



Report and Recommendations of the 2024
Saskatchewan Justice of the Peace Compensation
Commission

Presented to the Minister of Justice and
Attorney General and the Saskatchewan Justice
of the Peace Association December 31, 2024

TABLE OF CONTENTS

I.	PRELIMINARY MATTERS	
A.	INTRODUCTION	6
B.	THE COMMISSION AND ITS MANDATE	6
C.	COMMISSION PROCESS AND PROCEEDINGS	9
D.	PREVIOUS COMMISSIONS	10
	(1) HOOD Commission	10
	(2) PROSSER Commission	11
	(3) JASPAR Commission	13
II.	PRINCIPLES OF JUDICIAL INDEPENDENCE, RELEVANT JURISPRUDENCE and APPLICATION TO JUSTICES OF THE PEACE	14
A.	GENERAL	14
B.	GOVERNMENT’S PERSPECTIVE	15
C.	ASSOCIATION’S PERSPECTIVE	17
III.	JUSTICES OF THE PEACE IN SASKATCHEWAN	17
A.	THE APPOINTMENT OF JUSTICES OF THE PEACE	17
B.	CURRENT ORGANIZATION AND OPERATIONS OF JUSTICES OF THE PEACE IN SASKATCHEWAN	19
	(1) Terminology, Demographics and Descriptions	19
	(2) Current Compensation Package for Justices of the Peace	26
	(1) Salary	26
	(2) Administrative Amounts	27
	(3) Pensions	27
	(4) Benefits	28
IV.	THE ISSUES TO BE DETERMINED	28
V.	THE POSITIONS OF THE PARTIES ON THE ISSUES TO BE DETERMINED	29
A.	THE ASSOCIATION’S SUBMISSIONS	29
	(1) Position in Brief	29

(2) Rationale for Position on Required Recommendations.....	31
(a) Base Salary.....	31
(b) Additional Compensation for Supervising Justice of the Peace...	35
(c) Additional Compensation for Administrative Justices of the Peace	37
(d) Government’s Pension Contribution.....	38
(3) Rationale for Position on Advisory Matters.....	38
(a) Short-term Disability Benefits.....	38
(b) Benefits for Relief Justices of the Peace.....	39
(c) Professional Development Training.....	40
(d) Mental and Physical Health Supports.....	40
(e) Parking.....	41
(4) Position on Costs.....	41
(5) Position on Joint Recommendation.....	41
B. THE GOVERNMENT’S SUBMISSIONS.....	42
(1) Position in Brief.....	42
(2) Rationale for Position on Required Recommendations.....	43
(a) Base Salary.....	43
(b) <i>Pro Rata</i> Calculations.....	46
(c) Additional Compensation for Supervising Justice of the Peace...	46
(d) Additional Compensation for Administrative Justices of the Peace	47
(e) Government’s Pension Contribution.....	47
(f) Consolidation of Regulatory Provisions.....	48
(3) Rationale for Position on Advisory Matters.....	48
(a) Timing of Salary Increases.....	48
(b) Eligibility for Benefits.....	49
(c) Professional Allowance.....	49
(d) Short-term Disability Benefits.....	49
(e) Benefits for Relief Justices of the Peace.....	50

(f) Mental Health Resources.....	50
(g) Parking.....	50
(4) Request for Advisory Recommendation.....	51
(5) Joint Request for Technical Retroactive Amendments.....	51
C. QUESTIONS FROM THE COMMISSION.....	52
VI. COMMISSION’S CONSIDERATION OF THE ISSUES TO BE DETERMINED.....	52
A. GENERAL OBSERVATIONS.....	52
B. REQUIRED RECOMMENDATIONS.....	55
(1) Base Salary.....	55
(2) Pro Rata Calculations.....	63
(3) Additional Amount for the Supervising JP.....	64
(4) Additional Amount for the Assistant Supervising JP.....	65
(5) Additional Amount for the Administrative JPs.....	65
(6) Pension Contributions.....	66
(7) Consolidation of Regulatory Provisions on Contribution Rates.....	67
C. ADVISORY RECOMMENDATIONS.....	68
(1) Timing of Salary Increases.....	68
(2) Eligibility for Benefits.....	68
(3) Short-term Disability Benefits.....	68
(4) Professional Allowance.....	69
(5) Benefits for Relief Justices of the Peace.....	70
(6) Mental Health Supports.....	70
(7) Parking.....	70
D. JOINT REQUEST FOR TECHNICAL RETROACTIVE AMENDMENTS	71
E. REQUEST FOR ADVISORY RECOMMENDATION.....	72
F. COSTS	72

VII. SUMMARY OF THE COMMISSION’S RECOMMENDATIONS73

**A. RECOMMENDATIONS ON MATTERS REQUIRED TO BE CONSIDERED
.....73**

**B. ADVISORY RECOMMENDATIONS
..... 74**

**C. JOINT REQUEST BY THE GOVERNMENT AND THE ASSOCIATION
..... 74**

D. ADDITIONAL ADVISORY RECOMMENDATION.....75

VIII. CLOSING REMARKS.....75

I. PRELIMINARY MATTERS

A. INTRODUCTION

1. In 2013, the Saskatchewan Legislature enacted changes to *The Justice of the Peace Act, 1988, SS 1988-89, c.J-5.1* (the “*Act*”) to provide for an independent commission to review the compensation provided to Justices of the Peace (sometimes referred to in this report as “JPs” or “JP” in the singular). The *Act* has been amended several times since then. (The legislative history is set out in the Government’s submissions at paras. 92 – 104.) This current Justices of the Peace Compensation Commission (the “Commission”) was established pursuant to sections 10.1 to 10.81 of the *Act*, as amended.
2. The Commission is required to consider and make recommendations related to the compensation package to be provided to JPs. It may also consider and make recommendations on a number of other matters, on an advisory basis. The recommendations made by the Commission, if implemented, will be in effect from April 1, 2025, until March 31, 2029.
3. There have been three previous JP Compensation Commissions established under the *Act*: the first, established pursuant to the 2013 amendments, is referred to as the “Hood Commission”, which reported in 2014. The second was the “Prosser Commission”, which reported in 2018, and the third was the “Jaspar Commission”, which reported in 2023.
4. Both the Hood and Prosser Commissions reported on the full range of required matters, while the Jaspar Commission sat on a transitional basis and made a limited number of specific required recommendations.
5. Although this is only the fourth JP Compensation Commission, the commission process in general is well-established in Saskatchewan. In addition to this commission process related to JPs, a similar process has taken place for many years in relation to the compensation to be paid to the Judges of the Provincial Court of Saskatchewan (“PC Judges”). Those commissions provide background context.

B. THE COMMISSION AND ITS MANDATE

6. The *Act* provides that the Commission is to review and make recommendations regarding the compensation to be provided to Saskatchewan’s JPs, in accordance with the constitutional principle of judicial independence.
7. The Commission is defined under section 10.1 of the *Act* as follows:
 "commission" means the chairperson of a commission established pursuant to section 36 of *The Provincial Court Act, 1998*.

8. Accordingly, this Commission consists of the current Chairperson of the Provincial Court Commission, Michelle J. Ouellette K.C.
9. Sections 10.1 to 10.3 of the *Act* Set out the mandate of the Commission and provide as follows:

10.1 In sections 10.2 to 10.81:

“**association**” means the Saskatchewan Justice of the Peace Association;
(«association»)

“**commission**” means the chairperson of a commission established pursuant to section 36 of The Provincial Court Act, 1998;
(«commission»)

“**justice of the peace**” does not include a justice of the peace who is a court official; («juge de paix»).

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.

- (2) The annual salary of a justice of the peace is to be adjusted on April 1 of each year.
- (3) 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.
- (4) 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.
- (5) The following persons are 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 person is engaged in duties as a justice of the peace:
 - (a) a justice of the peace who is not a senior justice of the peace;

(b) a relief justice of the peace.

(5.1) In addition to the annual salary for a justice of the peace mentioned in subsection (1), the supervising justice of the peace, the assistant supervising justice of the peace and any administrative justice of the peace are to be paid annually an additional amount calculated in accordance with the regulations made by the commission.

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

10.3(1) A commission **shall** inquire into and make recommendations with respect to:

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

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

(c) the method of calculating the additional amounts mentioned in subsection 10.2(5.1) for:

(i) the supervising justice of the peace;

(ii) the assistant supervising justice of the peace; and

(iii) an administrative justice of the peace; and

(d) the contributions to be made to the pension plan mentioned in subsection 10.2(6).

(2) A commission's recommendation 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.

(3) A commission **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).

[Emphasis added]

10. Accordingly, under section 10.3(1), this Commission is required to consider and make recommendations regarding the annual salary of a JP, the method of calculating the *pro rata* portions of such annual salary, the method of calculating

additional amounts to be paid to the Supervising JP, the Assistant Supervising JP and any Administrative JPs, as well as the amounts of the contributions to be made to the Public Employees Pension Plan for the benefit of JPs.

11. As provided for in section 10.3(3), this Commission may also make recommendations with respect to benefits to be provided to JPs, although this is not a compulsory aspect of the Commission's mandate.

C. COMMISSION PROCESS AND PROCEEDINGS

12. This Commission's process was consistent with the previous JP Commissions. Advertisements calling for submissions to the Commission were placed in the Regina Leader Post and the Saskatoon Star Phoenix on August 8, 2024. The advertisements indicated that the Commission would be receiving written submissions from interested parties in order to conduct an independent review of salaries and pension for JPs. Submissions were to be received no later than November 1, 2024.
13. The Commission received written submissions from:
 - i. The Acting Deputy Minister of Justice and Deputy Attorney General, on behalf of the Government of Saskatchewan (the "Government"); and
 - ii. The Saskatchewan Justice of the Peace Association (the "Association").
14. The Government and the Association each filed a Reply submission.
15. The Commission received one inquiry from a member of the public regarding the possibility of making submissions; however, as the date for receiving submissions had long passed, the Commission declined to receive additional submissions. Accordingly, no submissions were received from members of the public or other organizations.
16. The Commission was permitted to submit written questions to the Government and the Association after reviewing the Parties' submissions, as provided for in section 10.5(b) of the *Act*. The Commission submitted several questions to the parties and received responses from both the Government and the Association, as will be referred to later in this report.
17. The parties' submissions, replies and other documents are all posted on the website for the Justices of the Peace Compensation Commission and can be reviewed at:

<https://www.saskatchewan.ca/government/government-structure/boards-commissions-and-agencies/justices-of-the-peace-compensation-commission>

18. Although s. 10.5(c) of the Act provides for the possibility of a Hearing, the Commission did not feel the need to receive oral submissions.
19. The Commission is required to provide a report to the parties on or before December 31, 2024, containing its recommendations for the 4-year period commencing on April 1, 2025, along with proposed regulations to implement those recommendations.
20. The Commission's recommendations are generally implemented, if accepted, by means of the *Justices of the Peace (Commission) Regulations* (the "*JP (Commission) Regulations*").

D. PREVIOUS COMMISSIONS

21. As noted, there have been three previous JP Commissions in Saskatchewan.
 - (1) **The Hood Commission**
22. The Hood Commission reported on January 13, 2014, establishing the first set of JP Commission recommendations for the salaries and benefits to be provided to JPs in Saskatchewan. A complete summary of the recommendations of the Hood Commission was set out in paras. 386 - 388 of its report, as follows:
 386. The Commission's required recommendations can be summarized as follows:
 - A JP annual salary for 2013/2014 in Saskatchewan should be set at 49% of the previous year's PCJ salary, or \$121,524.90;
 - *Pro rata* portions of this annual salary should be calculated using divisors equal to 220 working days, 440 half-days, and 1760 hours; and
 - Pension contributions for individual Senior JPs enrolled in the PEPP should be set at 5% of their annual salary. The Government should contribute:
 - o 7.25% for the period commencing on the day the new Regulations come into force, and ending on March 31, 2014;
 - o 7.5% for the period commencing April 1, 2014, and ending on March 31, 2015; and
 - o 7.6% for the period commencing April 1, 2015.
 387. It is further recommended that the Lieutenant Governor in Council

amend *The Justices of the Peace Regulations, 1989*, supra, to provide the following benefits:

- Senior and Junior JPs who are classified as full-time and who earn an annual salary set by the Regulations should receive:
 - Leave of absence with pay for 30 vacation days per fiscal year (or 2 ½ working days for each full month of service in a period that is less than a full fiscal year);
 - Leave of absence with pay for 10 public holidays and 2 Saskatchewan public service employee holidays;
 - Sick leave calculated at a rate of 1 ¼ days for each month of service (or 15 days per fiscal year), in the same manner as the Supervising JP;
 - Enrolment in the following insured benefit programs, in the same manner as the Supervising JP:
 - Government of Saskatchewan Group Life Insurance Plan;
 - Public Employees Dental Plan;
 - Government of Saskatchewan Disability Income Plan; and
 - Extended Health Care Plan.
- Senior and Junior JPs who receive remuneration according to the pro rata calculation should receive an additional amount of compensation, expressed as a percentage of the annual salary:
 - in lieu of sick leave; and
 - in lieu of insured benefit programs.
- Senior and Junior JPs, whether full-time or part-time, should all receive the following benefits:
 - Expenses away from home (actual and reasonable travel and meals), according to the existing Regulations;
 - Legal resources for disciplinary proceedings, subject to the approval of the Chair of the Justices of the Peace Council; and
 - Counseling services through the PCJ or similar program;

388. Although not technically benefits, the following adjustments to the calculation of "work time" are recommended:

- Professional development and training should be compensated for at a JP's regular salary;
- Compensation for stand-by status should be paid at the rate of 1 hour per 24 hours; and
- Travel time should be compensated for at a JP's regular salary.

(2) The Prosser Commission

23. The second JP Commission under the amended *Act* took place in 2018, when the Prosser Commission conducted the second full review of the matters set out in the

Act. A summary of the Prosser Commission's recommendations can be found at paras. 329 and 330 of its report, as follows:

329. The following is a summary of the required recommendations made by this Commission:

- a. The annual salary for Justices of the Peace commencing on April 1, 2019 should be set at 51% of the previous year's Provincial Court Judges' salary.
- b. *Pro rata* portions of this annual salary should be calculated using devisers equal to 220 working days, 440 half days and 1760 hours;
- c. The additional amounts to be paid to the Supervising Justice of the Peace and the Assistant Supervising Justice of the Peace shall be 7.5% and 5%, respectively, of the annual salary of a Justice of the Peace effective April 1, 2019; and
- d. There be no change to the PEPP contribution rates for the Senior Justices of the Peace, with individual Senior Justices of the Peace continuing to contribute 5% of their annual salary and the Government continuing to contribute 7.6% of Justices of the Peace salary on an annual basis.

330. This Commission further recommends that the Lieutenant Governor in Council amend *The Justice of the Peace Regulations, 1989*, supra, to provide the following benefits:

- a. Non-senior Justices of the Peace be enrolled in PEPP, with the same contribution rates as the Senior Justices of the Peace;
- b. Non-senior Justices of the Peace who are classified as full-time and who earn an annual salary set by the Regulations should receive:

- i. Leave of absence with pay for 30 vacation days per fiscal year (or 2 ½ working days for each full month of service in a period that is less than a full fiscal year);
- ii. Leave of absence with pay for 10 public holidays and 2 Saskatchewan public service employee holidays;
- iii. Sick leave calculated at a rate of 1 ¼ days for each month of service (or 15 days per fiscal year); in the same manner as full time Senior Justices of the Peace and the Supervising Justice of the Peace;
- iv. Enrolment in the following insured benefits programs, in the same manner as the Senior Justices of the Peace and the Supervising Justice of the Peace:
 - Government of Saskatchewan Group Life Insurance Plan;
 - Public Employees Dental Plan;
 - Government of Saskatchewan Disability Income Plan; and
 - Extended Health Care Plan.

