

PAGES

MISSING

169
995

THE CIVILIAN

VOL. XI.

APRIL 26, 1918.

No. 1

1st Session, 13th Parliament, 8-9 George V, 1918.

THE HOUSE OF COMMONS OF CANADA.

BILL 53.

An Act respecting the Civil Service of Canada.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

Short title. 1. This Act may be cited as *The Civil Service Act, 1918.*

DEFINITIONS.

Definitions. 2. In this Act and in all regulations made hereunder, 5
 unless the context otherwise requires,—

(a) "Civil Service" means and includes all classes of officers, clerks and employees in or under the several departments of the Executive Government of Canada and in the office of the Auditor General and in the 10
 Northwest Territories and the Yukon Territory, appointed by the Governor in Council or other competent authority before the first day of July, one thousand eight hundred and eighty-two or thereafter appointed or employed in the manner provided by the 15
 Civil Service Act for the time being, in force. 1906, s. 2.

(b) "Commission" means the Civil Service Commission.

(c) "Deputy" or "deputy head" means the deputy of the minister of the Crown presiding over the department, 20
 the Clerk of the Privy Council, the Clerks of the Senate and House of Commons, the Librarians of Parliament, the Comptroller of the Royal Northwest Mounted Police, the Superintendent of Insurance, the Dominion Archivist, the Assistant to the Chairman and Secretary 25
 to the Commission of Conservation, and, in all cases in which such meaning is not inconsistent with his powers and duties under the *Consolidated Revenue and Audit Act*, the Auditor General. 1906, s. 2, 1908, s. 2, amended. 30

- (d) "Head of the department" means the Minister of the Crown for the time being presiding over the department and includes the Speakers of the Senate and House of Commons.
- 5 (e) "Inside Service" means and includes that part of the Civil Service in or under the several departments of the Executive Government of Canada and in the offices of the Auditor General, the Clerk of the Privy Council, the Governor General's Secretary, the
10 Public Archives, and the Commission of Conservation, employed at the city of Ottawa, or at the Experimental Farm Station or the Dominion Astronomical Observatory near Ottawa, and the staff of the Civil Service Commission employed at Ottawa. 1908, s. 3.
- 15 (f) "Outside Service" means and includes the other officers, clerks and employees included in the public service, not being part of the Inside Service. R.S. 1906, s. 4.
- 20 (g) "Public Service" means and includes all officers, clerks or employees in the service of the Crown or of Parliament.—(New).

PART I.

CIVIL SERVICE COMMISSION.

- 3.** (1) There shall be a Commission, to be called the Civil Service Commission, consisting of not more than three members appointed by the Governor in Council.
- (2) The Governor in Council may appoint one of the
25 commissioners to be the chairman of the Commission.
- (3) The rank and standing of each commissioner shall be that of a deputy head. The chairman shall be paid a
Commission.
salary of six thousand dollars, and each of the other commissioners five thousand dollars; such salaries shall be
30 paid out of the Consolidated Revenue Fund of Canada. Each commissioner shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons. 1912, c. 10, amended.
- 35 Provided, however, that any commissioner hereafter appointed shall hold office during good behaviour for a period of ten years from the date of his appointment, but shall be removable by the Governor General on address of the Senate and House of Commons, and shall cease to hold
40 office upon reaching the age of sixty-five years.
- 4.** (1) The duties of the Commission shall be,—
- Duties of Commission.

↑ increase in salary

(a) to test and pass upon the qualifications of candidates for admission to and transfer and promotion in the public service, and to issue certificates with respect thereto required under this Act or regulations made thereunder;

(b) of its own motion to investigate and report upon the operation of this Act, and upon the violation of any of the provisions of this Act or of any regulation made thereunder; and, upon the request of the head of a department, to investigate and report upon any matter relative to the department, its officers, clerks and other employees;

(c) to report upon the organization or proposed organization of the departments or any portion of any department or of the public service, and upon any proposed change in such organization;

(d) to obtain the assistance of competent persons to assist the Commission in the performance of its duties;

(e) to make an annual report on the organization and staff, including the duties and salaries of such staff, of each portion of the public service;

(f) to arrange for the transfer of supernumeraries or other officers, clerks and employees from portions of the public service where they are no longer required to other portions of the public service where they are required;

(g) such other duties as are assigned to it by the Governor in Council.

Regulations.

(2) The Commission, with the approval of the Governor in Council, may make regulations prescribing how such duties shall be performed, and such regulations shall be published in the *Canada Gazette*. (New.)

see 8.40

Commission to have access to offices, etc.

(3) The deputy heads and all other officers and employees in the public service shall give the Commission such access to their respective departments and offices and such facilities, assistance and information as the Commission may require for the performance of its duties. (New.)

Commission to have powers under Inquiries Act.

(4) In connection with, and for the purposes of, any investigation or report, the Commission or any commissioner holding an investigation shall have all the powers of a commissioner appointed under Part II of *The Inquiries Act*, 1908, s. 10 amended.

Commissioners not to engage in other employment.

(5) A commissioner shall not hold any other office in the public service or engage in any other employment. 1908, s. 10.

Oath of Office.

(6) Each commissioner shall, before entering upon the duties of his office, take and subscribe, before the Clerk of the Privy Council, the oath in Schedule A of this Act, 1908, s. 12 amended.

Proceeding in case of fraud, etc.

5. Whenever the Commission is satisfied that any irregularity or fraudulent practice has obtained at an examination held by it or by any person deputed by it, the Commission may summon before it by a summons (which may be in the form in Schedule C of this Act) signed

by the chairman or by any one of the commissioners, and may examine under oath or affirmation any person who, in its opinion, is in a position to give evidence in relation to such irregularity or fraudulent practice. 1906, s. 9.

5 **6.** If any person is proved upon any inquiry to have been concerned in any fraudulent practice, or to have been guilty of any breach of the regulations made by the Governor in Council with respect to any examination held under the authority of this Act, such person shall be liable, upon
 10 summary conviction, to a penalty not exceeding fifty dollars or to imprisonment for any term not exceeding one month; and if any such person's name is upon the list of persons who have been found qualified for any position the Commission may remove his name from such list. 1906,
 15 s. 13, amended.

Fraudulent person to be reported.

