

***Tracking the Role Of the PSC in the
Governance System of the Federal Public
Service***

Draft Report
(for discussion only)

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April 15, 1997

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Introduction

We have been tracing the historical involvement of the Civil Service Commission/Public Service Commission (CSC/PSC) at three levels. First, in the broad governance system of the federal public service. Second, in human resource management policy; and third, in human resource management programs. This paper represents the tying together of our current research at the first level, which focuses on the Commission's role in the governance system.

For the purposes of this paper, we have documented those time periods where significant debate and/or action took place concerning the appropriate place of the Commission in the broad governance system. We identified those time periods where the Commission's role was discussed vis-à-vis governance issues (personnel management or public sector values such as the merit principle) and governance institutions (such as Parliament or the Executive).

The body of the paper follows the history of the Commission in a chronological order. An introductory table highlighting some important dates in this progression is provided.

In a final section entitled Trends and Similarities, we draw the periods together in order to provide observations on pertinent factors that have been instrumental in the changing role of the Commission.

Some important dates in the history of the Canadian Public Service:

1868	The <i>Canada Civil Service Act</i> established a Civil Service Board with limited jurisdiction over examinations, certifications, and promotional investigations in the Inside Service (positions in and around Ottawa); the spoils system of appointment by ministers remained essentially in place.
1868-70	The Royal Commission to Enquire into the Present State and Probable Requirements of the Civil Service produced two reports in 1869 and a third in 1870. Departments are dealt with separately in the reports, as are the "Inside" and "Outside" Services (generally speaking, inside and outside the National Capital Region). This "Civil Service Commission" recommended an organization for all the departments and one classification system for the whole service. In addition, it made recommendations regarding salary, superannuation, and ministers' secretaries. The third report stated that a preliminary examination for entry into the Public Service was advisable, but did not go as far as suggesting appointment by competitive merit.
1877	George Elliot Casey — the first great promoter of competitive examination as a basis for appointment in the Canadian Public Service — chaired the Select Committee Appointed to Inquire into the Present Condition of the Civil Service (House of Commons). Recommendations included making the Service a profession, establishing a commission to make recommendations for appointment, and using examinations to determine merit by competition.
1880-81	The work of the Royal Commission to Consider the Needs and Condition of the Civil Service of the Dominion led to the 1882 <i>Civil Service Act</i> .
1882	The <i>Civil Service Act</i> established a Board of three Civil Service Examiners to supervise twice-yearly pass/fail examinations for appointment and promotion. Examiners could exclude from consideration those who did not pass the exam. a statement of reasons for removal of deputy heads had to be laid before both Houses.
1891	The Royal Commission to Enquire into the Present Condition of the Civil Service in Ottawa was established to study inefficiencies and abuses. It reported in 1892, recommending a Civil Service Board of five members, the chairman to be permanent and hold office on the same tenure as the Auditor General. The Board would have two duties: to hold examinations, and to investigate and report on the organization and administration of the departments.
1907-08	The findings of the Royal Commission to Enquire into and Report on the Operation of the <i>Civil Service Act</i> and Kindred Legislation led to an amendment of the Act in 1908.
1 September 1908	The <i>Civil Service Amendment Act</i> came into operation, establishing a permanent Civil Service Commission (CSC) of two members, appointed by the Governor-in-Council to hold office during good behaviour, and removable only on the joint address of the two houses of Parliament. The CSC was to undertake investigations and reports on the operation of the <i>Civil Service Act</i> , to exercise supervision over admissions and promotions, and to issue certificates of qualification to successful candidates. This <i>Act</i> established competitive exams "for the particular positions" of the Inside Service, and gave responsibility for making all appointments to the Commission. As well, a certificate of qualification from the Commission was required for promotion. Any attempt to influence a commissioner made one liable for immediate dismissal. The Outside Service — essentially all positions outside the National Capital Region — was left virtually untouched.

1911-1912	The Commission to Enquire into All Matters Connected with or Affecting the Administration of the Various Departments of the Government and the Conduct of Public Business Therein (Public Service Commission) was established. Since the 1912 Murray Inquiry had already begun by the time of their report, the commissioners declined to make recommendations. The report did, however, reproduce in detail the recommendations of "the leading officials west of the Province of Manitoba," including bringing the Outside Service under the authority of the Civil Service Commission, and making entrance to and promotions within the Service subject to merit.
1912	Sir George Murray came from England to carry out a study of the Public Service. His <i>Report on the Organization of the Public Service of Canada</i> suggested various levels of delegation of power from Cabinet to ministers, and from ministers to deputy ministers. It also recommended the abolition of Treasury Board, and a reduced CSC involvement in promotions. The report preferred the establishment of an Appointment and Promotions Board composed of ministers and permanent officials. Recommendations were all in favour of eliminating the difference between the Inside and Outside Services, holding merit as the sole criterion for appointment and promotion, and developing a career civil service. Murray saw the establishment of a superannuation system as "one of the most important items of Civil Service reform."
1912	The <i>Act to Amend the Civil Service Act</i> added a third commissioner and identified the position of chairman. The government did not implement this provision until 1917.
13 February 1918 Order-in-Council	This Order-in-Council established a Civil Service Commission of three members appointed by Governor-in-Council for 10 years, removable on joint address of the two Houses of Parliament. The Commission was charged with recruitment, organization, classification, compensation, promotion, and transfer in both the Outside and Inside Services. Technical appointments to the Inside Service were to be made by the Commission and deputy heads. The Commission was to approve all transfers from Outside to Inside Service, to recommend all promotions, and to authorize all temporary employment in the Outside. All persons honourably discharged from overseas service in the Armed Forces and having passed exams were to be placed, irrespective of marks, above other successful candidates in the order of merit.
24 May 1918	The <i>Civil Service Act</i> provided legislation backing up the Orders-in-Council of February and March.
1919	The Special Committee Appointed to Inquire into the Working of the Staffs of the Inside Civil Service made mostly administrative recommendations dealing with retirements and with excessive numbers of absentee days.
1919	The <i>Civil Service Amendment Act</i> incorporated the classification schedule of the Arthur Young and Company study, wiping out classification differences between the Outside and Inside Services.
1921	Bill No. 122 (the Spinney Bill) proposed to remove a large number of positions from the CSC's jurisdiction (all manual labourers, a large number of postmasters, and all professional, scientific, and technical officers). The Bill was seen as an attempt to re-establish the political patronage system of appointments. It led to the Spinney Committee and the 1921 amendment which added a public interest consideration to the grounds for exemptions from the <i>Civil Service Act</i> .
1922	Opposition and criticism from the deputy ministers had grown to such an extent that Prime Minister King was forced to appoint a committee of ten DMs to study the problems facing the civil service (Committee of Deputy Ministers on Civil Service Matters).