- c. Senior Justices of the Peace who do not meet the threshold of 16 hours of work per week should receive an additional amount of compensation based on a calculated per diem or *pro rata* rate in lieu of the extended health (married) coverage currently available to only full-time Senior Justices of the Peace.
 - d. Non-senior Justices of the Peace who receive remuneration according to the pro rata calculation should receive an additional amount of compensation based on a calculated per diem or *pro rata* rate in lieu of Insured Benefits and sick leave.
 - e. Non-senior Justices of the Peace who receive remuneration according to the *pro rata* calculation should receive an additional amount of compensation, expressed as a percentage of the annual salary;
 - i. In lieu of sick leave; and
 - ii. In lieu of Insured Benefits programs.
 - f. Senior and Non-senior Justices of the Peace whether full-time or part-time should all receive the following benefits:
 - i. Compensation at regular salary rates and reimbursement for travel and meal expenses while attending two mandatory professional training days per year;
 - ii. Legal resources for disciplinary hearings, subject to the approval of the Chair of the Justices of the Peace Council, or through a mutually agreeable protocol developed between the Government and the Association; and
 - iii. Counseling services through the Justice of the Peace or similar program.
24. After each of the Hood and Prosser Commissions, the *Act* was amended to make legislative changes necessary to give effect to the recommendations of the two Commissions.

(3) The Jaspar Commission

25. In 2022, the *Act* was amended again, to create additional positions (Administrative JPs and Relief JPs) and to provide for payment to the JPs holding those positions. As these amendments included matters of compensation, a compensation commission process was required in order to safeguard the principle of judicial independence. As a result, the 2023 interim Jaspar Commission was convened to consider the issue of compensation for Relief JPs and Administrative JPs.
26. A summary of the Jaspar Commission's recommendations can be found at para. 21 of its report, which provides:

Recommendations:

- (a) the hourly rate for relief Justices of the Peace be the same as the hourly rate for non-senior Justices of the Peace, namely 1/1760 of the annual salary of a senior Justice of the Peace;
 - (b) the additional amount for Administrative Justice of the Peace be 2.0% of their salary; and
 - (c) the pension contribution rates for relief Justice of the Peace be the same as for senior and non-senior Justices of the Peace, up to age 71.
27. The Commission recognizes that while it is not bound to follow the recommendations of previous Commissions, the starting point for current deliberations is the previous Commission report. In this case, the Commission will look to both the Prosser and the Jaspar reports, given that the additional considerations of the Jaspar report were not before the Prosser Commission.

II. PRINCIPLES OF JUDICIAL INDEPENDENCE, RELEVANT JURISPRUDENCE AND APPLICATION TO JUSTICES OF THE PEACE

A. GENERAL

27. The historical origins and significance of the role of JPs in the administration of justice in Saskatchewan have been explored previously, before both the Hood Commission and the Prosser Commission, and are summarized in the Government's submissions to this Commission. They will not be set out in this report. In summary, the evolution of the office of JP in Saskatchewan has culminated in the Act as it now stands. Along with the *Justices of the Peace Regulations, 1989*, (the "*JP Regulations*") the Act provides for the appointment, duties, categories, compensation and tenure of the Saskatchewan JPs.
28. Likewise, the Hood and Prosser Commissions reviewed in some detail the principles of judicial independence, their application to the judges of the Provincial Court of Saskatchewan, and their eventual extension to the office of Justice of the Peace, as set out by the Supreme Court of Canada in several foundational decisions. (See in particular paras. 19 through 23 of the Prosser Commission Report.)
29. Those principles are well-established by virtue of the jurisprudence cited and need not be reiterated here. The Commission agrees with the Government that the most pertinent decisions are:
- *Reference re Remuneration of Judges of the Provincial Court (PEI)*, [1997] 3 SCR 3 [PEI Reference];
 - *Ell v. Alberta*, 2003 SCC 35, [2003] 1 SCR 857 [Ell];
 - *Provincial Court Judges Association (New Brunswick) v. New*

Brunswick (Minister of Justice), 2005 SCC 44, [2005] 2 SCR 286 [New Brunswick Reference];

- *Conférence des juges de paix magistrats du Québec v. Québec (Attorney General)*, 2016 SCC 39, [2016] 2 SCR 116 [Québec Conférence].

30. In summarizing the key concepts arising from these decisions, it is clear that JPs are recognized as judicial officers with decision-making authority and that JPs perform numerous judicial functions that can significantly affect the rights and liberties of Canadians. As such, the principles of judicial independence: security of tenure, administrative independence and financial security, apply to JPs. The amendments to the *Act* and the resulting Compensation Commission process are intended to address the element of financial security by creating what is often referred to as an “institutional sieve”, ensuring that members of the judiciary – in this case JPs – and the government do not engage in negotiations to determine compensation, thereby subjecting the judicial officers to overt or subtle political pressure.
31. In their submissions, both the Government and the Association set out their perspectives on the principles by which this Commission must be guided, as distilled from the relevant jurisprudence. The two perspectives are compatible, and both are helpful in considering how the jurisprudence guides this process.

B. THE GOVERNMENT’S PERSPECTIVE ON PRINCIPLES

32. The Government’s description of the four “operating guidelines” gleaned from the jurisprudence can be found at paras. 65 – 68 of its submission as follows:
65. Turning to the issue of how compensation commissions should function, the Court set out four important operating guidelines. First, the Court emphasized the unique function of these commissions, namely they are “neither adjudicative interest arbitration nor judicial decision making”. The Court did not intend these commissions to be adversarial or to mediate disputes between the executive and judicial branches of government respecting specific matters of judicial compensation. Rather, their function is consultative: their mandate is to identify “the appropriate level of remuneration for the judicial office in question” and make non-binding recommendations relating to the salary.
66. Second, when fulfilling their constitutional mandate, compensation commissions are encouraged to adopt a flexible

process which will facilitate consideration of all issues relevant to judicial compensation. The task of a compensation commission is prospective in nature, namely, to recommend appropriate levels of judicial remuneration for the next three to five years, depending on the mandate of the particular commission. While its task is “not simply to ‘update’ the previous commission’s report”, absent reasons to the contrary “the starting point should be the date of the previous commission’s report.”

67. Third, a new compensation commission should take into account the report and recommendations of its predecessors. While the commission must assess judicial remuneration “in its own context”, it should build upon the foundation set by previous commissions. Only in exceptional circumstances will it be necessary for a compensation commission to re-till ground already cultivated by its predecessors:

The reports of previous commissions and their outcomes form part of the background and context that a new compensation committee should consider. A new commission may very well decide that, in the circumstances, its predecessors conducted a thorough review of judicial compensation and that, in the absence of demonstrated change, only minor adjustments are necessary. If on the other hand, it considers that previous reports failed to set compensation and benefits at the appropriate level due to particular circumstances, the new commission may legitimately go beyond the findings of the previous commission, and after a careful review, make its own recommendations on that issue.

68. Fourth, salary increases are not automatic. In *New Brunswick Provincial Court Judges Association*, the New Brunswick government had argued before the New Brunswick provincial court commission that the existing salary arrangements were adequate to protect judicial independence. The New Brunswick commission rejected this argument, stating that approach would amount to a salary freeze. In the Supreme Court, New Brunswick argued that in taking this approach, the New Brunswick commission committed an error in law. The Supreme Court appears to have accepted this position. Overall, it held that the New Brunswick government’s decision had a rational basis and upheld the government’s decision.

[Footnotes omitted]

C. THE ASSOCIATION'S PERSPECTIVE ON PRINCIPLES

33. The Association's perspective, at para. 24 of its submission, is as follows:
24. The commission process is guided by a set of principles that have evolved from court decisions in the area over time. In their 2023 commission submission, the Saskatchewan Provincial Court Judges' Association (SPCJA) provided a summary of the main principles. That summary is as follows:
- a. It is a constitutional requirement that the Commission is independent, objective, and effective;
 - b. The Commission's recommendations must result from a fair and objective hearing, and its report must explain and justify its position;
 - c. The role of the Commission is "not simply to update the previous commission's report," and, therefore, "each commission must make its assessment in its own context." That said, the Commission does not operate in a void, and the reports of previous commissions and their outcomes are part of the background and context that the Commission should consider. Absent reasons to the contrary, the starting point for analysis should be the date of the previous Commission's report; and
 - d. The Commission must objectively consider the submissions of all parties, and any relevant factors identified in the enabling statute and regulations (if any).
34. This Commission accepts and has relied on these statements of principles, as set out by the parties, in preparing this report.

III. JUSTICES OF THE PEACE IN SASKATCHEWAN

A. THE APPOINTMENT OF JUSTICES OF THE PEACE

35. Appointments of Justices of the Peace are made under provincial law. In Saskatchewan, the *Act* provides the general appointment power and section 4 of the *Act* authorizes the Lieutenant Governor in Council to appoint residents of Saskatchewan as Justices of the Peace, who shall have jurisdiction in that capacity throughout Saskatchewan.
36. The *JP Regulations* enacted pursuant to the *Act*, supplement the Act and establish three categories of Justice of the Peace. Section 10(1) of the *JP Regulations* provides:

- 10(1)** The following categories of justices of the peace are established:
- a. senior justice of the peace;
 - b. justice of the peace who is not a court official;
 - c. justice of the peace who is a court official.

37. The Commission's mandate does not apply to JPs who are court officials and those JPs will not be considered in this report.
38. Section 3(1) of the *Act* states that the Lieutenant Governor in Council may appoint a Justice of the Peace as the supervising justice of the peace. In addition, section 3(3) of the *Act* authorizes the Lieutenant Governor in Council to appoint a Justice of the Peace as the Assistant Supervising Justice of the Peace, subject to having received the consent of the Supervising Justice of the Peace, and section 3(8) authorizes the appointment of an Administrative Justice of the Peace.
39. The basic assignment of duties for Justices of the Peace is found in the *JP Regulations*. Section 11(1) provides:

Duties of a justice of the peace

11(1) Subject to subsection (2), a justice of the peace who is not a court official may perform the duties and exercise the powers that have been conferred on a justice of the peace by:

- (a) common law;
- (b) an Act or regulations;
- (c) an Act of the Parliament of Canada or any regulations made pursuant to an Act of the Parliament of Canada; or
- (d) a municipal bylaw.

40. As the Government notes in its submission at para. 27, this general assignment of duties is expanded upon by the remainder of s.11. In summary:
- Non-senior Justices of the Peace are not to conduct trials or preliminary inquiries under the Criminal Code, nor exercise any jurisdiction where the competency of the accused is in issue;
 - Justices of the Peace can nonetheless grant adjournments in the matters mentioned in s. 11(2), or take guilty pleas and sentence the accused on summary conviction matters;
 - Senior Justices of the Peace are authorized to preside at trials or other proceedings under federal and provincial Acts and regulations, other than *Criminal Code* matters.

B. CURRENT ORGANIZATION and OPERATIONS OF JUSTICES OF THE PEACE

(1) Terminology, Demographics and Descriptions

41. In describing the manner in which the JP program operates “on the ground” in Saskatchewan, there are a number of different terms used to describe various JP functions in the submissions of the Parties (as well as in the legislation). The Commission found the description provided by the Government at para. 6 of its submission helpful and sets it out here:
- a. “Justice of the Peace” is the general term for this judicial office. All Justices of the Peace who exercise judicial powers are authorized to issue process, such as arrest warrants and search warrants, and to remand an accused for a bail hearing before a Provincial Court Judge.
 - b. “Senior Justices of the Peace” have the power to conduct trials in small claims and municipal, provincial, and federal summary offences, other than *Criminal Code* offences, as well as having the same powers as other Justices of the Peace.
 - c. “Non-senior Justices of the Peace” are Justices of the Peace who are not Senior Justices of the Peace. The main distinction is that Non-senior Justices of the Peace do not conduct trials in small claims or summary offence matters.
 - d. “Relief Justices of the Peace” are retired Justices of the Peace who are on the relief list. The Supervising Justice of the Peace can call on them to act as a Justice of the Peace as needed. When acting, they have all the powers of other Justices of the Peace. The position was created by the *JP Amendment Act, 2022*.
 - e. The “Supervising Justice of the Peace” is charged with the overall administration of the JP program and is normally designated as a Senior Justice of the Peace.
 - f. The “Assistant Supervising Justice of the Peace” assists the Supervising Justice of the Peace and is normally designated as a Senior Justice of the Peace. The position was created by the *JP Amendment Act, 2016*.
 - g. “Administrative Justice of the Peace” is a Justice of the Peace

Assignment)

- Four Relief JPs

45. There is a JP Management Team consisting of the Supervising JP, the Assistant Supervising JP and three Administrative JPs. Both the Supervising JP and the Assistant Supervising JP are full-time positions.
46. In its submission, the Government points out that since the changes in the JP program in 2013, there has been a steady drop in the number of Community JPs. The Government states in para. 49 that while there were 104 Community JPs in 2013, that number is now 39. This is a significant drop and the trend is likely to continue in the normal course, given that the *Act* sets out a statutory retirement age for Justices of the Peace at age 70 (s. 8(2)). The service provided by the JP Hub has meant that Community JPs are no longer providing essential JP services in many communities.
47. Another point of note is that there is no statutory requirement that any JP have legal training. As an administrative or policy matter, however, a candidate applying for a position as a Senior JP must have legal training, given the nature of their work.
48. The Government and the Association have both provided excellent, thorough descriptions of the work performed by JPs in various positions. The Government's description is found at paras 20 through 57 of its submission.
49. The Association's detailed description of the work performed by the various JP positions is found in its submission at paras. 86 - 106. For ease of reference, and to illustrate the scope of the work performed by JPs, that description is set out here:

Supervising, Assistant Supervising, and Administrative Justices of the Peace

86. The Supervising Justice of the Peace is the head of the management team for JP operations. The work carried out by this position is handled by Provincial Court Judges in other jurisdictions in Canada. The Supervising Justice of the Peace leads the JP training program, developing training materials for the JPs and conducting training events with assistance from the management team.
87. The Supervising Justice of the Peace and the Assistant Supervising Justice of the Peace manage the JP Centre in Regina and the Saskatoon JP Office. The Supervising Justice of the Peace is also responsible for human resources/staffing and budget matters, expense and payment approvals, and short and long-term planning and policy development for JP operations. The Supervising and Assistant Supervising JPs serve as the JP operations representatives to the Ministry of Justice and a variety of agencies connected to the Justice system, provide legal, operational and research support to the Saskatchewan JPs, and respond to numerous public inquiries.

88. The three Administrative JPs are assigned to different locations - one for the southern region of the province, one for the northern region of the province and one for JP Hub operations in Regina and Saskatoon. These JPs handle all scheduling of JP work, assist in the development and administration of the training program for JPs, manage the main JP Hub in Regina and the municipal Hub in Saskatoon, provide daily operational and practice guidance to Saskatchewan JPs including the preparation of resource materials, and handle regular and emergent matters arising for JP operations in these locations on a daily basis including security issues and other crises.

Senior JPs

89. There are three categories for Senior JPs: (1) Trial JPs (2) Case Management JPs, and (3) the Registrar in Bankruptcy.

Trial JPs

90. Trial JPs are Senior JPs who preside over provincial offence and bylaw court sittings in Regina, Saskatoon, Prince Albert, Moose Jaw, Estevan, Meadow Lake, Kindersley and North Battleford. Their court duties include docket and trial proceedings, reconsideration hearings, fine payment extension hearings and warrant of committal hearings.
91. Trial JPs handle 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 Tobacco Control Act*, *The Tobacco Tax Act, 1988*, *The Cannabis Control (Saskatchewan) Act*, *The Wildlife Act, 1998*, *The Parks Act*, *The Stray Animals Act*, *The Environmental Management and Protection Act, 2010*, *The Emergency 911 System Act*, *The Trespass to Property Act*, *The Dangerous Goods Transportation Act*, *The Public Health Act, 1994*, and *The Fisheries Act, 1994*, to name just a few.
92. Trial JPs also handle a substantial volume of non-moving violations under municipal bylaws in areas that include zoning compliance, taxi licensing, noise control, and animal control. They deal with cases that range from minor parking infractions to serious fire safety and building standards offences.
93. Unlike JPs in some other jurisdictions, Saskatchewan Trial JPs can hear cases involving serious injuries and fatalities and have the authority to impose terms of imprisonment. The limits on the maximum sentence that can be imposed by Saskatchewan Justices of the Peace are those set out in the provincial statutes and bylaws dealt with by these JPs. Terms of imprisonment for provincial offences and/or bylaws are rare but can be substantial with some types of offences carrying a potential term of

imprisonment for up to three years. The lengthiest term of imprisonment imposed by a Trial JP to date is eighteen months for a serious set of driving offences.

