

Office of the Commissioner for Federal Judicial Affairs Canada

2020–21

Departmental Plan

The Honourable David Lametti, P.C., M.P.
Minister of Justice and Attorney General of Canada

© Her Majesty the Queen in Right of Canada
represented by the Office of the Commissioner for Federal Judicial Affairs (FJA) Canada, 2020

Catalogue No. J41-4E-PDF

ISSN 2371-834X

This document is available on FJA's website at:

<http://www.fja-cmf.gc.ca/>

Table of contents

Commissioner’s message.....	1
Plans at a glance	3
Planned results and resources for core responsibility.....	5
Planned results for Internal Services	9
Spending and human resources.....	11
Planned spending	11
Planned human resources.....	13
Estimates by vote.....	13
Condensed future-oriented statement of operations.....	13
Corporate information	15
Organizational profile.....	15
Raison d’être, mandate and role: who we are and what we do	15
Operating context	15
Reporting framework	16
Supporting information on the program inventory	17
Supplementary information tables	17
Federal tax expenditures	17
Organizational contact information	17
Appendix: definitions	19
Endnotes	23

Commissioner's message

I am pleased to present the 2020-21 Departmental Plan for the Office of the Commissioner for Federal Judicial Affairs (FJA). This Plan provides parliamentarians and Canadians an outline of activities we will undertake in the coming year.

Following the enactment of Bill C-58, *An Act to amend the Access to Information and the Privacy Act and to make consequential amendments to other acts*, we will focus attention on meeting the needs of Canadians for increased transparency and accountability, while ensuring and safeguarding respect for judicial independence. Starting no later than July 30, 2020, we will publish expenses reimbursed to judges on a quarterly basis, in accordance with the *Act*. To this end, efforts have already been underway to adapt our information and financial systems to ensure the accuracy of the information collected for publication.

FJA will continue to strive to safeguard the independence of the judiciary through various means, including its administration of Part I of the *Judges Act*. Again in the coming year, we will provide core services to the more than 1200 federally appointed judges, as well as other services including: language training to judges, the coordination of international cooperation initiatives involving the judiciary, and the publication of decisions of the Federal Court of Appeal and the Federal Court. We will also assist the Canadian Judicial Council (CJC) in the carrying out of its operations.

Building on priorities of the Government of Canada and the Minister of Justice, FJA has been entrusted to undertake responsibility for a number of initiatives over the past years. In the coming year, we will continue to assess the bilingual capacity of some candidates for federal judicial appointment. Moreover, with the ongoing appointments of new members of the Judicial Advisory Committees across the country, we will build on last year's efforts to orient, train and support these committees in conducting comprehensive assessment of candidates. This will be key in ensuring the Minister can appoint federal judges from a qualified pool of candidates.

In addition to supporting the Judicial Advisory Committees for appointments to the superior courts, we stand ready to assist the Prime Minister and the Minister of Justice in the event a Supreme Court of Canada vacancy arises, by supporting the Independent Advisory Board for the Supreme Court of Canada Judicial Appointments.

We take pride in our commitment to the work we do and our ability to rise to the challenges for the upcoming year. I invite you to read our departmental plan to learn more about our plans and priorities for 2020-21.

Sincerely,

Marc A. Giroux
Commissioner for Federal Judicial Affairs Canada

Plans at a glance

Through FJA’s administration of Part I of the *Judges Act*, we deliver core services and provide support to more than 1200 federally appointed judges with the aim of safeguarding the independence of the judiciary. In addition to financial, compensation and IT services, our personnel coordinates the delivery of language training to judges, international cooperation initiatives involving the judiciary, and the publication of decisions of the Federal Court of Appeal and the Federal Court.

In 2020-21, FJA will maintain its focus on the excellence of its service delivery to our clients - both active judges and pensioners. In addition to this client-centric focus, emphasis will be placed on collaboration with external stakeholders in support of the Government and Minister’s mandate to facilitate access to justice, whether through consultation on emerging trends and policies affecting our social and economic landscapes, or by ensuring we have sufficient resources to fulfill our organizational goal.

To better serve our clients and ultimately the Canadian public, FJA will invest in infrastructure, such as electronic filing solutions, improved digital solutions for our JUDICOM platform – a secure site for judicial collaboration – and revamping business processes and procedures in order to better align and balance the policy requirement of the *Judges Act* and those of central agencies.