1923	The Special Committee Appointed to Inquire into the Operation of Chapter 12, 8-9 George V recommended vesting more managerial authority in deputy heads. It also recommended the establishment of departmental personnel boards with representatives from the CSC, from the department and from employees to provide advice about classification, promotion, dismissal, salary revision and leave of absence. The Committee saw the absence of a superannuation plan as "one of the greatest deterrents to efficiency and curtailment of staffs" in the Public Service. Its report contains recommendations for reorganization of departments.
1924	The <i>Civil Service Superannuation Act</i> intended to promote and protect a career civil service
1924	The Senate Special Committee on the Civil Service (Béique Committee) affirmed the merit principle, and supported the Civil Service Commission's attempts to reorganize the civil service in the face of departmental opposition.
1928	The Royal Commission on Technical and Professional Services (Beatty Commission) submitted its report in 1930. This commission essentially supplanted the CSC's authority on wage matters, but became powerless itself during the Depression.
1931	The <i>Consolidated Revenue and Audit Act Amendment</i> centralized financial mechanisms of government spending, allowing for greater executive control.
1932	Orders-in-Council established staff control regulations and gave Treasury Board authority over the Civil Service Commission's responsibilities in staffing matters.
1932	The Select Special Committee on Civil Service and Civil Service Act (Lawson Committee) recommended the establishment of an appeal boards process. It also recommended the retirement of the sitting commissioners, leading to a 1932 amendment.
1932	An amendment to the <i>Civil Service Act</i> authorized the Governor-in-Council to retire from office the then-present members of the Commission.
1934	The Select Special Committee of the House of Commons on Civil Service Act also recommended an appeal process.
1938	The Special Committee on the Operation of the Civil Service Act (Pouliot Committee) echoed recommendations for an appeal process, and recommended the establishment of a Standing Committee of the House of Commons to deal with civil service matters.
1939	The Special Committee on the Operation of the Civil Service Act also recommended a Standing Committee on civil service matters as well as an appeal process for employees.
1 September 1939	Provisions of the <i>War Measures Act</i> supplant those of the <i>Civil Service Act</i> .
19 April 1940 P.C. 1/1569 under the <i>War Measures Act</i>	Authority vested in the Governor-in-Council under the <i>War Measures Act</i> to make appointments and deal with personnel, unless the Treasury Board otherwise directs, to be exercised subject to the approval of the Treasury Board and an investigation of need and rates of pay by the Civil Service Commission; reversed policy of granting wide powers of appointment to separate departments and agencies, and legally centralized the authority in Treasury Board; outlined a procedure for "changes in organization" and for making appointments which in effect placed the exercise of these powers in the hands of the Civil Service Commission, subject to the approval of the Treasury Board.
1943	The Coon Committee reported directly to the Treasury Board. Although its confidential report was not tabled, it lead to the establishment of the National Joint Council.