94. As is the case with terms of imprisonment, there are no policy limitations on the maximum fine amount that can be imposed by a Trial JP other than the limits set out in the statutes and bylaws involved. Substantial fines can be imposed. The highest fine imposed by a Justice of the Peace to date is \$300,000 for a serious occupational health and safety offence involving significant safety violations and the death of a worker.
95. While not sitting in provincial offence and bylaw proceedings, Trial JPs also conduct judicial interim release hearings, “back” out of province arrest warrants and conduct related identity hearings, process Reports to Justice, handle a variety of applications including property detention, detention extension, forfeiture, management and return applications, receive Informations, confirm or cancel police-issued process, consider applications for a variety of search warrants and production orders, approve and release sureties and handle a number of additional matters including peace bond Informations, private prosecution commencement, and requests for arrest warrants, summonses, and subpoenas.

Case Management JPs

96. Case Management JPs conduct pre-trial settlement discussions and case management processes for Small Claims proceedings in Regina, Saskatoon, Estevan, and Prince Albert. They also preside over first appearances in Small Claims Court in Prince Albert and Saskatoon.
97. These Justices are designated as Judges for the purposes of Small Claims matters. This designation provides these JPs 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 and the authority to issue default and consent judgments. These JPs are dispute resolution professionals with a legal background.

Registrar in Bankruptcy

98. The Registrar in Bankruptcy is a Senior JP exercising judicial functions in the Court of King’s Bench pursuant to the powers and jurisdiction conferred under the *Bankruptcy and Insolvency Act* [BIA]. Specific powers and jurisdiction include holding examinations of bankrupts, conducting discharge hearings, granting orders of discharge, approving proposals (unopposed), making emergency interim orders including interim receivership orders, hearing and determining any unopposed or *ex parte* application or any other matter on a consent basis under the BIA, hearing unopposed bankruptcy applications

(petitions), and making bankruptcy orders. The work carried out by this position is handled by Associate Judges of superior courts in other jurisdictions in Canada.

Stipend JPs

99. Stipend JPs 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.

100. These JPs follow regular schedules of attendances to police facilities in all Stipend locations with the exception of Saskatoon. They also attend to correctional institutions, the penitentiary, and hospitals as needed to conduct hearings and facilitate release processes. They conduct judicial interim release hearings, receive Informations, confirm or cancel process, consider applications for and issue subpoenas, summons and warrants for arrest, search warrants and production orders. In Saskatoon, Stipend JPs conduct evening and weekend court by video and audio link to Saskatoon Police Service detention as part of a Municipal JP Hub pilot project. Saskatoon Stipend JPs also attend City Hall to process court documents for Bylaw matters. There is currently a short-term pilot project underway for Regina Stipend JPs relating to the Regina Police Service. Regina Stipend JPs are currently conducting evening and weekend court by audio link to the Regina Police Service.

VIVA JPs

101. Several of the Stipend JPs are specifically designated as *Victims of Interpersonal Violence Act* (VIVA) JPs for the purposes of conducting hearings and issuing Emergency Intervention and Protection Orders pursuant to *The Victims of Interpersonal 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, and are available province-wide to victims, the police and designated agencies who work in the areas of child protection and prevention of violence (i.e. Social Services, Mobile Crisis, Victims Services).

102. VIVA JPs are required to conduct *ex parte* hearings to assess the level of immediate danger for 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 JPs

103. Community JPs are located in smaller communities throughout the Province and work on a “call in” basis. Similar to Stipend JPs, Community JPs process a variety of court documents including Informations, confirm or cancel process, issue warrants for arrest, consider search warrant and production order applications and conduct judicial interim release hearings.

Hub JPs

104. Hub JPs perform the work of Community JPs through a centralized service hub located in Regina. These JPs consider search warrant applications, conduct judicial interim release hearings and process a variety of court documents by telecommunication, providing both primary and back up JP services for communities and agencies across Saskatchewan. Hub JPs currently provide JP services to 145 RCMP Detachments, as well as the Regina Police Service, Estevan City Police, Moose Jaw City Police, Moose Jaw Military Police, File Hills First Nation Police, Saskatoon City Police, Weyburn City Police, Dalmeny Police Service, Dundurn Military Police and several specialized units such as Combined Traffic Services, Crime Reduction Teams, Highway Patrol, Ministry of Environment and Parks Canada.
105. Hub JPs work in eight-hour day and evening shifts with the night shift handled remotely on an “on-call” basis. The Hub operates 24/7, 365 days a year and will eventually replace Community JPs in most low-volume work locations.

Relief JPs

106. Relief JPs are retired JPs who are called in to provide coverage as needed for emergent matters such as vacation leave and sick leave for JPs on the regular duty list.
50. The Commission very much appreciates this comprehensive description and notes that there is generally no issue taken by the Government in terms of its description of the work carried out by JPs.
 51. It is evident that Saskatchewan Justices of the Peace exercise a mixture of statutory and common-law powers, many of which have potentially profound impact on citizens of this province, including impact on their constitutional rights and liberties. JPs *are* a crucial part of the judicial system in this province and their work is wide-ranging and challenging.

(2) Current Compensation Package for JPs

52. The current compensation and benefits available to JPs in Saskatchewan is set out in the Government's submission at paras. 9 – 16:

(1) Salary

9. The salary is determined by a combination of the *JP Act* and the *JP (Commission) Regulations*:
- a. The *JP Act* provides that the annual salary of a Justice of the Peace is to be a percentage of the annual salary of a Provincial Court Judge of the previous fiscal year, adjusted each year on April 1.
 - b. The *JP (Commission) Regulations* provide that the salary is currently 51% of the Provincial Court Judge salary, of the previous fiscal year, as recommended by the JP Commission in 2018.
 - c. Senior Justices of the Peace who work less than full-time receive a pro rata amount of the annual salary, on a daily or half-daily basis.
 - d. The *JP (Commission) Regulations* provide that the daily pro rata is 1/220 of the annual salary, while the half-daily pro rata is 1/440 of the annual salary.¹¹ These are the same *pro rata* ratios used for temporary Provincial Court Judges working daily or half-daily.
 - e. The denominator of 220 is based on an estimate of the number of court days in the year, adopted by the Provincial Court Commission ("PC Commission") in its 2008 Report, and used ever since.
 - f. Non-senior and Relief Justices of the Peace are paid at an hourly rate, based on a *pro rata* of the annual salary.
 - g. The hourly rate is 1/1760 of the annual salary. The 2013 JP Commission set this rate for Non-senior Justices of the Peace by dividing the daily rate of 1/220 by eight hours, producing the denominator of 1/1760. The 2023 Interim JP Commission adopted the same formula for the new position of Relief Justice of the Peace.
 - h. Each year, the salaries are adjusted on April 1. The annual salary of a Provincial Court Judge for fiscal 2023-24 was \$353,590. Applying the rates from the *JP (Commission) Regulations* produces

the following compensation for fiscal **2024-25**:

- i. the **JP annual salary** is **\$180,331** (51% of \$353,590), which is earned by Senior Justices of the Peace working full-time;
- ii. the **daily rate** for Senior Justices of the Peace is **\$819.68** (1/220 of \$180,331);
- iii. the **half-daily rate** for Senior Justices of the Peace is **\$409.84** (1/440 of \$180,331);
- iv. the **hourly rate** for Non-senior and Relief Justices of the Peace is **\$102.46** (1/1760 of \$180,331).

(2) Administrative Amounts

10. Justices of the Peace who perform administrative duties receive additional amounts, based on a percentage of their salaries:
 - a. The Supervising Justice of the Peace receives 7.5% of their salary;
 - b. The Assistant Supervising Justice of the Peace receives 5% of their salary;
 - c. Administrative Justices of the Peace receive 2% of their salary.

(3) Pensions

11. All Justices of the Peace are members of the Public Employees Pension Plan (“PEPP”). Each Justice of the Peace currently contributes 5% of their salary to PEPP, and the Government contributes 7.6%. The pension contribution rates for the Senior Justices of the Peace and Relief Justices of the Peace are set out in the *JP (Commission) Regulations*, while the same rates for Non-senior Justices of the Peace are set out in the *JP Regulations*.
12. The reason for the different regulations is that prior to the 2018 JP Commission, there was no statutory authority for Non-senior Justices of the Peace to be enrolled in PEPP. Based on recommendations from the 2018 Commission, in 2019 the Legislature passed a statutory amendment to include all Justices of the Peace in PEPP. The Cabinet then set the contribution rates for Non-senior Justices of the Peace in the *JP Regulations*, as an interim measure.

(4) Benefits

13. All Justices of the Peace are entitled to thirty days of annual vacation time, at the rate of 2.5 working days for each month of service. All full-time Justices of the Peace are also entitled to statutory holidays.
14. In addition to the thirty days of annual vacation time and statutory holidays, the Supervising Justice of the Peace receives twelve Scheduled Days Off (“SDOs”) annually.
15. All Justices of the Peace are entitled to sick leave, calculated at a rate of 1.25 days for each full month of service. They may also apply for related leaves of absence.
16. All Justices of the Peace are entitled to other benefits such as life insurance, disability and dental plan, and extended health care plan, subject to minimum required hours of work to qualify under these plans.

IV. THE ISSUES TO BE DETERMINED

53. As set out earlier, the *Act* **requires** the Commission to consider and make recommendations with respect to four elements of the JP compensation package:
 - The annual salary to be paid to a JP;
 - The *pro rata* rates to be paid to JPs working part-time;
 - The additional amounts to be paid to JPs performing administrative tasks; and
 - The contributions to be paid into the Public Employers Pension Plan by JPs and by the Government on behalf of JPs.
54. The Act also provides that the Commission **may** make recommendations in an advisory capacity with respect to benefits to be provided to JPs.
55. The Parties have opposing positions on many aspects of these issues, although there are a few areas of agreement.
56. In addition, there is a joint submission before the Commission, requesting retroactive amendments to the *JP (Commission) Regulations*, by which the Commission’s recommendations are implemented, and additional requests from the Government relating to corrections to be made to regulations.
57. In discussing the respective positions of the parties, the Commission took note of the fact that the Government’s initial submission did not address a number of the issues raised in the Association’s primary submission. Those additional matters were addressed in the Government’s Reply.
58. The Association’s initial submission, on the other hand, raised all of the issues they wished to address, to at least some extent. Its Reply did not add new issues but

expanded upon the initial submission.

59. As a result, it is most convenient to first discuss the Association's position on the points in issue as those were elaborated upon, but not changed, in its Reply.

V. THE POSITIONS OF THE PARTIES ON THE ISSUES TO BE DETERMINED

60. This report will now outline, in summary form, those provisions of the submissions of the parties that focus on the required and advisory recommendations to be considered by this Commission.

A. THE ASSOCIATION'S SUBMISSIONS

(1) Position in Brief

61. The Association's position on each of the matters that must, or may, be considered by the Commission is fully set out in its primary written submission and elaborated upon in its Reply submission.

62. It should be noted initially that there are a number of items related to existing JP compensation and benefits that the Association accepts and says should continue. They are listed at para. 53 of the Association's submission:

53. The Association accepts the following JP salary and benefits items and is satisfied they should continue to apply throughout the April 1, 2025, to March 31, 2029, timeline:

- A JP's salary should be determined based on a percentage of the salary of a Provincial Court Judge, calculated as of April 1 of the year previous;
- Pro Rata portions of the annual JP salary should be calculated using divisors equal to 220 working days, 440 half-days, and 1760 hours;
- Pension contributions for JPs presently enrolled in the Provincial Employees Pension Plan (PEPP) should continue to be made at 5% of their annual salary;
- The Government should continue to contribute a percentage of a JPs salary to PEPP for Senior, non-Senior, and Relief JPs up to age 71;
- JPs who are classified as full-time and who earn an annual salary set by the Regulations should receive:
 - Leaves of absence with pay for 30 vacation days per fiscal year (or 2 ½ working days for each full month of service in a period

that is less than a full fiscal year);
Leaves of absence with pay for 10 public holidays and 2 Saskatchewan public service employee holidays;
Sick leave calculated at a rate of 1 ¼ days for each month of service (or 15 days per fiscal year), in the same manner as the Supervising JP;
Enrolment in the following insured benefit programs, in the same manner as the Supervising JP:

- Government of Saskatchewan Group Life Insurance Plan;
- Public Employees Dental Plan;
- Government of Saskatchewan Disability Income Plan; and
- Extended Health Care Plan.

- All JPs should continue to receive the following benefits:
Expenses away from home (actual and reasonable travel and meals);
Legal resources for disciplinary proceedings, subject to the approval of the Chair of the Justices of the Peace Council;

Counselling services

- An additional amount should be paid to the Supervising, Assistant Supervising, and Administrative Justices of the Peace, in addition to the base salary;
- Professional development and training for all JPs should be compensated at a JPs regular salary;
- Compensation for stand-by status should continue to be paid at a rate of 1 hour per 24-hour period;
- Travel time should be compensated at a JP's regular salary level.

63. There are also, however, a number of compensation and benefits issues that the Association submits should be addressed by the Commission by way of recommendations in this report. In brief, the Association's position is that this Commission should recommend:

- a. An increase in the base salary paid to JPs from 51% to 59% of the salary paid to Judges of the Provincial Court of Saskatchewan as of March 31 of the previous annual period, for the period commencing April 1, 2025 until March 31, 2029;
- b. An increase to the supplemental salary paid to the Supervising Justice of the Peace from base salary plus 7.5% to base salary plus 10%;
- c. An increase to the supplemental salary paid to the three Administrative Justices of the Peace from base salary plus 2%

- to base salary plus 2.5%;
- d. An increase in the Government of Saskatchewan’s contributions to the Justice of the Peace pension plan from 7.6 to 10% of annual salary;
- e. The creation of a professional allowance of \$3,540 *per annum* (maximum) for Justices of the Peace similar to the professional allowance granted to Saskatchewan Provincial Court Judges;
- f. The addition of a short-term disability insurance benefit for all full-time Justices of the Peace and those part-time Justices of the Peace who have sufficient working hours to qualify for benefits;
- g. The inclusion of Relief JPs, who meet the minimum thresholds, in the JP benefits plans;
- h. An annual discussion with Government about the physical and mental health needs of the Justices of the Peace arising as a result of the nature of their duties and executive Government benefits in this area; and
- i. The allocation of additional secure parking or the ability to seek reimbursement of secure parking expenses to meet the parking needs of Justices of the Peace in major centres in the province.

(2) Rationale For Position on Required Recommendations

a. Base Salary

- 64. The Association’s position that the base salary to be provided to JPs should be increased from the current 51% to 59% stems from its analysis of a number of factors. They include, in addition to the fundamental need to maintain judicial independence, the increased workload of the JPs, the increased complexity of that work, the economic climate in Saskatchewan, the delay built into the current compensation process caused by the formula to be used, and the need to attract and retain qualified candidates.
- 65. In analyzing these various factors, the Association submits that the best comparator to be considered in determining the appropriate salary for JPs is the salary structure of Senior Crown Counsel.

Increased Workload

- 66. The Association describes an increase in the Case Management caseload for JPs because of the increase in the monetary limit for small claims proceedings, to \$50,000.
- 67. The Association indicates an increased workload as a result of the addition of 6 new court sittings for JPs since the Prosser Commission. Furthermore, the regulatory court volume in general has increased since the pandemic, leading to increasing trial delays with resulting *Charter* delay applications.

68. The volume of work through the JP Hub has “increased exponentially” since the amendments to the telewarrant process from Bill S-4. The retirement of Community JPs and the transition of their work to the Hub JPs has also increased the Hub workload and has been challenging given that the Hub JPs do not have the assistance of support staff.
69. The Office of the Supervising JP has also seen a significant increase in “walk-in” traffic related to numerous tasks to be dealt with by JPs.
70. In its Reply submission, the Association also notes what it refers to as the “increased value” of the work performed in terms of the contribution made by JPs in supporting the work of the Provincial Court. The Association summarizes this increased support as follows:

i) The Registrar in Bankruptcy handles most of the bankruptcy and insolvency matters for the Court of King’s Bench, ensuring King’s Bench Justices are able to focus on large corporate restructuring receiverships and the most serious, heavily contested *Bankruptcy Act* matters;

ii) Case Management JPs perform resolution and pretrial preparation work in Small Claims matters in most high-volume Small Claims locations across the province, allowing Provincial Court Judges in these locations to focus on civil trial proceedings;

iii) Trial JPs in the larger centres deal with most provincial offence and bylaw matters, allowing Provincial Court Judges in these locations to focus on criminal proceedings; and

iv) Community, Stipend, Hub and Senior JPs consider a large volume of warrant and production order applications at all hours across the province, reducing the load on Provincial Court Judges and allowing them to focus on more serious applications and general warrants that can only be issued by PCJs.