Above all, to deliver on FJA’s plans and priorities, we will continue to create a work environment where employees have the tools and training required to do their jobs, feel supported, and are free from harassment and discrimination.

For more information on FJA’s plans, priorities and planned results, please consult the “Planned results and resources” section of this report.

Planned results and resources for core responsibility

This section contains detailed information on the department's planned results and resources for its core responsibility.

Support to federally appointed judges

Description

To provide services and support to the federal judiciary in a manner which contributes to the independence of the judiciary and the confidence of Canadians in our judicial system.

Planning highlights

Open and transparent government

Bill C-58, *An Act to amend the Access to Information and the Privacy Act and to make consequential amendments to other Acts*, received Royal Assent on June 21, 2019. This new legislation requires, amongst other things, the proactive publication of certain information on expenses reimbursed to federally appointed judges under their incidental, representational, travel and conference allowances. The first publication has to be made no later than on July 30, 2020. To complete this task, in 2019-20, we reconfigured our information technology and financial systems while training personnel to be ready to adapt a new methodology for recording and reporting information.

Our focus for the 2020-21 fiscal year will be to perform quality control checks on the information being published to ensure accuracy and to maintain communications with judges and the public, responding to questions and inquiries as necessary. We will also leverage lessons learned from the first year of publication and any resulting feedback to adjust our methodology to increase transparency for all Canadians.

Judicial Appointment Committees

We currently have 320 applications for federal judicial appointments in progress, which translates into a minimum of 26 meetings across the 17 Committees throughout Canada. In addition to those applications, we receive an average of 300 new applications per year which must also be assessed by the appropriate Judicial Advisory Committee. FJA's Executive Director for the Judicial Appointments Secretariat will lead the training and orientation of committee members to strengthen their understanding of their roles and responsibilities in assessing and creating a pool of candidates that is gender-balanced and reflective of the diversity of each jurisdiction.

Following the Action Plan on Enhancing the Bilingual Capacity of the Superior Court Judiciary introduced in 2017, a three-part evaluation was developed by FJA Language Training personnel

to assess candidates' reading comprehension, writing skills and oral interaction. In 2020-21 we will fully deploy this tool to conduct random and objective second language proficiency assessments of candidates who have self-identified as having bilingual capacity.

Experimentation

FJA has neither the financial nor human resources capacity to undertake key experiments in order to achieve the planned results for the core responsibility.

Planned results for Support to federally appointed judges

Departmental result	Departmental result indicator	Target	Date to achieve target	2016–17 actual result	2017–18 actual result	2018–19 actual result
Federally-appointed judges are provided with centralized services in a timely and effective manner	% of judges' allowances processed within the 10 day service standard	Equal to or greater than 90% of judges' allowances processed within the 10 day service standard	March 2021	Over 90% of judges' allowances were processed within the 10 day service standard	Over 90% of judges' allowances were processed within the 10 day service standard	88% of judges' allowances were processed within the 10 day service standard
The judicial appointments process is managed efficiently	% of candidate applications ready to be evaluated within 3 months of reception	100% of candidate applications are ready to be evaluated within 3 months of reception	March 2021	Over 95% of applications were screened and ready to be evaluated by Committees within 3 months of reception	Over 95% of applications were screened and ready to be evaluated by Committees within 3 months of reception	Over 95% of applications were screened and ready to be evaluated by Committees within 3 months of reception
The judicial conduct review process is completed in a timely and effective manner	% of complaints reviewed within six months	Equal to or greater than 80% of complaints reviewed within six months	March 2021	80% of complaints were reviewed within six months	80% of complaints were reviewed within six months	80% of complaints were reviewed within six months
CJC ensures that federally-appointed judges have access to relevant training and learning opportunities*	% of judges who reported to the CJC that their training and learning needs were met	Equal to or greater than 90% of judges training and learning needs were met	March 2021	Not available*	Not available*	90% of judges reported to the CJC that their training and learning needs were met

*This is a new indicator effective fiscal year 2018-19

Financial, human resources and performance information for FJA's Program Inventory is available in the [GC InfoBase](#).ⁱ