1946	The Royal Commission on Administrative Classifications in the Public Service (Gordon Commission) recommended the Civil Service Commission be retained as an "independent and separately constituted body," but that its functions should be reduced primarily to those of recruitment and appointment. In addition, it recommended bringing most of the exempt boards, commissions, and agencies under the <i>Civil Service Act</i> . Also recommended was boosting Treasury Board control through a new Establishments and Personnel Division. These recommendations were not carried through.
1951	The <i>Financial Administration Act (FAA)</i> established the Treasury Board as "a committee of the Queen's Privy Council for Canada on all matters relating to finance, revenue, ... establishments, the terms and conditions of employment of persons in the Public Service, and general administrative policy in the Public Service referred to the Board by the Governor-in-Council or on which the Board considers it desirable to report to the Governor-in-Council, or on which the Board considers it necessary to act under powers conferred by this or any other Act". This act, which consolidated in statutory form many of the powers which the Treasury Board had gathered during the Depression and war years, authorized Treasury Board "to exercise all or any of the powers, other than powers of appointment, of the Governor-in-Council under the <i>Civil Service Act</i> ."
1958	The Civil Service Commission completed its report on civil service legislation entitled "Personnel Administration in the Public Service" (Heeney Report). The report recommended the continuation of the CSC's independent and exclusive role in those functions relating directly to the maintenance of the merit system. Moreover the CSC should continue to retain final responsibility for recruitment, selection, appointment and promotion. As well, in the name of "unfettered departmental management," the report proposed an end to the CSC's control over matters not directly related to the merit principle. As a solution to the employer-employee relationship, the report proposed the CSC should play an independent arbiter role. More specifically, the CSC would be placed between government and the staff associations and would make recommendations on staff relations and pay determination.
1961	The new <i>Civil Service Act</i> had three main features. First, it preserved the independence of the CSC and the fundamental principles of the merit system, including sole right to classify positions. Second, it attempted to clarify the role of the Civil Service Commission in areas in which it was concerned but which did not bear directly on the merit system. Third, it conferred the right on staff associations to be consulted on all matters dealing with remuneration and conditions of employment.
1962	The Royal Commission on Government Organization (Glassco Commission) reported on the management of the Public Service. Established in September 1960, the Glassco Commission submitted its report in July 1962. The lengthy report dealt almost exclusively with management, efficiency and economy in the federal civil service. This commission recommended stripping the CSC of almost all of its management functions and divesting them in a Personnel Division of the Treasury Board. It also proposed a shift in the locus of managerial responsibility to the executive (Treasury Board). And, it recommended that, in order for departmental managers to manage properly, manpower management responsibilities should be placed squarely within the departments' range of responsibilities.
1966	The major responsibility outlined in the <i>Public Service Employment Act (PSEA)</i> was staffing (recruitment, selection, appointments and appeals). This was entrusted to the newly named Public Service Commission (PSC). PSC duties included appointments according to merit (including promotion), for which it was the sole interpreter, along with appointment of staff, training and development of staff on its own authority, and assistance to deputy ministers in the organization of departmental training and developmental programmes. In addition, the PSC would hear appeals from staff against decisions on matters coming within the Act, such as promotions, rejection while on probation, layoff and demotion or release for incompetence and incapacity.

1966	The <i>Public Service Staff Relations Act (PSSRA)</i> established the Public Service Staffing Relations Board (PSSRB) to oversee and direct the system of collective bargaining. The Board (WAS NOW GIVEN) had sole responsibility for pay research and for hearing grievances on disciplinary matters. Within the PSSRA was a measure that clearly outlined the Treasury Board as representing the employer in the collective bargaining relationship.
1966	Amendments to the <i>Financial Administration Act (FAA)</i> entrusted the Treasury Board (TB) with personnel management in the Public Service, including the authority to determine the terms and conditions of employment of public servants. The <i>Act</i> stipulated that the TB may determine the manpower requirements of the Public Service, may provide for allocation and effective use of manpower resources, determine requirements for training and development, and provide for the classification of positions and employees.
1977	The Royal Commission on Financial Management and Accountability (Lambert Commission) reported in September 1979. It addressed concerns that were growing over financial administration and the government's ability to adequately ensure full and certain control over and accountability for public funds. The Commission was established to examine, report, and advise on the management system with particular attention to interdepartmental structure, organization and process, including: systems and procedures to ensure effective accountability to government — and where appropriate, to Parliament — of the administration of federal departments and agencies, and the organization necessary in central agencies, departments, and Crown agencies.
1979	The Special Committee on the Review of Personnel Management and the Merit Principle (D'Avignon Committee) — established to examine public service staffing, appointments, and training — reported in September 1979. The Committee, which examined matters pertaining to the PSEA, made recommendations with particular reference to: the merit principle and its application as it related to initial appointment, internal appointment and promotion, and the eligibility of public servants to participate in competitions; the improvement of employer-employee relations; and, the efficiency of the personnel management system, taking into account operational needs of departments
1989	<i>Public Service 2000 (PS 2000)</i> was a public service renewal initiative, announced in December 1989. It consisted of task forces entrusted to examine and make recommendations on such issues as staffing, staff relations, classification, compensation and benefits, remuneration, and staff training. In December 1990, the government released a White Paper in response to the task forces' recommendations. Although the Paper focused on service, it also gave attention to front line responsibilities of departments, and to personnel management responsibilities in the Public Service. It recommended that the personnel function of the Public Service — which the Public Service Commission (PSC), Treasury Board Secretariat (TBS), the Privy Council Office (PCO), and line departments share — needed to be clarified and that the respective roles of the PSC and TBS needed to be better defined. PS 2000 proposed amendments to the <i>Public Service Employment Act</i> and the <i>Financial Administration Act</i> that included a division of duties. The PSC would have the powers of recruitment, appointment to level or to position, appeal and audit. Deputies would have the powers of deployment, and training and development, subject to TBS's statutory responsibility for personnel management. Treasury Board Secretariat's mandate would include active responsibility for career development, allocation of resources to meet the personnel needs of departments, policy support to deputies for deployment of members to the new Executive Group, and training and development.