Increased complexity

71. In describing the increased complexity of the work carried out by the JP program, the Association notes that the Registrar in Bankruptcy at the Court of King’s Bench is now a position staffed by a JP.
72. The Association describes an increase in the complexity of Case Management work since the increase in the Small Claims monetary limit, especially given the potential for greater impact for litigants who are often self-represented.
73. Trial JPs are dealing with more complexity in the regulatory and Bylaw courts, according to the Association, including the increased need for interpreters, and

other issues that extend trial time and increase trial issues.

74. The Association says that since Bill S-4, Hub JPs are seeing increasingly complex and lengthy telewarrant applications that require more time to review, and that the review takes place in circumstances in which administrative activity is also taking place.
75. In its Reply submission, the Association points out that the skill level of JPs has increased since the Prosser Commission. Similarly, the areas of the law in which JPs are regularly engaging is continuing to evolve, requiring JPs to monitor and keep abreast of the changes.

Economic Conditions in Saskatchewan

76. The Association is of the view that the Commission should conduct an assessment of the economic conditions likely to prevail for the interval of time until the next commission process. It submits that the Saskatchewan economy is strong and likely to remain so for the foreseeable future, as touted by the Government.
77. Saskatchewan can bear the proposed increase, says the Association.

Delay in Salary Response

78. The Association describes a “trickle-down” process in the JP compensation process by which it takes three years before the salary of a JP reacts to an increase in prices. This is because of the nature of the link between the salaries of JPs, the salaries of PC Judges and the salaries of King’s Bench justices. (For clarity, it should be noted that the salaries of PC Judges are linked to the salaries of King’s Bench justices from the previous year.)
79. This results in a situation, says the Association, in which adjustments to JP salaries to counter the effect of inflation are deferred and, combined with the four-year interval until the next JP Compensation Commission will sit, JPs are thereby disadvantaged.

The Need to Attract and Retain Qualified Candidates

80. The Association refers to the observations made in the context of earlier Provincial Court Commissions regarding the importance of attracting the best, highly qualified candidates to the judiciary and notes that all levels of court in Saskatchewan typically draw from the same candidate pool of Saskatchewan lawyers. This includes candidates to the position of Senior Justices of the Peace performing as Trial JPs, Case Management JPs and the Registrar in Bankruptcy.
81. The Association notes that recruitment and retention of JPs has been an on-going issue. The majority of successful candidates to the JP program are either retiring or transitioning from a previous career and are over the age of 50. Given the requirement to retire at age 70 (other than Relief JPs), this results in a significant turnover rate.

82. The salary paid to JPs should be one that will attract and retain not only candidates who have retired from previous careers, but also younger, mid-career JPs.
83. Overall, the Association submits that the gap between the salaries of JPs and the salaries of PC Court Judges should be reduced so as to provide JPs with a salary that fairly recognizes the contribution that JPs make to the work of the Provincial Court.

Comparators

84. The Association submits that comparisons with the JP programs in other jurisdictions are of limited use for a number of reasons, including differences in compensation systems, work performed, and hours worked. The closest comparator jurisdictions are Ontario, Alberta and British Columbia and there are challenges with respect to each of these as comparators.
 - a. Ontario has a commission process that has been delayed, leaving the salary of Ontario JPs frozen since April 1 of 2022, and thus significantly out of date (at \$172,000). The next Ontario commission will be examining salaries from 2023 through March 2027 and may include retroactive adjustments. The Ontario JP program also provides a defined benefit pension plan and this is a financial advantage to Ontario JPs not shared by Saskatchewan JPs, who are provided a defined contribution pension plan. Finally, Saskatchewan JPs work more hours annually and per week than Ontario JPs.
 - b. British Columbia has a commission process that has historically been “contentious” with successive governments rejecting some or all of the commission’s recommendations, although the most recent recommendations were accepted. Although B.C.’s JPs are paid significantly less in salary dollars, they receive other significant monetary benefits and work significantly fewer hours than Saskatchewan JPs.
 - c. Alberta also has a commission process; it is currently considering salaries for 2021 – 2025, with the last commission recommendations adopted in 2020. Full-time JPs in Alberta work fewer hours than full-time JPs in Saskatchewan.
85. The Association submits that given the differences noted in other JP programs, a better comparison can be made by looking to the salaries of Saskatchewan Senior Crown Counsel.
86. The Association notes that Crown Counsel play an independent role in their legal practices and that Crown prosecutors act as quasi-judicial officers in many respects. Crown Counsel are also exposed to many of the same workplace stressors as JPs. Crown Counsel and JPs both require considerable knowledge of the law and legal

procedures; the basic skill set needed for both positions is similar.

87. The Association submits that Crown Counsel form an obvious candidate pool for potential JP candidates and that the salary must therefore not reflect a significant decrease in salary. Given the increases in salaries for Senior Crown Counsel (Crown 4) over the last 10 years (to \$236,000 in 2023), it will be a deterrent to senior crowns to consider a move to the JP program.
88. In its Reply submission, the Association elaborates on its view of the comparison between JPs and Senior Crown Counsel, noting many parallels between those in the Crown 4 position and JPs, both in terms of personal and professional attributes required and the work done by each group.
89. The Association suggests that in order to recruit Senior Crown Counsel to JP positions, the salary amount offered must be at or above the salaries those candidates are earning in their current employment. In particular, the Association submits that the top of the Senior Crown Counsel salary range is an appropriate comparator.
90. In its Reply, the Association also notes the Government's dismissal of Quebec JPs as a comparator, primarily because of the qualifications required for Presiding JPs in Quebec, which is said to justify the difference in salaries.
91. Presiding JPs in Quebec must have at least 10 years as a lawyer or a notary. The Association notes that while there is no legal requirement for Saskatchewan JPs to be lawyers, by policy, all Senior JPs have a legal background with an average of 31 years of practice. Several other JPs also have a legal background and the training and experience of those who do not, is the equivalent of a law degree, in the Association's submission.
92. The work performed by Quebec's Presiding JPs, their powers and authority are all substantially similar to those of Saskatchewan JPs in the Association's view, making them a potential comparator as well.
93. In summary, the Association submits that the base salary provided to JPs should be increased from 51% of the salary of PC Judges to 59%.

b. Additional Compensation for Supervising JP

94. The Association is requesting an increase in the amount of salary supplement paid to the Supervising JP.
95. The supplements for administrative JP positions arise from the Prosser and Jaspar Commissions; currently, the supplement is 7.5% for the Supervising JP.
96. The Association notes that the supplement percentages for the Supervising JP and the Assistant Supervising JP (5%) were set by the Prosser Commission, largely to be consistent with the salary supplements provided to the Chief Judge of the Provincial Court and the Associate Chief Judges.

97. The Association agrees that the 5% supplement paid to the Assistant Supervising JP is appropriate.
98. The Association notes that the work done by the Supervising JP in Saskatchewan is primarily carried out by PC Judges in other jurisdictions.
99. The Association submits that the Supervising JP should receive a salary supplement of 10%, higher than the supplement provided to the Chief Judge of the Provincial Court of 7.5%. The Association notes that the supplement paid to the Chief Judge results in approximately twice as much as the supplement provided to the Supervising JP in terms of the actual dollar value, given the base salary of the PC Judges.
100. The Association also submits that Provincial Crown Counsel that are assigned management duties also receive a salary supplement, dependent on the number of employees supervised. The positions managing the largest number of employees (more than 12) receive a salary supplement of approximately 8%.
101. The Association submits that the Supervising JP should have a higher supplement than this Crown Counsel position given the additional scope of duties of the Supervising JP. Moreover, the Supervising JP is supervising independent judicial decision-makers rather than employees, justifying a higher percentage.
102. In its Reply submission, the Association sets out the additional factors that it says warrant a higher salary supplement to the Supervising JP:
 - a. The Supervising JP performs different duties than the Chief Judge, including the fact that there are more JPs to supervise than PC Judges, and that they are geographically diverse;
 - b. The Supervising JP serves as the primary mentor for the entire JP group including a substantial legal training component for new JPs. This involves being available and on-call to JPs across the province on a 24/7 basis;
 - c. The Supervising JP is in charge of all training for new and existing JPs. This is “in-house” training developed and delivered by the Supervising JP;
 - d. The supervising JP has limited administrative support and is thus directly involved in administrative activities including payroll, financial auditing and reporting, budgeting and forecasting, administration of benefits and human resources issues, and records management and archiving;
 - e. These duties are in addition to the ordinary operational duties set out in the Association’s primary submissions (summarized at para. 47 of this report), and on top of regular Senior JP work;
 - f. The responsibilities of the Supervising JP require that a cell phone

be carried and lead to considerable on-call time, that the Supervising JP is not compensated for, given the statutory cap on JP salaries. Compensation for on-call time would be a significant amount annually;

- g. The additional duties carried out by the Supervising JP are roughly double those of the Assistant Supervising JP, justifying a supplement of twice the percentage of the Assistant Supervising JP's.

- 103. For all of these reasons, the Association submits that the Supervising JP should receive a salary supplement of 10% over the base salary of a JP.

c. Additional Compensation for Administrative JPs

- 104. The Association explains in its submission that the salary supplement provided to the Supervising JP and the Assistant Supervising JP were set by the Prosser Commission on the basis that they should align with the supplements paid to the Chief Judge and Associate Chief Judges of the Provincial Court.
- 105. When the interim Jaspar Commission sat in 2023, after the establishment of the position of Administrative JP, the Association submitted that the salary supplement for the new position should be the same as the supplement paid to Administrative Judges at the Provincial Court, in keeping with that alignment.
- 106. The Jaspar Commission, however, set the salary supplement for Administrative JPs at 2%, rather than the 2.5% received by Administrative Judges of the Provincial Court.
- 107. The Association says that the administrative work carried out by Administrative JPs is essentially the same as that done by Administrative Judges of the Provincial Court, and that the supplement provided to Administrative JPs should be the same as that provided to Administrative Judges of the Provincial Court, at 2.5%.
- 108. In its Reply, the Association points out that the salary supplement paid to Administrative JPs is for the functions they perform for JP operations in addition to, and not instead of, the regular responsibilities of other JPs.
- 109. The Association disagrees with the Government's position that the work of the Administrative JPs is not comparable to that of Administrative PC Judges, because the work of the PC Judges is of a more serious nature, involving more complex issues than the work of JPs generally.
- 110. The Association submits that the Administrative JPs perform the same administrative functions for JP operations as the Administrative Judges of the Provincial Court, perform for that court. Both, says the Association, play a role as "trouble-shooters" in their respective organizations and for performing the same administrative functions, they should receive the same salary supplement of 2.5%.

d. Government's Pension Contribution

111. The Association draws attention to the fact that previous commissions have used the Senior Crown Counsel pension plan as a comparator in consideration of pension issues. Following the Hood Commission, the Government began making pension contributions on behalf of JPs at the same percentage of pay rate as those made for Crown Counsel. When pension contributions increased to 7.6 % for the Crown in 2016, the Government made a similar change for JPs.
112. When Crown Counsel pension contributions increased to 8.6% in 2020, however, JPs did not receive a similar increase. Likewise, when contributions for Crown Counsel increased to 9% in earlier in 2024, contributions for JPs remained at 7.6%.
113. Accordingly, the Association says that JPs have experienced a shortfall in the Government's pension contributions on their behalf, and the Government has had the benefit of paying lower contributions on behalf of JPs.
114. Although the Association recognizes the Government's intention to increase its pension contributions on behalf of JPs to 9% to match contributions of all out-of-scope employees, it says the shortfall will not be remedied in this way. Rather, the Government contribution for JPs should be increased to 10% for the interval until the next JP Commission.
115. In its Reply, the Association also points out that in 2018, the Government represented to the Prosser Commission that it did not anticipate any changes to the contribution rates for out-of-scope employees, stating that "there were no known plans" to change the rates. Notwithstanding that statement to the Prosser Commission, there have been two increases in pension contributions since then.
116. Making the recommendation that the Government contribution to the JP pension plan be increased to 10% will also take into account the likelihood that Government contributions will increase again in the interim period until the next JP Commission.
117. When the next JP Commission convenes, it can decide whether to make adjustments to the Government's pension contributions at that time.

(3) Rationale for Position on Advisory Matters

a. Short-term Disability Benefits

118. The Association points out that Justices of the Peace have no short-term disability plan. When JPs become ill, they must rely on paid sick days and there are limits to this benefit. Full-time JPs have 15 sick days per year, and unused sick days can be carried over to the next year. When JPs are hired from government service, they may carry over any accumulated sick leave, but most are not hired in that fashion and have only the sick leave benefits accumulated since their appointment as a JP.
119. The Association states that there is often a gap between exhausting sick leave

benefits and the availability of long-term disability benefits. This is especially true for JPs who do not come from a career in the public service. For other judicial officers, such as PC Judges, that gap is commonly bridged with a short-term disability plan, but JPs have no such plan. Significantly, JPs also do not qualify for Employment Insurance.

120. The Association submits that a short-term disability plan similar to the one available to PC Judges via s. 20 of *The Provincial Court Act, 1988* would be appropriate and requests that recommendation from the Commission for full-time and qualifying part-time JPs.
121. In its Reply, the Association points out that short-term disability benefits would provide immediate coverage, financial protection and peace of mind to JPs who experience a gap in income.
122. In response to a question from the Commission, the Association provided a lengthy additional submission advising that there is uncertainty as to whether JPs are entitled to Worker's Compensation Benefits and giving examples of current situations in which JP may not be entitled to such benefits.
123. In addition, the average age of JPs is 60, a time when health issues may begin to arise.
124. The Association provided its perspective on the difficulties posed by the lack of a short-term disability benefit, providing examples of how the scenario might play out depending on a JP's particular situation.
125. The Association also noted that in some situations, the current arrangement to cover the gap between sick leave and long-term benefits would require the Minister to exercise discretion and noted that such discretion could be politicized. This is contrary to the basis for the commission process.

b. Benefits for Relief JP

126. The Association refers to the importance of treating all JPs equally, and says this principle was acknowledged by the Government in its 2023 submissions to the Jasper Commission in 2023.
127. The Association submits that all categories of JPs, including Relief JPs who meet the minimum threshold for benefits of 16 hours per week, should be enrolled in all available JP benefit plans.
128. In its Reply, the Association points out that the Government indicated to the Jasper Commission that this issue could be addressed at the "next regular sitting of the Commission", but that the Government did not address this issue in its submission.
129. The Association refers to its "constant theme" of equality among all categories of JPs and says that the principle applies to Relief JPs as well.

c. Professional Development and Training

130. The Association refers to the need for JPs to keep informed about the latest developments and changes in the law, and other matters affecting the work they perform. JPs must constantly research reported decisions, legal texts and academic discussions, as well as keep up with changes in the legislation relevant to their work.
131. JPs should be given access to the resources they need in order to remain current in their knowledge, and a professional allowance, such as the one that PC Judges receive, would provide for that.
132. The Association notes that JPs in other jurisdictions receive Professional Allowances: \$1250 in Ontario; \$3250 in British Columbia; and \$3500 in Alberta.
133. The Association requests that the Commission recommend a Professional Allowance in an amount that is the same percentage of the Professional Allowance provided to PC Judges, as the percentage of the salary to be recommended for JPs. (The Association is recommending 59% of \$6,000 or \$3540 per year.)
134. In its Reply, the Association points out that the Government acknowledged, at para. 46 of its submission, that the increased training available since the Hub service model was initiated has resulted in “greater professionalism and consistency in decisions by individual justices of the peace.”
135. The Association agrees with this statement and submits that a Professional Allowance will give JPs access to resources that will assist them in maintaining the current level of knowledge required for their work as judicial decision-makers.
136. The Protocol in use by PC Judges for accessing their Professional Allowance would be appropriate.

d. Mental and Physical Health Support

137. The Association points out that JPs can experience a variety of stressors in their work environment. Justices of the Peaces, whether dealing with trials, dealing with victims of interpersonal violence or child exploitation, or issuing warrants or production orders, may be presented with difficult evidence, such as photographs, videos, testimony or descriptions depicting injuries or deaths or offences against children, or other graphic matters.
138. People appearing before JPs may exhibit challenging behaviours that need to be managed, often without legal counsel to assist.
139. The result of all of the exposure to challenging matters has an impact on the mental health and well-being of JPs.
140. After recommendations by both the Hood and Prosser Commissions, JPs have now been enrolled in the Judicial Counselling Program, as the PC Judges have been for some time.

