

# Brown's Economic Damages Newsletter

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# 2017 Canadian Survey on Disability: Impact of Disability on Household Activities & Household Replacement Rates for 2022 (Part 5)

By Cara L. Brown, M.A.

In this newsletter issue, we review data from the 2017 Canadian Survey on Disability that asked respondents questions about the impact of their functional limitations on household chores (see Table 1). We also present hourly replacement rates to use in housekeeping loss assessments for all regions in Canada (Table 2) and we show how to use Brown Economic's Housekeeping Damages Calculator <sup>TM</sup> (HDC) at <u>www.browneconomic.com</u>.

Despite the finding that *housekeeping loss awards* in injury cases are lower than *wage loss* awards,<sup>1</sup> the quantum expert can assist counsel in properly assessing housekeeping loss awards by marrying the plaintiff's specific evidence on household chores with relevant time use data from Statistics Canada and using realistic hourly replacement rates (see Table 2 below) based on data compiled by statistical organizations about the wages paid to working housekeepers.

For a "User's Guide" to valuing housekeeping capacity loss claims in all aspects, see **Brown's Economic Damages Newsletter** *Housekeeping Capacity Awards: Unique Aspects related to Quantum (A User's Guide)* June/July 2018 Vol. 15, issue #6 by emailing us at <u>newsletter@browneconomic.com</u>.

<sup>&</sup>lt;sup>1</sup> As per the findings published in Brown, C.L. (2003) *Valuable Services Trends in Housekeeping Quantum across Canada, 1990-2001* The Advocates' Quarterly 27(1) 71-109 and shown in Figures 9-1 through to 9-5 in C.L. Brown, **Damages: Estimating Pecuniary Loss** (Toronto, Ontario: Canada Law Book, a Thomson Reuters business), December 2021 (30<sup>th</sup> edition), pp. 9-38 to 9-42. The opposite result can occur in fatality cases: the loss of dependency on housekeeping by the family can exceed the loss of dependency on the decedent's income (for instance, see *Baker v. Poucette*, 2017 ABCA 334, in which the loss of housekeeping award plus tax gross-up equaled \$134,000 but the loss of dependency on the decedent's income was nil.) In many cases, the court will cite the economic evidence and then assess loss of housekeeping damages based on additional considerations, such as in *Russell v. Turcott* (2009) ABQB 19, although the award in *Russell* for this head of damage still equaled \$43,500 for the past loss plus \$25,000 for the future loss, which Rooke, J. counted as 10 years from the date of the judgment (paras. 372, 375). The author testified on behalf of the plaintiff in *Russell v. Turcott*.

#### Prior issues of Brown Economic's Damages Newsletter related to this topic:<sup>2</sup> "Forensic economic data: updates to the real discount rate, life expectancy, disability ٠ contingency, health contingency, and housekeeping rates" March 2020, vol. 17, issue #2 ٠ "Housekeeping Capacity Awards: Unique aspects related to quantum (A User's Guide)" June/July 2018, vol. 15, issue #6 "Housekeeping Claims: \*\*\* NEW \*\*\* Time Use Data from Statistics Canada's 2015 General ٠ Social Survey (GSS), cycle 29" September 2017, vol. 14, issue #7 "2017 Housekeeping hourly rates: used in court-ready assessments & in the online Housekeeping Damages Calculator <sup>™</sup> @ <u>www.browneconomic.com</u>" January/February 2017, vol.14, issue #1 "2016 Housekeeping hourly rates: used in court-ready assessments & in the online Housekeeping Damages Calculator ™ @ www.browneconomic.com plus 4 recent cases" ٠ May 2016, vol.13, issue #5 "2015 Housekeeping hourly rates: used in court-ready assessments & for the online ٠ Housekeeping Damages Calculator ™ @ www.browneconomic.com' February 2015, vol. 12, issue #2 "Housekeeping & Cost of Care Awards: 2013 hourly rates & 2012-13 cases" ٠ August 2013, vol. 10, issue #7 "Time Use: Average Time spent on Activities & Utilization for the **Housekeeping Damages Calculator** <sup>™</sup> ("HDC") September/October 2012, vol. 9, issue #8 ٠ "Housekeeping Claims: Time Use Data from Statistics Canada's 2010 General Social Survey (GSS), ٠ cycle 24" July/August 2011, vol. 8, issue #6 ٠ "Housekeeping claims: 2010 hourly replacement rates" March 2010, vol. 7, issue #3 "Housekeeping award by Ontario Court of Appeal: McIntyre v. Docherty [2009]" May 2009, vol. 6, issue #4 4 "Household Replacement Rates and the "Health" contingency in housekeeping claims" March 2008, vol. 5, issue #3 "Housekeeping claims: Time use statistics from Statistics Canada's 2005 General Social Survey (GSS) ٠ cycle 19" October 2006, vol. 3, issue #9 "Economic loss calculators [showcases the Housekeeping Damages Calculator™]" ٠ November 2005, vol. 2, issue #9 "Housekeeping capacity replacement rates" September/October 2005, vol. 2, issue #8 ٠ "Housekeeping awards & replacement rates 2004" August 2004, vol. 1, issue #107 "Valuable services trends & housekeeping replacement rates" September 2003, vol. 1, issue #97

• "Valuable services trends: 1990-2002 Atlantic perspective" May 2002, vol. 1, issue #82

# TABLE OF CONTENTS

Impact of disability on performing household chores	page 3
Table 1: 2017 CSD Survey Questions about the Impact of Disability on	
Respondents' Housekeeping Capacity	page 4
Hourly replacement rates for housekeeping capacity losses	page 4
Table 2: Hourly Housekeeping Rates—Canada (2022)	page 6
Characteristics of Published Wage Surveys in Canada	page 7
Statistics Canada's 2001, 2006, and 2016 Census	page 7
Government of Canada's JOB BANK website	page 7
Alberta Wage and Salary Survey	page 8
How are the hourly rates in Table 2 applied in housekeeping loss assessments?	
(OR: when to rely on time use data)	page 9
Is the housekeeping award a pecuniary or non-pecuniary one?	page 11
How do I use the online Housekeeping Damages Calculator <sup>™</sup> @ <u>www.browneconomic.com</u> ?	page 12
The Housekeeping Damages Calculator <sup>™</sup>	
Input Screen	page 14
Output Screen	page 15

<sup>2</sup>To request back issues of our newsletter, go to: <u>www.browneconomic.com</u> > **RESEARCH & PUBLICATIONS** > *Brown's Economic Damages Newsletter* > click on "Newsletter index" to view issues extending back to 2000, by topic. To request prior issues, click on the "Back issues" on the left -hand side menu and complete the email request.

### Impact of disability on performing household chores

In Parts 1, 2, 3 and 4 of Brown's Economic Damages Newsletter, we published results derived from analyzing Statistics Canada's 2017 Canadian Survey on Disability (CSD), namely non-participation and unemployment rates for disabled Canadians vis-à-vis non-disabled Canadians (August 2021, Part 1); wage deficits by SEVERITY of disability (September 2021, Part 2); wage deficits by TYPE of disability (October 2021, Part 3); and barriers to employment and education (December 2021, Part 4). In this issue (Part 5), we report the answers to questions from the 2017 CSD on the impact of disability of performing household chores, and provide 2022 hourly housekeeping replacement rates for all regions in Canada.

