

FURTHER INFORMATION

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TO

**THE JUDICIAL COMPENSATION AND BENEFITS
COMMISSION**

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**Department of Justice
Ottawa, Ontario
K1A 0H8**

Further Information in Response to Commission's Requests

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**FURTHER INFORMATION
IN RESPONSE TO COMMISSION'S REQUESTS**

1. **Performance Awards for 1998-99**
(Transcript, Volume II, pages 210-211)

The DM-3 group is so small that to provide information as to the performance awards to the incumbents in that group would seriously risk disclosure of personal information.

The entire DM population, embracing levels 1, 2 and 3, is sufficiently large to permit the disclosure of aggregate information. There were 58 DMs who were eligible to receive awards for 1998-99 (payable April 1, 1999). Of that number, 53 DMs received performance awards. The awards were 6.8% on average.

2. **Performance Awards for 2000-01**
(Transcript, Volume II, page 211)

The maximum performance award for DM-3s will be 10% for the year 1999-2000 (payable April 1, 2000) and 20% for the year 2000-01 (payable April 1, 2001).

3. **Performance Pay and Pensions**
(Transcript, Volume II, pages 213-214)

Performance pay both prior to and under the Strong Committee proposals is taken into account for pension purposes on the following basis:

- (a) employees pay pension contributions on performance award amounts; and
- (b) performance award amounts are included for purposes of calculating average salary over the five-year period, which establishes the amount of the pension benefit.

4. **Judicial Appointment Statistics**
(Transcript, Volume II, pages 223-225)

Appendix 35 is a letter dated March 14, 2000, from Andre Millar of the Office of the Commissioner for Federal Judicial Affairs, setting out the numbers of candidates recommended and highly recommended for the years 1996, 1997, 1998 and 1999.

5. **Waiver of Life Insurance Coverage**
(Transcript, Volume II, pages 259-260)

The Treasury Board Secretariat advises that participation in the EX and MP insurance plans within the PSMIP is voluntary. Coverage can be waived at any time. A waiver covers all coverage under the plan: life, accidental death and dependants. Reinstatement of coverage under the plan is subject to a five-year waiting period.

6. **Income Benefit Plan for Employees Slain on Duty**
(Transcript, Volume II, pages 268-269)

Appendix 36 is a copy of the Public Service Income Plan for Survivors of Employees Slain on Duty.

The coverage of the plan is set out in section 4.1:

All employees of the departments and agencies listed in Schedule I, Part I of the *Public Service Staff Relations Act* are covered under this plan, ...

Appendix 37 contains a copy of that Schedule, along with a copy of Schedule I to the *Financial Administration Act*.

Eligibility under the plan is based on the survivor's eligibility for compensation under the *Government Employees Compensation Act*: section 4.2 of the Plan. A survivor is

eligible for compensation under that Act where the employee's death resulted from an accident in the course of employment or an industrial disease due to the nature of the employment.

While eligibility under the *G.E.C.A.* is a pre-condition for benefits under the Plan, the Plan itself only covers a subset of the persons covered by the *G.E.C.A.* which has a broader definition of "employee" (Appendix 38).

The Plan "tops up" the benefits payable to the survivor from other government sources. Section 3.1 provides:

The Public Service Income Benefit Plan for the survivors of employees slain on duty supplements the income eligible survivors receive from various government sources, to guarantee an income level equal to the net salary or the net pension these employees would have received if alive.

Those other sources are listed in Appendix A to the Plan, where "statutory entitlement" means the benefits paid under:

Public Service Superannuation Act;
Government Employees Compensation Act;
The Canada Pension Plan;
The Quebec Pension Plan;
Supplementary Retirement Benefits Act; and
a specific Treasury Board authority approving payments under the terms and conditions of the *Pension Act.*

The cost of benefits under the Plan are paid by the Government: section 3.2.

The Treasury Board Secretariat is unable to estimate the cost of a similar plan for judges.

7. **Dental Plan**
(Transcript, Volume II, pages 271-272)

Appendix 39 is an exchange of correspondence concerning the information on dental plans submitted by the Conference and Council.

The Public Service Dental Care Plan covers some 600,000 people, including members and their eligible dependants. The terms and conditions of the Plan are negotiated from time to time by the Treasury Board and the Public Service unions. The most recent agreement was reached earlier this year and is to remain in effect until December 31, 2001.

The Plan provides the same benefits to all participants. No segment of the covered population receives special or enhanced benefits. Judges have been included in the Plan on the same terms and conditions as all other participants.

8. **Retirements during Wage Freeze**
(Transcript, Volume II, pages 300-301)

Appendix 40 is a letter dated March 13, 2000 from L.M. Cornelis of the Office of the Chief Actuary.

Mr. Cornelis gives the number of annuities attributable to retirements during the wage freeze and calculates the cost were those annuities to be adjusted as if salaries during the freeze had been increased in accordance with the statutory formula.

The estimated cost for past and future pension payments, as of March 31, 2000 is \$14-15 million.

9. **Earnings of Lawyers**

Appendix 41 is a report on the earning of lawyers from the most recent issue of *Perspectives*, a publication of Statistics Canada.