141. The Association says that continued access to this program is essential.
142. In its Reply, the Association asks that the Commission recommend annual meetings between the Government and the Association to discuss the on-going needs of JPs in this area.

e. Parking

143. The Association acknowledges that secure parking in or near court facilities in Regina and Saskatoon is provided to five full-time Senior JPs. Hub JPs in Regina share one after-hours secure parking space. Stipend and Community JPs have no parking at all.
144. The Association points out the safety concern that results from a lack of secure parking, advising that there have been a number of confrontations by members of the public. Hub JPs working evenings and weekends are particularly vulnerable. This is a particular concern in Saskatoon and Regina as JPs in those locations have daily interactions with the public.
145. In addition, the disparate parking situations mean that some JPs pay for secure parking, while others do not.
146. The Association asks that the Commission recommend that the Government provide secure parking spots in or near court facilities for all full-time JPs in Regina and Saskatoon, as well as several more secure spaces that can be shared by part-time JPs working in Saskatoon and Regina.

(4) Position on Costs

147. The Association expects that the matter of costs of participating in the Commission process will be resolved between the parties but asks that the Commission provide an opportunity to make written submissions if need be.

(5) Position on Joint Recommendation

148. In addition to the points referenced in the foregoing paragraphs, the Association describes two “Housekeeping” matters about which the Government advised.
149. The matters are described as errors relating to *pro rata* salaries of JPs and the adoption of the recommendations of the Prosser Commission in 2018. Both errors require amendments to the *JP (Commission) Regulations* to remedy them. The Association joins with the Government in asking that the Commission make recommendations with respect to the necessary amendments.

B. THE GOVERNMENT'S SUBMISSIONS

(1) Position in Brief

150. The Government's position on each of the issues that must or may be considered is set out extensively in its submission and further in its Reply to the Association's submission since the Association's submission raised a number of matters, on which the Government had not commented in its primary submission.
151. In its primary submission on the matters required to be reviewed, the Government submits that:
- a. There should be no change to the 51% rate, relative to the salary of PC Judges, for determination of the annual base salary of JPs;
 - b. There should be no change to the *pro rata* calculations for the daily rate, the half-daily rate and the hourly rate to be applied;
 - c. There should be no change to the additional amounts to be paid to the Supervising JP, the Assistant Supervising JP, or the Administrative JPs;
 - d. There should be no change to the contribution to the PEPP paid by JPs. The contribution paid by the Government to the PEPP on behalf of JPs should increase to 9.0% effective April 1, 2025. Contributions on behalf of Relief JPs should continue to cease at the end of the year in which they turn 71.
 - e. The Government also requests that a "housekeeping" matter be dealt with by way of an advisory recommendation, such that all of the pension contribution rates be placed into one section of the *JP (Compensation) Regulations*, effective April 1, 2025. This would require a recommendation that Cabinet repeal section 14.91 of the *JP Regulations*.
152. In its Reply submission, the Government addressed more fully those required matters raised by the Association in its primary submission that had not been specifically addressed in the Government's primary submission.
153. On the advisory matters, the Government submits in its primary submission that:
- a. Increases to the annual salary paid to JPs should continue to be based on the salary of PC Judges in the previous year;
 - b. Eligibility for benefits should continue to be based on minimum number of hours worked.
 - c. The Commission should recommend two retroactive changes to the *JP (Commission) Regulations* by way of amendments, with the agreement of the Association.
154. In its Reply, the Government responds to the Association's submissions on advisory matters not previously addressed by the Government, and submits that:
- a. There should be no Professional Allowance provided to JPs;
 - b. There is no need for a short-term disability plan for JPs;

- c. There is no need for a benefit plan for Relief JPs;
- d. The Government is already providing JPs with Mental Health Services, and in any event, there can be no direct negotiation between the JPs and the Government by way of an annual discussion about the mental health needs of JPs.
- e. The issue of secure parking is an operational matter not within the scope of the Commission's mandate. The Government proposes the establishment of a committee to discuss improvements to parking security.
- f. The Government also notes two areas where benefits being provided to JPs are not clearly authorized by the *JP Regulations* and requests an advisory recommendation to address the issue.

(2) Rationale For Position on Required Recommendations

a. Base Salary

- 155. The Government submits that the base salary for Saskatchewan JPs should remain at 51% of the salary of the salary of PC Judges. Salaries paid to JPs are directly linked to the second-highest Provincial Court salary in the country (as of October of 2023) and the JPs have thereby had regular annual increases in salary, averaging \$6,303 or 4% since the Prosser Commission recommendations came into effect.
- 156. The direct link to the Provincial Court means that salary for Saskatchewan JPs is the second highest in the country, with only the salary of Quebec's Presiding Justices of the Peace being higher.
- 157. The Government acknowledges that Quebec's Presiding JPs were set to begin receiving \$248,000 in the Summer of 2024, with increases to \$290,900 by July 2026. However, the Government says this is not an appropriate comparator because Quebec's JPs must be lawyers with 10 years of experience, which is the qualification required for a Provincial Court Judge in Saskatchewan. By contrast, there is no legal requirement for Saskatchewan JPs to have any legal training. Although by practice, Senior JPs must now be lawyers, there is no such requirement for Non-senior and Relief JPs.
- 158. The Government points out that leaving Quebec aside, Saskatchewan JPs are the highest paid in the country.
- 159. In looking at other JP salaries across Canada, other provinces are of limited assistance because of the variation in compensation systems.
- 160. The Government points out that the 51% recommended by the Prosser Commission was determined in part as a means of placing Saskatchewan JPs at the approximate mid-point of the national average of JP salaries across the country. This was considered to be an appropriate position in which to place them.
- 161. In its Reply submissions, the Government points out that not only are

Saskatchewan JPs who are lawyers the second-highest paid in the country, but non-lawyer JPs are the highest paid in the country.

162. The Government says that linking the JP salary to that of PC Judges takes into account factors such as inflation and complexity of the work.
163. The Government notes that the Association's request for a rate of 59% would result in a salary increase of \$34,733 or 19.3% in one year and says this is not warranted. Rather the anticipated salary increase of \$5,378 or 3.1% for 2025-2026 is sufficient to safeguard the judicial independence of JPs.
164. The Government notes that this Commission is not a salary arbitration; nor is it meant to give the best possible salary to JPs. Rather the dual linkage to the Provincial Court and from it to the King's Bench, which is the highest trial judge salary in the country, is sufficient to meet the Commission's mandate.
165. The Government sets out projected salaries for JPs under both the current 51% and the requested 59% and points out that the Association's proposal would give JPs the highest salary increase for a judicial position in the history of Saskatchewan, exceeding even that given to the PC Judges after the first full hearing of the Provincial Court Commission in 2001.
166. In responding to the points made by the Association in its submission, the Government addresses the same points.

Inflation and Economic Conditions

167. The Government points out that the Bank of Canada puts the inflation rate currently at 2% and that it is projected to stay there for the next two years. A salary increase of 19.3% is simply not justified in that scenario.
168. Moreover, Canada's inflation rate over the last 40 years has never exceeded 12.12% (in 1981), and the Bank of Canada's target is 1% - 3%. The current salary rate of 51% has led to increases averaging above that.
169. The Government points out that the high inflation rate of 6.32% in 2022 and the low inflation rate of .73% in 2020 were outliers and that the overall ten-year average of 1.57% - 2.49% is more reliable.
170. The Government also suggest that the initial proposal to link the PC Judges salary to that of Justices of the King's Bench drastically reduced the need for the JP Commissions to look into economic conditions.
171. The Government refers to the Prosser Commission's determination that a detailed economic assessment was not necessary given the manner in which JP salaries are now determined and says the Commission need not conduct a detailed economic analysis.
172. One of the reasons for the original proposal to link the salary of the PC Judges to the King's Bench was that the new process would rely on the economic analysis conducted by the federal Quadrennial Commission, which makes recommendations

for federally appointed judges. The Government's intention with that proposal was to ensure judicial independence while streamlining the Commission process.

173. The Government refers to its 2020 submission to the Provincial Court Commission in which it stated:

The Government submits that it is appropriate to streamline the commission process. The extremely detailed salary review may have been needed in the first few iterations of the Commission, but the process has now reached a procedural maturity. If there is a way to simplify the process and reduce the cost, while fully complying with the constitutional mandate for a review process, that should be implemented. (Refer to the Government's Reply at para. 23.)

174. The Government points out that the 2020 Provincial Court Commission accepted that the Quadrennial Commission is required by statute to take into account "the prevailing economic conditions in Canada, including the cost of living, and the overall economic and current financial position of the federal government".
175. The Quadrennial Commission's process, says the Government, takes into account the necessary economic considerations that underlie, in part, the salaries of the Court of King's Bench. The linkage between the salaries provided to judges at the King's Bench, and through it, the salaries of PC Judges, also ensures that those factors in turn underlie the salaries provided to JPs. Thus, it is no longer necessary to conduct a detailed economic review.

Delay in Salary Response

176. The Government says that the percentages of increases to JP salaries over the past 10 years have generally exceeded the rate of inflation each year and disagrees that the salary "lag" as described by the Association is disadvantaging JPs.
177. Rather, the salary for JPs is out-pacing the average annual inflation rate. The Government says this indicates that the analysis of economic factors performed by the Quadrennial Commission gives a reliable basis for the salary increases of JPs. Factors such as inflation are already built into the Quadrennial analysis.
178. In addition, the Government points out that discussing percentage increases masks the fact that when the amount of the base salary increases, so too does the value of a percentage point increase, such that a 1% increase to the base salary in 2023-24 was a larger dollar value than that percentage increase in years past.
179. The salary for Saskatchewan JPs is linked to the highest trial judge salary in Canada. The link ensures, says the Government, that salaries for JPs have increased considerably and will continue to do so.

Comparators

180. The Government disagrees with the use of Senior Crown Counsel salaries as a

comparator.

181. The Government points out that the majority of JPs , 57 of 74 (not counting Relief JPs), are not lawyers. A salary range for lawyers with considerable experience at the Bar is not an appropriate comparator for a group composed largely of non-lawyers.
182. Further, there is no statutory requirement for Senior JPs to be lawyers. The Supervising JP requires Senior JPs to be lawyers by administrative practice only.
183. The statutory framework is that “a JP is a JP” (referring to the 2013 Hood Report at para. 255) and since there is no requirement for any JP to be a lawyer, tying their salary to the Crown 4 salary is not appropriate.

b. *Pro Rata* Calculations

184. The Government submits that there should be no change to the *pro rata* rates by which JPs who work less than full-time are paid.
185. The current rates are:
 - Daily Rate: 1/220 of the annual salary;
 - Half-daily Rate: 1/440 of the annual salary;
 - Hourly Rate: 1/1760 of the annual salary.
186. The Government notes that the basic denominator of 220 is based on the estimated number of sitting days for the Provincial Court and that this is the same estimate used for sitting days for JPs. The rates have been used since they were recommended by the Hood Commission.

c. Additional Compensation for Supervising JP

187. The Government submits that the current additional compensation paid to the Supervising JP (and the Assistant Supervising JP) was set by the Prosser Commission in 2018, based on the determination that it was appropriate to use the same rates as for the Chief Judge of the Provincial Court and the Associate Chief Judge, those being 7.5% and 5% respectively.
188. The Government points out that for 2024 - 2025, those rates amount to an additional \$13,524.83 paid to the Supervising JP and an additional \$9,016.55 to the Assistant Supervising JP and submits the rate should not change.
189. In its Reply, the Government refers to the Association’s position that the rate for the Supervising JP should rise because of the increased administrative workload performed by the Supervising JP. It points out that not all administrative tasks need to be performed by the Supervising JP and suggests that the remedy is to hire more Administrative Assistants, who can take instruction on various tasks from the Supervising JP, carry out those tasks and reduce the administrative workload of the Supervising JP.

d. Additional Compensation for Administrative JPs

190. The Government points out that the amount to be paid to Administrative JPs was only determined after that position was created in 2022, and the rate was set at 2% by the Jaspar Commission in 2023. It notes that the rate was described as a “compromise” by the Jaspar Commission, since the Association was seeking 2.5% and the Government proposed 1.5%.
191. For 2024-2025, the 2% rate amounts to \$3,606.62 in additional compensation for Administrative JPs.
192. In its Reply, the Government submits that there is no basis to depart from that rate as the 2% rate was only set by the Jaspar Commission in 2023 and has only been in effect since July of that year.
193. Accordingly, there has not been sufficient history to determine if the amount provided at 2% is insufficient.

e. Government’s Pension Contribution

194. The Government’s submission sets out the history of the current contributions made to the JPs’ pension plan. It notes that before the Prosser Commission in 2018, the Association and the Government agreed that contribution rates should remain at 5% for contributions by JPs and 7.6% for the Government’s contribution. The main pension issue in 2018 was the expansion of PEPP to all JPs, was agreed upon and ultimately set by regulation.
195. In 2023, the issue before the Jaspar Commission dealt with the pension contributions for Relief JPs. The Jaspar Commission concluded that the contribution rates should be 5% and 7.6% for all JPs, up to the end of the calendar year in which a Relief JP turns 71.
196. Regarding the proposed increase in the Government’s contribution rate, the Government notes that it recently concluded a new collective agreement with the SGEU, bringing in-scope employees’ Government contribution rate to 9%. The Government indicates it will also raise its contribution to out-of-scope employees to 9% effective April 1, 2025, at the start of the new fiscal year.
197. The Government submits, as it did in 2013 and 2018, that the contribution rates by JPs should remain at 5%, and the Government rate should increase to 9% as of April 1, 2025, as it will for out-of-scope employees.
198. In its Reply submission, the Government maintains its proposal to increase its contribution to 9% as of April 1, 2025, which is the same date on which all out-of-scope employees will move to a 9% contribution.
199. The Government points out that previous JP Commissions held that JPs should receive the same Government contributions as out-of-scope public employees and that the recommendation of this Commission should be consistent.

200. The Government submits that the Association’s proposal of a 10% contribution would not have a compensatory effect, as an increase from April 1, 2025, would primarily benefit JPs appointed after that date, who did not experience the lack of an increase from 2020 to 2025.
201. The Government expresses regret that the issue of pension contribution rates for JPs was not reviewed after the 2020 increase in the collective agreement and suggests it was likely an oversight on the part of both the Government and the Association. It suggests there is some onus on beneficiaries of a pension plan to raise concerns at an early date, and the Association did not do so.
202. Further, there is no way to increase the rate retroactively, as that is not allowed under the federal legislation by which the PEPP is governed.
203. The Government proposes a way to address a similar concern should one arise in the future.

f. Consolidation of Regulatory Provisions

204. The Government proposes a “housekeeping” matter relating to the *JP (Commission) Regulations* and the membership of JPs in the PEPP. Due to the staggered implementation of PEPP membership for different categories of JPs in 2013 (Senior JPs), 2019 (Relief JPs) and 2022 (Non-senior JPs), there are two separate provisions in the *JP (Commission) Regulations* and one in the *JP Regulations* setting out the contribution rates.
205. The Government proposes that the three rates should be combined into one provision in the *JP (Commission) Regulations* for reasons of legislative organization and, to be consistent with the constitutional principles governing the compensation of JPs. In particular, the provision relating to Non-senior JPs should be removed from the *JP Regulations*, which are passed by Cabinet.
206. The Government proposes that the Commission renumber s. 8 as s. 8(1), adding terminal dates for those rates as of March 31, 2025. Then, a new subsection (2) would be added to s. 8, setting out the new rates for all three types of Justices of the Peace in one provision, effective April 1, 2025.
207. If the Commission agrees with the Government’s proposal, the Minister will take steps to repeal s. 14.91 of the *JP Regulations*, effective April 1, 2025. The Government requests an advisory recommendation, accordingly.

