classification with a pay range of **\$187,193 - \$245,876** (2023 pay grid).
- Current LP-05 pay range - **\$181,624 - \$222,210** (2021 pay grid).
- LP-05 pay range under the tentative agreement - **\$197,021 - \$241,047** (2023 pay grid)
- Top of LP-05 pay grid is **98%** of the top of the Ontario CC4 classification (2023 pay grids). Stated another way, the top LP-05 pay is **within 2%** of the top Ontario CC3 pay.

- When the last pay increase is applied in May 2025, the top of the LP-05 pay grid will be **\$251,413**.

New Single Pay Grid

Follow [this link to the new single pay grid](#) which is effective May 10, 2022.

TRANSITION TO THE NEW SINGLE PAY GRID (PAGES 6-9)

Overview of the Transition

The transition to the new single pay grid will be retroactive to May 10, 2022, as follows:

- Toronto LPs will transition to the new single pay grid, which represents their existing pay steps/rates of pay, and therefore there are no pay increases as a result of the transition.
- National LPs will transition to the new single pay grid and, where applicable, will receive pay increases in the new single pay grid.

Once LPs have transitioned to the [new single pay grid](#), they will all receive the following pay increases:

- 3.5% economic increases effective May 10, 2022;
- 1.25% wage adjustment effective May 10, 2022;
- 3% economic increase effective May 10, 2023;
- 0.5% pay line adjustment effective May 10, 2023;
- 2% economic increase effective May 10, 2024;
- 0.25% wage adjustment effective May 10, 2024; and
- 2% economic increase effective May 10, 2025.

The pay increases total 12.5% over four years (13.14% when compounded) and achieve pay rates for LPs that are comparable to the pay of Ontario government lawyers

The details of the transition of National LPs to the new single pay grid follows.

National LP-00 Transition

Effective May 10, 2022, LP-00s transition to the new single pay grid as follows:

LP-00 Step in the National Pay Grid	LP-00 Step in the New Single Pay Grid
Step 1	Step 1
Step 2	Step 2
Step 3	Step 3

Step 4	Step 4
Step 5	Step 5
Step 6	Step 6
Step 7	Step 7
Step 8	Step 8
Step 9	Step 9
Step 10	Step 10
Step 11	Step 11
Step 12	Step 12
Step 13	Step 13
Step 14	Step 14
Step 15	Step 15
Step 16	Step 16
Step 17	Step 17
Step 18	Step 18

National LP-01 Transition

Effective May 10, 2022, LP-01s transition to the new single pay grid as follows:

LP-01 Step in the National Pay Grid	LP-01 Step in the New Single Pay Grid
Step 1	Step 1
Step 2	Step 2
Step 3	Step 3
Step 4	Step 4
Step 5	Step 5
Step 6	Step 6
Step 7	Step 7
Step 8	Step 8

National LP-02 Transition

Effective May 10, 2022, LP-02s transition to the new single pay grid as follows:

LP-02 Step in the National Pay Grid	LP-02 Step in the New Single Pay Grid
Step 1	Step 1
Step 2	Step 2
Step 3	Step 3

Step 4	Step 4
Step 5	Step 5
Step 6	Step 6
Step 7	Step 7
Step 8 (less than 1 year of continuous service as of May 10, 2022, at the LP-02 level, step 8)	Step 8
Step 8 (at least 1 year of continuous service as of May 10, 2022, at the LP-02 level, step 8 but less than 2 years)	Step 9
Step 8 (at least 2 years of continuous service as of May 10, 2022, at the LP-02 level, step 8 but less than 3 years)	Step 10
Step 8 (3 years of continuous service or more at the LP-02 level, step 8 as of May 10, 2022)	Step 11

Examples:

- A step 8 National LP-02 earning \$158,449 (2021 pay grid) who transitions to step 9 in the new single pay grid will have a new rate of pay effective May 10, 2022, of \$180,512.
- A step 8 National LP-02 earning \$158,449 (2021 pay grid) who transitions to step 10 in the new single pay grid will have a new rate of pay effective May 10, 2022, of \$188,993.
- A step 8 National LP-02 earning \$158,449 (2021 pay grid) who transitions to step 11 in the new single pay grid will have a new rate of pay effective May 10, 2022, of \$197,877.