At the National Conference on Disability and Work in Canada (December 4-5, 2018),<sup>3</sup> an overview of the evolution of Canada's Disability Data Strategy was conducted, which commenced with Statistics Canada's 1986 and 1991 Health and Activity Limitation Surveys (HALS). After that, the 2001 and 2006 Participation and Activity Limitation Surveys (PALS) were conducted. Following the 2006 PALS, Statistics Canada conducted the Canadian Survey on Disability (CSD) in 2012 and 2017.<sup>4</sup> The HALS/PALS/CSD surveys are Statistics Canada's "flagship" surveys about the impact of disability in Canada. Much of the results from these surveys have been used and quoted widely within Canada and in other countries. This is because these surveys are massive (almost 50,000 persons per sample), randomly drawn, and are associated with higher-than-average response rates,<sup>5</sup> all of which ensure that results can be reliably extrapolated to the disabled Canadian population.

To analyze the 1991 HALS, 2001 PALS, and 2006 PALS data, Brown Economic purchased the Public-Use Microdata Files (PUMF) from Statistics Canada and as such are governed by Statistics Canada's copyright and licensing rules. The data contained in the PUMF files cannot be read by human eyes; the data is comprised of anonymized records from the original surveys.

To access the 2012 and 2017 CSD data, a formal written proposal, along with fingerprinting and a substantial fee (in excess of \$20,000), is required before a researcher can enter Statistics Canada's Research Data Centers (RDC) at university campuses across Canada to access these datasets. Results which Brown Economic generated from working with both the 2012 and 2017 CSD datasets were vetted by Statistics Canada analysts at the RDC centers at the University of Calgary (2012 CSD) and University of New Brunswick (2017 CSD) before they were released, as per Statistics Canada's protocols.

In Table 1 below, we summarize the results of a question asked in the 2017 CSD about the impact of disability on the capacity of respondents to do household chores.

<sup>&</sup>lt;sup>3</sup>This conference was held under the auspices of the Government of Canada's Employment and Social Development Canada, division of Social Research, Employment and Social Development Canada.

Search, Employment and Social Development Canada.
 <sup>4</sup> Canadian Survey on Disability, 2012: Concepts and Methods Guide (February 2014) Statistics Canada catalogue no. 89-654-X – No. 2014001).
 <sup>5</sup> Sources: Statistics Canada's A Profile of Disability in Canada, 2001. Catalogue no. 89-577-XIE (Ottawa: Minister of Industry, 2002), p. 6; Statistics Canada's Participation and Activity Limitation Survey 2006: Technical and Methodological Report; Catalogue no. 89-628-XIE – No. 001 (Ottawa: Minister of Industry, 2007), p. 12; Statistics Canada's Participation and Activity Limitation Survey 2006: Analytical Report. Catalogue no. 89-628-XIE – No. 002 (Ottawa: Minister of Industry, 2007), p. 8; and Canadian Survey on Disability, 2012: Concepts and Methods Guide (February 2014) Statistics Canada Catalogue no. 89-654-X – No. 2014001, at p. 22; Canadian Survey on Disability, 2017: Concepts and Methods Guide (November 2018) Statistics Canada Catalogue no. 89-654-X – No. 2014001, at p. 22; 2018) Statistics Canada Catalogue no. 89-654-X2018001, at p. 6.

Question Number	Survey Question	Percentage of Disabled Canadians Who Answered "Yes"	
		Men	Women
HRE_Q05	Because of your condition, do you usually receive help with any of the following activities? Include help received from family, friends, neighbours and from organizations, whether paid or unpaid. a. Preparing meals b. Everyday housework (e.g., indoor cleaning) c. Heavy household chores (e.g., snow removal, yard work) d. Getting to appointments or running errands (e.g., shopping for groceries or essential items) e. Looking after personal finances (e.g., making bank transactions or paying bills)	8% 11% 14% 10% 7%	9% 14% 18% 11% 5%

# Table 1: 2017 CSD Survey Questions about the Impact of Disability on Respondents' Housekeeping Capacity

Table 1 shows that 5 to 18% of CSD respondents required help with various household activities because of their disability.

When quantum experts undertake loss of housekeeping capacity assessments, typically the plaintiff is asked to communicate his/her residual capacity for household chores after an intervening incident.<sup>6</sup> The information in Table 1 above shows that, as expected, the highest percentage of respondents who needed help had to do with heavy household chores. But still other respondents had difficulties with getting to appointments and/or managing finances, which could arise from a brain injury as opposed to a physical impediment.

## Hourly replacement rates for housekeeping capacity losses

Cooper-Stephenson and Adjin-Tettey compare the housekeeping loss award to loss of income awards, and in particular comment on the "replacement cost" method for quantifying housekeeping capacity awards:

As regards future homemaking, the loss is patently pecuniary and may be classified as a sub-head of lost working capacity (as it is in this book) or else as a separate head of damages altogether, with assessment in either case following the substitute homemaker/catalogue of services method.

... **assessment is based on market replacement,** using the substitute homemaker/catalogue of services approach to determine the precise ambit of the loss. (emphasis added)<sup>7</sup>

 <sup>&</sup>lt;sup>6</sup> Brown Economic's *Diary of Household Activities* asks respondents to describe his/her pre-incident provision of household chores, and then asks what percentage the claimant can still do following the incident (and if recovery will improve in the future).
 <sup>7</sup> K. Cooper-Stephenson and E. Adjin-Tettey, *Personal Injury Damages in Canada* (Toronto, Ontario: Carswell, a Thomson Reuters business), 2018 (3<sup>rd</sup> edition), at pp. 744-745.

Table 2 below shows the hourly replacement rates to use for quantifying loss of housekeeping capacity awards. This data is shown for National Occupation Classification (NOC) 2016 code 4412, "Home support workers, housekeepers and related occupations"<sup>8</sup> in each province and territory in Canada, based on the following wage sources:<sup>9</sup>

- Statistics Canada's **2001 Census**<sup>10</sup>
- Statistics Canada's 2006 Census .
- Statistics Canada's 2011 National Household Survey<sup>11</sup> .
- Statistics Canada's 2016 Census<sup>12</sup> .
- Government of Canada's JOB BANK website<sup>13</sup> •
- 2019 Alberta Wage and Salary Survey<sup>14</sup> •
- 2013 Saskatchewan Wage Survey •

The rates shown in Table 2 for all regions in Canada are used in our economic loss assessments and by Brown Economic's Housekeeping Damages Calculator <sup>™</sup> (HDC) at <u>www.browneconomic.com</u>.<sup>15</sup> For a view of the online screens from the HDC, see pages 14 and 15 below.

The hourly rates shown in Table 2 below are expressed in 2022 dollars. In most interrupted earnings cases (whether injury or fatality), loss of housekeeping capacity arises as of the date of incident and continues to the date of trial or settlement (and into the future). For instance, if the incident in question happened in 2015, the hourly rates in Table 2 would have to be adjusted back to 2015 dollars, and subsequently for all years until the settlement date. Statistics Canada's SEPH data represents the main (and for the most part only) wage change index across Canada, which should be used to adjust wages to different year's dollars rather than the Consumer Price Index, which measures the change in the *price* of goods and services.<sup>16</sup>

TIP: Many quantum experts fail to properly canvass the statistical sources listed above, and do not apply the correct wage index when inflating or deflating the replacement rate between years, applying the "industrial aggregate" (average of all industry sectors) instead of NAICS 5617, which is the closest match to the wages tracked of housekeepers and home support workers.