7. Every person who, at any examination held under this Act, personates any candidate or employs, induces or allows any person to personate him or connives or assists at any personation, is guilty of an offence and liable, on
 20 summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding two hundred dollars, and, if he is employed in the public service, to be dismissed therefrom. 1906, s. 14.

Personation.

8. (1) Every person who surreptitiously procures from
 25 any printer or other person, and every person who, without authority, furnishes to any other person any examination question paper or any other paper relating to any such examination as aforesaid, is guilty of an offence and liable, on summary conviction, to imprisonment, with or without
 30 hard labour, for a term not exceeding six months, or to a fine not exceeding two hundred dollars, and, if he is employed in the public service, to be dismissed therefrom.

Illegally obtaining examination papers.

(2) No such person shall be allowed to present himself at any subsequent examination. 1906, s. 15.

35 **9.** (1) No person shall, directly or indirectly, solicit or endeavour to influence any Minister of the Crown or the head of any department with respect to the appointment of any person to the service, or with respect to the promotion or transfer of or an increase of salary to, any
 40 officer, clerk, or employee in the public service.

Soliciting appointments.

(2) Any person who, directly or indirectly, solicits or endeavours to influence any Minister of the Crown or the head of any department in favour of his appointment or promotion or to increase his salary, shall be deemed
 45 to be unworthy of such appointment, promotion or increase, and it shall not be accorded him; and if he is employed in the public service, he shall be liable to immediate dismissal. 1908, s. 42.

(3) Any person shall have the right to submit to the Commission a representation in writing with respect to the appointment of any person to the public service or with respect to the promotion, transfer of or an increase of salary to any officer, clerk or employee in the public service. (New.) 5

PART II.

GENERAL.

ORGANIZATION OF DEPARTMENTS.

Organization,
how effected.

10. (1) The Commission, as soon as may be practicable after the passing of this Act, shall, after consulting with the several deputy heads, the heads of branches and other chief officers, prepare plans for the organization of the Inside Service and the Outside Service of each department and of each branch or portion of the public service. As soon as the plan of organization is completed for either the Inside or Outside Service or any branch or portion of the Outside Service or of any branch or portion of the public service, such plan of organization shall be submitted for the approval of the Governor in Council. 10

Changes in
organization.

(2) If, after such approval, the deputy head or the Commission is of opinion that any such plan of organization might with advantage be in any way changed, the Commission shall in a similar manner prepare a report upon such proposed change, and shall submit the same for the approval of the Governor in Council. No change shall be made in the organization of any department until it has been so reported upon by the said Commission. 15

Reclassifi-
cation.

(3) As soon as any plan of organization is confirmed by the Governor in Council, the deputy head shall, subject to the approval of the Commission, forthwith cause the officers, clerks and employees affected thereby to be reclassified for the purpose of placing each officer, clerk and employee in a proper place under such plan of organization. 20

Super-
numeraries.

(4) If, after such organization and classification has been effected, the number of officers, clerks, and employees in any portion of the public service, or in any class or grade thereof, is greater than the number allowed under such organization, the remainder shall be supernumeraries in that class or grade respectively in which they rank, and shall so remain until they are placed in any vacancies that may occur or until they are transferred to another portion of the public service, or until they leave such service. 25

Status of
present
employees
preserved.

(5) Nothing in this Act shall be construed to pre-
judicially affect the status or the present salaries or rights to future increase of any officer, clerk or employee, whether 30

permanent or temporary, who is in the public service on the date of the coming into force of this Act, and if any such officer, clerk or employee is placed in any position where the maximum salary is smaller than the maximum salary of the position or grade in which he is now classified, he shall be eligible for increases until he reaches the maximum heretofore fixed for the position he previously occupied. 1908, s. 8, amended.

11. Except where otherwise expressly provided, all appointments to the public service shall be during pleasure. 1906, s. 30. Tenure.

12. The salary on appointment to the public service shall be the minimum salary attached to the position; but a further sum, not exceeding \$200, may be added to the said salary by the Commission upon appointment or at any time during the period of probation, upon the report of the deputy head, approved by the Commission, that the duties of the position justify such additional salary and that the person proposed to be appointed ~~or~~ ~~appointed~~ possesses the necessary qualifications to perform such duties: Provided always that such salary shall not exceed the maximum salary of the position to which the appointment is made. 1908, s. 33, amended. Addition to salary on appointment.

13. If a person, on his appointment or promotion to any office or position in the public service, is in receipt of a salary in the public service greater than the minimum salary of the office or position to which he is appointed or promoted, he may be appointed or promoted at any salary not exceeding the salary which he is then receiving if it does not exceed the maximum salary of the said office or position. 1908, s. 34. Salary on promotion, etc.

PROBATION.

14. (1) The deputy head may at any time before the expiration of six months reject any person assigned or appointed to any position under his control or direction, and the cause of the rejection shall be reported by the deputy head to the Commission, ~~or~~ he may extend the period of probation within which such person may be rejected for another six months. Appointments to be on probation.

(2) Where a person is rejected the Commission shall thereupon select another person to take the place of the one rejected.

(3) The Commission shall decide whether the name of a rejected person shall be struck off the list as unfit for the service generally or whether he shall be allowed a trial in

some other position for which he may be eligible. 1908, s. 19, amended.

Appointment. **15.** After a person has served in a position for the probationary term of six or twelve months, as the case may be, he shall *ipso facto* be appointed to such position. 1908, s. 20, amended. 5

PROFESSIONAL AND TECHNICAL POSITIONS.

Appoint-
ments to
professional,
etc. positions.

16. In any case where, in the opinion of the Commission, the knowledge and ability requisite for any position in the public service are wholly or in part professional or technical, the Commission, on the recommendation of the deputy head, may appoint a person to such position without reference to the age limit, provided the Commission is satisfied, either with or without examination as is determined by the regulations of the Commission, that he possesses the requisite knowledge and ability and is duly qualified as to health, character and habits; an appointment as a professional or technical officer shall not qualify a person for appointment or transfer to any other position in the public service open to appointment upon competitive examination only. 1908, s. 21, amended. 10 15 20

PROMOTION.

Promotion
to be
for merit.

17. (1) Promotions or increases of salary in the public service shall be made for merit by the Commission on the recommendation of the deputy head. The deputy head shall in each case submit to the Commission a report in such form and containing such information as the Commission may require. No person shall be promoted unless he is to do work that is in the opinion of the Commission of greater importance and responsibility than he has hitherto done, or unless his work is in the opinion of the Commission such as to justify the promotion. 25 30

To be on
probation.