(3) Rationale For Position on Advisory Matters

a. Timing of Salary Increases

208. The Government anticipated that the Association might raise an issue concerning the timing of salary increases. The Government noted that the timing was set by the

Act and need not be changed. It indicated that it would address the issue further if raised by the Association. As the Association indicated agreement on this issue, the Government did not pursue the issue.

b. Eligibility for Benefits

209. The Government also anticipated that the Association might raise an issue concerning the minimum hours of work necessary to qualify for some of the benefit plans. The Government submitted that minimum hours of work are a normal requirement of benefit plans, across government, and should not be changed. It indicated that it would address the issue further if raised by the Association. The Association did not make submissions on this matter and the Government did not pursue the issue.

c. Professional Allowance

210. In its Reply submission, the Government does not agree that JPs should receive a Professional Allowance, noting that the Professional Allowance of PC Judges includes items such as robes and security systems that do not relate to JPs.
211. The Government submits that if an education allowance is recommended, it should be based on 51% of the PC Judges educational allowance, in alignment with the salary percentage.
212. That would amount to \$1020 per year, which is 51% of the education component of the Professional Allowance of PC Judges.

d. Short-Term Disability Benefits

213. The Government disagrees with the Association's request for short-term disability benefits for JPs. It says that sick leave is the basis for short-term disability coverage.
214. The Government explains that, unlike many employers, the Government does not cap sick leave and allows individuals to accumulate sick leave, such that it can amount to a significant period of time. At the end of the period of sick leave, an employee or a JP can transition to long-term disability.
215. If there is a gap between the end of sick leave and the start of long-term disability, the Government's policy is to provide advances in salary to cover the gap. The Government can rollover sick leave to act as a short-term disability and advance normal salary until the Worker's Compensation Board approves a claim.
216. The Government approach applies to JPs as it does with all in-scope and out-of-scope employees.
217. In response to the Commission's question, the Government advised that it had confirmed with WCB that JPs were entitled to benefits, but that individual claims would still be evaluated with WCB's criteria. The Government also noted that JPs

may request an advance of up to two years of sick leave entitlements and that they also have access to vacation leave and can request a leave of absence without pay.

218. Subsequently, the Government also advised that even new JPs can accumulate a significant number of days that can be used to cover the gap between sick days and long-term coverage. The Government also clarifies the difference between the accumulation and use of calendar days versus work days.

e. Benefits for Relief JPs

219. The Government says that there is no need for Relief JPs to receive additional benefits because they already have access to retirement benefits by virtue of the fact that Relief JPs must be retired JPs. When JPs retire, they have the option to apply as Relief JPs, and to continue the extended health care benefits they received as JPs.
220. In addition, the Government points out that Relief JP is not a full-time position; rather, Relief JPs are appointed to fill in during an absence or because there is urgent need. As such, there is no certainty that any of the four current Relief JPs will be called upon regularly or at all. Accordingly, a benefit plan, beyond the available extended health package available at retirement, for Relief JPs is not warranted.

f. Mental Health Resources

221. The Government describes a new allowance for mental health benefits for provincial employees, effective January 1, 2024. The allowance provides \$2,000 annually for services delivered by a psychologist. This program was changed and added to in June of 2024.
222. JPs are eligible for this mental health allowance. The Government indicates that, by policy, when benefit plans for out-of-scope employees are changed, and benefits are extended, those benefits will automatically be extended to JPs as well.
223. The Government points to the restriction on negotiations between the Government and JPs regarding benefits, and says it cannot meet annually with JPs to discuss potential changes to benefits plans.

g. Parking

224. The Government acknowledges the importance of this issue and the need to protect the safety of all JPS, but says the matter is best dealt with by a joint committee. Moreover, the Government submits that the Commission does not have jurisdiction to deal with the issue as it fits neither into the required matters under s. 10.3(1) of the *Act*, nor into the advisory matters under s. 10.3(3) to be provided by Cabinet regulation under s. 15(d).
225. The Government submits that parking is an aspect of workplace conditions and safety, and not a matter of compensation.

226. The Government also points out that parking is heavily location dependent and tied to the particular buildings involved and their surroundings. There may be no space available or municipal regulations may prohibit expansion of parking.
227. The Government submits that given the range of circumstances, a matter of infrastructure such as this cannot be dealt with by the Commission.
228. Instead, the Government suggests that this issue would be best dealt with by establishing a joint committee and submits that since this is not an issue of compensation, such a committee would not offend the constitutional ban on direct negotiations in relation to matters of compensation.

(4) Request for Advisory Recommendation

229. The Government also notes in its Reply submissions that it has become apparent to the Government that the JPs are currently receiving benefits that are not clearly authorized by the *JP Regulations*, those being the retirement extended health plan and the mental health benefit.
230. To maintain the benefits, the Government requests an advisory recommendation that the Government amend the *JP Regulations* to provide these benefits to JPs on a basis comparable to how they are provided to out-of-scope employees.

(5) Joint Request For Technical Retroactive Amendments

231. The Government describes two technical errors in the *JP (Commission) Regulations* relating to the calculation of the salary for JPs. The Government's submission proposes a remedy by which the parties will make a joint request to the Commission to correct the errors pursuant to s. 10.7 of the *Act*, which incorporates s. 49 of the *Provincial Court Act*.
232. The Government says that correcting these errors by way of retroactive amendments to the *Act* will not change the compensation paid to JPs in the past, but will confirm that the salaries for JPs were properly calculated in accordance with recommendations of earlier JP Commissions.
233. The proposed amendments relate to s.3(1) and s.4 of the *JP (Commission) Regulations*.
234. The Government's submission goes on to explain the nature of the errors, which arose partially as a result of the relationship between the regulations relating to the Provincial Court Commission process and the regulations relating to the JP Compensation Commission process, and partially as a result of the need for the appropriate regulations to be amended when the JP Compensation Commission process makes recommendations that affect those regulations.
235. In the case of s.3(1), the amendment would need to be retroactive to January 31, 2015, when the *Provincial Court Compensation Regulations* were amended pursuant to recommendations of the Provincial Court Compensation Commission

of 2014, resulting in the error.

236. In the case of s.4, the amendment would need to be retroactive to March 31, 2019, when the salary of JPs was raised to 51% of the salary of PC Judges, including the *pro rata* salary rates for JPs working less than full-time. The increase to the *pro rata* salary rate was not properly incorporated into the *JP (Commission) Regulations*.
237. The Government points out that any expenditure of public money needs to be authorized by a statutory appropriation and the errors need to be corrected to ensure that is the case with respect to salary payments recommended by the JP Compensation Commission process in the past and going forward.
238. The Association has been advised of the errors and the Government understands that the Association agrees with the Government's proposal. (As referenced earlier in this report, at paras. 145 and 146, the Association has indicated its agreement with the proposal to recommend the necessary amendments.)

C. QUESTIONS FROM THE COMMISSION

239. In accordance with s.10.5(b) of the Act, the Commission posed several questions to the parties. The questions related to:
- a. the salary of the Registrar of Bankruptcy;
 - b. the Government's proposal to consolidate the contribution rates to the pension plan into a single provision in the *JP (Commission) Regulations*; and
 - c. the nature of the short-term disability benefits currently available to JPs.
240. Each of these questions was answered by both parties, for which the Commission is grateful. The responses are discussed in the portions of this report setting out the submissions of the Parties and the Commission's consideration of the Parties' submissions on the issues to be determined.

VI. COMMISSION'S CONSIDERATION OF THE ISSUES TO BE DETERMINED

A. GENERAL OBSERVATIONS

241. The Commission's mandate has been articulated earlier in this report at paras. 9 – 11. In considering its mandate, and how it applies to the various submissions of the Parties, the Commission had the benefit of those submissions, but also of the analysis carried out by the Prosser Commission and, indeed, the analysis of earlier commissions addressing the compensation to be provided to the judges of the Provincial Court of Saskatchewan.

242. In coming to its recommendations, the Commission has been particularly mindful of the guidance emanating from those earlier commissions and from the jurisprudence on the foundational principle of judicial independence, and of the importance of the commission process in safeguarding that principle.
243. Moreover, the Commission accepts the instruction of the Supreme Court of Canada as set out the report of the Prosser Commission at para. 251:

As a general principle reflected in the statements of the Supreme Court of Canada in the New Brunswick Reference and endorsed by the 2017 Provincial Court Commission:

All relevant issues may be addressed. The process is to be flexible and its purpose is not simply to “update” the previous commission’s report. **However, in the absence of reasons to the contrary, the starting point should be the date of the previous commission’s report.** (para. 14, New Brunswick Reference) [emphasis in Prosser]

244. The Prosser Commission’s restatement of the important principles to be considered in the JP compensation process is set out in paras. 255 – 257 of its report:

255. Fundamentally, the process to be followed by this Commission is one which is to be flexible, not in the nature of an interest-based arbitration, nor for that matter, judicial decision making. In para. 257 of the Hood Commission Report, these important principles were stated:

257 Again, the mandate of this Commission is to make appropriate recommendations, not to compose a report that advocates on behalf of the Association, or that justifies the budget constraints of the Government. Nor is it the responsibility of this Commission to convince the Government to affirm and implement these recommendations. Compliance with constitutional standards is a responsibility that falls on this Commission and the Government. In particular, this Commission must be objective and non-biased to produce a fair analysis, based on review and consideration of relevant factors. However, this Commission cannot ensure that the process is effective in terms of implementing these recommendations. It is the Government’s duty to ensure that the Commission’s recommendations produce meaningful results. This does not mean that the Government must implement all recommendations of this Commission, but the Government must not set them aside lightly and may be required to justify departures from

them.

256. It is important, in order that judicial independence is maintained, the judiciary must enjoy security of tenure, financial security and administrative independence. These important factors are ultimately and, most importantly, to be achieved for the benefit of the public to ensure and maintain the confidence of the in safeguarding the administration of justice.
257. Another fundamental consideration for this Commission is an assessment of whether the constitutional minimum acceptable level of compensation for Justices of the Peace in Saskatchewan has been met.
245. The Commission agrees with the Prosser Commission's summary of the key principles. The Prosser Commission went on to note that the "minimal acceptable level of compensation" for JPs had been met, given the establishment of the base salary for JPs in relation to the salary for PC Judges. This observation was made in consideration of the "fundamental" amendments to the *Act* in 2013 and the resulting report of the Hood Commission.
246. This Commission agrees with that conclusion by the Prosser Commission, particularly in light of the subsequent changes to the Provincial Court compensation process, as established by the 2020 Provincial Court Commission, by which the salaries of the PC Judges are now set at 95% of the salaries of the Justices of the Court of King's Bench, for the previous fiscal year.
247. The Commission is gratified to note that there is significant agreement between the parties on important considerations for this Commission. These include the importance of the work performed by the Justices of the Peace of this province, the fact that much of the work carried out by JPs has been carried out with "greater professionalism and consistency" as a result of the training efforts of the Supervising JP, and the fact that the change to the centralized "Hub" system has brought important improvements to the JP program. In addition, as noted earlier in this report, there is agreement on a number of components of the Commission's mandate, both the matters required to be considered and the advisory matters.
248. The Commission was particularly impressed by the general agreement between the parties on the wide-ranging scope of the work performed by JPs throughout Saskatchewan, whether by JPs located in various communities or centrally, by those JPs working in the Hub context.
249. The Commission notes the Prosser Commission's description of Saskatchewan Justices of the Peace as "truly the 'front line' when it comes to the administration of justice in this Province", often working with minimal facilities and services available to them. This Commission accepts that in most respects, that description remains appropriate.

B. REQUIRED RECOMMENDATIONS

(1) Base Salary

General

250. The annual base salary of Saskatchewan JPs is currently set at 51% of the salary of Provincial Court Judges for the previous fiscal year. The Association seeks to add 8% to that percentage, raising the base salary to 59% of that of the PC Judges, which it says is warranted when key factors are considered. Its rationale is set out extensively in its primary submission and Reply and is summarized earlier in this report, at paras. 64 – 93.
251. The Government's position is that the current 51% rate provides an appropriate level of compensation for Saskatchewan's JPs given the need to safeguard judicial independence. Its rationale is set out in its primary submission and Reply and is summarized in this report, at paras. 155 – 183.

The Commission has considered the submissions of the parties in the context of the relevant jurisprudence and affirms that its primary objective is to determine the salary for JPs that is sufficient to protect the requirement of judicial independence.

No Need for Economic Analysis

252. In considering the issues related to compensation generally, the Commission notes the extensive submissions in which the Association discusses the economic situation in Saskatchewan. In the Commission's view, there is no longer a need for it to conduct a detailed economic analysis. The Commission is confident that the connection between the salaries of JPs, those of PC Judges, and the detailed economic analysis conducted by the Quadrennial Commission to determine the salaries of federally appointed judges, is sufficient to take into account the evolution of various economic factors.
253. This rationale was in effect accepted by the Prosser Commission in noting that the manner in which salaries for JPs were determined (being set as a percentage of the PC Judges' salary) obviated the need for a review of economic conditions since that analysis had already been carried out by the PC Judges compensation commission process.
254. Since the Prosser Commission's report, the process has been simplified to an even greater extent with the salaries of PC Judges now set at 95% of the King's Bench salary, barring extraordinary circumstances. That additional step in the process means that there is no need for an extensive economic analysis.
255. The Commission agrees with the Government that since the Quadrennial Commission's detailed economic analysis underlies the salary of the King's Bench judges, it indirectly underlies the salary of JPs. That methodology provides a better means of ensuring adequate judicial salaries over a four-year period than an attempt to re-do the analysis based on more immediate or short-term considerations.

Delay in Salary Adjustments

256. Although there is some built-in delay in how the analysis of the Quadrennial Commission flows through to the Saskatchewan JPs, the Commission is confident that the system naturally accounts for short-term fluctuations and overall, will successfully ensure adequate salaries for JPs. This is illustrated, in part, by the Government’s Table 5, showing that JP salaries have outpaced inflation on average. In the two recent years when that has not occurred, the Commission agrees that the impact of the COVID pandemic is likely to blame.
257. The Government’s submission contained several other tables showing helpful data in assessing the process to date and in determining the means to meet the objective of identifying a salary that will safeguard judicial independence going forward, taking into account this inherent delay.
258. The Government’s Table 2, in particular, shows a steady increase in the base salaries of JPs since the institution of the Prosser Commission’s recommendation of 51%:

Table 2: Salary Increases for Justices of the Peace under the 51% Rate

Year	Salary	Dollar Increase	Daily Rate	Hourly Rate	% Increase
2019-20	150,854	8,338	685.70	85.71	5.9%
2020-21	155,078	4,224	704.90	88.11	2.8%
2021-22	159,266	4,188	723.94	90.49	2.7%
2022-23	161,655	2,389	734.80	91.85	1.5%
2023-24	174,953	13,298	795.24	99.41	8.2%
2024-25	180,331	5,378	819.68	102.46	3.1%
2025-26 <i>(projected)</i> ^a	185,903	5,572	845.01	105.63	3.1%
2026-27 <i>(projected)</i> ^a	192,202	6,299	873.65	109.21	3.4%
Average Annual Increase (Actual)	—	6,303^b	—	—	4.0%^b
Average Annual Increase (Projected)	—	6,211^c	—	—	3.4%^c

Sources:

- Courts and Community Justice Division, Saskatchewan Justice and Attorney General
- Office of the Commissioner for Federal Judicial Affairs Canada

Explanatory Notes:

- ^a Projected increases for 2025-26 and 2026-27 are in *italics* and are based on the 51% rate and the known salaries for Provincial Court Judges and King’s Bench Judges in 2024-25.
- ^b This Average does not include the projected increases for 2025-26 and 2026-27.
- ^c This Average does include the projected increases for 2025-26 and 2026-27.

259. This data shows an average annual increase of 4% overall in JP salaries, not including a projected 3.1% increase for the 2025/2026 fiscal year that will take the base JP salary to \$185,903.

Relative Position of Saskatchewan JPs

- 260. Based on additional data set out in the Government’s Table 4 (para. 10 of its Reply) the Association’s proposed 59% rate would result in a projected salary increase of 19.3%, a single year increase of \$34,733, taking the base salary to \$215,064. As the Government notes, this would be the highest increase for a judicial position in Saskatchewan’s history.
- 261. The Association says that this increase is warranted and the proposal to maintain the 51% rate is not adequate given the factors that the Commission should incorporate into its analysis, and particularly given the increased volume, complexity and value of the work performed by JPs since the Prosser Commission.
- 262. In considering the various factors discussed by the parties, the Commission feels that one of the most significant is the relative position of JPs in Saskatchewan with respect to JPs in other jurisdictions. Currently, as described by the Government, non-legally trained JPs have the highest level of compensation in the country, and legally trained JPs are second only to Presiding JPs in Quebec.
- 263. The Government’s Table 3 is illustrative:

Table 3: Justices of the Peace Compensation Across Canada

Province/Territory	Salary and Hourly Rates	Comments
Alberta	Full time JPs earn \$151,813 plus 13.1% in lieu of pension. Part-time and ad hoc JPs earn \$962 per 8-hour shift	JPs are also paid shift differentials for evening/night, weekend and holiday shifts, ranging from a weekday evening shift: \$54.25 to a holiday night shift, \$243.19
British Columbia	5 step scale, ranging from \$64,123.59 to \$72,674.35	
Manitoba	\$146,937.45	The salary of Judicial Justices of the Peace is 43% of the Provincial Court Judge salary
New Brunswick ^a	New Brunswick does not currently have the position of Justice of the Peace	New Brunswick has re-established the position of Justice of the Peace, but legislation is not yet in force
Newfoundland and Labrador	Administrative Justices of Peace do not have judicial duties	Only Provincial Court Judges preside over any type of matter. Court employees automatically become JPs when hired and do administrative work. There is no extra pay for the responsibility.