<sup>&</sup>lt;sup>8</sup> The 2016 NOC code of 4412 was formerly classified as NOC 6471 and NOC-S G811, "visiting housekeepers" in previous NOC/NOC-S classifications.
<sup>9</sup> Data from the 2009 British Columbia Wage and Salary Survey, 2003 New Brunswick Wage Report, and PEI Wage Survey 2006 are no longer used in our summary based on the analysis of more recently published data.
<sup>10</sup> This source is only used for the Northwest Territories, because data from the 2006 Census was not available for this territory for this 4-digit NOC

code. <sup>11</sup> For a discussion on the statistical differences between Statistics Canada's 2011 National Household Survey (which was voluntary and therefore had

a smaller response rate compared to Census surveys) than Statistics Canada's regular Census surveys conducted every 5 years (which are mandatory), see **Brown's Economic Damages Newsletter** entitled "2011 National Household Survey Data & Income Sources available to Forensic Economists" February 2014, vol. 11, issue #2.

Income data for 4-digit NOC 2016 code 4412 from the 2016 Census (representing 2015 dollars) was released in 2018.

<sup>&</sup>lt;sup>13</sup> To view the hourly wages for NOC 4412 (housekeepers), click on <u>www.jobbank.gc.ca</u>, data for each respective province and territory (formerly known as "workingincanada.gc.ca" and "labourmarketinformation.ca"). This website posts wages from actual job postings in locations throughout

<sup>&</sup>lt;sup>14</sup> Prior versions of the *Alberta Wage and Salary Survey* (2017, 2015, 2013, 2011, 2009 and 2007) have been used in the applicable years, but in this year, only the most recent survey done in 2019 was included. <sup>15</sup> To access the hourly housekeeping rates online, go to <u>www.browneconomic.com</u> > **Housekeeping (pay-per-use)** > "The calculator currently uses

these hourly replacement rates."<sup>16</sup> For a detailed explanation and comparison of the SEPH versus CPI data, see **Brown's Economic Damages Newsletter** entitled "Wage Inflation

data: CPI versus SEPH" April 2009, vol. 6, issue #3.

Province/Territory Source(s) of data				
Northwest Territories*	Territories* Statistics Canada's 2001 and 2016 Census and 2011 National Household Survey (NOC-S G811), Job Bank <sup>2</sup> (NOC 4412)			
Yukon*	Statistics Canada's 2006 and 2016 Census (NOC-S G811), Job Bank <sup>2</sup> (NOC 4412)	\$34.86		
Average NWT & Yukor		\$34.54		
British Columbia	Statistics Canada's 2006 and 2016 Census, 2011 National Household Survey (NOC-S G811), Job Bank <sup>2</sup> (NOC 4412)	\$22.29		
Ontario Statistics Canada's 2006 and 2016 Census, 2011 National Household Survey (NOC-S G811), Job Bank <sup>2</sup> (NOC 4412)				
Alberta	AlbertaStatistics Canada's 2006 and 2016 Census, 2011 National Household Survey (NOC-S G811), Job Bank² (NOC 4412), 2019 Alberta Wage and Salary Survey (2011 NOC 4412)			
Saskatchewan	Saskatchewan         Statistics Canada's 2006 and 2016 Census, 2011 National Household Survey (NOC-S G811), Job Bank <sup>2</sup> (NOC 4412), 2013 Saskatchewan Wage Survey (NOC 6471)			
Manitoba	Statistics Canada's 2006 and 2016 Census, 2011 National Household Survey (NOC-S G811), Job Bank <sup>2</sup> (NOC 4412)	\$18.44		
Average Prairies		\$20.43		
New Brunswick	Statistics Canada's 2006 and 2016 Census, 2011 National Household Survey (NOC-S G811), Job Bank <sup>2</sup> (NOC 4412)	\$15.81		
Prince Edward Island	rince Edward Island Statistics Canada's 2006 and 2016 Census, 2011 National Household Survey (NOC-S G811), Job Bank <sup>2</sup> (NOC 4412)			
Nova Scotia	a Statistics Canada's 2006 and 2016 Census, 2011 National Household Survey (NOC-S G811), Job Bank <sup>2</sup> (NOC 4412)			
Newfoundland	Statistics Canada's 2006 and 2016 Census, 2011 National Household Survey (NOC-S G811), Job Bank <sup>2</sup> (NOC 4412)	\$17.58		
Average Atlantic Cana	da	\$19.07		

<sup>1</sup> Figures are adjusted to 2022 dollars using Statistics Canada's *Estimates of Average Weekly Earnings* and *Survey of Employment*, *Payrolls and Hours*, **NAICS 5617 (services to buildings and dwellings)**, Canada (when provincial or territorial data not available for index 5617) and Bank of Canada's inflation forecasts of 3% for 2021 and 2022. We rely on Canada data for all provinces and territories except Ontario.

<sup>2</sup> <u>www.jobbank.gc.ca</u>, data for each respective province and territory (formerly "workingincanada.gc.ca" and "labourmarketinformation.ca").

Note that the only relevant case we are aware of in the territories is Fullowka et al (2004). The hourly housekeeping rate in the judge's decision in this case was \$14.91 (equivalent to \$28.84 in 2022 dollars).

## CHARACTERISTICS OF PUBLISHED WAGE SURVEYS IN CANADA

It is worth noting a few key characteristics of the data underlying the hourly rates in Table 2. These characteristics differ depending on the particular agency who conducted the survey. All of these agencies were established long ago, and are routinely consulted by various users of wage data.

# Statistics Canada's 2001, 2006 and 2016 Censuses<sup>17</sup>

The Census enumerates the entire Canadian population, which consists of Canadian citizens (by birth and by naturalization), landed immigrants, and non-permanent residents<sup>18</sup> and their families living with them in Canada. The 2016 Census counted 35,151,728 persons in 15,412,443 dwellings. Income data by occupation was compiled for 25% of the entire Canadian working population.

Since 2006, Statistics Canada has been accessing tax return information for respondents in order to improve the accuracy of the individual income information. In 2006 and 2011, respondents were able to choose to either have their income tax information linked up or provide the income data. In the 2016 Census, Statistics Canada made it mandatory for users to have their income tax data automatically retrieved; manual input was not permitted for this data. Even though long-form census questionnaire respondents are the only ones asked about income levels (that is, the shortform census questionnaire respondents do not ask about income), Statistics Canada also used the Canada Revenue Agency tax data to link up to short-form respondents to enlarge the samples for income levels. In 2016, 95% of the population 15 years of age and older, in private households, were linked to an administrative record from the Canada Revenue Agency.

This survey methodology is important, as it moves the 2016 Census data out of the realm of self-reporting to independent corroboration. The reliability of the Census data, therefore, is unquestionably greater than non-random casual internet surveys of only a handful of agencies – from which information cannot be verified, and may not even be available in subsequent years given the transitory nature of internet advertising.