Planned budgetary financial resources for Support to federally appointed judges

2020–21 budgetary spending (as indicated in Main Estimates)	2020–21 planned spending	2021–22 planned spending	2022–23 planned spending
654,890,154	654,890,154	677,930,373	702,303,148

Financial, human resources and performance information for FJA’s Program Inventory is available in the [GC InfoBase](#).ⁱⁱ

Planned human resources for Support to federally appointed judges

2020–21 planned full-time equivalents	2021–22 planned full-time equivalents	2022–23 planned full-time equivalents
60.5	60.5	60.5

Financial, human resources and performance information for FJA’s Program Inventory is available in the [GC InfoBase](#).ⁱⁱⁱ

Planned results for Internal Services

Description

Internal Services are those groups of related activities and resources that the federal government considers to be services in support of Programs and/or required to meet corporate obligations of an organization. Internal Services refers to the activities and resources of the 10 distinct services that support Program delivery in the organization, regardless of the Internal Services delivery model in a department. These services are:

- ▶ Management and Oversight Services
- ▶ Communications Services
- ▶ Legal Services
- ▶ Human Resources Management Services
- ▶ Financial Management Services
- ▶ Information Management Services
- ▶ Information Technology Services
- ▶ Real Property Management Services
- ▶ Materiel Management Services
- ▶ Acquisition Management Services

Planning highlights

FJA will strive to meet the expectations of managers and employees with respect to human resources, financial management, procurement, information technology and information management. Employee satisfaction will be measured through the Public Service Employee Survey. Service responsiveness will be monitored through the achievement of service standards. The main improvement areas to be pursued during 2020-21 are all closely related to overall FJA priorities.

Financial control framework. Monitor processes, controls and practices to ensure consistent and proper application of policies and administration of payments and allowances to judges. Identify enhancements required to existing monitoring mechanisms.

Policy on internal controls. Provide assurance that FJA adheres to the Treasury Board Secretariat's Policy on Internal Controls through an effective system of internal controls to mitigate risks and support financial reporting. Review, document and assess internal financial controls, including processes, risks, key controls in place, the effectiveness of the controls, and testing required.

Information management. Continue supporting and modernizing the processes and tools used to manage FJA's physical and electronic information holdings. In 2020-21, this will include a review of and follow-up actions on the Office's overall information architecture to ensure adherence to best practices.

Information Technology. In compliance with Government of Canada requirements, FJA will continue modernizing and upgrading its IT infrastructure, systems, and assets to ensure easy, reliable, and secure access to information by all members of the Office.

Succession planning. The main human resources risk FJA has to face is the loss of expertise and corporate memory from the retirement of experienced staff, and the lack of in-house expertise and back up in specialized areas. FJA will continue to do succession and HR planning to mitigate this risk.

Planned budgetary financial resources for Internal Services

2020–21 budgetary spending (as indicated in Main Estimates)	2020–21 planned spending	2021–22 planned spending	2022–23 planned spending
726,800	726,800	726,800	726,800

Planned human resources for Internal Services

2020–21 planned full-time equivalents	2021–22 planned full-time equivalents	2022–23 planned full-time equivalents
5.5	5.5	5.5