1992	<p>The <i>Public Service Reform Act (PSRA)</i>, which passed in November 1992 (was given royal assent in Decemeber 1992), made amendments to the <i>Public Service Staff Relations Act (PSSRA)</i> and the <i>Public Service Employment Act (PSEA)</i>. These changes represented the first major amendments to staffing legislation since 1967. Many of the <i>PSRA</i> amendments simplified the job classification system and the staffing process. Following a PS 2000 recommendation, a new system of deployments was initiated, subject to Treasury Board Secretariat's direction, which enabled managers to move employees more easily to a position of the same level, either to meet operational requirements or to give employees the opportunity to acquire new skills. As well, departments would now be allowed to respond quickly to urgent or short-term operational needs by hiring people on a short-term basis without applying the normal merit process. There were also amendments of direct significance to the PSC. For example, although the requirement to select people on the basis of merit was retained as the basis of appointment, a new amendment enabled the PSC to prescribe standards of competence to measure merit in isolation, rather than by comparison with other persons.</p>
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Period 1: 1918-1929 *The first decade*

Environment

Prior to the Orders in Council of February 1918, personnel management in the Canadian public service was governed by the 1908 *Civil Service Amendment Act*. Although this amendment to the

Patronage, Inside and Outside Service divisions give rise to inefficiencies

Civil Service Act of 1882 had begun reform in the Inside Service ten years earlier, it had left the Outside Service essentially untouched by the measures put in place to ensure a non-partisan, efficient civil service appointed by competitive examination¹. While the complete extent of political influence in appointments would be difficult to gauge, it remained nonetheless part of the landscape of employment in the Canadian public service. The division into an Inside Service and an Outside Service also meant inflexibility in terms of promotions and mobility of staff. This situation — coupled with patronage's tendency towards overstaffing — lent itself to great inefficiencies in the work of government, inefficiencies which had been condemned to varying degrees since the 1877 Select Committee of the House of Commons chaired by George Elliot Casey.

The Union Government, a coalition of pro-conscription Liberals and Conservatives, had been formed in 1917 under Prime Minister Robert

Union government committed to reform

Borden. During the subsequent December election, the second plank of Borden's election "manifesto" — second in importance only to winning the war — was civil service reform:

[...] with a view to extending the principle of the present Civil Service Act to the Outside Service and thus to abolish patronage and to make appointments to the public service upon the sole standard of merit. The Civil Service Commission has already been directed to make a report to the Prime Minister as to the necessary steps for that purpose. Such arrangements will be subject to the existing regulations which give preference in appointments to returned soldiers who are duly qualified.

(Civil Service Commission of Canada 1919: 9)

Canada was at war and the size of the civil service was growing at an unprecedented rate. A push was on to promote efficiency, to reduce waste, to

Reform needed to win war, protect trade interests

modernize, and to ensure a strong government that would be able to finish the war. Coincidentally,

¹The 1908 *Act to amend the Civil Service Act* defined the Inside Service as "that part of the public 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, and the Governor General's Secretary, employed at the city of Ottawa, or at the Experimental Farm Station or the Dominion Astronomical Observatory near Ottawa, but not including the officers, clerks, and employees employed at Ottawa in the second or outside departmental division [...], or in any office of a purely local character". The Outside Service consisted of "the rest of the Public Service".

such a government could also serve as a tool to protect Canada's trade interests once the war was over. Indeed, as early as 1911, a group of prominent businessmen — known as the Toronto Eighteen — had thrown their support to Borden's Conservatives in order to oppose the Liberal Prime Minister Wilfred Laurier's decision to introduce trade reciprocity with the United States. High on the Toronto Eighteen's list of demands in exchange for their support was civil service reform and a strengthening of the Department of Trade and Commerce (Hodgetts et al. 1972:46). In 1918, the War Measures Act would empower the government to take extraordinary steps in the area of personnel management.

1918 *Civil Service Act*, Amendment 1919

In keeping with its election promise, the Borden government passed an Order in Council on February 13th establishing a Civil Service Commission of three members appointed for 10 years, in charge of recruitment, organization, classification, compensation, promotion, and transfer. This Order also stipulated that:

1918 Order in Council establishes CSC with broad authority over complete Service

The provisions of the *Civil Service Amendment Act, 1908*, and amendments thereto relating to appointment by competitive examination shall [...] be observed as far as practicable in the appointment of all officers, clerks and employees in the Outside Service [...]. (P.C. 358 — February 13, 1918)

Other Orders in Council in March provided temporary regulations pending legislation, and limited the powers to dismiss public officials on the grounds of political partisanship. In May, the *Civil Service Act* provided legislation covering the contents of the Orders in Council.

The first Commissioners under the 1918 *Act* were William J. Roche (Chairman), Clarence Jameson, and Michel G. LaRochelle. They undertook to classify the Service, and because of their small staff

Arthur Young & Company Classification opposed by DMs and staff

— only twelve persons — they engaged the services of Arthur Young and Company, an American group of private sector consultants. The result was a huge, complex report presented to Parliament in June 1919, influenced in many ways by contemporary theories of scientific management. It is important to note that Deputy Ministers and staff associations expressed great opposition to the classification project as first presented. Commissioner Jameson was then put in charge of revising the project, and the Board of Hearing and Recommendation was established to investigate the concerns of departments and the service. By the fall of 1919, a revised but somewhat longer and more complex project for classification of the civil service was presented to Parliament and ratified by an amendment to the *Act* in November.

1921 Amendment — the Spinney Bill

Within three years, opposition to the newly established Civil Service Commission's powers was mounting from Members of the House. As

Spinney Bill articulates first serious Parliamentary challenge to CSC authority

suggested by Robert MacGregor Dawson, some Members and their constituents were perhaps beginning "to repent of their haste and enthusiasm" for reform and desired a partial return to the old patronage system (Dawson 1929:98). The Spinney Bill opened the door for the Spinney Committee (House of Commons Special Committee on Bill No. 122), aimed at reducing the Civil Service Commission's powers, and questioning both the philosophy underlying methods of appointment and the Commission's ability to carry out all the powers under its jurisdiction (cf., for example, Special Committee on Bill No. 122 1921:4853). The interpretation of the merit system was criticized as being no more efficient than the patronage system. Still, since each period tends to develop its own working definition of merit, it would be a little risky to force a comparison to today's situation. The Spinney Bill attempted to exclude from the Commission's responsibilities all manual labourers, a large number of postmasters, and all professional, scientific and technical officers. In the end, the Committee decided to leave it up to the Civil Service Commission to decide which positions to exclude. Still, the intentions of the Committee were made clear in an amendment to the *Civil Service Act* which broadened the grounds on which the Commission was to make exemptions when it was "not practicable nor in the public interest" to deal with a class through competitive examination (*Acts of the Parliament of the Dominion of Canada, 1921, Vol. I, chapter 22*).

