

Crime doesn't pay, but jury duty should

By Michael J. Armstrong, associate professor of operations research, Brock University

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Alberta has committed to increasing its [minimum wage](#) to \$15 per hour in 2018. The provincial labour minister, Christina May, [justified that increase](#) by stating “this is exactly the time for a fair wage.”

Premier Kathleen Wynne more recently [proposed a similar increase for Ontario](#), saying “we need to make certain that our workers are treated fairly.”

But if these provincial governments are serious about fairness, they should start paying jurors at least the minimum wage for their participation in trials.

Suppose you are one of the thousands of Canadians summoned to courthouses each year for possible jury selection. In most provinces, your employer is obliged to release you, but isn't obliged to pay you while you're missing work.

You first spend several hours at the courthouse waiting to see if you get picked. If so, you attend your assigned trial for however long it lasts, but you won't be paid much in return for your hours of time.

Ontario's miserly jury pay

If you're a [juror in Ontario](#), you get paid nothing during the selection process, nor during the first 10 days of duty. You then receive \$40 per day for days 11 to 49, and \$100 daily thereafter. So if the trial lasts a month (say, 21 court days of perhaps six hours each), you receive only \$440 for your obliging, and obligatory, service.

Compare that to someone earning [Ontario's minimum wage](#) of \$11.40 per hour. They receive \$68.40 for a six-hour day. That's \$1,436 per month, triple what jurors get.

Under the province's [proposed increase](#) to \$15, a minimum wage employee will instead earn \$1,890 monthly. That's four times the juror's income.

Other factors make the pay gap between jurors and employees even worse.

First, jurors receive no [vacation pay](#). That extra four per cent boosts a worker's monthly total to \$1,493 at current rates, or \$1,966 after the proposed increase.

Second, while serving on juries, most people give up eight-hour days at their regular job, not six. They thus miss out on at least \$1,991 or \$2,661, respectively.

Third, most employees (thankfully) earn more than minimum wage. The Canadian average is \$27.95 hourly, or about \$4,696 per month. That's 11 times jury pay.

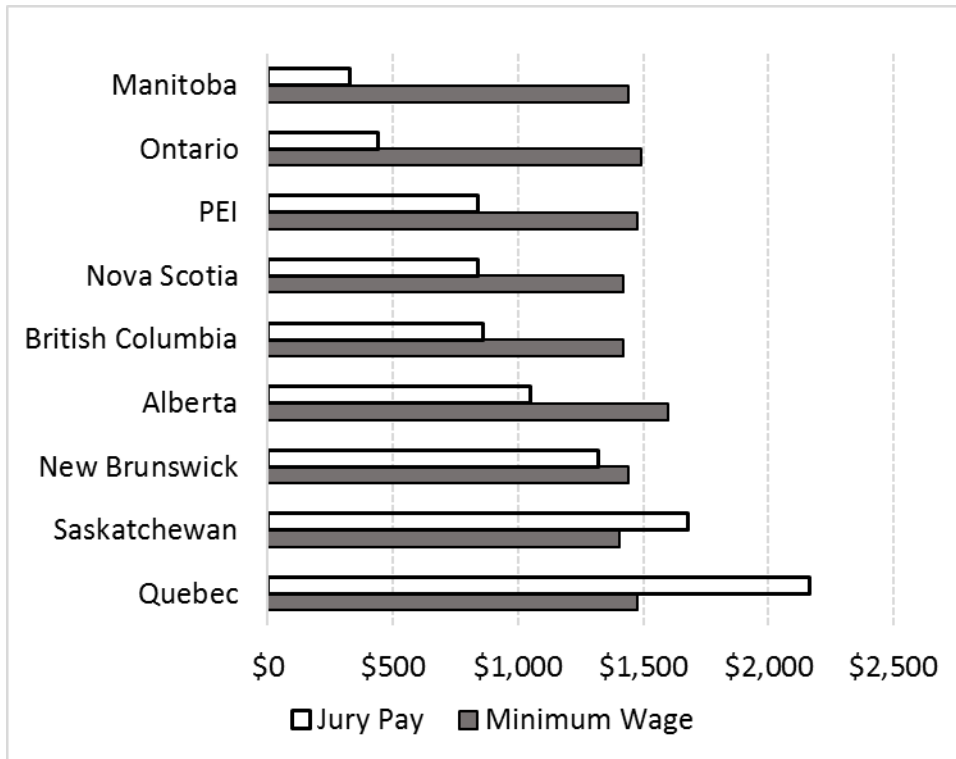
Maybe jurors should apply for social assistance. Singles get up to \$706 monthly; families receive more.

Most provinces under-compensate

[Manitoba](#) is even stingier. Jurors receive nothing for the first 10 days, and only \$30 daily thereafter; that’s \$330 for a month-long trial. By comparison, working six-hour days at the province’s \$11 hourly minimum wage totals \$1,441 per month, including vacation pay.

At the other extreme, [Quebec](#) leads the way on jury compensation. It offers \$103 per day, with extra pay for long days or extended trials. A month-long trial pays \$2,163. It also reimburses meals, transportation, child care and counselling.

[Newfoundland](#) takes a different approach. Instead of paying jurors, it requires employers to provide paid court leave. That’s good for employees, who get their full wages and benefits. But it dumps jury costs onto employers.



Jury pay versus minimum wage in Canadian provinces that pay jurors, assuming 21 six-hour days, including vacation pay.

Such underpayment would be illegal for other employers. For example, [Ontario has repeatedly cracked down](#) on unpaid student internships. Yet their own juror “interns” go unpaid for two weeks and underpaid for eight. Why do our governments continue to exempt themselves?

‘Civic duty’

Some traditionalists argue that jury service is different because it’s a “civic duty.” Jurors do indeed provide (mostly) honourable service; but that’s a reason for more pay, not less. Soldiers and police also serve society. But even an army private gets \$2,985 per month.

Some jurors have said their court experience was interesting and educational. But many find it stressful or even traumatic, especially for long trials of violent crimes.

There are several reasons, aside from basic fairness, that we should pay jurors better. Since I’m a business professor, I’m focusing here on financial issues.

First, it would encourage jury participation rather than absenteeism. Low-paid workers would no longer suffer financially as jurors. Higher-paid ones would at least feel less penalized. Some folks, like part-timers and the unemployed, might even find service attractive.

Good for the economy

Second, we have the same economic arguments that support minimum wage increases. More than two million Canadians are unemployed or earning minimum wage. Putting more money in their threadbare pockets while they’re on juries would be good for their families and the economy.

Finally, paying jurors properly could provide political leverage for the minimum wage increases planned by Alberta and Ontario. Those steep hikes face stiff resistance from business groups. The Canadian Federation of Independent Business for example is “shocked and appalled.”

Provincial governments will look like hypocrites if they force other employers to provide higher wages, while still underpaying their own jurors. They should instead put their money where their mouths are, and at least match Quebec’s jury pay. Then they can claim to be “sharing the pain.”

When discussing the minimum wage, Ontario’s Premier Wynne has said: “It’s time this rate reflected the reality of people’s lives.”

Let’s hope she and the other premiers soon say that about jury pay too.

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