

IN THE MATTER OF A GRIEVANCE

BETWEEN

ASSOCIATION OF JUSTICE COUNSEL

Grievor

-and-

TREASURY BOARD OF CANADA

Respondent

MEMORANDUM OF SETTLEMENT

WHEREAS the Association of Justice Counsel ("AJC") filed a policy grievance dated March 23, 2016;

WHEREAS the AJC and the Treasury Board of Canada ("TB") desire to resolve the issues raised in that policy grievance;

THE PARTIES THEREFORE AGREE TO RESOLVE THE POLICY GRIEVANCE REFERRED TO ADJUDICATION BEFORE THE FEDERAL PUBLIC SECTOR LABOUR RELATIONS AND EMPLOYMENT BOARD, FILE NUMBER 569-02-200, AS FOLLOWS:


1. The parties agree that all lawyers in the Law Group bargaining unit other than lawyers at the LP-4 and LP-5 group and level are entitled a lockstep pay increment unless specifically exempted in the collective agreement. For greater certainty, a rating of "Unable to Assess" does not disentitle a lawyer to a lockstep pay increment.
2. TB agrees to provide an Information Bulletin to departments employing lawyers to inform them that a rating of "Unable to Assess" does not disentitle a lawyer to a lockstep pay increment, unless the lockstep pay increment is excluded elsewhere in the collective agreement. TB agrees to provide a copy of this Information Bulletin to these departments within 60 days of this Memorandum of Settlement. TB agrees to provide a copy of this Information Bulletin, in draft, to the AJC within 40 days of this Memorandum of Settlement for the AJC to provide input and comments on that draft. The AJC will provide this input within 10 days.
3. TB agrees to identify lawyers in the Law Group bargaining unit who did not receive a lockstep pay increment in accordance with the terms of the collective agreement. TB agrees

to make reasonable efforts to do so within six months of the date of the Information Bulletin in article 2.

4. TB agrees to make the necessary pay adjustments for those lawyers identified in article 3. TB agrees to make reasonable efforts to do so within six months of the date of the Information Bulletin in article 2.
5. The AJC agrees to withdraw the grievance within thirty days of being informed that articles 1- 4 have been completed. The AJC agrees to advise the Federal Public Service Labour Relations and Employment Board at the same time.
6. The parties agree that this Memorandum of Settlement constitutes full and final settlement of all the matters referred to in the policy grievance. The parties agree that any waiver of timelines for filing a grievance as provided for in the collective agreement in this Memorandum of Settlement is without prejudice to the future position of the parties in future matters and does not constitute a precedent.
7. The parties fully understand the terms of this Memorandum of Settlement, that they received advice prior to entering into the agreement or that they have had an opportunity to obtain such advice, and that they sign it out of their own free will.

Signed in Ottawa this 4th day of October, 2018

Sandra Guttmann
General Counsel, Corporate Secretary,
and Labour Relations Officer
Association of Justice Counsel



Drew Heavens, Executive Director
Labour Relations Oct 4/18
Treasury Board Secretariat