Province/Territory	Salary and Hourly Rates	Comments
Northwest Territories	Administrative JPs receive \$62 each hour to a maximum of \$377 each day; Presiding JPs receive \$73 each hour to a maximum of \$443 each day.	There are no salaried JPs. JPs are part-time and paid honoraria pursuant to s. 2 of the <i>Remuneration and Allowances Regulations</i> , NWT Reg 056-98, as authorised by the Chief Judge
Nova Scotia	The wage for a JP is \$99.84 per hour (effective April 1, 2024)	The rate is 55% of the daily per diem for a Provincial Court Judge. The rate is adjusted each year by an amount equivalent to the Consumer Price Index for the previous 12 months.
Nunavut ^b	Salary range from \$131,767 to \$175,689	JPs are lay appointees, but the 10-step salary range for Crown counsel is used
Ontario ^c	Full-time presiding JPs are paid \$172,010 annually, plus pension and benefits, with 22 vacation days. Non-presiding JPs are paid \$125,137	JPs are lay appointees; no legal experience required
Prince Edward Island	Salary range: \$152,950 to \$157,350 Part-time daily rate: \$695 to \$715	
Quebec ^d	Presiding Justices of the Peace paid \$248,00 effective July 1, 2024, with increases to \$290,900 by July 1, 2026	Presiding Justices of the Peace are all legally trained; must have 10 years at the bar or as a notaire
Yukon	The hourly rate for a presiding JP is \$74,29. There are no current salaried JPs.	There are three tiers of JPs that are paid at three different rates: i) \$47.67 per hour ii) \$53.06 per hour iii) \$74.29 per hour The rates will increase retroactively through a Judicial Compensation Commission recommendation that is pending (and overdue).

Sources:

Unless otherwise stated, data was collected by Saskatchewan Court Operations

and Services

^a Information from the New Brunswick Attorney General office

^b Information from Nunavut Department of Justice

^c [Ontario Court of Justice: The Justice of the Peace Position](#)

^d [“Juges: Québec accepte de hausser leur salaire à 360 000\\$”](#) (*Journal de Quebec*, September 17, 2024)

264. The Commission agrees with the parties that the significant differences across jurisdictions in the qualifications required of JPs, the nature of the work performed, and the manner of determining compensation, limit the usefulness of direct comparisons.
265. The relative position of Saskatchewan JPs is nevertheless striking, particularly considering that the Association’s submission to the Prosser Commission in 2018 was essentially that 51% was the appropriate rate as it represented a rough national average of JP salaries in somewhat comparable jurisdictions. (See the Prosser Commission report at paras. 274 –276)
266. Positioning the Saskatchewan JPs at the approximate mid-point of the rough national average was ultimately a significant factor for the Prosser Commission. That goal is now surpassed by a notable margin.
267. The Commission also notes the Government’s submission that as of October of 2023, the Saskatchewan PC Judges were the second highest paid Provincial Court judges in the country. Since the salary of the PC Judges is linked to the salary of federally appointed judges, that ranking is likely to continue, says the Government, and there will be a “flow-through” effect to the salaries of JPs.
268. The Commission agrees with that analysis.
269. Moreover, although the Commission recognizes that there are several jurisdictions in which JP salaries may increase in the interval until the next commission process, it seems unlikely that those changes will significantly reduce the relative position of Saskatchewan JPs, considering the tie to the PC judges.

Comparison to Senior Crown Counsel

270. The Association’s position is based in part on a comparison to the most Senior Crown Counsel (Crown 4) salaries.
271. The Commission does not accept the Association’s position that Crown 4 salaries provide an appropriate comparator. The Commission is mindful of the fact that most Saskatchewan JPs are not lawyers and agrees in general with the submissions of the Government on this point. This is not to diminish in any way the impressive education and backgrounds of many non-lawyer JPs; they simply do not justify using a Crown 4 salary as a basis for all JPs.

272. In considering the Association’s submissions regarding recent media accounts of salary increases for other groups, such as teachers and SGEU members, the Commission would note the reality that collective bargaining and formal negotiations involve a “give-and-take” process in which something may be gained in one area, such as salaries, but inevitably, something else may be given up. That is a very different process than the compensation commission process.

Increased Volume and Complexity

273. The Commission takes note of the data provided by the Association with respect to the increased volume of work being performed by JPs and appreciates the challenges that this represents. In particular, the Commission is troubled by the delays and backlogs that the Association describes in various aspects of the administration of justice related to the work of JPs.

274. However, in the Commission’s view, an increased volume of work is not a basis to increase salary. Nor is an increase in salary likely to deal with delay caused by an increased workload. The Commission does not see a salary increase as likely to result in an increase in productivity or timeliness on the part of Justices of the Peace. The Commission is confident that JPs are already doing their best to address their assigned work and the delays caused by the increase in volume; an increase in salary is unlikely to change that scenario.

275. The answer to this issue is, in the Commission’s view, related to increasing support for JPs, both in terms of staffing and in terms of resources. As the Government suggests, opening a discussion with Court Services, or other appropriate dialogue, about appointing more JPs would be an appropriate step, as would taking steps to hire more administrative support, if needed.

276. The Commission is also mindful of the increased complexity of the matters falling within the jurisdiction of JPs in Saskatchewan and the Association’s submission that this factor justifies a salary increase.

277. Respectfully, the Commission does not agree.

278. The Commission does note that the Association’s description of the work performed by the various “categories” of JPs in 2024 is not significantly different from the description provided to the Prosser Commission in 2018. This was not determinative in the Commission’s analysis, however.

279. Although the administration of justice in Saskatchewan has inarguably become more complex, and will likely continue to do so, that is undoubtedly true across the spectrum of judicial offices, not only in Saskatchewan, but nation-wide. It is doubtless being experienced by the judges at all levels of Canadian Courts. Likewise, it may well be a factor that has an impact on compensation at all levels of judicial compensation, from the Court of King’s Bench, through the Provincial Court, to the Saskatchewan JPs, all by virtue of the salary linkage, as previously discussed.

280. The same issues leading to increased complexity were discussed and acknowledged by the parties in the proceedings of the 2023 Provincial Court Commission (See the Report of the 2023 Provincial Court Commission at paras. 26 – 33), yet neither the PC Judges nor the Government suggested that those issues of increased complexity constituted “extraordinary circumstances” so as to justify going beyond the 95% presumption.
281. Rather, the Commission feels that increasingly complex legal issues do form a rationale for recruiting more legally trained JPs and for ensuring that all JPs have access to training and educational resources that will assist them in their work.

Recruitment

282. This naturally raises the issue of recruitment of additional JPs and the Association’s submission that the salary must be raised in order to attract qualified candidates.
283. Respectfully, the Commission disagrees with this contention. There is no dispute that the goal is not to attract just any candidate, but to attract highly qualified candidates. The Commission accepts that salary is certainly one aspect of what will draw a candidate, especially a lawyer, to apply for a position as a JP. However, in considering an appropriate level of compensation, so as to contribute meaningfully to recruitment, the Commission considered not only the salary, which will increase to approximately \$185,000, but also the membership in the Public Employees’ Pension Plan, and the comprehensive suite of benefits available to JPs.
284. There are numerous other factors that may influence a given individual to consider applying for any position, including the position of JP. These might include such things as the flexibility to work on a part-time basis, the fact that it is a judicial position with a considerable degree of authority and prestige, and the opportunity to work relatively independently, as opposed to as a member of a large law firm or other legal organization. Such factors may be even more significant for non-lawyers and there is, of course, no legal requirement for JPs to be lawyers.

Registrar in Bankruptcy

285. The Association placed considerable weight on the fact that the position of Registrar in Bankruptcy is now held by a JP, a recent development. The Commission accepts that this position involves complex judicial functions warranting the financial security provided through judicial independence.
286. The Commission notes, however, that while the *JP Regulations* have recently been amended to allow a JP to fulfill the role of Registrar in Bankruptcy, there is no suggestion by the Association that other JPs will be required to perform this function in the place of the current Registrar, such as by way of a rotation. In fact, the *JP Regulations* provide that the appointment of a JP as Registrar in Bankruptcy will only take place at the request of the Chief Justice of the King’s Bench; the power to make that appointment is vested in the Court of King’s Bench pursuant to s. 184 of the *Bankruptcy and Insolvency Act*. In other words, this is a unique

position.

287. Moreover, the Commission questioned the parties regarding the salary of the Registrar in Bankruptcy prior to the position being moved into the JP contingent. In response, the Government advised that, prior to the appointment of the current Registrar, the position of Registrar in Bankruptcy had been assigned a salary at the “Crown 2” range, which in fiscal year 2023-24 was a range of \$122,608 to \$156,484.
288. The Government also advised that the previous holder of the position, “prior to the appointment of the current Registrar as a Justice of the Peace”, was paid \$129,796 in 2022-23.
289. The Commission understands that the current Registrar in Bankruptcy was appointed in April of this year and works on a full-time basis. The Government confirmed that the Registrar is not responsible for other duties regularly assigned to Senior JPs, such as Traffic Court.
290. The base salary for JPs at the time of the current Registrar’s appointment had just increased to \$180,331. By virtue of the appointment of the Registrar in Bankruptcy as a JP, the salary provided to the holder of that position would seem to have increased substantially from what it would have been prior to that dual appointment, potentially by as much as \$50,000.
291. The Commission does not see the appointment of the Registrar in Bankruptcy as a JP as the basis to increase the base salary of JPs from the 51% rate.
292. Lastly, the Commission notes that a factor in the Prosser Commission’s analysis when recommending an increase to 51% was the lengthy period between JP Commissions, which at that time was six years. Since that time, the interval has been reduced to four years, to follow the Provincial Court commission process.
293. Taking all of these various factors into account and considering all of the submissions of both the Government and the Association, the Commission is satisfied that the current base salary rate of 51%, tied as it is to the Provincial Court and from there to the King’s Bench, is sufficient to meet the constitutional requirement for the financial security of JPs in Saskatchewan and safeguard judicial independence. Nor does it amount to a “wage freeze” as shown in Table 2.
294. The Commission recommends that the base salary for Justices of the Peace continue at the level of 51% of the salaries of the Judges of the Provincial Court.

(2) *Pro Rata* Calculations

295. The Parties were in agreement that the *pro rata* calculations for compensation to JPs working less than full-time should continue unchanged.
296. The Commission agrees with the Parties that there should be no change to the *pro*

rata calculations and makes no recommendation in that regard.

(3) Additional Amount for the Supervising JP

297. The Supervising JP currently receives a salary “supplement” of 7.5% above the JP base salary. This is modelled after and aligned with the 7.5% supplement received by the Chief Judge of the Provincial Court. It was set by the Prosser Commission in 2018 after considering the Association’s submissions that the Supervising JP should receive a salary supplement of 10%.
298. Before this Commission, the Association repeated its submission that the Supervising JP should receive a 10% salary supplement. The Association acknowledged that this is a higher supplement than that received by the Chief Judge of the Provincial Court, but says it is warranted based on the broad scope and challenging nature of the work done by the Supervising JP.
299. The Association also pointed out that before the Prosser Commission in 2018, the Government’s position was that the Supervising JP should receive the same salary supplement as the Chief Judge of the Provincial Court because the duties carried out by each are similar. This position was highlighted in the Prosser Commission’s Report (See para. 288 of the Prosser Report).
300. The Association described what it described as significant differences in the scope of the work being performed by the Supervising JP as compared to the Chief Judge of the Provincial Court, referencing various factors including the limited administrative support the Supervising JP receives.
301. The Commission is not persuaded that there is a basis to depart from the current supplement paid to the Supervising JP of 7.5% above base salary.
302. The Commission agrees with the Government’s submission that the supplement of 7.5% paid to the Supervising JP should continue on the basis of the similarity between the roles of the Chief Judge of the Provincial Court and the Supervising JP.
303. Although the Commission accepts that there are differences between the role of the Supervising JP and that of the Chief Judge, in the Commission’s view, those differences are likely related to the nature of their respective judicial “programs” and their roles within them. The Provincial Court and the Justice of the Peace program have many similarities, but also many differences and a direct comparison is not altogether possible.
304. If the Supervising JP’s workload has significantly increased, the Commission agrees that not all tasks need to be, or should be, performed by the Supervising JP. Rather, at least part of the solution is to hire more administrative assistants who can doubtless assume many tasks under the direction of the Supervising JP and, in general, provide administrative assistance.
305. It is also noteworthy that while the Supervising JP may carry out different functions

in that role from those functions carried out by the Chief Judge of the Provincial Court, ultimate legislative responsibility for the operation of the Justices of the Peace program falls to the Chief Judge of the Provincial Court pursuant to s. 13(1) of the *Act*. That section provides that the Chief Judge has "general direction and supervision over the duties and sittings of the Justices of the Peace."

306. Accordingly, the Commission recommends that there be no change to the additional amount paid to the Supervising JP.

(4) Additional Amount for the Assistant Supervising JP

307. The Parties are in agreement that it is appropriate for the Assistant Supervising JP to receive a salary supplement of 5% in recognition of the administrative work carried out by the JP who holds that position.
308. The Commission agrees and recommends that there be no change to the additional amount paid to the Assistant Supervising JP.

(5) Additional Amount for Administrative JPs

309. The current salary supplement paid to Administrative JPs is 2%. The Association submits it should be increased to 2.5% in accordance with the notion that there should be consistency between the Provincial Court and the Justices of the Peace in terms of compensation for additional responsibilities.
310. The Government's position is that since the 2% supplement for Administrative JPs has only been paid since July of 2023, following the report of the Interim Jaspar Commission, there has not been enough time to determine that the amount is insufficient.
311. The Commission disagrees with the Government. The Commission sees no basis to depart from the principle that the salary supplements for the members of the Justices of the Peace "management team" should be consistent with those of the Provincial Court's Chief Judge, Associate Chief Judges and Administrative Judges.
312. While it is true that the nature of matters dealt with by the Provincial Court is generally of a more serious nature than the matters dealt with by the Justice of the Peace program, the general administrative work carried out by both Administrative Judges and Administrative JPs is nevertheless likely to be very similar.
313. Looking at the report of the Jaspar Commission, this Commission notes the observation of Commissioner Jaspar regarding the two roles, at para. 17:

The Justices of the Peace Amendment Act creates the new "Administrative Justice of the Peace" position. An Administrative Justice of the Peace will be a person who is already a Justice of the Peace and is assigned administrative duties to support the Supervising Justice of the Peace. **This is similar to an**

administrative judge in Provincial Court, who assists the Chief Judge to manage court operations in the province. (Emphasis added)

314. Commissioner Jaspar then went on to describe its 2% recommendation as a compromise. Respectfully, this Commission sees no reason at this time for such a compromise on this issue. It conflicts with the overall approach to recognize consistency on this issue as between the Justice of the Peace program and the Provincial Court. The Commission recommends that the Administrative JPs receive a salary supplement of 2.5%.

