

## **TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF MANITOBA:**

Your Standing Committee on Legislative Affairs presents the following as its Third Report.

### **Meetings:**

Your Committee met on August 9, 2022 at 2:00 p.m. in Room 255 of the Legislative Building.

### **Matters under Consideration:**

- Report and Recommendations of the Judicial Compensation Committee dated April 19, 2022

### **Committee Membership:**

- Ms. FONTAINE
- Mr. GUENTER
- Hon. Mr. HELWER
- Mr. MICKLEFIELD
- Mr. SALA
- Mr. TEITSMA

Your Committee elected Mr. TEITSMA as the Chairperson

Your Committee elected Mr. MICKLEFIELD as the Vice-Chairperson

### **Public Presentations:**

By leave, your Committee heard one presentation on the Report and Recommendations of the Judicial Compensation Committee from:

Susan Dawes

Provincial Judges Association of Manitoba

### **Motions:**

Your Committee agreed to the following motion:

- *THAT the Standing Committee on Legislative Affairs:*

accept the recommendations in Schedule A; and  
recommend the same to the Legislative Assembly.

#### **SCHEDULE A**

#### **Recommendations of the Judicial Compensation Committee accepted by the Standing Committee on Legislative Affairs**

1. That the annual salaries for puisne Judges are:

- (i) April 1, 2020 to March 31, 2021 is \$280,500;
- (ii) April 1, 2021 to March 31, 2022 - a cumulative adjustment equal to the annual percentage change in the average weekly earnings for Manitoba on April 1, 2021;
- (iii) April 1, 2022 to March 31, 2023 - cumulative adjustment equal to the annual percentage change in the average weekly earnings for Manitoba on April 1, 2022.

The percentage change in the average weekly earnings shall be calculated based on the percentage change over the preceding calendar year.

This recommendation should apply to all who were Judges as of April 1, 2020, including those who retired or otherwise leave the Bench prior to implementation.

2. That the salary differentials for the Chief Judge and the Associate Chief Judges remain in place as of April 1, 2020. This will mean a salary of \$302,940 for the Chief Judge, and \$294,525 for the Associate Chief Judges.

This recommendation shall apply to all Judges who were either a Chief Judge or an Associate Chief Judge as of April 1, 2020, including those who retire or otherwise leave the Bench prior to implementation.

3. Simple interest shall be paid, from April 1, 2020 to the date of retroactive payment of salary increase(s) including the differentials for the administrative Judges and related per diems for Senior Judges, in accordance with the relevant prejudgment and post-judgment interest rates as set out in the *The Court of Queen's Bench Act*.
4. Prejudgment interest shall be payable from April 1, 2020 to the date the salary and per diem recommendations are implemented (whether by vote of the Legislature or by virtue of s.11.1(29) of the Act), and post-judgment interest should be payable from that date to the date that Judges are paid the retroactive adjustments.
5. No interest shall be payable in respect of the period from October 22, 2020 to July 20, 2021.
6. That effective April 1, 2020 each full-time and Senior Judge's annual education allowance should be increased from \$3,000.00 to \$3,500.00. This shall apply to all who were Judges as at April 1, 2020, including those who retire or otherwise leave the Bench prior to implementation. The combined amount of the education allowances of full-time Judges and Senior Judges shall be provided to the Court in an amalgamated fund to be administered by the Chief Judge in accordance with the principles set out below:
 

Individual full-time Judges and senior Judges shall continue to have access to their educational allowance in order to fund their attendance at conferences and seminars, and/or for other educational purposes, as approved by the Chief Judge in accordance with Court policy. With the consent of each individual full-time Judge and Senior Judge, unused portions of each full-time Judge and Senior Judge's education allowance may be used to the benefit of the Court as a whole in relation to judicial education. All uses of the allowances are subject to approval by the Chief Judge in accordance with Court policy
7. That mandatory retirement be set at age 75 in accordance with *The Courts Modernization Act*. Consistent with the transitional provision in *The Courts Modernization Act*, Judges who are over the age of 75 will continue to hold office until six months after the recommendation is implemented.
8. That changes to the CSSA via *The Superannuation Amendment Act* will apply to the portion of Judges' pensions that are held in the Civil Service Superannuation Fund. For the purposes of the supplementary judicial pension, the commuted value shall continue to be calculated in accordance with the standard set out in *The Pension Benefits Act* and Regulation as if it were a registered plan, as amended from time to time. For greater certainty, notwithstanding the amendments to *The Civil Service Superannuation Plan* as set out in Bill 43, the calculation of the commuted value of judges shall not be affected, and the supplementary plan shall fund any difference resulting from the change to *The Civil Service Superannuation Act*.
9. That the parties engage in a process to create an administrative document that provides guidance on the Judges' supplemental pension plan and retirement insurance and that the Province contribute to the Association's reasonable legal and actuarial costs to a maximum of \$7,500.00 for reviewing the Province's draft document.
10. Effective April 1, 2020, a Senior Master who resigns as Senior Master after serving at least seven years, and thereafter carries out the functions of a Master shall be entitled to receive the greater of the current annual salary of a Master and the annual salary they received immediately before the resignation.
 

This should apply to all who were Senior Masters as at April 1, 2020, including those who retire or otherwise leave their position as Masters of the Court of Queen's Bench prior to implementation.
11. The Province shall pay 75% of the Association's reasonable legal costs to a maximum aggregate of \$55,000.
12. The Province shall pay 100% of the Association's disbursements including the costs of experts to a maximum of \$30,000.
13. That, unless otherwise stated, all changes shall be effective on the date of approval by the Legislative Assembly of Manitoba.
14. In these recommendations, "date of approval" means

- a. the date that the vote of concurrence referred to in subsection 11.1(28) of The Provincial Court Act takes place with respect to these recommendations; or
- b. if the recommendations must be implemented because of subsection 11.1(29) of The Provincial Court Act, the first day after the end of the 21-day period referred to in that subsection.

**Report Considered and Concluded:**

Your Committee has completed consideration of the Report and Recommendations of the Judicial Compensation Committee dated April 19, 2022.

Submitted by,

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Mr. James TEITSMA, Chairperson  
August 9, 2022