When culling income data from the Census surveys, we use wage data for female full-time, full-year workers working as housekeepers (the large majority of housekeepers are female<sup>19</sup>) across all education levels, but differentiated by region, given that substantial variations occur in wage levels across provinces and territories. This data includes housekeepers who are self-employed if they are paid wages, although 80% of workers in NOC 4412 work as employees.<sup>20</sup>

#### **Government of Canada's JOB BANK website**

The primary source of wages displayed on the JOB BANK website (www.jobbank.gc.ca) is Statistics Canada's Labour Force Survey ("LFS"), when sufficient data is available for a particular occupation. If data from the LFS is not available

<sup>&</sup>lt;sup>17</sup> As noted above, the 2011 National Household Survey differed from all other Census years. For instance, the 2016 Census long-form questionnaire was sent to 25% of Canadian households, while the 2011 NHS was sent to a random sample of 4.5 million dwellings, slightly less than 30% of all private dwellings in Canada in 2011. The Canada-wide response rate (the ratio of the number of questionnaires completed as a proportion of the total number of occupied private dwellings in the sample) for the 2016 *Census* long-form questionnaire was 96.9% while the response rate for the 2011 NHS was 68.6%. Essentially, this means the 2011 NHS data is based on a smaller random sample than the Census surveys, and slightly less repre-sentative – but still administered in accordance with proper statistical procedures. The main concern statisticians have about the 2011 NHS is the

 <sup>&</sup>lt;sup>19</sup> For instance, of the total count of housekeepers in NOC 4412 were self-employed (2015), see <a href="https://www.jobbank.gc.ca/marketreport/outlook-org">https://www.jobbank.gc.ca/marketreport/outlook-org</a> occupation/24584/ca.

other sources are considered, such as Employment Insurance survey data, provincial wage surveys (for example, the Alberta Wage and Salary Survey), the National Household Survey or collective bargaining agreements. As per the Government of Canada website: "wages are determined following a comparative analysis of the wage information available from difference sources. With collaboration of Service Canada regional offices, wage data are also verified to ensure regional consistency and to evaluate changes in the data over time ... In addition, wages may have been adjusted to reflect the current minimum wage in a province."21

Aside from custom tabulations from Statistics Canada's Census surveys, the LFS is one of the most inclusive, timely and unbiased sources of wage data by occupational group,<sup>22</sup> although the refinement by occupation is broader than similar data available from the Census surveys. The LFS is a cross-sectional survey that targets 56,000 households per month, resulting in the collection of labour market information for approximately 100,000 individuals. Responding to the survey is mandatory and the data is collected directly from survey respondents by LFS interviewers by telephone.

Estimates are produced for Canada, the provinces, the territories and a large number of sub-provincial regions.<sup>23</sup> For example, Canada Job Bank, using data from the LFS, reports wages for 8 regions in Alberta, 11 regions in Ontario and 5 regions in Nova Scotia. In addition to the wage estimates, the JOB BANK website also advertises current available jobs postings by actual employers. A review of the JOB BANK's current job postings indicates that, as of January 12, 2022, there were 86,896 job postings in Canada for a wide variety of occupations and wages such as baker in Jasper, AB (\$16.00 per hour), mystery shopper in Hawkesbury, ON (\$18.00 per hour) or registered nurse in Charlottetown, PE (\$35.38 - \$42.65 per hour) and includes 212 postings for housekeepers (across Canada).

#### **Alberta Wage and Salary Survey**

This provincial survey is one of the best available independent wage surveys in Canada and is relied upon by the government of Canada's JOB BANK website to supplement their synthesis of wage data. It has been published every two years since 1993 with the most recent data being released for 2019. In this year, the Alberta Wage and Salary *Survey* surveyed 7,000 employers covering 482,000 workers.<sup>24</sup> The published data combines wages paid to both sexes.

We do not recommend using "agency" rates, since these build in a component for HST/PST/GST; overhead for supplies, insurance, travel, and payroll costs; and a profit margin. Rejecting "agency" rates for these reasons has been affirmed in two decisions that we have been referred to:

Thibert v. Zaw-Tun (2006): To the extent that the cost of commercial housekeeping services is used as a reference point, some discount is appropriate to reflect ... the inclusion of overhead and profit items in the commercial cost (para. 257, emphasis added)

Malinowski v. Schneider (2010): I agree with the approach taken by Justice Rooke in Thibert, that a discount is appropriate to reflect ... the inclusion of overhead and profit items in the commercial cost of such services. Therefore, the \$25.00 per hour rate suggested by Mr. Malinowski will be reduced by 25% as suggested by Dr. Schneider, based on the reasoning employed by Justice Rooke (para. 362, emphasis added)

<sup>&</sup>lt;sup>21</sup> Government of Canada's Job Market Report, *Wage Methodology*, available online at <u>www.jobbank.gc.ca</u>. The methodology summary also notes that "the method used to calculate the wages incorporates data quality checks, including: a minimum sample size; a measure of dispersion; review on an annual basis; and the implementation of recognized principles regarding rounding, reference periods, annual salaries and minimum wages. <sup>22</sup> Government of Canada's Job Market Report, *Wage Methodology*, available online at <u>www.jobbank.gc.ca</u>.
 <sup>23</sup> Statistics Canada's Surveys and statistics programs, *Labour Force Survey* available online at <u>www.statcan.gc.ca</u>
 <sup>24</sup> Alberta Labour, 2019 Alberta Wage and Salary Survey, "Methodology Report", September 2019.

Brown Economic's replacement rate approach and specific hourly rates as shown in Table 2 above have been accepted in several reported cases.<sup>25</sup>

#### How are the hourly rates in Table 2 applied in housekeeping loss assessments? (OR: when to rely on time use data)

The hourly rates in Table 2 are combined either with the plaintiff's or decedent's record of time spent on household activities before the incident; or from time use studies by government agencies. The user will observe that the HDC "input" screen (see page 14 below) is identical to Brown Economic's Diary of Household Activities,<sup>TM</sup> which we ask claimants to complete in the absence of a cost of care expert's recommendations.<sup>26</sup> (If a cost of care report will be commissioned in an injury or fatality case, it is not necessary to have the plaintiff or survivor complete the Diary).

As Cushing and Rosenbaum state,

"...time use surveys are the most popular method for recording the number of hours devoted to household production. After statistics are collected on time spent in nonmarket production, a dollar value is assigned to each activity and multiplied by the number of hours to estimate value."<sup>27</sup>

Canadian judges (and likely juries) have preferred to have specific evidence given by the plaintiff or the decedent's family as to his/her time spent on household activities. This can be accomplished by having the plaintiff or the survivor complete a form such as the Diary of Household Activities. The Diary has been created by this author using research about such diaries from Statistics Canada and has gone through several iterations after feedback from numerous lawyers. The main asset of the Diary compared to many self-made forms is that it constrains the user to a 168-hour week. If instead you ask someone an open-ended question such as "How much time did you [or your spouse] spend on housework?" the user will often overestimate the housework time and on occasion will not leave enough time in the week for other activities, such as sleeping, eating, paid work, personal care, and leisure/spiritual activities. There are many other biases that can be introduced by persons who have no experience creating surveys; in fact, Statistics Canada regularly offers courses on how to design simple surveys.