Commissions and Committees

These first years for the Commission were turning out to be trying years. They would also be years during which a new equilibrium was sought between the powers of the elected government

CSC authority questioned and studied repeatedly through the 1920s

and those of its newly created Civil Service Commission. The Spinney Committee would be the first, but not the last, commission or committee to try to deal with the role of this new centre of power during its earliest years. In 1922 there would be the Committee of Deputy Ministers on Civil Service Matters appointed by Prime Minister William Lyon Mackenzie King; in 1923, the Special Committee Appointed to Inquire into the Operation of Chapter 12, 8-9 George V, an Act Respecting the Civil Service of Canada; in 1924, the Senate Special Committee on the Civil Service; and in 1928, the Royal Commission on Technical and Professional Services (the Beatty Commission).

One matter which would offer the Government grounds to question the role and powers of the Civil Service Commission was the task of reorganizing the civil service, mandated to the

Reorganization of the Service poses difficulties for the CSC

CSC by the 1918 *Act*. Stung by the reaction to the classification project and conscious now of the difficulties in bringing about change in such a large body as the Canadian civil service, the Commission hesitated to undertake a major reorganization project. Although by the terms of the *Civil Service Act* the CSC should have retained authority over any efforts at reorganization, in 1920 the Government engaged the services of Griffenhagen and Associates — formerly part of Arthur Young and Company — to undertake the study of reorganizing the civil service. Griffenhagen and Associates were to report not to the Commission but to Cabinet's Council Subcommittee on Reorganization and Efficiency.

Griffenhagen and Associates produced far-reaching recommendations for reorganization of the civil service, but opposition was as strong as it had been to the classification project of 1919. The political climate of the very early twenties was also one of change, with Borden in the office of Prime Minister until July 1920, followed by the leader of the Conservatives, Arthur Meighen, from July 1920 to December 1921, and then Liberal Mackenzie King taking office in December 1921. Without strong support from Cabinet, facing opposition from many sides, the recommendations of Griffenhagen and Associates would not be carried through.

In 1924, coming shortly after the Spinney Bill, the reorganization question would again surface in another parliamentary committee struck to deal with the Civil Service Commission's

Senate Béique Committee recognizes DM opposition to reorganization

responsibilities. Although the Commissioners stated at various points that the work of classification and reclassification kept them from undertaking the reorganization project, they also made it obvious that what they wanted was support from the Government in the form of an Order in Council directing them to carry out the work. Reorganization had been undertaken in something of a piecemeal fashion, as departments requested the involvement of the Commission; for example, as requested by the Department of Militia and Defence in 1921, and then by the Post Office Department in 1922 (Civil Service Commission 1922:vi, 1923:viii). It was also evident, though, that without clear direction and support from the Government, departments would not cooperate in a complete reorganization of the entire service. In 1924, the Senate Special Committee on the Civil Service (Béique Committee) was struck to look at the ways in which the civil service was organized and to consider ways to reduce the number of employees. The Béique Committee conceded that:

Some of the Deputy Ministers admitted in effect that throughout the service there was little or no desire upon the part of deputy heads and the heads of branches to co-operate with the Civil Service Commission or otherwise with a view to staff reductions. It was suggested that this was contrary to human nature, that every department was jealous of its importance, the number of its branches and the size of its staff. (Senate Special Committee 1924:5)

The Béique Committee did feel that the Commission had the statutory powers necessary to go ahead with the organization of the civil service, but also recommended, as the CSC wished, that an Order in Council be passed to reinforce the Commission's authority to do so. Specifically, the Committee recommended:

Béique Committee recommends Order in Council to support CSC authority over reorganization

(2) That an Order in Council be passed instructing the Civil Service Commission to proceed with the reorganization of those departments of the public service which have not been reorganized within recent years, and enjoining deputy heads to render to the Commission the fullest co-operation and assistance. This order should further require the Commission to report to the Governor in Council and to Parliament all instances where their work is hampered or delayed by lack of co-operation upon the part of Deputy Ministers or their chief officials.

(Senate Special Committee 1924:9)

Although at various points the Government would express desire for the Commission to undertake reorganization of the public service, this recommendation of the Senate Committee would never be followed.

Another matter which would give rise to questioning of the Commission's responsibility and powers was the rather convoluted matter of revision of wages. In 1924, a subcommittee of Cabinet recommended that the Commission undertake a revision of salary schedules in the public service. An Order in Council was passed in March directing the CSC to proceed with an immediate salary revision for the entire service, starting with those of the postal service which was threatening to strike (Hodgetts et al. 1972:121). In subsequent discussions and letters between King and Commissioner Jameson, it became clear that the Government wanted the Commission to act independently in producing recommendations, but that such recommendations should attempt some kind of settlement between the Government and the postal employees.

