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No. 58/5 TRADITIONS AND TRENDS IN CANADA'S CIVIL SERVICE

An address by A.D.P. Heeney, Q.C., Chairman, Civil Service Commission of Canada, at the Empire Club, Toronto, January 30, 1958.

It seemed to me appropriate that I should speak to this Empire Club about "traditions"--particularly so since in the Public Service, as in other institutions of government, we share with other countries of the Commonwealth the noble heritage of Britain.....

It is now more than a hundred years since patronage was abandoned as the basis of appointment and preferment in the Civil Service of Great Britain. Before then, sporadic attempts had been made to improve conditions of public employment. The recommendations of Lord Macaulay for India had pointed the way. But it was the celebrated report of Trevelyan and Northcote in 1853 that laid the foundation for the modern British Service. Their report still stands as an eloquent and succinct statement of the principles of what has come to be known as "the merit system".

More than fifty years later, we in Canada established the same principles in effective legislation and the fact that we did so then was largely due to British example. Our Civil Service reformers in the '90s and in the first two decades of this century made generous employment of British experience in devising their remedies for a situation in which public appointments were made for party advantage - in which, as a consequence, inefficiency and waste characterized the conduct of much of the nation's business. Here, as in much else, we Canadians owe much to 19th century Britain.

It was not long after Confederation that the first of a long series of enquiries by Royal Commissions and Select Committees of Parliament investigated the operation of the Dominion Civil Service. The proponents of radical change in the prevailing regime of patronage were to be found on both sides of the House. The more altruistic motive of improving public

administration by the adoption of a system which would enable appointments to be based on competence was powerfully re-inforced by the increasing irritations of having to parcel out a limited supply of jobs to meet the unlimited demands of party adherents and hangers-on. Successive reports recommended that political allegiance and the will of local patronage committees be replaced by competition and selection by an independent authority on the basis of merit. Over these years, a number of bills were introduced and enacted by Parliament with a view to the adoption of these principles. But their provisions were frustrated by amendment or circumvented in practice. It was not until 1918 that the statute by which we are presently governed became law. From that year, we can accurately date the elimination of the old patronage system from the regular Civil Service of Canada and the beginning of the existing "career" tradition. Patronage died hard. For, even after 1918, efforts were made, and vigorous efforts, inside and outside Parliament, to emasculate the law and to bring back, in one guise or other, the old spoils system. But the main battle had been won and, fortunately, the proponents of a permanent Civil Service - on the British model - were many and powerful in Parliament and in the country. Attempts to reverse the trend have proved futile ever since.

The establishment of the merit system was a notable victory - won over many years by the efforts of illustrious Canadians in both the great political parties. It was a victory we should not forget, one which has borne important national fruits ever since, for it laid the foundation of our national administrative services on the basis of competence, impartiality and permanence.

Recently we have had impressive evidence of the strength of the tradition established then. Last summer you will recall we had a somewhat dramatic change in Ottawa. After twenty-two years of governments of the same party, the Capital awoke to find a Ministry of the principal opposition party about to take office. In this novel situation there were some who wondered whether the civil servants, all but a handful of whom had known only the former Government, would be able to adapt themselves to new Ministers and new policies. And there were some who wondered whether the new Ministers would be content to have as their principal advisers and executive arms those who had been so intimately engaged for so long in the affairs of their political opponents. In the event - as many of you will be aware --but it bears repeating I think - the changeover from Liberal to Conservative rule in Ottawa, was accomplished with extraordinarily little administrative disturbance and little or no fuss. And now, after many months of the new Administration - and they have not been placid months in either national or international affairs - the working relations between the principal civil servants and the Ministers at the head of the departments of government are, I believe, firmly established on a basis of mutual confidence, respect and understanding.

This, surely, is the best evidence of the enduring acceptance in Canada of the principles embodied in the present Civil Service Act. The separation of the Service from party politics is a proud and valuable tradition which we should prize and cherish. It will be maintained safe and sound provided that we remain on guard, that our law and practice continue anchored in the merit system.

There have been a good many changes in the Civil Service in the past forty years. The most striking, of course, is the immense increase in its size. This is not infrequently cited as evidence of the extravagances and inefficiency of government undertakings. And this on the basis of elementary and totally misleading arithmetical calculations - usually based on comparative population figures. The inference, however, is quite unsound. The primary reason for the large increase in government employment over the past generation is that the Canadian people, like the people of other countries, have demanded from their governments a wide range of services and benefits which in previous generations were regarded as the responsibility of the individual, or of private or public charity, or of Providence. This in turn has led directly and inevitably to the employment of the thousands, and thousands, of men and women who have entered state employment since the '30s. This is by no means wholly due to the new social services, but to other things as well in immense variety - research and development of all kinds, assistance for commerce, agriculture, fisheries, - and much more. All of which entails more civil servants. We have come a long way from the days when all that was expected of government was to maintain internal order, to defend the frontiers, and to deliver the mail. Adlai Stevenson once remarked to an American audience "your public servants serve you right". They do in this country too; and, by and large, we get just about as many as we deserve.

