

The following is a more extended statement on the above topics, each of which, it may be remarked, constitutes a separate problem and may be dealt with accordingly.

THE THIRD DIVISION.

On this subject the Association desires to represent:—

(1). That no recognition has been accorded by the Government to the several representations which have been made during the past three years by the Executive of the Civil Service Association with reference to the unfortunate conditions existing whereby certain clerks in the 3rd Division are placed under serious disabilities with respect to promotion as the result of the operation of the Civil Service Amendment Act of 1908, and of the subsequent regulations of the Civil Service Commissioners.

(2). That the said regulations were amended by an Order-in-Council dated Feb. 22, 1911, but we respectfully submit that these amended regulations do not take any cognizance of the basic principle of the memorials submitted to the former Administration for consideration, namely that the regulations of the Commission should not, in equity, take away from any clerk any rights he possessed prior to the coming into force of the Civil Service Act of 1908.

(3). That this contention was fully appreciated and admitted by the Government at the time of the passing of the said Act, as shown by the following quotations from Hansard, 1908:

Hon. Mr. FISHER (page 11378)

"The Civil Service is to-day established on certain lines. The men who have entered the Civil Service have entered it on certain conditions and are entitled to the consideration due to those who are in the place which they have attained to, under certain laws, rules and regulations."

Hon. Mr. FISHER (page 11583)

"There are people who have passed the promotion examination, which entitles them to go to chief clerkships although they may be only second class clerks to-day. They have a certain standing as a consequence of that, and I think the Commission should recognize that."

Hon. Sir MACKENZIE BOWELL (Senate Debates, July 16th, 1908, page 1600):

"There is a provision in the law that third class clerks must undergo an examination as to fitness before promotion, to be held by the new Commission to be appointed. What position would a third class clerk be in who passed the preliminary examination, the examination as to the duties of his office, and also the qualifying promotion examination? We will assume that he has passed all the examinations necessary for promotion. Will that officer be compelled to go before the new Commission and be examined again before he can be promoted?"

Hon. Mr. SCOTT. "I think not. It would not be fair. I do not think the bill is intended to be *ex post facto*; it is intended to be prospective. The Act will not come into force until September, because it will take some time to organize under it. It is quite impossible to fathom exactly where it will lead to, but I think I am quite safe in saying that an official who is now qualified for promotion could not be disturbed."

Hon. Sir MACKENZIE BOWELL. "That is an equitable conclusion to come to, but I question very much whether under the provisions of the bill, unless some arrangement is made prior to bringing it into force, that the interpretation given by the hon. gentleman is correct."

Hon. Mr. SCOTT. "I am confirmed in that opinion by the fact that we retain the present examiners. The inspector of schools here, Dr. Glashan, is also a member of the board, and the other member is in the library."

(4). That sub-section I of section 35 of the Civil Service Amendment Act, 1908, says:—"Nothing in this Act shall be held to reduce the status of any officer, clerk or employee in the Service."

(5). That by section 4 of the Civil Service Amendment Act of 1910 provision is made that an officer transferred from the Outside service to the Inside service shall not be placed in the Third Division, but may be placed in a higher division without examination, a privilege not granted to the present members of the Third Division, thereby in effect recognizing the disability under which the said Third Division labours.