(2) Every promotion shall be subject to a probation of one year unless after not less than six months probation the person promoted is confirmed in his position by the deputy head, such confirmation to be in writing. The deputy head may at any time during the period of probation cancel the promotion. 1906, s. 47, amended. 35

TRANSFERS.

Exchanges
and
transfers.

18. (1) An exchange of positions between two officers, 40 clerks or employees serving in different departments, or in different branches of the public service, and the filling of a vacancy in a department by a transfer from the Inside to the Outside Service or from the Outside

to the Inside Service in the same department or in different departments, or in different branches of the public service, may be made on the recommendation of the deputy head or deputy heads, as the case may be, with the approval of
 5 the Commission. The Commission shall in each case determine whether a person sought to be transferred or exchanged possesses the requisite knowledge and ability and is duly qualified as to health, character, age and habits. Subject
 10 to the provisions aforesaid and to the provisions of section sixteen, nothing in this section or in this Act shall prevent the deputy head from transferring any officer, clerk or employee from one part of his department to another.
 1906, s. 50, 1910, s. 5, amended.

(2) Such transfers shall be made without increase of
 15 salary to any person transferred. 1906, s. 50.

(3) No person shall be transferred whose age at the date of his first appointment exceeded the age at which he might have been appointed to the position to which he is being transferred. 1906, s. 50, amended.

20 **19.** Any officer, clerk or employee may be temporarily transferred to any position for a period not exceeding six months, but he shall during such period remain subject to the law relating to his previous position. 1910, s. 6, amended.

Temporary transfers.

INCREASES.

25 **20.** No officer, clerk, or employee shall receive any annual increase of salary except on the report of the deputy head, concurred in by the Commission, that such officer, clerk or employee is deserving of such increase.
 1906, s. 85, amended.

Annual increases, how made.

PAYMENTS.

30 **21.** The salary or increase of salary on promotion of any officer, clerk or employee may, on the recommendation of the deputy head, with the approval of the Commission, be paid from the date of the commencement of his employment or of his entering upon the work of the position
 35 to which he is promoted notwithstanding that his appointment or promotion occurred at a subsequent date: Provided that no such payment shall be made for services in one fiscal year out of money voted for another fiscal year.

Date when pay commences.

40 **22.** (1) Except as herein otherwise provided, any annual increase of salary authorized by or under this Act shall be payable from the first day of the official quarter next succeeding the date on which, from his length of service, any officer, clerk or employee for whom such increase is recommended, is eligible for such increase. 1906, s. 87.

Commencement of annual increase.

Post office Inspectors. (2) Annual increases in the salaries of post office inspectors and assistant post office inspectors shall be payable at the expiration of one year from the date of appointment, or at the expiration of one year from the date on which the post office inspector or assistant post office inspector last received an increase, as the case may be. 1906, s. 88. 5

Increases may be withheld. Provided, however, that for any sufficient reason the granting of any increase may be postponed or withheld. (New.)

Salary to be raised to new minimum. **23.** (1) If the salary of any officer, clerk or employee heretofore appointed is less than the minimum salary of his class or grade as fixed by or under this Act, his salary shall be increased to such minimum. 1906, s. 91. 10

When maximum increased. (2) Any person who is in receipt of a salary at or above the maximum, as heretofore established, of the class or grade in which he is then serving shall be eligible for the increase of salary provided by or under this Act if he has been or as soon as he has been at such maximum for one year. 1908, s. 35. 15

ADDITIONAL PAYMENTS.

Additional payments forbidden. **24.** In the absence of special authority of Parliament no payment additional to the salary authorized by law shall be made to any deputy head, officer, clerk or employee permanently employed in the public service in respect of any service hereafter to be rendered by him, whether in the discharge of his ordinary duties of office or of any other duties which may be imposed upon him, or which he may undertake or volunteer to discharge or otherwise perform: 25

Exception. Provided, however, that nothing in this section is intended to prohibit the payment to any officer, clerk or employee of a separate annual salary from each of two or more departments or distinct branches of the public service in respect of separate duties performed for each of such departments or branches respectively, if one of such salaries is not sufficient to compensate him for his whole time, and if the aggregate salaries do not, in the opinion of the deputy head, concurred in by the Commission, exceed reasonable compensation for the discharge of all the duties so performed; and provided further that nothing in this section shall affect the operation of section thirty-seven of this Act. 1910. s. 21, amended. 30 35 40

TEMPORARY EMPLOYMENT.

Employment of extra assistance. **25.** (1) When from a temporary pressure of work, extra assistance is required in any branch of the public service, the Commission may, on the report of the deputy head that such extra assistance is required, authorize the employ-

ment of such number of temporary officers, clerks or employees as are required to carry on the work. 1906, s. 94, amended.

(2) Persons who have successfully passed the competitive examinations may be given temporary employment in the public service, and when extra assistance in excess of those available from the list of successful competitors is required, additional persons may be employed; but every such person shall, before employment, obtain a certificate of qualification from the Commission, to be given with or without examination, as is determined by the regulations of the Commission, that he possesses the requisite knowledge and ability and is duly qualified as to age, health, character and habits. 1908, s. 23, 1910, s. 19, amended.

(3) Temporary employment in the public service shall only be authorized for such time, not exceeding six months, as the Commission deems necessary, and the period for which the employment is authorized shall be mentioned in the certificate of qualification issued by the Commission. One or more extensions of such period of employment may be granted by the Commission, but each such extension shall be limited to a period not exceeding six months. (New.)

26. Temporary employees shall only be paid out of moneys specially voted by Parliament for the purpose. 1906, s. 100. Temporary employees, how paid.

LEAVE OF ABSENCE.

27. (1) The deputy head may grant to each officer, clerk or other employee a yearly leave of absence for a period not exceeding eighteen days in any one fiscal year, exclusive of Sundays and holidays. Holidays.

(2) Every such officer, clerk or employee shall take the leave so granted at such time each year as the deputy head determines. 1906, s. 101, amended.