National LP-03 Transition

Effective May 10, 2022, LP-03s transition to the new single pay grid as follows:

LP-03 Step in the National Pay Grid	LP-03 Step in the New Single Pay Grid
Step 1	Step 1
Step 2	Step 2
Step 3	Step 3
Step 4	Step 4
Step 5	Step 5
Step 6 (less than 1 year of continuous service as of May 10, 2022, at the LP-03 level, step 6)	Step 6

Step 6 (at least 1 year of continuous service at of the LP-03 level, step 6 as of May 10, 2022, but less than 2 years)	Step 7
Step 6 (2 years of continuous service at the LP-03 level, step 6 or more as of May 10, 2022)	Step 8

Examples:

- A step 6 National LP-03 earning \$175,163 (2021 pay grid) who transitions to step 7 in the new single pay grid will have a new rate of pay effective May 10, 2022, of \$208,863.
- A step 6 National LP-03 earning \$175,163 (2021 pay grid) who transitions to step 8 in the new single pay grid will have a new rate of pay effective May 10, 2022, of \$218,679.

National LP-04 Transition

Effective May 10, 2022, lawyers will transition to the new single pay grid at a rate which is not less than the minimum level in the pay range of the new single pay grid or not less than their current pay rate, whichever is higher.

National LP-05 Transition

As the pay ranges for the LP-05 classification are identical in the Toronto pay grid and the National pay grid, effective May 10, 2022, lawyers at the LP-05 group and level paid in accordance with the National pay grid will transition into the new single pay grid at their current pay rate. This transition will not result in any pay increases.

Retroactive Pay

LPs will receive retroactive pay to May 10, 2022, in accordance with the transition to the [new single pay grid](#) and the application of agreed-upon pay increases.

Here is a link to a [calculator that will assist you in calculating your back pay](#)

PENSIONABLE LUMP SUM ALLOWANCE (PAGE 11)

LPs who are on strength as of the signing of the new collective agreement will receive a one-time pensionable allowance of \$2,500.

PERFORMANCE PAY (PAGES 33-40)

The tentative agreement contains updates and clarifications to the language for the performance pay plan for lawyers at the LP-01, LP-02 and LP-03 levels.

New language has been added to the performance pay plan relating to organizations with fewer than 20 lawyers which set targets for the total expenditure on performance pay (pp. 34-35). The employer has also acknowledged that the funding for lock-step pay increases comes from a different envelope than the performance pay envelope. This will preclude agencies from claiming that they need to use funding from the performance pay envelope to pay for lock-step increases, resulting in performance pay awards that are lower than what are paid at the Department of Justice and the Public Prosecution Service of Canada.

MANAGEMENT LEAVE AND NORMAL HOURS OF WORK (PAGES 2-3, 15-17 AND 27)

Management leave will move from the hours of work provisions (13.01-13.02) to the leave portion of the Collective Agreement under new article 19.24.

During collective bargaining, the parties had extensive discussions about the interaction of flexible work hours (“time shifting”) and management leave as a means of supporting normal hours of work for LPs (art. 13.01).

The right of LPs under article 13.01 to flexible hours of work as a means of managing work hours has not been well-understood or utilized. In the AJC’s view, the right to flexibility in hours of work was intended to support the use of “time shifting” to achieve normal hours of work (i.e., if an LP works excess hours on one day, the LP can work fewer hours on another occasion to achieve normal hours of work).

The tentative agreement includes employer undertakings relating to flexible work hours:

- The employer has undertaken, outside of the collective agreement, to encourage the use of flexibilities related to hours of work set out in article 13.01 of the collective agreement as a means to support normal hours of work and mitigate management leave where possible.
- Discussions on this matter may take place, among other places, at departmental or agency union-management committees.
- Departments and agencies will also encourage managers to continue considering this flexibility.
- In addition, discussions on this matter will be encouraged between managers and lawyers to support open dialogue.