Cabinet directs CSC to undertake wage revision

This was actually a curious occasion where the Government of the day wanted to find a way to increase the salaries of its employees. In the interests of economy, though, the Commissioners did not feel they could make such a recommendation. In its first submission to the Governor in Council, the CSC proposed rates much lower than those demanded by postal employees or offered by the Post Office Department (Hodgetts et al. 1972:124). In order to avoid a strike, the Government quickly returned the recommendations to the CSC and requested that it reconsider the matter with further representations from the Postmaster-General, Departmental officials and the postal associations.

Government rejects CSC proposal for wage revision

Following the Government's request, the Commission held these representations but then returned with its original recommendations, defending them in the interests of the "taxpayers of Canada". This attempt on the part of the Commission to reach for a higher moral ground from which to defend its proposals stems perhaps from both the Spinney amendment which added a "public interest" consideration to grounds for exemptions (*Acts of the Parliament of the Dominion of Canada*, 1921, Vol. I, chapter 22), and from the 1924 *Civil Service Superannuation Act* which directed the CSC to advise the Treasury Board on whether granting superannuation or a retiring allowance was "in the public interest" (*Acts of the Parliament of the Dominion of Canada*, 1924, Vol. I, chapter 69). Translated into the terms of the wages question when the Government wanted to reach an agreement with the postal workers through salary increases, this left the Commission holding the position that applying such increases to the public service as a whole would be far too costly.

Commissioners attempt to address the "public interest"

The Commission's recommendations went from the Government to its Board of Audit and back to

Government relents after asking for Justice Department opinion

the CSC. Although Cabinet eventually relented and approved the Commission's recommendations, the Government had gone so far as to ask the Justice Department for an opinion on whether the Commissioners or the Governor in Council could set salary rates. The decision of the Deputy Minister of Justice was that the Governor in Council could approve or reject the recommendations, but could not amend them (Hodgetts 1972:126). Later in 1924, the CSC salary recommendations for the customs service would be passed, and in the spring of 1925, an Order in Council approved the CSC recommendations for the rest of the service.

This would not be the end of the matter, though; as it turned out, the Government had merely decided to follow another strategy. A Council

Government redirects upward wage revision

subcommittee was struck, to be chaired by the Postmaster-General and to hear complaints against the salaries as revised by the CSC. In the fall of 1925, the Government used the recommendations of the subcommittee to direct the CSC to undertake "an upward revision" of the postal salaries "in the light of the representations made by the representatives of the postal employees" to the subcommittee. The Commission was also to consider the representations made by the Civil Service Association of Ottawa, in order that "a comprehensive decision that will apply to the entire Civil Service may be reached at the earliest possible date" (Order in Council P.C. 1644 quoted in Civil Service Commission *Report* 1926:viii).

It would be the spring of 1927 before the CSC would submit its new salary revision to the Governor in Council. Meanwhile, the whole matter had become campaign fodder for the election

Wages debated in 1926 election; customs scandal leads to replacement of Commissioners

of 1926, with Mackenzie King promising to use whatever power he had "to see that the salaries are revised in accordance with instructions given in the Order in Council" (Hodgetts et al. 1972:128). 1926 also saw the customs scandal² as a result of which Commissioners Jameson and LaRoche were replaced by Newton MacTavish — a friend of Mackenzie King's — and J. E. Tremblay — a former private secretary to various Liberal Ministers of Justice (Hodgetts et al. 1972:110). When the Commission did submit its proposals in 1927, the Government refused to ratify them, referring them instead to the Council subcommittee. Then the Government submitted the subcommittee's proposals — more in line with the Government's thinking — back to the CSC. Bending to the Government's will, the CSC then recommended that the subcommittee's proposals be adopted, a recommendation which the Government was quite willing to approve.

When the question of scientific and technical salaries came up in 1928, the Government again rejected the CSC's recommendations, even going so far as to reject the grounds upon which the

Royal Commission (Beatty) supplants CSC authority on wages

²Commissioners Jameson and LaRoche were shown to have accepted gifts of several cases of liquor seized at the port of Montreal by Customs and Excise. In opposition to Chairman Roche, they had also approved a salary increase for the officer who offered them the gifts.

recommendations had been based. This time, though, there would be no long, drawn out struggle with recommendations bouncing back and forth between the CSC and committees of the executive. Instead, the Government established the Royal Commission on Technical and Professional Services chaired by E.W. Beatty, president of the CPR, removing the question from the hands of the CSC entirely (Civil Service Commission 1930:vii).

Summary 1918-1929

The first ten years of the Commission's history can be seen then, as a period in which different parts of the power structures tried to come to terms with the new entity in their midst. On the part of the government, there was official recognition of the Commission's statutory powers. For example, during debates about the estimates in 1922, the Minister of Labour was asked if the proposed salaries were too high. He replied:

Parliament in early 1920s achieves understanding of the powers of its new CSC

It would be entirely unbecoming under the existing condition of the law for the Minister of Labour to even hazard a view as to the consistency of wage rates now in effect with respect to the various classes of civil service as established and maintained by the Civil Service Commission, a body appointed under the preceding Government.... I have no jurisdiction whatsoever over this question.

(Canada 1922:548-549)

This led to a long discussion of whether the Minister or the CSC was responsible for salaries paid to departmental employees. Prime Minister Mackenzie King weighed in to say:

There is a great deal of difference between a Minister saying: "I will not take the responsibility of interfering with the recommendations of my deputy head, those recommendations having been approved by the Civil Service Commission," and one saying: "I do not take any responsibility at all."