28. The Commission, with the approval of the Governor in Council, shall make regulations under which the deputy head may in case of illness or for other sufficient reason grant leave of absence to any officer, clerk or employee for such period or periods, with or without pay, or with reduced pay, during such period or periods, or such part of the same, as the regulations may prescribe. 1906, s. 102, amended. Sick leave, etc.

29. When any officer, clerk or employee is absent from duty without leave, his salary for each day of such absence shall be deducted from his monthly salary. 1906, s. 92. No pay when absent without leave.

DISMISSAL.

Dismissal.

30. Subject to the provisions of section three of this Act, nothing herein contained shall impair the power of the Governor in Council to remove or dismiss any ~~deputy head~~, officer, clerk or employee, but no such ~~deputy head~~, officer, clerk or employee, whose appointment is of a permanent nature, shall be removed from office except by authority of the Governor in Council. 1906, s. 104. 5

SUSPENSION.

Suspension.

31. (1) The head of a department, and in his absence the deputy head, may,—

(a) suspend from the performance of his duty or ~~from the~~ 10 receipt of his salary any officer, clerk or employee guilty of misconduct or negligence in the performance of his duties;

(b) remove such suspension;

No pay.

but no person shall receive any salary or pay for the time 15 or any part of the time during which he was under suspension unless the Commission is of opinion that such suspension was unjust or made in error or that the punishment inflicted was too severe.

Report to be made to Commission.

(2) All cases of suspension shall be reported by the 20 deputy head to the Commission. 1906, s. 103, amended.

CONTROL OF STAFF.

Commission to control staff.

32. The Civil Service Commission, and the commissioner or commissioners or other members composing any commission or board appointed by the Governor in Council, shall each oversee and direct the officers, clerks and 25 employees under its, his or their control, and shall with respect to such officers, clerks and employees have all the powers conferred by this Act on the deputy head of a department. (New.)

GRATUITY ON DEATH.

Gratuity on death.

33. If a person dies while in the public service, after 30 having been at least two years therein, an amount equal to two months of his salary shall be paid to his widow or to such person as the Treasury Board determines. 1908, s. 41. legal

OATHS.

Oath.

34. (1) All deputy heads, officers, clerks, and employees permanently employed in the public service who have not 35 already done so, and every deputy head, officer, clerk and employee hereafter appointed to any permanent position,

before any salary is paid him, shall take and subscribe the oath of allegiance and also the oath contained in Schedule A to this Act, or such other oath as is provided by any other Act, in that behalf.

- 5 (2) In the case of the Clerk of the Privy Council, and all officers, clerks and employees under him, and in the case of any officer, clerk or employee of whom the Governor in Council requires the same, there shall be added to the oath at the asterisks, in the form of the oath in the said Schedule
 10 A, the words contained in Schedule B to this Act.
- (3) The Clerk of the Privy Council shall take and subscribe the said oaths before the Governor General or some one appointed by him to administer the same. Oath of secrecy.
- (4) In the case of persons residing or coming to reside at
 15 the city of Ottawa, the oaths shall be taken and subscribed before the clerk of the Privy Council. Before whom to be taken.
- (5) In other cases the oaths may be taken and subscribed before a justice of the peace or other proper authority, who shall forward the same to the clerk of the Privy Council.
- 20 (6) The clerk of the Privy Council shall keep a register of all such oaths. 1906, s. 106. Register.

POLITICAL PARTISANSHIP.

- 35.** (1) No deputy head, officer, clerk or employee in the public service shall be debarred from voting at any Dominion or provincial election if, under the laws governing the said
 25 election, he has the right to vote; but no such deputy head, officer, clerk or employee shall engage in partisan work in connection with any such election, or contribute, receive or in any way deal with any money for any party funds. 1908, s. 43, amended. Voting at elections permitted but partisan work forbidden.
- 30 (2) Any person violating any of the provisions of this section shall be guilty of an offence and liable, upon summary conviction, to a fine not exceeding five hundred dollars or imprisonment for any period not exceeding one month and to be dismissed from the public service. Penalty.

ATTENDANCE BOOK.

- 35 **36.** There shall be kept in each department, in the office of the Auditor General, at the seat of Government, in each office of the public service, and in such other places as the Commission may direct either a book or books to be called the attendance book, which shall be in such form
 40 as is determined by the Commission, in which each officer, clerk or employee of such department or office shall sign his name at such times as are determined by the deputy head of the department or some other device or system approved by the Commission for preserving a record of the
 45 attendance of officers, clerks and employees. 1906, s. 105. Record of attendance.

OFFICERS, ETC., OF PARLIAMENT.

Officers of
Parliament
what part
of Act to
apply to.

37. So much of this Act as relates to appointment and promotion and to salaries, increases and classification in the Inside Service and the provisions of section thirty-five shall apply to the permanent officers, clerks, and employees of both Houses of Parliament and of the Library of Parliament, and wherever any action is authorized or directed to be taken by the Governor in Council or by order in council, such action, with respect to the officers, clerks and employees of the Senate or the House of Commons, shall be taken by the Senate or the House of Commons, as the case may be, by resolution; and with respect to the officers, clerks and employees of the Library of Parliament, and to such other officers, clerks and employees as are under the joint control of both Houses of Parliament, shall be taken by both Houses of Parliament by resolution, or, if such action is required during the recess of Parliament, by the Governor in Council, subject to ratification by the Senate, House of Commons or both Houses, as the case may be, at the next ensuing session. 1908, s. 3-45.

Work during
recess.

38. Nothing in this Act shall be held to curtail the privileges now enjoyed by the officers, clerks and employees of the Senate, House of Commons or Library of Parliament with respect to rank and precedence or to attendance, office hours, or leave of absence, or with respect to engaging in such employment during parliamentary recess as may entitle them to receive extra salary or remuneration. 1908, s. 46.

CIVIL SERVICE LIST.

Publication
of Civil
Service list.

39. The Commission shall prepare each year a list, to be called the Civil Service List of Canada, of all persons employed in the several departments of the Government, and in the service of the two Houses of Parliament, upon the first day of April, next preceding, showing the dates of their several appointments and promotions, their age, rank in the service, and salary; and a report of the proceedings of the Commission during the preceding year, which report shall include a copy of the examination papers, a statement of all examinations held, of the number of candidates at each examination, the names of the successful competitors and candidates, the appointments and promotions made, and the rules and regulations made during the year respecting appointments, promotions, transfers, exchanges, examinations and such other matters appertaining to the public service as the Commission may determine. This list and report shall be presented to both Houses of Parliament at its then current or next ensuing session. 1906, s. 107, s. 108, amended.

remained
121

transfers

40. The Governor in Council may make such regulations as he deems to be necessary or convenient for carrying out the provisions of this Act. Regulations.