In Baker v. Poucette (2016), Brown Economic estimated Mr. Baker's contribution to household services based on our usual form, the Diary of Household Activities (Fatal Accident), which was completed by Mrs. Baker. The Diary was summarized in Brown Economic's report, Mrs. Baker testified at trial regarding her husband's contribution to household services, and this author testified about the information from the widow's Diary; however the Diary itself was not formally entered into evidence at trial. The appellant (defendant) argued that the number of hours Mr. Baker contributed to the household was hearsay.<sup>28</sup> The Court of Appeal of Alberta affirmed the trial judge's decision as follows:

[40] It is fair to say that in one sense the Baker family was not a typical family arrangement. Mrs. Baker gave detailed evidence at trial regarding Mr. Baker's contributions to the household and child care. At para 173, the

<sup>&</sup>lt;sup>25</sup> A few reported cases in which this author has testified about housekeeping capacity and upon which the court has based its final award (either in part or in entirety) include: *Mahe v. Boulianne*, 2008 ABQB 680; *Russell v. Turcott*, 2009 ABQB 19; *Istead v. The Trenton Columbus Club Inc.* (Ontario, 2009 – jury trial); *McLaren v. McLaren Estate* (2010) ABQB 471; *Baker v. Poucette* (2017), 418 D.L.R. (4<sup>th</sup>) 504, 2017 ABCA 344, 2017

<sup>&</sup>lt;sup>26</sup> To obtain a copy of Brown Economic's *Diary of Household Activities*, email us at <u>info@browneconomic.com</u>, visit <u>www.browneconomic.com</u> > **PRODUCTS & SERVICES** > Checklists & Diaries > Diaries, or contact us on our **HELP** line: 1-888-232-2778. <sup>27</sup> Matthew J. Cushing and David I. Rosenbaum. 2012. "Valuing Household Services: A New Look at the Replacement Cost Approach." *Journal of Legal* 

Economics 19(1): p. 38. <sup>28</sup> Baker v. Poucette, 2017 ABCA 334, at para. 39.

trial judge stated, in part, "I accept Mrs. Baker's estimates of the weekly amount of time Mr. Baker expended on household services, even though her estimated [sic] exceeded the Canadian statistical averages by over 2 times".

[41] While it is true that the diary prepared by Mrs. Baker at the behest of Cara Brown was not formally entered into evidence, the results were reproduced at Table 6.4 of the Cara Brown report. However, even if all the evidence relied upon by Cara Brown in coming to her conclusion on this point is not technically before the court, this is not necessarily fatal. What is required is that there be at least some supporting evidence on the issue before the court. (emphasis added)

The appeal court affirmed the housekeeping award in the trial decision of Baker v. Poucette 2017 ABCA 334, which when valued equaled \$134,000 including tax gross-up.<sup>29</sup>

With the person- or household-specific information, the quantum expert subsequently compares it to statistical averages of time use, matching the plaintiff's or decedent's demographic characteristics in terms of gender, age, employment status, marital status, and presence or absence of children. Special tabulations are available from Statistics Canada's General Social Survey Time Use modules. The most recent GSS time use survey was conducted in 2015,<sup>30</sup> and preliminary data were released in 2017. Brown Economic has obtained these special tabulations from the GSS surveys since 1992, including the 2015 survey data.<sup>31</sup> These special tabulations are more accurate than the online, published data because they allow us to refine the data to the plaintiff or decedent better according to characteristics that influence the hours spent on housework, such as: gender; age; employment status; marital status; employment status of partner; and presence or absence of children under or over age 5.

The custom datasets also tabulate time use data by age group, and identifies time spent on specific household tasks, such as meal preparation and clean-up, indoor cleaning, outdoor cleaning, laundry, home repair, gardening, and other domestic work (i.e., paying bills, packing and unpacking luggage for travel).

Time use data by role groups is only available through custom tabulations and is not available on the publicly disseminated Statistics Canada website. What is available online is Statistics Canada's Data Table 45-10-0014-01 Daily average time spent in hours on various activities by age group and sex, 15 years and over, Canada and provinces, which allows users to estimate the average hours spent on household chores only by age and gender, but does not include estimates based on various "role groups" and does not break down household chores for specific chores as listed above.<sup>32</sup> Moreover, the online data table only provides data for the 2015 reference period and does not include data from prior years, whereas we have the benefit of past year GSS survey data.

Once the time use information is gathered, the mathematical exercise is, as Cushing and Rosenbaum describe above, to multiply the number of hours by the statistics regarding replacement rates for "nonmarket production" (household

<sup>&</sup>lt;sup>29</sup> Calculated by Brown Economic Consulting pursuant to direction from the trial judge (para. 209).
<sup>30</sup> The Census also asks questions about housekeeping hours but typically only asks the respondent to identify the range of hours done each week,

<sup>&</sup>lt;sup>31</sup>To date the GSS *Time Use Survey* has been conducted in 1986 (sample size = 16,400), 1992 (sample size = 9,000), 1998 (sample size = 10,700), 2005 (sample size = 19,600), 2010 (sample size = 15,400) and 2015 (sample size = 17,390). <sup>32</sup> The advantage to presenting the "role group" data, which is compared to the claimant's information if available, is that we are able to offer a comparison of the person-specific data and the statistical data by specific household chore (i.e., meal preparation, indoor cleaning, outdoor cleaning, etc.)

Courts have used this information to evaluate the usefulness of the plaintiff's information.

work). That is the purpose of the rates in Table 2 above. This procedure follows the replacement cost method, which is the accepted method in Canadian jurisprudence, and the most frequently used one by forensic economists in the US.<sup>33</sup> As the above authors remark,

"The replacement wage method values household production time at the wage of a hired worker who performs the work. The replacement wage method compensates tort victims for the work they or their deceased would have performed as if they were domestic workers in their own employment. This approach is more widely used in studies of household time."<sup>34</sup> (emphasis added)

TIP: Many defense experts substitute published time use data from Statistics Canada's website rather than obtain custom tabulations from the GSS time use surveys or rely on the person-specific information. The courts have been consistent about preferring specific information about the plaintiff or decedent rather than substituting statistics: see McIntyre v. Docherty, a landmark Ontario court of appeal decision in 2009,<sup>35</sup> which affirmed the total award for housekeeping loss equal to \$59,935. Courts also typically prefer that use of statistical data be as tailored as possible to the plaintiff or decedent, like the GSS time use custom tabulations allow us to do.

#### Is the housekeeping award a pecuniary or non-pecuniary one?

Some lawyers argue that a simple way of accounting for loss of housekeeping capacity is to fold it into the nonpecuniary award for pain and suffering. Cooper-Stephenson and Adjin-Tettey stated the following with regard to this idea in 2018:

The claim for loss of homemaking capacity is prima facie a pecuniary loss. If a replacement expense has actually been incurred, or other pecuniary gains have been lost by lack of homemaking work, these losses are de facto pecuniary, and are now recognized as such de jure. They were always treated this way in fatal accident cases.

As for actually quantifying pre-trial homemaking, it was held in *Fobel v. Dean*.<sup>36</sup> (1) that while the loss should be assessed as a loss of amenity, "the replacement cost is a relevant component or element in arriving at [its] dollar value", and (2) that the number ultimately calculated should be separated from the conventional award for traditional non-pecuniary loss, so that both could be adequately reviewed on appeal.<sup>37</sup> (emphasis added)

Cooper-Stephenson and Adjin-Tettey observe the necessity for separating out the housekeeping loss award as a pecuniary subtotal in its own right in the event the trial decision is appealed.<sup>38</sup>

<sup>&</sup>lt;sup>33</sup> Matthew J. Cushing and David I. Rosenbaum. 2012. "Valuing Household Services: A New Look at the Replacement Cost Approach." Journal of Legal *Economics* 19(1): p. 39.