(6) Pension Contributions

315. The Parties are in agreement that the contribution made by JPs to the PEPP should remain at 5% and the Commission recommends no change in that regard.
316. As for the Government's contribution, it currently contributes 7.6% to the PEPP on behalf of JPs. It proposes to increase that rate to 9%, the same as out-of-scope public employees, effective April 1, 2025.
317. According to the Government's submissions, the contribution rates were originally set in 2013, with scheduled increases, despite the Association's submission at that time that the contribution should be 10%. The rate of 7.6% was agreed upon in the 2018 commission process when the main pension issue was the inclusion of all JPs in PEPP. The Jaspar Commission heard no submissions on this point and made no change to the rate of contribution, which has stayed at 7.6% since 2016.
318. The Association's concern stems from the fact that the Government increased its pension contribution for Crown Counsel to 8.6% in 2020, and then to 9% in 2024, but the contribution made to JPs did not change.
319. For this reason, the Association's position is that its members have suffered a shortfall that should be addressed by increasing the Government's contribution to PEPP on behalf of JPs to 10%. This, says the Association, would compensate for the shortfall and address the potential for future changes to PEPP contributions.
320. The Commission notes, however, that while the situation could be described as a "shortfall" in comparison to the increase provided to Crown Counsel in 2020, the Prosser Commission noted in its Report that the Parties were in agreement "that there should be no change to the PEPP contribution rates" in 2018, and as a result, specifically recommended that there be "no change" to the Government's contribution rate of 7.6%. Thereafter, the Jaspar Commission did not address the Government contribution rate, as it was not raised by either of the Parties. Thus, it is likely not correct to refer to a "shortfall", as there had not been any agreement or recommendation relating to pension contribution rates for 2020 or the following years.
321. The Government has expressed regret that the issue of contribution rates was not reviewed with the JPs when collective bargaining in 2020 led to an increase to

8.6% for public employees. The failure to do so appears to have been an oversight.

322. The Government also explained why the Association’s submission that a contribution rate of 10% would compensate for the failure to increase the rate in 2020 is incorrect. (See para. 60 of the Government’s Reply)
323. The Commission understands that this oversight would be a source of concern and frustration to the Association. However, the Commission accepts the Government’s explanation and expression of regret. The Commission also agrees that it would be prudent for the Association to monitor such important issues going forward and to raise concerns as early as possible.
324. The Commission agrees with the Government that increasing the Government contribution to PEPP on behalf of JPs to 10% would not likely have the compensatory effect proposed. The Commission agrees with the reasons set out at para. 60 of the Government’s Reply.
325. Accordingly, the Commission recommends that the contribution of the Government to PEPP on behalf of JPs should increase to 9% effective April 1, 2025.

(7) Consolidation of Regulatory Provisions on Contribution Rates

326. The Government proposes that the Commission address a “housekeeping matter”, that being the consolidation of all of the pension contribution rates for all JPs into a single provision in the *JP (Commission) Regulations*.
327. This issue arises as a result of the staggered implementation of PEPP membership over a number of years, leading to separate provisions in the *JP (Commission) Regulations* (Senior JPs in 2013), the *JP Regulations* (Non-senior JPs in 2019), and the interim *JP (Commission) Regulations* (Relief JPs in 2023).
328. The Government submits that consolidation of these provisions is a matter of legislative organization, but also a matter of respecting the relevant constitutional principles.
329. This reorganization will require a repeal of s. 14.91 of the *JP Regulations*, effective April 1, 2025, along with the consolidation.
330. The Commission agrees with the Government and does recommend the consolidation and repeal requested. As such, the *JP (Commission) Regulations* should be amended as proposed by the Government at para. 154 of its primary submission. The Commission also recommends, on an advisory basis, that the Minister take steps to repeal s. 14.91 of the *JP Regulations*, effective April 1, 2025.
331. In response to a question from the Commission, the parties confirmed that while the request does not require the consent of the Association, it is in agreement with the Government on this issue.

C. ADVISORY RECOMMENDATIONS

(1) Timing of Salary Increases

332. The Government raised this issue in anticipation of a submission by the Association. No such submission was made and the Commission recommends no change to the timing of increases to the salaries of JPs.

(2) Eligibility for Benefits

333. The Government also raised this issue in anticipation of a submission by the Association; however, the Association did not raise the matter. The Commission recommends no change to the minimum hours of work necessary to qualify for benefits.

(3) Short-term Disability Benefits

334. On this issue, the Commission notes initially that in asking a poorly articulated question on the matter, the Commission inadvertently opened a door that led to fairly extensive additional submissions from both the Association and the Government, going beyond the primary and Reply submissions, and beyond the question asked by the Commission. The additional submissions were also provided to the Commission very late in the day, well after the filing deadlines agreed upon. This was unfortunate and unnecessary. The Commission's recommendation on this issue is largely based on the original submissions of the Parties. Neither the additional submissions of the Association, nor those of the Government changed the Commission's proposed recommendation.
335. In considering all of the various points raised by the parties, the Commission is persuaded that there is no real basis to distinguish between PC Judges and JPs in terms of the short-term disability benefits available to them. Indeed, the Government's own Reply seems to make that point, in submitting that "in the area of pensions and benefits, there is a strong preference for consistency in approach with government provided benefit agencies, including benefits to Justices of the Peace", in order to avoid different benefits being offered for different positions. Likewise, the Government notes that "wherever possible, the Government has a strong preference for using the same principles and conditions for all benefit plans." (See paras. 3 and 4 of the Government's Reply.)
336. Although the Government may have been making this submission for a different purpose, the Commission finds that the comment is appropriate in considering this issue.
337. The Commission recognizes that there are many different scenarios that may arise and lead to a JP's inability to work and need for support. Those scenarios may encompass many different variables and depend on factors such as age, personal circumstances, career or employment history, length of time since appointment as a

JP and others.

338. The Commission's view on this issue is that JPs should not be in a different situation than PC Judges. JPs should not have to use up vacation leave to ensure they have an income during a period of temporary disability that extends beyond their available sick days. Nor should they have to take lengthy advances on sick days, which might end up prejudicing their ability to deal with future illness or injury, or take an unpaid leave. It is also concerning that a JP may need to go to the Minister and essentially ask for a discretionary "favour" in order to secure additional paid time off. It is not appropriate, in the Commission's view, for this particular aspect of the Compensation and Benefits package for JPs to be dependent on a potentially political decision.
339. Accordingly, the Commission recommends that a Short-term Disability plan be established for full-time Justices of the Peace, modelled after the plan available to Provincial Court Judges.

(4) Professional Allowance

340. The Commission notes the reference in the submissions of both the Government and the Association to a "Professional Allowance." The Government, however, makes a distinction between a Professional Allowance as requested by the Association and an "Educational Allowance" such as was recently recommended by the 2023 Provincial Court Commission.
341. The Commission agrees with that distinction and notes that the Association is essentially referring to an Educational Allowance although not by that name.
342. The Commission agrees with the Government that JPs do not require a Professional Allowance similar to that provided to PC Judges, as there are specific items that are contemplated by that allowance that are not required by JPs.
343. The Commission agrees with the Association, however, that JPs would benefit from having access to resources that will enhance their "currency of knowledge", so as to enable them to keep abreast of the many changes that they may encounter in the performance of their duties. The Commission is cognizant of the fact that the Supervising JP arranges for and provides in-house training for JPs. Like other judicial decision-makers, however, JPs would benefit from having available a fund that could be used to pay for registration at an external course or training program related to their work, or for the purchase of books or other resource material that will assist them in the performance of their duties.
344. While the Association suggests that an allowance for JPs should be modelled after the Professional Allowance available to PC Judges, the Commission recommends that a specific Educational Allowance, comparable to the allowance contemplated in s. 6(4) of *The Provincial Court Compensation Regulations*, would be most appropriate.

345. This Educational Allowance should be based on 51% of the Educational Allowance recommended for PC Judges, consistent with the salary relationship between JPs and PC Judges. Accordingly, the Commission recommends an accountable Educational Allowance on that basis for full-time JPs, or an appropriate *pro rata* amount, be available for JPs.

(5) Benefits for Relief Justices of the Peace

346. The Association submits that Relief JPs should be provided with the benefits available to other JPs, in keeping with the proposition that all JPs should be entitled to the same benefits. The Government's position is that Relief JPs, who must be retired JPs, already have access to retirement benefits and no change is needed.

347. Relief JPs, as retired JPs, have the ability to extend their health benefit based on their service as a JP and any prior public service. Currently, there are only four Relief JPs and they are only called upon in specific circumstances. They may have few or even no qualifying hours of service.

348. The Commission agrees with the Government that the access to extended health care benefits is sufficient in this current scenario.

(6) Mental Health Supports

349. There is no dispute that JPs may be subjected to a number of factors in the context of their workplaces or operations that may present challenges to their mental health. The Parties agree that JPs are now receiving access to the mental health supports available through the Judicial Counselling Program, as recommended by both the Hood Commission and the Prosser Commission. The Association is not requesting additional benefits at this time, but requests a recommendation that the Government meet annually with the Association to discuss on-going needs in this area.

350. The Commission sees no need for such discussion since the current benefit appears to be satisfactory to both the Government and the Association. The Commission is also concerned that such a discussion risks running afoul of the prohibition against Government "negotiating" with JPs. Any changes to this program or to the needs of JPs in this area should be dealt with through the commission process, not by way of negotiation or discussion between the Parties.

(7) Parking

351. It is noteworthy that the Government "acknowledges the importance of this issue" and agrees with "the need to protect the safety of all Justices of the Peace."

352. The Commission also acknowledges the concerns that the Association describes regarding the security challenges facing many JPs. These challenges arise from the nature of their work, the locations that many of them must work in, and the

vulnerability that results from this context. The Commission agrees that there should be some form of assistance for JPs who do not have secure parking.

353. The Commission also agrees, however, that this issue is not a matter of “compensation” or a “benefit” falling into either the required aspect of the Commission’s mandate, or the advisory aspect. Rather, the Commission agrees with the Government that this issue is really an aspect of the workplace conditions or environment that JPs must deal with, and the right of JPs to safety in their workplaces, regardless of location.
354. As such, the Commission agrees with the Government’s suggestion that a joint committee, with representatives from the Association and from Court Services, would be an appropriate means of addressing this concern. The Commission hopes that the Parties will be able to address the problem.

D. JOINT REQUEST FOR TECHNICAL RETROACTIVE AMENDMENTS

355. As referred to earlier in this Report, the Parties are in agreement that there are two technical errors in the *JP (Commission) Regulations* relating to the calculation of salaries for JPs and that the Commission should make retroactive amendments to those regulations in order to correct the errors. The two errors are found in s. 3(1) and s. 4 of the *JP (Commission) Regulations*.
356. As the Government explains in its submission, the amendments will not change the compensation paid to JPs in the past but will confirm that salaries paid in the past were properly calculated.
357. The Government sets out in detail the explanation of the errors (at paras. 158 – 186 of its primary submission), which will not be repeated here. It suffices to say that in the case of s. 3(1), the technical error dates back to 2014 and that the corrective amendment would need to be retroactive to January 31, 2015. In the case of s. 4, the error dates back to 2019 and the corrective amendments would need to be retroactive to March 31, 2019.
358. Such retroactive amendments to the *JP (Commission) Regulations* are authorized by s. 10.7 of the Act, which incorporates by reference s.49 of the *Provincial Court Act*; that provision states:

- 49(1) At any time during the term of the members of a commission:
- (a) the minister and the association may make a joint request to the commission to amend a commission regulation; and
 - (b) the commission may amend the commission regulation in accordance with that joint request or in any other manner that it considers appropriate.

- (2) An amending regulation made pursuant to subsection (1) may be made

retroactive to a day not earlier than the day on which the regulation being amended came into force or was deemed to have come into force.

359. Although this provision does not appear to have been utilized to make retroactive changes in the past, the Government submits that both requirements of this section of the Provincial Court Act are met and the Association, as noted, is in agreement with the proposal. The Government has helpfully provided proposed text for the amendments in its submission, as follows:

- a. Section 3(1) of the *JP (Commission) Regulations* be amended by striking out “subsection 3(2) of *The Provincial Court Compensation Regulations*” and replacing it with “section 3 of *The Provincial Court Compensation Regulations*”;
- b. Sections 4(1) and 4(2) of the *JP (Commission) Regulations* be amended by adding terminal dates of March 31, 2019, and by enacting two new provisions, s. 4(1.1) and 4(2.1), basing the pro rata formula on the 51% rate from April 1, 2019, onwards.

360. Accordingly, the Commission agrees with the Parties that it is appropriate for the Commission to address these errors in the manner proposed and is pleased to do so.

E. REQUEST FOR ADVISORY RECOMMENDATION

361. In its Reply, the Government describes another error that has recently come to light. The Government describes two areas where JPs are currently receiving benefits that are not clearly authorized by the *JP Regulations*: a. the retirement extended health plan, and b. the mental health benefit, both of which appear to have been extended to JPs automatically.

362. To correct this error and maintain these benefits, the Government asks the Commission to give an advisory recommendation that the *JP Regulations* should be amended to provide these benefits, in a comparable fashion to how they are provided to out-of-scope employees.

363. The Commission agrees that the *JP Regulations* should be amended in this fashion and recommends that the Government take immediate steps to do so.

F. COSTS

364. The Government made no submission on the issue of Costs, but the Association requested the opportunity to make additional submissions if the matter could not be resolved between the Parties.

365. The Commission will be pleased to assist in any resolution process that the Parties

find appropriate, if need be.

VII. SUMMARY OF THE COMMISSION'S RECOMMENDATIONS

A. RECOMMENDATIONS ON MATTERS REQUIRED TO BE CONSIDERED

366. In summary, the Commission is pleased to make the following recommendations on the matters that it is required to consider:

- (1) There should be no change to the determination of the annual salary for Justices of the Peace, based on 51% of the salary of Provincial Court Judges;
- (2) There should be no change to the *pro rata* calculations made for Justices of the Peace who do not work on a full-time basis;
- (3) There should be no change to the additional amount paid to the Supervising Justice of the Peace;
- (4) There should be no change to the additional amount paid to the Assistant Supervising Justice of the Peace;
- (5) The additional amount paid to the Administrative Justices of the Peace should increase to 2.5% of the annual salary, effective April 1, 2025;
- (6) There should be no change to the amount contributed to the Public Employees Pension Plan by Justices of the Peace;
- (7) The amount contributed to the Public Employees Pension Plan by the Government, on behalf of Justices of the Peace, should increase to 9%, effective April 1, 2025;
- (8) The Commission recommends that the contribution rates for contributions to the Public Employees Pension Plan on behalf of all Justices of the Peace should be consolidated into a single provision of the *Justices of the Peace (Commission) Regulations*. To comply with the Commission's recommendation, s. 8 of the *Justices of the Peace (Commission) Regulations* should be amended as recommended by the Government at paragraph 154 of its primary submission.
- (9) In conjunction with the recommendation set out as (8) above, the Commission recommends that the Minister responsible take steps to repeal s. 14.91 of the *Justices of the Peace Regulations*, effective April 1, 2025.

B. ADVISORY RECOMMENDATIONS

367. The following are the Commission’s recommendations in summary form with respect to the matters that it may, but is not required, to consider:

- (1) The Commission recommends that all full-time Justices of the Peace have access to a Short-term Disability Allowance, on a similar basis as that available to the Judges of the Provincial Court;
- (2) The Commission recommends that Justices of the Peace have access to an accountable Educational Allowance that represents 51% of the Educational Allowance to which the Judges of the Provincial Court are entitled by virtue of ss. 6(4) of *The Provincial Court Compensation Regulations*, for full-time Justices of the Peace, or a portion of that allowance, pro-rated to the salary of any Justices of the Peace who are not engaged in their duties on a full-time basis;
- (3) The Commission recommends no change to the benefits to which Relief Justices of the Peace are entitled;
- (4) The Commission recommends no change to the mental health resources currently being made available to Justices of the Peace.

C. JOINT REQUEST BY THE GOVERNMENT AND THE ASSOCIATION

368. In response to the joint request made by the Parties, the Commission recommends that the *Justice of the Peace (Commission) Regulations* be retroactively amended as follows:

- a. Section 3(1) of the *Justices of the Peace (Commission) Regulations* be amended by striking out “subsection 3(2) of *The Provincial Court Compensation Regulations*” and replacing it with “section 3 of *The Provincial Court Compensation Regulations*”;
- b. Sections 4(1) and 4(2) of the *Justice of the Peace (Commission) Regulations* be amended by adding terminal dates of March 31, 2019, and by enacting two new provisions, s. 4(1.1) and 4(2.1),

basing the *pro rata* formula on the 51% rate from April 1, 2019 onwards.

D. ADDITIONAL ADVISORY RECOMMENDATION

369. In response to the Government's request, the Commission recommends that the *Justices of the Peace Regulations* be amended to confirm the entitlement of Justices of the Peace to a retirement extended health plan and to a mental health benefit.

V. CLOSING REMARKS

370. The commission process is an important tool in maintaining the confidence of the public in the administration of justice. The Commission was privileged to participate in the process and wishes to thank the Association and the Government for their participation in the process and for their comprehensive submissions.

DATED at Saskatoon, Saskatchewan effective this 31st day of December, 2024.



**Michelle J.
Ouellette K.C.
Chair**