PART III.

EXAMINATIONS.

41. Except as herein otherwise provided, and except in the case of deputy heads, appointments to positions in the public service shall be by competitive examination which shall be of such a nature as will determine the qualifications of candidates for the particular positions to which they are to be appointed, and shall be held by the Commission in accordance with regulations to be made by the Commission and approved by the Governor in Council. 1908, s. 13. Appointments to be by competitive examinations.

Provided, however, that the provisions of this Act shall not apply to positions in connection with the Government railways or any railway owned or controlled by His Majesty, or to any position on any ship of His Majesty until the Governor in Council otherwise directs, and the Governor in Council shall have power to make this Act apply in whole or in part to any of the said positions. Provided, also, that in any case where the Commission decides that it is not practicable to apply this Act to any position or positions, the Commission, with the approval of the Governor in Council, may make such regulations as are deemed advisable, prescribing how such position or positions are to be dealt with. (New.) Exceptions.

42. (1) Having regard to the requirement of the several departments and other portions of the public service for permanent and temporary officers, clerks and employees, a computation shall be made by the Commission of the number of competitors to be selected at the next ensuing general competitive examination. Computation of number of probable vacancies.

(2) Immediately after each examination, a list of the successful competitors in the case of a competitive examination, and of the successful candidates in order of merit in other examinations shall be made out, and the list of successful competitors and candidates shall be published in the *Canada Gazette*. 1906, s. 29, amended. Lists how to be made up.

(a) Provided, however, that in all examinations persons who have been on active service overseas on the military or naval forces of His Majesty or of any of the allies of His Majesty during the present war; who have left such service with an honourable record or who have been honourably discharged; and who obtain sufficient marks to pass such examinations, shall, irrespective of the marks Soldiers to have precedence.

they have obtained, be placed in the order of merit on the list of successful candidates above all other candidates.

Age and physical requirements in case of soldiers.

(b) The provisions of any statute or regulation prescribing an age limit and physical requirements with respect to any appointment in the public service shall not apply to any such person if the Commission certifies that he is of such an age and in such a satisfactory physical condition that he is then able to perform the duties of the office and will probably be able to continue to do so for a reasonable period after his appointment. 5 10

Selections for vacancies.

(3) From the list of successful competitors, the Commission, on the application of the deputy head, shall supply the required officers, clerks and employees.

Order of selection.

(4) The selections shall be, so far as practicable, in the order of the names on the list, but the Commission may select any person who in his examination shows special qualifications for any particular subject. 1908, s. 18. 15

Those left unappointed on previous lists.

(5) If there remain from a previous examination successful competitors who have not received appointments, their number shall be deducted in making the computation, and their names, in the order of merit, shall be placed at the top of the list to be prepared in accordance with subsection two of this section. 1908, s. 15. 20

Notifications.

(6) The Commission shall forthwith notify the Treasury Board and the Auditor General of the name and position in the service of each person so supplied and also of the rejection of any such person during his probationary term. 25

Temporary employment.

(7) Successful competitors may be employed for temporary work until assigned for permanent appointment. Assignment for temporary duty shall not prejudice the right to assignment for permanent duty, and for the purposes of any annual increase the period of such temporary service shall be included in any period of permanent service. 1908, s. 18, amended. 30 35

Appointment to positions below places competed for.

(8) The Commission may select for any office or employment any person who is a successful competitor for a higher office or employment: Provided that no such selection shall be made to the prejudice of any person on the list of successful competitors for such lower office or employment. 1910, s. 15. 40

Notices and examinations to be in both languages.

43. (1) Notice of every examination, shall be published in the English and French languages in the *Canada Gazette*, and such notice shall state the number of positions that it is expected will be open for appointments, the positions that are then vacant, and in each case the qualifications required for such positions. 1906, s. 28, amended. 45

(2) Every examination under this Act shall be held in the English or French language, at the option of the candidate. 1906, s. 27. 50

44. (1) No person shall, without the authority of the Governor in Council, be admitted to any examination unless he is a natural born or naturalized British subject, and also has been a resident of Canada for at least one 5 year. (N. w.)

Appointees must be British subjects unless special exemption.

(2) The Commission, with the approval of the Governor in Council, may by regulation prescribe the several limits of age within which persons shall be eligible for appointment to positions in the public service. (New).

Age limits.

10 (3) Any person holding a permanent appointment in the public service may enter for any open competition or examination if such person when first appointed was not older than the maximum age prescribed for the position for which the examination is being held and if successful thereat may be 15 appointed irrespective of his age. (New.)

Age limits for civil servants competing at examinations.

PART IV.

INSIDE SERVICE.

45. The Inside Service shall be classified as follows:— Classification.
Deputy Heads;
Technical officers and persons possessing professional or other special technical knowledge and experience;

20 The First Division—

Grades A and B, consisting of officers having the rank of deputy heads but not being deputy heads administering departments, of assistant deputy ministers, and the principal administrative and executive officers;

25 Grade C, consisting of the lesser administrative and executive officers;

Grades D, E and F, consisting of clerks, having administrative, executive, or other duties which are of the same character as, but of less importance and responsibility 30 than those of the higher grades.

The Second Division—

Grade A shall consist of clerks and other employees working under supervision or performing other duties of minor importance and responsibility;

35 Grade B shall consist of clerks and employees who work under supervision and of stenographers and typewriters;

Grade C shall consist of clerks and employees and of stenographers and typewriters whose duties are copying and routine work under supervision;

40 In these last three grades shall also be included photographers, engrossers, draftsmen, architect's assistants, tech-

tical assistants and such other employees as the Governor in Council may direct;

The Third Division shall consist of messengers, porters, sorters, and packers.

Salary of Deputy Head.

46. (1) The salary of a deputy head shall be five thousand dollars per annum: Provided that any deputy head whose duties are of an important professional or technical character or involve grave responsibility may be paid such larger salary as Parliament may provide.

Professional, &c., officers.