*Economics* 19(1): p. 39. <sup>34</sup> Matthew J. Cushing and David I. Rosenbaum. 2012. "Valuing Household Services: A New Look at the Replacement Cost Approach." *Journal of Legal Economics* 19(1): p. 38. <sup>35</sup> (2009), 308 D.L.R. (4<sup>th</sup>) 213, 2009 ONCA 448. <sup>36</sup> 1991, 83 D.L.R. (4<sup>th</sup>) 385, 1991 CarswellSask 216, 9 C.C.L.T. (2d) 87, [1991] 6 W.W.R. 408, 93 Sask. R. 103, 4 W.A.C. 103, [1991] S.J. No. 374 (Sask. C.A.), at 402, leave to appeal refused (1992), 138 N.R. 404 (note), [1992] 1 S.C.R. vii (note), 87 D.L.R. (4<sup>th</sup>) vii (note), [1992] 2 W.W.R. Ixxii (note), 97 Sask. R. 240 (note), 12 W.A.C. 240 (note), [1991] S.C.C.A. No. 433 (S.C.C.). <sup>37</sup> K. Cooper-Stephenson and E. Adjin-Tettey, *Personal Injury Damages in Canada* (Toronto, Ontario: Carswell, a Thomson Reuters business), 2018 (3<sup>rd</sup> edition), at pp. 207 & 746. <sup>38</sup> This issue was commented upon by the Court of Appeal in *Beam v. Pittman* (1997), 147 Nfld. & P.E.I.R. 166 (C.A.), affd 122 Nfld. & P.E.I.R. 181 (S.C.) trial decision at para. 38.

<sup>(</sup>S.C.) trial decision at para. 38.

Reported cases that have considered this issue specifically are reviewed in this author's Thomson Reuters text, Damages: Estimating Pecuniary Loss. These cases include:<sup>39</sup>

- *Carter v. Anderson*, (1998), 160 D.L.R. (4<sup>th</sup>) 464 at p. 473, 168 N.S.R. (2d) 297 (C.A.) •
- Bertin v. Kristoffersen, (2001), 244 (N.B.R. (2d) 315 (C.A.) •
- Beam v. Pittman, (1997), 147 Nfld. & P.E.I.R. 166 (C.A.), affd 122 Nfld. & P.E.I.R. 181 (S.C.).
- Cairns v. Harris, (1994), 117 Nfld. & P.E.I.R. 216 (S.C.) •
- Thibert v. Zaw-Tun, (2006), 64 Alta. L.R. (4<sup>th</sup>) 41, 151 A.C.W.S. (3d) 232 (Q.B.) •
- Russell v. Turcott, (2009), 64 C.C.L.T. (3d) 11, 2009 ABQB 19 •
- McIntyre v. Docherty, (2009) 308 D.L.R. (4<sup>th</sup>) 213, 2009 ONCA 448: this case explicitly affirmed that housekeeping loss awards can be pecuniary and non-pecuniary in nature [para. 60].

Cooper-Stephenson and Adjin-Tettey also remark on the relatively common situation when family members or friends provide the housekeeping services formerly done by the plaintiff:

... compensation is now recognized where such substitute homemaking work, or homemaking/family business work, has been carried out voluntarily by third parties, even where there was no agreement for reimbursement.

# ... The old approach, that no damages should be awarded because the family helped out, has now been clearly rejected.<sup>40</sup> (emphasis added)

This was affirmed in *McIntyre v. Docherty*,<sup>41</sup> a 2009 landmark decision in Ontario that was "ground-breaking" and "responsible for a widespread cultural shift" with its recognition of how important housework is.<sup>42</sup> The appeal court confirmed that plaintiffs are not required to incur out-of-pocket expenses for housekeepers to be successful in a housekeeping claim being awarded, an observation that arose many years ago (in 1979) in Daly v. General Steam Navigation Col. Ltd.<sup>43</sup>

# How do I use the online Housekeeping Damages Calculator™ @ www.browneconomic.com?

The **Housekeeping Damages Calculator**<sup>™</sup> at <u>www.browneconomic.com</u> allows the user to enter the plaintiff's time use (or decedent's time use in a fatality case) on all activities, calculates the pre-trial loss (from the date of incident to date of trial/settlement) and then estimates the present value of the future loss. A PDF report is generated by the Housekeeping Damages Calculator <sup>TM</sup> which details all of the calculations, the yearly computations, and the main assumptions. The fee for the Housekeeping Damages Calculator <sup>TM</sup> is \$190.00 + GST and is payable online via credit card at a secure, encrypted page.

The screen below shows the first step undertaken by a user of the online calculator: there is only one screen, and it asks for the basic information about the plaintiff (date of birth, date of incident, province/territory of residence, and the province/territory in which the incident occurred); and then asks for the total weekly hours (168) to be divided

page 12

<sup>&</sup>lt;sup>39</sup> C.L. Brown, **Damages: Estimating Pecuniary Loss** (Toronto, Ontario: Canada Law Book, a Thomson Reuters business), December 2021 (30<sup>th</sup> edition), pp. 9-4 to 9-36. This is not purported to be an exhaustive list of cases on this point.
<sup>40</sup> Κ. Cooper-Stephenson and E. Adjin-Tettey, *Personal Injury Damages in Canada* (Toronto, Ontario: Carswell, a Thomson Reuters business), 2018

 <sup>&</sup>lt;sup>(3)</sup> (2<sup>3</sup><sup>d</sup> edition), at pp. 210-212.
 <sup>41</sup> (2009), 308 D.L.R. (4<sup>th</sup>) 213, 2009 ONCA 448.
 <sup>42</sup> Kathryn Blaze Carlson, "A clean fight. A court ruling on housework recognizes its worth, but gets mixed reaction" *National Post*, June 13, 2009.
 <sup>43</sup> [1979] 1 Lloyd's Rep. 257 (Q.B. (Adm. Ct.)).

amongst an individual's main activities. The final questions (#8 and #9) ask the user to enter a percentage for the plaintiff's capacity for housework after the incident, and then a final percentage capacity once the plaintiff's capacity plateaued (or will plateau in the future) once some or all recovery has taken place.<sup>44</sup>

A sensitivity analysis is offered at no extra cost -- in the same online session – whereby the user can alter different figures for key variables, i.e., the number of hours per week to replace or the hourly replacement rate. Altering these key variables will return different housekeeping loss estimates compared to the original inputs.

In a case that this author testified, *Russell v. Turcott*,<sup>45</sup> Justice Rooke analyzed the plaintiff's record of pre-incident household hours from the *Diary of Household Activities*<sup>™</sup> Ms. Russell had completed at plaintiff counsel's request. In that case, Justice Rooke determined that Ms. Russell's pre-incident weekly hours on household chores equaled 20.50 per week (not 27.50) as had been filled out on the *Diary* form. The court made this decision in light of the comparative analysis in our report to the court which contrasted Ms. Russell's pre-incident time to her statistical peers (matched by role group from Statistics Canada's General Social Survey). Coincidentally (I promise!) when I completed the example below for the Housekeeping Damages Calculator (HDC)<sup>™</sup>, the weekly loss used in the calculation is based on 20.5 hours per week, after accounting for paid work, sleeping, personal care, leisure, spirituality, exercise, etc. This means our example from the HDC below mirrors the actual metrics used by Justice Rooke in Russell.