Spending and human resources

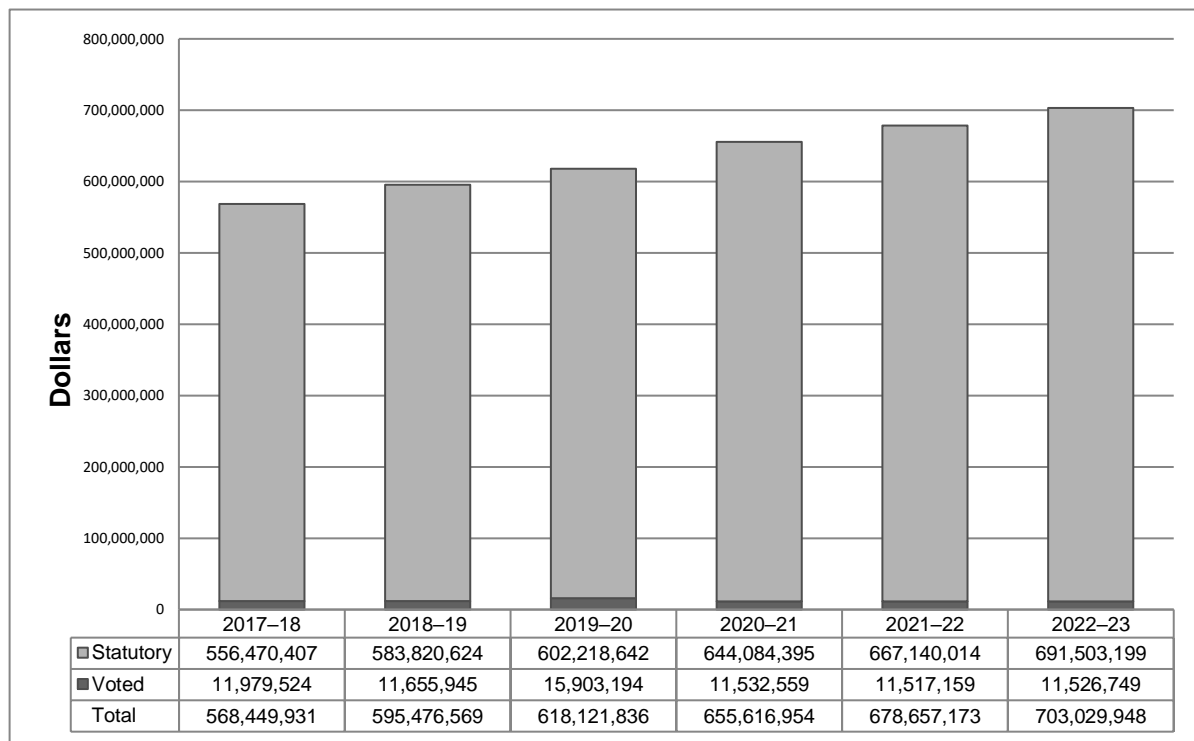
This section provides an overview of the department’s planned spending and human resources for the next three consecutive fiscal years, and compares planned spending for the upcoming year with the current and previous years’ actual spending.

Planned spending

Departmental spending 2017–18 to 2022–23

The following graph presents planned (voted and statutory) spending over time.

Departmental spending graph



Budgetary planning summary for core responsibilities and Internal Services (dollars)

The following table shows actual, forecast and planned spending for FJA’s core responsibility and for Internal Services for the years relevant to the current planning year.

Core responsibilities and Internal Services	2017–18 expenditures	2018–19 expenditures	2019–20 forecast spending	2020–21 budgetary spending (as indicated in Main Estimates)	2020–21 planned spending	2021–22 planned spending	2022–23 planned spending
Support to federally appointed judges	567,723,131	594,749,777	617,395,036	654,890,154	654,890,154	677,930,373	702,303,148
Subtotal	567,723,131	594,749,777	617,395,036	654,890,154	654,890,154	677,930,373	702,303,148
Internal Services	726,800	726,792	726,800	726,800	726,800	726,800	726,800
Total	568,449,931	595,476,569	618,121,836	655,616,954	655,616,954	678,657,173	703,029,948

Variances between the actual spending for 2019-20 and the forecasted spending for 2020-2021 are largely attributable to increases resulting from annual adjustments to judges’ salaries based on the Industrial Aggregate, as well as, an increase in the number of pensioners receiving benefits under the Judges Act.

Planned human resources

The following table shows actual, forecast and planned full-time equivalents (FTEs) for each core responsibility in FJA’s departmental results framework and to Internal Services for the years relevant to the current planning year.

Human resources planning summary for core responsibilities and Internal Services

Core responsibilities and Internal Services	2017–18 actual full-time equivalents	2018–19 actual full-time equivalents	2019–20 forecast full-time equivalents	2020–21 planned full-time equivalents	2021–22 planned full-time equivalents	2022–23 planned full-time equivalents
Support to federally appointed judges	58.5	54.5	60.5	60.5	60.5	60.5
Subtotal	58.5	54.5	60.5	60.5	60.5	60.5
Internal Services	5.5	5.5	5.5	5.5	5.5	5.5
Total	64	60	66	66	66	66

Estimates by vote

Information on FJA’s organizational appropriations is available in the [2020–21 Main Estimates](#).^{iv}

Condensed future-oriented statement of operations

The condensed future-oriented statement of operations provides an overview of FJA’s operations for 2019–20 to 2020–21.