(2) The salaries of technical officers of the highest class shall be such as Parliament may provide. Other technical officers shall, for the purpose of determining their salaries and the annual increases thereto, be classified in one of the following grades.

Other salaries.

(3) The minimum and maximum salaries shall be as follows:—

In the First division—

- grade A, \$3,500 to \$4,000;
- grade B, \$2,900 to \$3,400;
- grade C, \$2,200 to \$2,800;
- grade D, \$1,700 to \$2,100; 20
- grade E, \$1,400 to \$1,600;
- grade F, \$1,000 to \$1,300;

In the Second division—

- grade A, \$1,350 to \$1,500; 25
- grade B, \$1,050 to \$1,300;
- grade C, \$600 to \$1,000;

In the Third division, \$600 to \$1,200. 1908, s. 27, 28, 29, 30, 32, amended.

Present employees.

Provided, however, that, until the Inside Service is re-organized under the provisions of section ten of this Act, the classification and salaries heretofore prescribed and paid shall continue in force with respect to all officers, clerks and employees appointed before the date of this Act.

ANNUAL INCREASES.

47. There may be given to every officer, clerk, or other employee in the first division, an annual increase of one hundred dollars, and in the other divisions an annual increase of fifty dollars, until the maximum of the grade is reached.

PROMOTIONS.

Promotions.

48. (1) Vacancies shall be filled, as far as is consistent with the best interests of the public service, by promotion.

No promotion from certain grades.

(2) There shall be no promotion from the second division to the first division and there shall be no promotion from the third division.

(3) Provided that any person placed in the third division (now the second division), under the provisions of *The Civil Service Amendment Act, 1908*, and who had theretofore passed the Qualifying Examination or had been appointed under the authority of sections thirty-seven or forty of the *Civil Service Act*, chapter sixteen of the Revised Statutes of Canada, 1906, may be promoted from the second division to the first division under the provisions of section seventeen. 1908, s. 26, and 1917, c. 9, s. 2.

Exception
for certain
employees.

DEPUTY MINISTERS.

10 **49.** (1) There shall be a deputy head for each department, who shall be appointed by the Governor in Council, and shall hold office during pleasure.

Deputy Head
for each
Department.

(2) No officer shall hereafter be raised to the rank of deputy head except in the case of a vacancy occurring or when a new department is created by Act of Parliament. 1906, s. 51.

Parliamentary
authority
necessary
to create.

(3) Whenever a deputy head is removed from his office, a statement of the reasons for so doing shall be laid on the table of both Houses of Parliament within the first fifteen days of the next following session. 1906, s. 52.

Statement
when a
deputy head
is removed
from office.

50. (1) The deputy head of a department shall, subject to the directions of the head of the department, oversee and direct the officers, clerks and employees of the department, and shall have general control of the business thereof, and shall perform such other duties as are assigned to him by the Governor in Council.

Deputy head
to direct
Department
subject to
head.

(2) He shall give his full time to the public service, and shall discharge all duties required by the head of the department, or by the Governor in Council, whether such duties are in his own department or not. 1906, s. 59.

His full time
to be given.

51. (1) Unless otherwise provided by the Governor in Council, in the absence of any deputy head, the assistant deputy minister or if there is no assistant deputy minister, or the assistant deputy minister is absent, an officer or clerk named by the head of the department shall have the powers and perform the duties of such deputy head. 1906, s. 60, amended.

Who to act
in absence of
deputy head.

(2) There shall be in the office of the Auditor General an assistant auditor general who shall act for the Auditor General in his absence. 1906, s. 60, amended.

Assistant
Auditor-
General.

PRIVATE SECRETARIES.

52. (1) Any person may be appointed by a Minister of the Crown or other member of the Government to be his private secretary, and if such person does not hold a per-

Private
secretaries
appointment
and salaries.

manent position in the public service he may be paid such salary as the Governor in Council may prescribe. If he holds a permanent position in the public service he may be paid an additional salary not exceeding six hundred dollars a year whilst so acting. (New.) 5

(2) No salary shall be payable to any private secretary unless the amount has been voted by Parliament. 1906, s. 81.

TEMPORARY EMPLOYEES.

Salaries of temporary employees.

53. The salary of a temporary officer, clerk or employee in the Inside Service shall be such as the deputy head with the approval of the Commission may prescribe. (New.) 10

CENSUS AND ELECTION AUDIT EMPLOYEES.

Census and election audit temporaries, appointment of and duration of service.

54. (1) Special competitive examinations may be held by the Commission, in accordance with regulations in that behalf made by the Commission and approved by the Governor in Council, for ascertaining the qualifications of persons to be employed as temporary officers, clerks and employees for the compilation of any decennial census or for the audit and payment of fees and expenses in connection with any general election, and the successful competitors may be employed temporarily for the duties aforesaid, the census employees for any period not exceeding three years and the election audit employees for any period not exceeding two years. 15 20

Limits of employment.

(2) During such term of service such temporary officers, clerks and employees shall not be eligible for any employment other than the compilation of the decennial census, or the audit and payment of election fees and expenses as the case may be, and they shall not be entitled by reason of such service to any further employment. 1910, s. 7 and s. 12, amended. 25 30

PART IV.

OUTSIDE SERVICE.

Organization, classification and salaries.

55. (1) The Commission shall, as soon as practicable after the passing of this Act, after consultation with the several deputy heads and other principal officers and employees, prepare schedules containing lists of the positions and the duties and salaries attached thereto and the salaries and increases or other remuneration that in the opinion of the Commission are necessary and proper for the Outside Service or any portion or branch of the Outside Service of any department and of any other branch or portion of the 35

- Outside Service, and, upon the approval of the same by the Governor in Council, and by resolution passed by both Houses of Parliament, such schedules shall come into operation. Until a schedule is so approved with respect to
- 5 any portion of the Outside Service, the existing law prescribing the remuneration and salaries of such portion of the Outside Service or under which the remuneration is fixed shall continue in force, and the remuneration shall continue or may be fixed or changed as heretofore.
- 10 (2) If any increase or additional remuneration is contained in or authorized by any such schedule, such increase or additional remuneration shall not be paid unless or until Parliament has voted the money necessary for the payment of the same.

REPEAL.