This first trend in our Civil Service - expansion - has been accompanied by a second perhaps even more significant - the increased importance and influence of senior civil servants.

The very volume of public business has compelled Ministers to cast more and more of the burden on their officials. The Minister's limited time has to be divided between his political and his administrative duties. Whatever the number and quality of his staff the tax upon his own physical and intellectual resources remains enormous. As a direct consequence - in order to carry on - the Minister has often no alternative but to entrust all but major policy matters to his subordinates.

Because of this - because of these larger responsibilities thrust upon officials by necessity - it has become essential in the national interest that we should have a Civil Service of high capacity and complete integrity.

We in Canada have inherited a splendid tradition. We are fortunate too, in my judgment, in the quality of our civil servants. I believe that the average department of government is as well run as the average private undertaking of comparable complexity and extent. This is certainly not to say that there is not room for improvement.

Those who do business with government often grow impatient and critical at having to comply with complicated and ponderous procedures which sometimes involve irksome delays - and in which they see no sense. This is the familiar problem of government red-tape. In some degree this will always be with us, for such conditions have normally been prescribed to serve some solid public purpose. In government employment, for example, the regulations which govern the process of appointment and advancement are designed to prevent improper pressures and safeguard the merit system. Nevertheless, there is an undoubted tendency in all large organizations - perhaps government especially - toward the proliferation of regulations. And this calls for a process of constant scrutiny and adaptation.

Some of our difficulties can, I believe, be overcome or at least alleviated, within present laws by administrative improvements in the Commission and in the departments. And a good deal is being done as we go along.

But there are other problems which require more fundamental treatment. For the fact is the Civil Service Act was drafted, and well drafted, in conditions quite different, for an essentially negative and defensive purpose - the elimination and prevention of patronage. It is hardly surprising, therefore, that forty years later the Act is not in all particulars adequate to the larger positive needs of our public personnel administration.

It is for this reason that the Government has asked the Civil Service Commissioners to review the whole fabric of law and regulation under which Federal personnel administration is presently conducted and the role of the Commission itself. When we have completed our studies we are to submit to Government a report with our recommendations for a régime more suitable to modern conditions.

On this task my colleagues and I are now engaged. In it we shall have and need the assistance and suggestions of government departments who are our customers on the side of management. We shall also have, from the employees' point of view, the help of the staff associations of the Civil Service.

One of our main objectives in these endeavours, as I see it now, will be to devise means by which the Government Service can increase its efficiency of operation without jeopardizing the merit system - to improve personnel administration in the Civil Service along lines which accord with the best modern practice and with due regard to the rights and interests of the employees.

Some of the questions with which we shall have to grapple are familiar to industry and other outside employers; others peculiar to government. Here are some of them:

Should all employees of the Crown of Canada come under the Civil Service Act? At present there are many thousands who do not; the bulk of them being "prevailing rates" and casual workers employed directly by departments.

How and to what extent should civil servants participate in the determination of their own pay and working conditions? This is ultimately a matter of government policy but the Commission, which has statutory responsibility for recommending salary and wage levels, will be closely affected by developments in this field.

How can we reconcile the necessary safeguards for the merit system, of which the Commission is the custodian, with the extent of departmental authority required for efficient management? Here again, before submitting recommendations, the Commission will have to weigh with great care the evidence on both sides and seek to strike a balance between two points of view.

Another matter to which I think we should give attention is further means of encouraging a wider reflection in the Public Service of the national character of all of Canada. And this without impinging on the essentials of the merit system and the competitive examination procedure which we must at all costs retain. It seems to me that it is of particular importance to a wide and varied country like ours, that our Public Service should reflect in broad measures the nation and its people.

In Ottawa, I believe, we have at present a fair degree of representation from the various regions; but I am not sure that we could not do more to encourage larger numbers of suitably qualified candidates from parts of Canada more remote from the Capital to present themselves for examination. There might, also, I believe be more movement of departmental officials between regions of the country. Certainly there are difficulties, including those of cost, in such suggestions. But here perhaps is an opportunity to serve a general objective of national importance, the greater unity of Canada.

We will, doubtless, wish to introduce into our report provision for much that is new in the art - I find it difficult to regard it as a science - of personnel management. We will, I imagine, wish to give due place to such matters as training, counselling, career planning and other phases of personnel administration where further profitable developments could take place.

In this task the Civil Service Commissioners are increasingly conscious of the important national responsibility that has been given them. But we have also been accorded an unusual opportunity. We hope that the timing may prove propitious and that our efforts may evoke a larger public interest in the Civil Service. "Civil Service Reform" in 1958, though perhaps not so urgent and compelling a battle cry as in those earlier days when raised against patronage and corruption, is still I believe a cause above party in which all Canadians have a close concern. Its course over the next few years may well be influenced to no small extent by public appreciation of the important national issues involved.

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