[continued page 14]

<sup>&</sup>lt;sup>44</sup> For obvious reasons, these questions are not included if the estimate is required in a fatality case. Instead, the user is asked how many family members were/are dependent on the decedent's housekeeping work in order to subtract the decedent's "benefit" from his/her own housework (akin to the PCR used in the dependency loss on income calculations, but *not* drawn from the PCRs, which are derived from consumer expenditure data; expenditure data has no relationship to the segment of unpaid work (housework) the decedent may have done for his/her benefit, only the amount of household income consumed by the decedent which is now "saved" upon his/her passing). <sup>45</sup> Russell v. Turcott (2009), 64 C.C.L.T. (3d) 11, 2009 ABQB 19. The author testified for the plaintiff in this matter.

Economic Consulting Inc. Head Office: Suite 216, 5718-1A Street S.W. Cal		nic damages when wag od by the negligence of
mead officer Suite 210, 5710-1A Street S.W. Cal	gary, AB T2H 0E8 Help Line	: 1-888-232-2778
Diary of Housekeeping Activities (Per	rsonal Injury)	
In the Absence of the Incident		
Note that this record-keeping form pertains to the hours loing had the incident <i>not</i> occurred.	of work the plaintiff used to o	do or was capable of
Name: Jan 2022 newsle	etter examp	
Gender:      Female O M	ale	
Date of Birth (mm/dd/yyyy): May 🗸 / 23	/ 1985	
Date of Incident (mm/dd/yyyy): Sep 🗸 / 15	/ 2018	
Number of Children at Home: O None O	ne or more	
Province of residence: Ontario	~	
Date of Calculation: Tuesday, Januar	ry 11, 2022	
Province in which incident occurred: Alberta	~	
	Hours Per Day	Hours Per Week
<ol> <li>How many hours did you spend at paid work PER WEEK (or planned to spend if you were not yet in</li> </ol>		40
work force, were changing jobs, or were on a leav		
of absence)?		
2. How many hours did you sleep ON AVERAGE, per	8.0	56.0
night?		
3. How much time did you spend, PER DAY, on perso	onal 3.0	21.0
care (e.g., showering, dressing, eating meals, etc		
volunteering, spirituality, studying/learning, trave		
(commuting)?		
4. How much time did you spend each WORKDAY (i.	e., 3.5 hours per	17.5
whatever days on which you worked, which could		
have been on a weekend or at night if you worked	d 5 days AT work	
shift work) on all leisure activities (e.g., television	la la	
movies, sporting events, visiting friends and famil	ly,	
etc.)?		
	, 6.5 hours per	13
<ol><li>How much time did you spend each DAY OFF (i.e. whatever days you had off work) on all leisure</li></ol>	day multiplied by	13
activities (e.g., television, movies, sporting events		c
visiting friends and family, etc.)?		
5. TOTAL #1 to #5		147.5
	k less total hours (in #6):	20.5
7. Regular housekeeping hours = 168 hours per wee	diately after the incident:	50 %
	and a second sec	
<ol> <li>Regular housekeeping hours = 168 hours per wee</li> <li>Percentage of household work you could do imme</li> </ol>		
	you expect to reach a	Condition will reach a
8. Percentage of household work you could do imme		Condition will reach a steady level on
<ol> <li>Percentage of household work you could do imme</li> <li>If you expect your condition to improve, when do</li> </ol>		
<ol> <li>Percentage of household work you could do imme</li> <li>If you expect your condition to improve, when do steady level, and what percentage of household w</li> </ol>	vork do you expect to be	steady level on

Once the HDC has the information in the "input" screen, a set of estimates is provided for a potential past loss of housekeeping capacity. In this case, the potential housekeeping capacity award is based on 20.50 pre-incident hours of chores, reduced by -50% at the incident date in 2018. We then assume the claimant's loss *decreases* as of Jan. 1, 2025 when post-incident capacity is expected to *increase* (from 50%) to 80%. We also embed an "empty-nest" downward adjustment at age 45 if the user elects "One or more" on the input sheet to the query "Number of children at home". This adjustment is to recognize that parents do less housework, on average, once children are no longer dependent on such activities.

The screen below shows the "output" summary which is returned once the questions in the "input" sheet above are submitted online.



Quantifying economic damages when wages or profits are interrupted by the negligence of others

Head Office: Suite 216, 5718-1A Street S.W. Calgary, AB T2H 0E8 Help Line: 1-888-232-2778

#### Housekeeping Damages Calculator

### (Personal Injury)

Calculated on: Tuesday, January 11, 2022 Reference ID: 0-1641936349

Name:	Jan 2022 newsletter example
Gender of the injured:	Female
Date of Birth :	May 23, 1985
Date of Incident:	September 15, 2018
Age at time of incident:	33
Age at time of calculation:	36
Province of residence:	Ontario
Province of incident:	Alberta
- Value at age 33 (2018 \$): (10.25 hours/week lost based on	\$9,183
50% capacity)	
- Value at age 36 (2022 \$):	\$10,983
- Value at age 40 (2022 \$): (Changed to 80% capacity)	\$4,393
- Value at age 45 (2022 \$):	\$3,734

Total Loss of Housekeeping Capacity	\$145,044
Present Value of Future Loss (from the date this calculation is made to when the plaintiff is 80 years old):	\$110,203
Past Loss (from date of incident to the date this calculation is made):	\$34,841

There are several things worth noting about the way in which this **HDC** is designed:

- 1) Province of residence & province in which incident occurred: This is distinguished because the province of residence determines the hourly rate to be used (see Table 2) whereas the province in which the incident happened determines the *discount rate* to be used in the future loss calculations, since many provinces and the three northern territories have established mandated discount rates to use in civil litigation;<sup>46</sup>
- 2) The annual replacement cost at the claimant's age 33, in 2018, equals \$9,183, based on the Ontario hourly replacement rate. This is based on a pre-incident capacity of 20.50 hours per week, reduced by 50% (question #8 from the "inputs") immediately after the incident;
- 3) The annual replacement cost at age 40, when the claimant's capacity to do household chores increases to 80% as per question #9 (from 50% in 2018), declines to \$4,393 (in 2022 dollars);
- 4) Once we apply the "empty-nest" adjustment at age 45, the annual replacement cost (in 2022 dollars) decreases further to \$3,734, which accounts for children becoming independent with respect to household chores;<sup>47</sup>
- 5) Negative contingencies for failing health and mortality are included, and the future loss calculations are discounted to present value.48

If plaintiff- or decedent-specific information is not yet available to use for the main input screen of the Housekeeping Damages Calculator <sup>™</sup>, the user can rely on average time use estimates for various activities (sleeping, working, personal care, eating at home, socializing/dining out, television viewing & reading, attending entertainment events, and active leisure (sports, computer use, playing video games)) cited by Canadians.<sup>49</sup>

For a summary of this information to use in the HDC, see Table A: Time per day/week on Various Activities, Canadians, 2010 in Brown's Economic Damages Newsletter, "Time Use: Average Time spent on Activities & Utilization for the Housekeeping Damages Calculator <sup>™</sup> ("HDC"), September/October 2012, vol. 9, issue #8, available upon request.