- 15 **56.** Subject to the provisions hereinbefore contained, the *Civil Service Act*, chapter sixteen of the Revised Statutes of Canada, 1906, *The Civil Service Amendment Act*, 1908, and chapters six and seven of the statutes of 1909, chapter eight of the statutes of 1910, chapters ten, eleven, twelve, thirteen,
- 20 fourteen and fifteen of the statutes of 1912, and chapter nine of the statutes of 1917, being acts to amend the *Civil Service Act*, the powers of the Governor in Council and the Postmaster General to appoint or promote postmasters and other officers, clerks and employees under
- 25 the provisions of the *Post Office Act* and of any act amending the same, and the power of the head of any department under any statute to appoint or promote any officer, clerk or employee, and the power of the Governor in Council to appoint a Superintendent of Printing and a
- 30 Superintendent of Stationery and the powers of the Superintendent of Printing and the Superintendent of Stationery to make appointments under the provisions of the *Public Printing and Stationery Act*, are repealed. (New.)
- Repeal.

THE CIVILIAN

Devoted to the interests of the Civil Service of Canada.

Subscription \$1.00 a year;
Single copies 5 cents.

Advertising rates are graded according to position and space, and will be furnished upon application.

Subscriptions, MSS intended for publication, and all other communications should be addressed to:
THE CIVILIAN, P. O. Box 484, Ottawa.

Ottawa, April 26, 1918



THE NATIONAL DUTY.

WE MUST GO ON OR GO UNDER.

—Lloyd-George.

OUR BOYS

Previously reported:

Dead	322
Wounded	454
Prisoners	19

DEAD

FLT. LT. O. P. ADAM.
SERGT. A. M. BLAIKIE, D.C.M.
HERBERT FREGIN.
W. W. LOUTTIT.

WOUNDED

JOHN FORD.
I. LOUGHEED.
SERGT. L. A. HILL.
LIEUT. W. J. BOYD.
CAPT. D. A. McQUARRIE.
F. T. ELLIS.

C. S. BILL NO. 53.

The best service that *The Civilian* can render at the present moment seems to be to put into the hands of its subscribers a copy of the new bill. This issue, hastily gotten out, is devoted to this purpose.

In addition to the bill, the Editors are fortunately able to also publish a memorandum prepared by Mr. Francis H. Gisborne, which points out the changes it is expected will take place when the bill becomes law. The members of the Service will appreciate the courtesy of Mr. Gisborne in supplying this memorandum.

Further reference to the bill must be deferred until a later date.

Win the war.

Remember the prisoners of war. The proceeds of the C. S. play, "Pygmalion and Galatea," go to them.

It sounds like Greek, but those who know the play, "Pygmalion and Galatea," say it is all to the good.

SYNOPSIS OF NEW FEATURES IN C. S. BILL NO. 53.

(Prepared by Mr. Francis H. Gisborne,
Parliamentary Counsel.)

The Civil Service Bill is based upon Sir Thomas White's Bill of 1914, which in turn was a consolidation and amendment of the previous law. The following are the principal changes in the law:

The bill will apply to the whole public service, including the staff of the Railway Commission and other special Boards and Commissions. The powers of the Civil Service Commission are very much enlarged, and, speaking generally, the Commission takes the place previously occupied by the Governor in Council and the heads of departments with respect to appointments, pro-

motions, the organization of departments, and increases. The organization must, however, receive the approval of the Governor in Council. The bill incorporates the provisions of the recent order in council eliminating political patronage, and the Commission is required to make an annual report upon the organization and the duties and salaries of staff. The object of this, of course, is to prevent, as far as may be, over-manning, inequalities of pay, and the retention in the Service of unworthy or useless persons. This I consider one of the greatest improvements effected by the bill, as there is nothing that has a more injurious effect upon worthy employees than a knowledge by the public that there are persons who are not earning the salaries that are paid them. The bill contemplates a reorganization by the Commission of the whole public service, and here I would point out that this task is one of great magnitude and complexity, and it is the duty of every employee in the public service to do what he can to assist the Commission, not only actively but by showing patience and refraining from destructive and carping criticism; and it must be remembered, too, that there are many inequalities and anomalies which time alone will cure. The Commission will also act as a sort of clearing house to transfer employees from places where there is no sufficient work to other places where their services can be utilized.

The greater part of the Bill relates to the whole public service, that is to say, Part I, the appointment and duties of the Commission; Part II, the organization of the departments, and Part III, the examination, apply to the whole public service.

In Part II, the organization of the departments, the principal changes are as follows:

A person may be appointed in special cases at \$200.00 above the minimum. It used to be \$500, but now in the Inside Service the grades are more numerous, so that the new minimums will provide for almost every case. In connection with professional and technical positions, the Commission are to decide whether the particular position comes within the profession or not, and a person cannot be appointed to a pro-

fessional position and then be transferred to a position which is only subject to appointment upon competitive examination. Promotion is to be for merit, and transfers and exchanges may be made by the deputy heads with the approval of the Commission. Annual increases have to be approved by the Commission. Temporary employment is to be only for six months at a time, the time to be specified in the Commission's certificate. Holidays are to be 18 days exclusive of Sundays and holidays. In the past the practice of the departments has not been uniform—in some cases three calendar weeks were allowed, in others holidays and Sundays were deducted, and in other cases 21 days were allowed. It will now be uniform. Regulations are to be made by the Commission with respect to sick leave, these regulations being subject to the approval of the Governor in Council. Sick leave is one of those things that has been so grievously abused that it was quite time, in the interests of honest employees, that a change should be made. In the case of suspension it is for the Commission to decide whether the suspended employee shall receive his pay or not. The provisions with respect to the forbidding of political partizanship have been somewhat enlarged, and anybody who violates the provisions will be subject, on summary conviction, to fine and imprisonment.

There is no clause that calls for particular notice in Part III except the one with respect to the age limit. At the present time the age limits have not been uniform for appointments to the public service, and the limits fixed have been the result largely of accident. In future the Commission are, by regulation to be approved by the Governor in Council, to fix such limits. There is also a provision under which returned soldiers who pass the examination are to be placed, irrespective of their marks, at the head of the lists.