The amounts for forecast and planned results in this statement of operations were prepared on an accrual basis. The amounts for forecast and planned spending presented in other sections of the Departmental Plan were prepared on an expenditure basis. Amounts may therefore differ.

A more detailed future-oriented statement of operations and associated notes, including a reconciliation of the net cost of operations to the requested authorities, are available on [FJA’s website](#).

Condensed future-oriented statement of operations for the year ending
March 31, 2021 (dollars)

Financial information	2019–20 forecast results	2020–21 planned results	Difference (2020–21 planned results minus 2019–20 forecast results)
Total expenses	615,251,000	657,642,000	42,391,000
Total revenues	17,460,000	17,460,000	-
Net cost of operations before government funding and transfers	597,791,000	640,182,000	42,391,000

In 2019-20, total expenses include \$601.3 million for judges' salaries, allowances, and annuities; \$11.4 million for FJA personnel and operating costs; and \$2.6 million for CJC personnel and operating costs. The 2020-21 amounts are \$643.1 million, \$11.9 million, and \$2.6 million, respectively.

Total revenues include an amount of \$17 million charged to FJA's statutory vote for judges' pension contributions.

Corporate information

Organizational profile

Appropriate minister(s): The Honourable David Lametti, P.C., M.P.

Institutional head: Marc A. Giroux, Commissioner

Ministerial portfolio: Minister of Justice and Attorney General of Canada

Enabling instrument(s): [Judges Act](#)^v (R.S.C., 1985, c. J-1)

Year of incorporation / commencement: 1978

Other: Information about the Canadian Judicial Council, its mandate and programs are found at the Council's website: <http://www.cjc-ccm.gc.ca>^{vi}

Raison d'être, mandate and role: who we are and what we do

"Raison d'être, mandate and role: who we are and what we do" is available on [FJA's website](#).

For more information on the department's organizational mandate letter commitments, see the "[Minister's mandate letter](#)".

Operating context

Information on the operating context is available on [FJA's website](#).

Reporting framework

FJA’s approved Departmental Results Framework and Program Inventory for 2020–21 are as follows.

Departmental Results Framework	Core Responsibility: Administrative Support to Federally Appointed Judges		Internal Services
	Departmental Result: Federally-appointed judges are provided with centralized services in a timely and effective manner	Indicator: 90% of judges’ allowances processed within the 10 day service standard	
	Departmental Result: The judicial appointments process is managed efficiently	Indicator: 100% of candidate applications ready to be evaluated within 3 months of reception	
	Departmental Result: The judicial conduct review process is completed in a timely and effective manner	Indicator: 80% of complaints reviewed within six months	
	Departmental Result: CJC ensures that federally-appointed judges have access to relevant training and learning opportunities	Indicator: 90% of judges who reported to the CJC that their training and learning needs were met	
Program Inventory	Program: Payments pursuant to the <i>Judges Act</i>		
	Program: Canadian Judicial Council		
	Program: Federal Judicial Affairs		

Supporting information on the program inventory

Supporting information on planned expenditures, human resources, and results related to FJA's Program Inventory is available in the [GC InfoBase](#).^{vii}

Supplementary information tables

The following supplementary information tables are available on [FJA's website](#):

- ▶ [Departmental Sustainable Development Strategy](#)
- ▶ [Gender-based analysis plus](#)

Federal tax expenditures

FJA's Departmental Plan does not include information on tax expenditures that relate to its planned results for 2020–21.

Tax expenditures are the responsibility of the Minister of Finance, and the Department of Finance Canada publishes cost estimates and projections for government-wide tax expenditures each year in the [Report on Federal Tax Expenditures](#).^{viii} This report provides detailed information on tax expenditures, including objectives, historical background and references to related federal spending programs, as well as evaluations, research papers and gender-based analysis. The tax measures presented in this report are solely the responsibility of the Minister of Finance.