<sup>&</sup>lt;sup>46</sup> See, for instance, **Brown's Economic Damages Newsletter**, "Calculating Present Values in Civil Litigation: A Review of Past, Present & Future Interest Rates" January 2020 SPECIAL ISSUE vol. 17, issue #1, Table 1 (p. 5) which summarizes the mandated real discount rates for various regions in Canada.

This assumption is derived from role group time use data, which consistently show that parents with children living at home do more household than parents without children at home. <sup>48</sup> When housekeeping loss calculations are included in a written assessment on a fatality case, negative contingencies for remarriage or re-coupling

<sup>(</sup>of the survivor) and divorce/common-law dissolution (of the original couple) are applied. <sup>49</sup> Statistics Canada's catalogue *General Social Survey* – 2010 Overview of the Time Use of Canadians (2012).

From December 2020 to December 2021*		For the month of December 2021		
(rates of inf	lation)			
Canada**	4.8%	Canada:	5.9%	
Vancouver:	3.8%	Vancouver:	5.7%	
Toronto:	4.7%	Toronto:	7.2%	
Ottawa:	5.4%	Ottawa:	4.0%	
Montréal:	5.0%	Montréal:	5.3%	
Edmonton:	4.6%	Edmonton:	6.6%	
Calgary:	5.0%	Calgary:	8.2%	
Halifax:	4.4%	Halifax:	6.2%	
St. John's, NF:	3.6%	St. John's, NF:	7.0%	
Saint John, NB:	4.7%	Saint John, NB:	8.3%	
Charlottetown (PEI):	6.8%	Charlottetown (PEI):	7.8%	

-

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page 18

# UPDATING NON-PECUNIARY AWARDS FOR INFLATION (DEC. 2021, CANADA)

				Non-Pecuniary Damages - Sample Awards		
Year of Accident/	"Inflationary"	\$10,000	\$25,000	\$50,000	\$75,000	\$100,000
Year of Settlement or Trial	Factors*					
December 2020-December 2021	1.034	\$10,340	\$25,849	\$51,698	\$77,546	\$103,395
Avg. 2019-December 2021	1.041	\$10,414	\$26,035	\$52,070	\$78,105	\$104,140
Avg. 2018-December 2021	1.062	\$10,617	\$26,543	\$53,085	\$79,628	\$106,170
Avg. 2017-December 2021	1.086	\$10,857	\$27,143	\$54,286	\$81,429	\$108,572
Avg. 2016-December 2021	1.103	\$11,031	\$27,576	\$55,153	\$82,729	\$110,305
Avg. 2015-December 2021	1.119	\$11,188	\$27,971	\$55,941	\$83,912	\$111,883
Avg. 2014-December 2021	1.131	\$11,314	\$28,286	\$56,572	\$84,857	\$113,143
Avg. 2013-December 2021	1.153	\$11,530	\$28,825	\$57,649	\$86,474	\$115,299
Avg. 2012-December 2021	1.164	\$11,638	\$29,095	\$58,190	\$87,284	\$116,379
Avg. 2011-December 2021	1.181	\$11,815	\$29,537	\$59,073	\$88,610	\$118,146
Avg. 2010-December 2021	1.216	\$12,158	\$30,396	\$60,792	\$91,189	\$121,585
Avg. 2009-December 2021	1.238	\$12,375	\$30,938	\$61,876	\$92,814	\$123,753
Avg. 2008-December 2021	1.243	\$12,434	\$31,085	\$62,170	\$93,254	\$124,339
Avg. 2007-December 2021	1.271	\$12,706	\$31,765	\$63,531	\$95,296	\$127,061
Avg. 2006-December 2021	1.298	\$12,977	\$32,444	\$64,887	\$97,331	\$129,775
Avg. 2005-December 2021	1.324	\$13,237	\$33,093	\$66,185	\$99,278	\$132,371
Avg. 2004-December 2021	1.353	\$13,530	\$33,826	\$67,652	\$101,479	\$135,305
Avg. 2003-December 2021	1.378	\$13,782	\$34,455	\$68,910	\$103,365	\$137,820
Avg. 2002-December 2021	1.416	\$14,162	\$35,406	\$70,812	\$106,218	\$141,624
Avg. 2001-December 2021	1.448	\$14,483	\$36,206	\$72,413	\$108,619	\$144,825
Avg. 2000-December 2021	1.485	\$14,847	\$37,117	\$74,235	\$111,352	\$148,469
Avg. 1999-December 2021	1.525	\$15,251	\$38,129	\$76,257	\$114,386	\$152,515
Avg. 1998-December 2021	1.552	\$15,516	\$38,789	\$77,578	\$116,366	\$155,155
Avg. 1997-December 2021	1.567	\$15,670	\$39,175	\$78,350	\$117,525	\$156,700
Avg. 1996-December 2021	1.592	\$15,924	\$39,809	\$79,619	\$119,428	\$159,238
Avg. 1995-December 2021	1.617	\$16,175	\$40,437	\$80,874	\$121,311	\$161,748
Avg. 1994-December 2021	1.652	\$16,522	\$41,305	\$82,610	\$123,915	\$165,220
Avg. 1993-December 2021	1.655	\$16,549	\$41,373	\$82,745	\$124,118	\$165,490
Avg. 1992-December 2021	1.686	\$16,858	\$42,146	\$84,292	\$126,438	\$168,583
Avg. 1991-December 2021	1.711	\$17,109	\$42,772	\$85,544	\$128,316	\$171,089
Avg. 1990-December 2021	1.807	\$18,072	\$45,179	\$90,359	\$135,538	\$180,717
Avg. 1989-December 2021	1.894	\$18,937	\$47,342	\$94,684	\$142,027	\$189,369
Avg. 1988-December 2021	1.988	\$19,881	\$49,702	\$99,403	\$149,105	\$198,807
Avg. 1987-December 2021	2.068	\$20,679	\$51,698	\$103,395	\$155,093	\$206,790
Avg. 1986-December 2021	2.158	\$21,580	\$53,951	\$107,902	\$161,852	\$215,803
Avg. 1985-December 2021	2.248	\$22,485	\$56,212	\$112,425	\$168,637	\$224,849
Avg. 1984-December 2021	2.338	\$23,376	\$58,439	\$116,879	\$175,318	\$233,757
Avg. 1983-December 2021	2.438	\$24,382	\$60,955	\$121,909	\$182,864	\$243,819
Avg. 1982-December 2021	2.581	\$25,813	\$64,532	\$129,065	\$193,597	\$258,130
Avg. 1981-December 2021	2.859	\$28,591	\$71,477	\$142,954	\$214,431	\$285,908
Avg. 1980-December 2021	3.216	\$32,162	\$80,405	\$160,811	\$241,216	\$321,622
Avg. 1979-December 2021	3.542	\$35,420	\$88,551	\$177,101	\$265,652	\$354,202
Jan. 1978-December 2021	4.034	\$40,345	\$100,862	\$201,724	\$302,585	\$403,447

\$103,395= \$50,000 x 2.068 represents the dollar equivalent in December 2021 of \$50,000 based on inflation increases since 1987. Similarly, \$403,447 (=\$100,000 x 4.034) represents the dollar equivalent in December 2021 of \$100,000 in 1978 based on inflationary increases since the month of January 1978.
\* Source: Statistics Canada, Consumer Price Index, monthly CPI release, rolling average (except for Jan. 1978).

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