

IN THE MATTER OF AN INTEREST ARBITRATION

BETWEEN:

The Province of Manitoba

and

The Manitoba Association of Crown Attorneys

Before: William Kaplan
Sole Arbitrator

Appearances

For the Province: Keith D. LaBossiere
Miranda D. Grayson
Thompson Dorfman Sweatman LLP
Barristers & Solicitors

For the Association: Shannon Carson
Joel Deeley
Myers LLP
Barristers & Solicitors

The matters in dispute proceeded to a hearing in Winnipeg on February 8, 2024.

Introduction

The Manitoba Association of Crown Attorneys (MACA) represents approximately 250 Crown Attorneys employed by the Province of Manitoba (Province). MACA was initially formed in 1974 and voluntarily recognized as the bargaining agent of its Crown Attorneys in September of 1975.

MACA's members work across one of four branches of Manitoba Justice:

- Manitoba Prosecution Services;
- Legal Services Branch;
- Office of the Legislative Counsel; and
- Office of the Public Guardian and Trustee.

The vast majority of MACA's members are Prosecutors working in Manitoba Prosecution Services. The next largest proportion of MACA's members work in Legal Services Branch across one of six groups – Family Law, Constitutional Law, Corporate Commercial and Information Technology, Aboriginal and Natural Resources Law, Crown Law, and Litigation. The remainder are divided between the Office of the Legislative Counsel and the Office of the Public Guardian and Trustee.

The previous collective agreement expired March 25, 2022. MACA and the Province initiated bargaining in March 2022. Over the course of negotiations, the parties reached agreement on a number of items. On January 26, 2023, MACA gave the Province notice that it intended to settle the terms of a renewed agreement through interest arbitration in accordance with Memorandum of Agreement #2. The outstanding matters in dispute proceeded to a hearing held in Winnipeg on February 8, 2024. Any Province or MACA proposal not specifically addressed in this award is

dismissed. The collective agreement settled by this award shall, therefore, consist of the agreed-upon items, the awarded items and the unamended provisions of the previous collective agreement.

Submission of the Parties

The parties filed extensive and detailed submissions in this matter. The Province acknowledged the meaningful contributions of MACA's members to the justice system in Manitoba. On the one hand, MACA asserted that comparison with salaries of other Crown Attorneys, workload, recruitment and retention, together with inflation justified significant wage increases. On the other, the Province did not accept that there were recruitment and retention issues and submitted that many of MACA's financial proposals were both unprecedented and unaffordable.

The parties' respective positions have been considered in detail. All relevant criteria have been carefully considered, especially replication of free collective bargaining. The following are awarded.

Award

Wages and Term

A five-year agreement is awarded with a term of March 26, 2022 to March 19, 2027. The agreement shall include the following General Wage Increases (GWIs):

- March 26, 2022 – 2.45% GWI (2.0% GWI plus 0.45% in recognition of the difference in GWIs awarded to the MGEU in the Government Employees' Master Agreement (GEMA) and MACA in 2021.)
- March 25, 2023 – 2.5% GWI

- March 23, 2024 – 2.75% GWI
- March 22, 2025 – 3.0% GWI
- March 21, 2026 – 3.0% GWI

In addition to the foregoing GWIs, the following salary adjustments are awarded:

- Effective the first day of the biweekly pay period following October 1, 2022, a new maximum step shall be added to each classification's pay scale that is 4% above the current maximum step, and the bottom step of each pay scale shall be deleted. Each Crown Attorney in active service as of the date of these changes shall automatically advance one step in their respective classification's pay scale. Those Crown Attorneys who are on leave as of the date of this Award, who subsequently return to active service, shall receive the adjustment on the date of their return.
- Effective the first day of the biweekly pay period following October 1, 2024, a new maximum step shall be added to the pay scales for each of LF3, LFS and LF4 classifications that is 4% above the then-current maximum.
- Effective the first day of the biweekly pay period following October 1, 2024, a 1.5% recruitment and retention special wage adjustment shall be applied to the pay scales for each of the LF1 and LF2 classifications.

Long Service Step

The Province's proposal for the introduction of a 2% Long Service Step is awarded:

:08 Effective the first day of the bi-weekly pay period following October 1, 2023, employees who meet the following criteria shall be eligible for the Long Service Step identified in the pay plan for each classification:

- (i) Twenty (20) or more years of calendar service; and
- (ii) The employee has been at the maximum step of their pay range for a minimum of 12 consecutive months;
- (iii) Eligibility for the Long Service Step is subject to Article 7 – Performance Evaluation

:09 Employees who do not meet the above criteria on the first day of the bi-weekly pay period following October 1, 2023 shall be eligible for the Long Service Step on the employee's anniversary date in which the employee meets all of the conditions outlined in :08 above.

Signing Bonus

A signing bonus is awarded for all Crown Attorneys in active service effective as of the date of this Award. Those Crown Attorneys who are on leave as of the date of this Award, who subsequently return to active service, shall receive the signing bonus effective the date of their return. The signing bonus shall be in the amount of \$1,800 for full-time Crown Attorneys and \$900 for part-time Crown Attorneys.

Article 1 - Interpretation

The Province's proposal to delete Article 1.01(j) is agreed to by MACA and is awarded.

Article 10 – Termination, Suspension & Disciplinary Action

The Province's proposal to revise Article 10 is agreed to by MACA and is awarded.

Article 13 – Hours of Work

MACA's proposal to revise Article 13:02 as follows is awarded:

13:02 Where ~~under special circumstances~~ an employee is required to work excessive periods of time beyond the normal expectations or requirements of the position, the appropriate Director, the Public **Guardian and** Trustee, or the Legislative Counsel, on their own initiative or upon the recommendation of the immediate supervising authority, if such immediate supervising authority is in existence, ~~may~~ **shall** approve and grant reasonable time off with pay to the affected employee **at a mutually agreeable time, taking into account the operational needs of the Branch and the interests of the Crown Attorney.**

Article 18 – Holidays

The Province has agreed to MACA's proposal to revise Article 18:01 to add the following provision to the list of holidays:

(m) Any other holiday proclaimed by federal or provincial statute

Article 29 – General Provisions

The Province's proposal to delete Article 29.01 is agreed to by MACA and is awarded.

Article 38 – Selection of General Counsel

The Province's proposal to amend Article 38:12 to increase the number of General Counsel effective the first day of the biweekly pay period following October 1, 2025 to twenty-five is awarded. In addition, there shall never be less than 10 General Counsel in either division at any time. Article 38:12 shall be amended accordingly.

Article 41 – Homicide Phone

The Province's proposal to revise Article 41 is awarded.

Memorandum of Agreement #1

The parties agree that Memorandum of Agreement #1 should renew in its current form, and it is so awarded.

Retroactive Pay

The parties have agreed that any monetary items awarded in this arbitration ought to be retroactive to their implementation date.

Conclusion

At the request of the parties, I remain seized with respect to the implementation of this award.

DATED at Winnipeg this 12th day of February.

“William Kaplan”

William Kaplan, Sole Arbitrator