(Canada 1922:553, quoted and discussed in Dawson 1929:212-215)

The Government also regularly used recognition of the Commission's statutory authority as a reason for not providing the Orders in Council which the Commissioners felt were necessary if the service were to be reorganized successfully.

At the same time, however, it is quite easy to point to examples where attempts were made to modify, undermine or replace those powers. We have seen

Early years of trial and obstacles for the CSC

the example of the salaries question, where Cabinet went to the Justice Department, opposed the Commission's decisions during an election period, and even struck a sub-committee to deal with recommendations which under the 1918 act were the sole responsibility of the Commission. There were also the Griffenhagen and Associates study on organization, the Spinney Bill, a Special Committee in 1923, the Béique Committee, and the Beatty Commission, not to mention the occasional questioning of Commission powers during debates in the House of Commons. In a less obvious way, the Government was also able to use its appointments of Commissioners to influence

the way in which the powers of the Commission were exercised. This refers, of course, to the aftermath of the customs scandal of 1926. While perhaps not a directly orchestrated attempt to control the activities of an independent Civil Service Commission, it can be observed nonetheless that this scandal arrived with impeccable timing, allowing the government to replace two of the Commissioners with men who both had a Liberal past, at a time when second thoughts about the creation of the Commission were becoming more numerous.

Period 2: 1930-1945

Environment

With the arrival of the Depression, austerity measures would create a whole new environment for the Commission's work. As Hodgetts points out:

Depression-era brings new challenges

The CSC's old merit ideology was suddenly irrelevant to the pressing problems of the 1930s. The problem was no longer how to get people *into* the public service, but how to get them *out*, and how to make the existing employees more efficient and less costly to the government. [...] those functions which the CSC considered ancillary had consequently become the most pressing concerns of the time, and in terms with which the CSC was ill prepared to deal, that is to say, in monetary rather than moral terms.(Hodgetts et al. 1972:145)

Treasury Board

1930 also saw the election of R.B. Bennett, who took a firm hand in financial matters, assuming the positions of both Prime Minister and Minister of Finance. The Bennett government gave the highest priority to reducing the cost of Government and balancing the federal budget. It is at this point in time that we see the Treasury Board beginning to adopt a more central, even aggressive role in the decision-making processes of the government. Inevitably, this would lead to an overlap in the areas of responsibility assigned to Treasury Board by Orders in Council, and those of the Civil Service Commission, as laid out in the 1918 Act.

Bennett takes firm hand in financial matters

It should be pointed out that in early 1931, Bennett gave the CSC the chance to act on the question of organization of the service, but the Commission still hesitated to undertake this responsibility (Hodgetts et al. 1972:144). As before, the Commissioners wanted the overt backing of government in such a project in the form of an Order in Council. This would not be forthcoming, and instead, various Orders in Council were passed directing the Treasury Board to take on an ever-expanding role in financial control. As an example, an Order in Council was passed in March of 1932 granting the Treasury Board new powers, notably making Treasury Board approval for the creation of new positions a requirement before any request could be made to the Civil Service Commission. In effect, this supplanted the role of principal authority that the *Civil Service Act* had previously granted to the Commission in this regard.

Treasury Board role expanded in early 1930s

This new, expanding role for the Treasury Board remained a novelty, even for the Members of Parliament. At the Lawson Committee in 1932 (Select Special Committee of the House of Commons on the Civil Service and the Civil Service Act), the very existence of the Treasury Board came as a surprise to one of the members. Still, the granting of increased powers to the Treasury Board was justified by the Chairman on the grounds that it only made fiscal sense (Select Special Committee

Proceedings 1932:113-114). A quick perusal of the testimony given by W.C. Ronson to the Gordon Commission in 1946, excerpts of which are provided here in *Appendix A*, reveals the scope of authority granted to the Treasury Board in these early years of the 1930s.

Lawson Committee, 1932

There would be some discussion at the Lawson Committee about a further reduction in the powers of the Commission, for example, removing the Organizational Branch to the Treasury Board, but this was not the recommendation put forth. On this matter, Hodgetts points out that W.C. Ronson was, at that point in time, the Finance Department's permanent official in charge of Treasury Board's administrative staff. Ronson shared Bennet's enthusiasm for economy and austerity, and did not want the Organizational Branch of the Commission. He wanted to keep the Treasury Board staff small and its responsibilities focused. This meant removal to the Treasury Board was not a viable alternative for some of the Commission's responsibilities.

1932 Lawson Committee discusses and rejects reducing CSC responsibilities

Instead, or because of this, the Lawson Committee appeared to recognize the position that the CSC was in, and even recommended a strengthening of the CSC's capacity to undertake its mandated task of organizing the public service:

Your Committee recommends to the Civil Service Commission that ways and means be sought to bring about greater cooperation between the Organization Branch of the Civil Service Commission and departmental officials with a view to obtaining necessary reorganization and equalized classification. In the opinion of your Committee very little has been accomplished by this branch of the Commission which, if strengthened in personnel, would perform a very necessary and useful function in promoting efficiency and economy.

(Select Special Committee 1932:viii)

The Lawson Committee did make another important recommendation, however, since it recommended the retirement of the current Commissioners. In 1931, another scandal had occurred, this time involving the fixing of examination results. Investigation of this and other matters by the Lawson Committee had contributed to tarnishing the image of the Commissioners. Along with a handful of other amendments to the *Civil Service Act*, dealing mainly with administrative matters, the following amendment was passed by Parliament in May 1932:

Lawson Committee recommends amendment allowing retirement of sitting commissioners

13. (1) Notwithstanding any provision of the said Act, the members of the Civil Service Commission now in office shall be retired from office by order of the Governor in Council on such date as he shall determine, and each member so retired may be granted such gratuity on retirement as the Governor in Council may authorize to be paid out of the Consolidated Revenue Fund.