The tentative agreement contains the following improvements relating to management leave:

- To support consistency, fairness and transparency, all core public administration (CPA) departments employment lawyers, including the Department of Justice, will develop and implement a management leave directive within nine (9) months after signature of the collective agreement.
- In this endeavour, CPA departments and agencies will consult the AJC.
- CPA departments and agencies will use the Public Prosecution Service of Canada directive on management leave as a template, adjusting it if an as necessary because of their operational requirements.
- CPA departments and agencies will communicate their management leave directives with their stakeholders (i.e., managers and lawyers). The directives will be posted on their respective intranet sites, and discussions will be encouraged between management and lawyers about management leave.

- Measures will be taken to provide support and guidance to managers in the application of management leave.

The AJC will have more to say on flexible work hours and management leave once the collective agreement has been signed.

VACATION LEAVE ENTITLEMENT (PAGE 19)

Prior to this tentative agreement, service with the Senate, House of Commons and other Parliamentary agencies did not count for the purposes of calculating vacation leave entitlement. For example, a lawyer with 15 years of service at the Senate who joined the Department of Justice would be entitled to only the minimum of 15 days of vacation.

Effective upon the signing of the new collective agreement and on a go-forward basis, all service within the Senate, House of Commons, Library of Parliament, Office of the Senate Ethics Officer, Office of the Conflict of Interest and Ethics Commissioner, Parliamentary Protection Service and Office of the Parliamentary Budget Officer will count toward vacation leave entitlement under article 17.02 and 17.04 of the Collective Agreement.

After this new provision the same lawyer as above with 15 years of Senate Service would be entitled to 22 days of vacation.

BEREAVEMENT LEAVE (PAGES 20-21)

Changes to the bereavement leave provisions in article 19.02 of the will provide greater flexibility for LPs who need to take this leave. Bereavement leave may now be taken in two periods, rather than just one. In addition, eligibility for bereavement leave has been extended to cover stillbirths.

LEAVE FOR FAMILY-RELATED RESPONSIBILITIES (PAGE 22)

Leave for family-related responsibilities has been expanded to situations where an LP wishes to visit a family member who, due to an incurable terminal illness, is nearing the end of their life. Also, the amount of leave that may be taken for each of the following purposes has been increased from 7.5 hours to 15 hours:

- To attend school functions;
- To provide for the LP's child in the case of an unforeseeable closure of a school or daycare facility; and
- To attend an appointment with a legal or paralegal representative for non-employment related matters, or with a financial or other professional representative.

VOLUNTEER AND PERSONAL LEAVE (PAGES 23-24)

The one day of volunteer leave provided for in article 19.14 of the collective agreement will be phased out. In compensation, the amount of personal leave will increase from one day to two days.

DOMESTIC VIOLENCE LEAVE (PAGE 25)

The right to domestic violence leave under article 19.22 will expand to cover domestic violence by not only a person with whom a lawyer has or had an intimate relationship, but also by a family member.

The documentation to support a request for domestic violence leave has also been favourably modified. Going forward, unless otherwise informed by the employer, a statement by an LP stating that they meet the requirements of article 19.22 will suffice to claim domestic violence leave.

LEAVE TO ENGAGE IN TRADITIONAL INDIGENOUS PRACTICES (PAGE 26)

The tentative agreement includes a new right to leave to engage in traditional Indigenous practices. Under the new article 19.23, an LP may take up to 15 hours of leave with pay and 22.5 hours of leave without pay in each fiscal year.

MEMORANDA OF UNDERSTANDING

The AJC and the employer have entered into the following MOUs:

1. Pregnancy/maternity and parental leave (p. 31);
2. Gender-inclusive language (p. 32);
3. Paid leave for union business (cost recovery) (p. 41);
4. Pay simplification (p. 53).

TELEWORK

A letter of understanding between the AJC and the employer provides for discussion and consultation relating to telework.