Part IV relates to the Inside Service, and the principal change is with respect to the grading. Divisions one and two are put together and become the First Division. The highest grade of the old First Division is divided into two—\$2,900 to \$3,400, and \$3,500 to \$4,000. At the present time there

is a difference of \$1,200 between the minimum and maximum. This works out unfavourably in two respects—men, as a rule, are only placed in this Division towards the end of their career and their official life is not long enough to enable them to reach the maximum; the other point is that many men would be able to get into a class the maximum of which is \$3,400, who would not be able to get into a class where the maximum is \$4,000. A new grade is also added in what was the old Second Division. The difference between the minimums and maximums of the various grades are not at all equal, but this is the result of the old grades, which could not be changed materially without involving a great deal of extra cost, but it was considered that it would be more advantageous to the Service and for the public business, that men's salaries should depend upon their work rather than on their seniority. The annual increases are in future to be made with the approval of the Commission, and the Commission is hardly likely to give this approval automatically. The sooner the Service as a whole realizes that a man is to be paid according to the work he does, and not according to the number of years he has been in the Service, the better it will be for everybody, and the extended powers of the Commission are based upon the principle that the Commission is to see, as far as possible, that men are paid according to the value of their work. The old Third Division now becomes the Second Division, and a new grade has been added at the top, namely, \$1,350 to \$1,500. It will be noticed that the maximums and minimums of grades are all fixed, so that a person will get an increase upon promotion and not have to wait for a year, as he had to do under the old system. The Third Division, which includes the messengers, sorters and packers, has had its maximum increased from \$1,000 to \$1,200. Another most important change is with respect to private secretaries. In the past Ministers brought in outside men as private secretaries who, after a period of service, automatically became members of the Inside Service without examination or test of any kind. They are usually brought in at high salaries, and if a Department had a succession of Ministers who each brought in a fresh secretary

the Department would be choked with high-salaried ex-secretaries, to the serious injury of all those in the lower ranks. Sec. 52 deals with this feature.

For the Outside Service, the Commission is to prepare the organization and new schedules of salaries for the various departments and branches, and, meanwhile, the old salaries are to remain in force. The Outside Service are, therefore, put in a peculiarly advantageous position. They will come under the general Civil Service law and appointments, promotions and increases will be under the Commission; the Commission will report annually upon their condition, and they may fairly expect that the Commission will in each case prepare such an organization and schedules of salaries as will be reasonable and proper.

WAR PERSONALS.

Pte. Wilfrid Laschinger, son of the late postmaster of New Hamburg, and brother of E. H. Laschinger, died recently of wounds received at Vimy Ridge.

Capt. J. F. C. Maunder, M.C., is in Canada on furlough.

Lieut.-Col. J. L. Regan, created a C.M.G., was formerly a civilian clerk in the Department of Militia and Defence.

On leaving to join the army, C. W. Hatt, of the Niagara Falls postal staff, was presented with a wrist watch by the post office employees of that city.

Sergt. Charlie Olmsted, M.M., is home on furlough.

OUR DECORATIONS WON.

Only when his name appeared in the casualty list as "killed in action" did *The Civilian* learn that Sergt. Anthony McLellan Blaikie had won the Distinguished Conduct Medal. Details concerning the action by which he won the decoration are not received. Sergt. Blaikie belonged to the staff of the Interior Department in Dawson, Y.T. He enlisted with the 2nd Mounted Rifles at Vancouver on November 13th, 1915, but was transferred to the Eaton Battery of the Motor Machine Gun Brigade. At a later date he was with the Yukon Battery of the same brigade. This brigade was thrown into

the breach when the enemy broke the British position near St. Quentin, late in March, and its magnificent exploits have filled many columns of the newspapers. Sergt. Blaikie was killed in action on March 24th. His father, John Blaikie, lives at Woodstock, N.B.

Personals.

W. J. Dick, mining engineer of the Commission of Conservation, has resigned and will take a private position in Winnipeg. On leaving his old office he was presented by the staff with a mantel clock and an address of regret and good wishes.

Peter Connolly, the veteran chief messenger of the House of Commons, has been seriously ill for several weeks, following a collapse brought on by overwork at the commencement of the session.

A. B. Perry, C.M.G., Commissioner of the R.N.W.M. Police, has resigned, owing, it is said, to the decision that the Police would not be permitted to go overseas as a distinct unit of cavalry.

OBITUARY.

H. H. Prosser, one of the original members of the Princess Pats, and, since his return from overseas, a clerk in Station "E" post office, Toronto, died last week of complications resulting from wounds.

Patrick Teevens, who died on April 16th, was the father of L. T. Teevens, of Inland Revenue.

Flt. Lieut. Gerald King, recently killed at the front, was very well known to civil servants in Ottawa and elsewhere. He was at one time a clerk in the postal service. Superintendent Kavanagh, of the R.M.S., Winnipeg district, is an uncle.

Jules Fournier, translator, of the Senate staff, died on April 16th after a brief illness, aged 35 years.

Miss Mary L. Murray, of the A. P. and S. A. Branch, Militia and Defence, died on

April 17th after a brief illness, aged 23 years.

James Brownlee, who died on April 16th, in his sixty-third year, was the father of Miss Mabel Brownlee, of the Department of Finance.

V. V. Rogers, prominent in Ottawa realty circles, who died on April 9th as the result of a fall on the street, was a son of the late Christopher C. Rogers, a civil servant, and brother of Messrs. Gordon, E. E., C. H. and Percy Rogers. He is also survived by his widow, mother and one daughter.

James Brown, of the Department of Public Works, died on April 9th, aged seventy-eight years.

Mrs. Henry Ellement, who died on April 7th, aged sixty-seven years, was the mother of Privates Adam, John and Philip Ellement, all overseas, and of Misses Jane and Mary Ellement.

PROGRESSIVE SOUTH AFRICA.

According to the S. A. Postal and Telegraph Herald, a conference of the P. and Tel. Assn. of S. A., held January 4th, adopted the following progressive motions:

"That full Civil and Political rights be extended to all civil servants."

Mover said that not every one was anxious to exercise these rights, but neither did all the general public.

"That the Conference approves of the principle of federation with other trade organizations, upon the basis of absolute freedom and power being retained by each union affiliated in all matters concerning such union."

A PURSE OF GOLD.

On leaving the Census and Statistics Office to join the Canadian Expeditionary Force, S. S. Swettenham was presented with a purse of gold by other members of the staff. Mr. Swettenham volunteered to enlist in several units, but was turned down as physically unfit. He now comes under Class "B" of the Military Service Act schedule.