

Civil Service Act

On clause 2—*Definitions*.

Mr. Richard (Ottawa East): During the discussions in committee, the civil service federation of Canada stated that several years ago the national joint council recommended that the principle of the payment of shift differentials be instituted. This is the normal practice in industry and should be applied to the civil service. At that time they were informed that, in the opinion of the Department of Justice, such payments could not be made under the old act. It is for that reason I wish to move, seconded by the hon. member for Ottawa West:

Under clause 2, subclause (a), add a new paragraph (iii):

(iii) by reason of duties having to be performed by employees during any shift other than a straight day shift.

Mr. Bell (Carleton): This deals with a matter which was discussed in the special committee at least on two occasions. On the final occasion on which it was discussed the committee had before it the clear cut opinion of the draftsman of the bill, namely the deputy minister of justice, that provision was now made for the payment of shift differentials and that it was unnecessary to have any amendment to give that authority. That authority will now be provided through the provisions of clause 12 of this bill which is drafted specifically, in its final paragraphs, to cover such circumstances. I quote:

—or such other rates as may in any special cases be appropriate.

It is also covered by the provisions of the Financial Administration Act which under the old Civil Service Act were overridden but which under the new act will not be overridden. The situation therefore is that the amendment is completely unnecessary as providing for something in respect of which the existing bill makes provision and in respect of which the committee had the specific and definite opinion of the deputy minister of justice. Consequently I would suggest to the committee that the amendment, being unnecessary, be not accepted.

Mr. Richard (Ottawa East): Of course, Mr. Chairman, I should like to rely on the opinion which has been given by the parliamentary secretary to the Minister of Finance.

Mr. Bell (Carleton): It is not his opinion; it is that of the deputy minister of justice.

Mr. Richard (Ottawa East): I refer to the opinion that the hon. gentleman expressed. If that is the case and if that is the undertaking, of course, I would be quite satisfied. However, that was the matter that was raised in the committee; and I thought it would be

much better for it to be expressed in the committee of the whole here this afternoon than just in the special committee so that it would be understood clearly that such was the opinion, namely that this provision is already made in the bill. Therefore under the circumstances I would be very willing to withdraw the amendment.

The Chairman: Does the committee give to the hon. member leave to withdraw the amendment?

Some hon. Members: Agreed.

Amendment withdrawn.

The Chairman: Shall clause 2 as amended by the committee carry?

Clause agreed to.

Clauses 3 to 5 inclusive agreed to.

On clause 6—*Powers and duties*.

Mr. Richard (Ottawa East): I move that paragraph (c) of clause 6 of Bill No. C-71, be amended to read as follows:

(c) at the request of a deputy head or on its own initiative report upon any matter pertaining to organization and employment in the department.

The Chairman: I assume that amendment would be to replace the present paragraph (c) by this one?

Mr. Richard (Ottawa East): That is right.

Mr. Bell (Carleton): This again was a matter which was carefully considered by the committee and upon which the opinion of the deputy minister of justice was obtained. The opinion of the deputy minister of justice, which is given at page 495 of the minutes of proceedings and evidence of the committee of Friday, June 16, clearly indicates that it is unnecessary to add these words in order to accomplish the purpose—and, I may say, the laudable purpose—which the hon. gentleman has in mind. In his opinion as the draftsman of the bill this matter is covered by the generality of the words in subclause (b). In other words, the position of subclause (b) is that the commission has the power to—

—report to the governor in council upon such matters arising out of or relating to the administration or operation of this act and the regulations—

Those words are of a general character. Subclause (c) provides for a different situation. Subclause (c) permits the deputy head to ask the civil service commission to report upon any matter pertaining to organizations and employment in the department. However, in the opinion of the deputy minister of justice subclause (c) does not in any way restrict the generality of the words in the opening part of subclause (b) and in his opinion it consequently was unnecessary.