Organizational contact information

Mailing address

Office of the Commissioner for Federal Judicial Affairs Canada
99 Metcalfe Street, 8th Floor
Ottawa, Ontario K1A 1E3
Canada

Telephone: (613) 995-5140

Fax: (613) 995-5615

Email: info@fja-cmf.gc.ca

Website(s): <http://www.fja-cmf.gc.ca>

Appendix: definitions

appropriation (crédit)

Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures (dépenses budgétaires)

Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

core responsibility (responsabilité essentielle)

An enduring function or role performed by a department. The intentions of the department with respect to a core responsibility are reflected in one or more related departmental results that the department seeks to contribute to or influence.

Departmental Plan (plan ministériel)

A report on the plans and expected performance of a department over a 3-year period. Departmental Plans are tabled in Parliament each spring.

departmental priority (priorité ministérielle)

A plan or project that a department has chosen to focus and report on during the planning period. Departmental priorities represent the things that are most important or what must be done first to support the achievement of the desired departmental results.

departmental result (résultat ministériel)

A consequence or outcome that a department seeks to achieve. A departmental result is often outside departments' immediate control, but it should be influenced by program-level outcomes.

departmental result indicator (indicateur de résultat ministériel)

A factor or variable that provides a valid and reliable means to measure or describe progress on a departmental result.

departmental results framework (cadre ministériel des résultats)

A framework that consists of the department's core responsibilities, departmental results and departmental result indicators.

Departmental Results Report (rapport sur les résultats ministériels)

A report on a department's actual accomplishments against the plans, priorities and expected results set out in the corresponding Departmental Plan.

experimentation (expérimentation)

The conducting of activities that seek to first explore, then test and compare, the effects and impacts of policies and interventions in order to inform evidence-based decision-making, and improve outcomes for Canadians, by learning what works and what doesn't. Experimentation is related to, but distinct from innovation (the trying of new things), because it involves a rigorous comparison of results. For example, using a new website to communicate with Canadians can be an innovation; systematically testing the new website against existing outreach tools or an old website to see which one leads to more engagement, is experimentation.

full-time equivalent (équivalent temps plein)

A measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

gender-based analysis plus (GBA+) (analyse comparative entre les sexes plus [ACS+])

An analytical process used to assess how diverse groups of women, men and gender-diverse people experience policies, programs and services based on multiple factors including race, ethnicity, religion, age, and mental or physical disability.

government-wide priorities (priorités pangouvernementales)

For the purpose of the 2020–21 Departmental Plan, government-wide priorities refers to those high-level themes outlining the government's agenda in the 2015 Speech from the Throne, namely: Growth for the Middle Class; Open and Transparent Government; A Clean Environment and a Strong Economy; Diversity is Canada's Strength; and Security and Opportunity.

horizontal initiative (initiative horizontale)

An initiative in which two or more federal organizations are given funding to pursue a shared outcome, often linked to a government priority.

non-budgetary expenditures (dépenses non budgétaires)

Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance (rendement)

What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.

performance indicator (indicateur de rendement)

A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

performance reporting (production de rapports sur le rendement)

The process of communicating evidence-based performance information. Performance reporting supports decision-making, accountability and transparency.

plan (plan)

The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

planned spending (dépenses prévues)

For Departmental Plans and Departmental Results Reports, planned spending refers to those amounts presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their Departmental Plans and Departmental Results Reports.

program (programme)

Individual or groups of services, activities or combinations thereof that are managed together within the department and focus on a specific set of outputs, outcomes or service levels.

program inventory (répertoire des programmes)

Identifies all of the department's programs and describes how resources are organized to contribute to the department's core responsibilities and results.

result (résultat)

An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

statutory expenditures (dépenses législatives)

Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

strategic outcome (résultat stratégique)

A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

target (cible)

A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

voted expenditures (dépenses votées)

Expenditures that Parliament approves annually through an Appropriation Act. The vote wording becomes the governing conditions under which these expenditures may be made.

Endnotes

- i. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html>
- ii. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html>
- iii. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html>
- iv. 2020–21 Main Estimates, <https://www.canada.ca/en/treasury-board-secretariat/services/planned-government-spending/government-expenditure-plan-main-estimates.html>
- v. Judges Act, <http://lois-laws.justice.gc.ca/eng/acts/J-1/index.html>
- vi. CJC’s website, <http://www.cjc-ccm.gc.ca>
- vii. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html>
- viii. Report on Federal Tax Expenditures, <http://www.fin.gc.ca/purl/taxexp-eng.asp>