(*Acts of the Parliament of the Dominion of Canada*, 1932, Part I, chapter 40)

In 1933, Bennett replaced the two Commissioners who had been appointed by Mackenzie King in 1926, namely Tremblay and MacTavish (Civil Service Commission 1934:21). One of the replacements, Adrien Potvin, was a Conservative supporter (Hodgetts et al. 1972:144). More importantly, though, Bennett appointed a career civil servant, Charles H. Bland, to replace MacTavish. When Chairman Roche resigned in 1935 and another Conservative Commissioner, J.H. Stitt, was appointed, Bland would be promoted to the position of Chairman (Civil Service Commission 1936:17). In the end, this kind of appointment had a great influence on how a relationship evolved between the statutory powers of the Commission, and the new, still developing powers of the Treasury Board. Bland, seen as willing and able to achieve compromise, would steer the Commission away from conflict during these years, finding ways to accommodate the new powers granted to the Treasury Board. Hodgetts credits Bland with having kept the Commission "on an even keel" through the 1930s, and giving it "a new credibility" before Parliament, the Government and the public (Hodgetts et al. 1972:157-158).

Bennett appoints three new commissioners including Charles Bland, a career civil servant

World War II

Increased executive dependence upon the Treasury Board would continue after the Liberals returned to power in 1935. With the start of World War II and the provisions of the *War Measures Act* (proclaimed September 1, 1939), the *Civil Service Act* of 1918 would be rendered ineffective. Whereas in the 1930s there was the question of reducing staff, in the special period of World War II, demand for staff was greater than supply in the workforce. Agencies, Boards and Crown Corporations to which the provisions of the *Civil Service Act* did not apply were mushrooming, and the *War Appropriations Act* allowed them to hire personnel and devise pay scales at will. Although the War was indeed a special period with an end on the horizon, it was reshaping the whole picture of employment in the federal government. As Roche had pointed out in the 1920s, the more employment activity took place outside of the provisions of the *Civil Service Act*, a reality that would continue to flourish after the war, the more the authority of the Commission was undercut.

War measures supplant Civil Service Act

Early in the war, the Treasury Board moved to assume the central role in determining policy in personnel administration, and a series of Orders in Council passed in the autumn of 1939 and spring of 1940 effectively supplanted the provisions of the 1918 *Act*. Personnel policy was brought under executive control, and the Treasury Board was the means through which this control was expressed. Staff control quotas were put in place and the Commission was charged with investigating and reporting to the Treasury Board on increases in temporary staff. As well, the Treasury Board directed the Commission to look after selection in Agencies and Crown Corporations, which were springing up; and the Treasury Board prohibited unrestricted competition for personnel between the departments. As Hodgetts has it, the CSC was reduced from a control agency to a kind of service agency, even in the area of selection and appointment (Hodgetts et al. 1972:196-197).

CSC reduced to service role under Treasury Board regulations and policy

At the same time as it assumed authority, however, and as a direct result of the service capacity of the Commission, the Treasury Board

Treasury Board depends on service capacity of CSC

would come to depend more and more heavily on the CSC in the work it carried out. For example, W.C. Ronson explained in 1946 that, while the Treasury Board had final say with regard to the emoluments of civil servants during this period, it acted in nearly all cases on advice provided by the Civil Service Commission. This was because the Treasury Board had no machinery of its own for investigation (Royal Commission on Administrative Classifications in the Public Service, *Proceedings* 1946:77-78). In effect, this mirrored comments made by Bland some fourteen years earlier, in a presentation before the Lawson Committee, stating that the Treasury Board could not be expected to investigate in detail or "to particularize with the smaller things", but that it did expect to control the larger questions of expenditure (Select Special Committee *Proceedings* 1932:860).

The Coon Committee, whose report was neither tabled nor released, and therefore kept confidential, was the only group to study the role of the Commission during the war years. It reported directly to Treasury Board, however, not to Parliament. The only outcome of these secret meetings would be the establishment of the National Joint Council.

Secret Coon Committee reports to the Treasury Board

Summary 1930-1945

The period which stretches from the 1930s to the end of World War II can be seen as a period of growth in the role that the Treasury Board played in the government's decision-making processes.

Authority shifting back to executive control; working relationship between CSC and the Treasury Board

We have seen that this growth came quickly, and constituted the establishment of a new centre of power, counter-balancing or offsetting the centre which had come into being with the establishment of the Civil Service Commission in 1918, thereby causing authority to gravitate back to the sphere of executive control. This, coupled with the austerity measures imposed by the Depression, meant a completely new context for the Commission to work in. It was also a context in which personalities played as much a role as the legislative framework itself. Under Bland's leadership, the Commission came to have a "working relationship" with the Treasury Board, one in which power was seen as shared, and in which the Commission proved itself as a service agency.

Period 3: 1946

Environment

The end of the war and the immediate post-war period would again redraw the context in which the Civil Service Commission carried out its work.

Post World War II era brings new challenges

Suddenly, as in 1918, thousands of soldiers were returning home. The Government was adopting a new role in managing the economy (Hodgetts et al. 1972: 191, 201, 209), and new technical, professional and administrative skills were required. There was a great need for flexibility in promotion and transfer. Restrictive wartime control of salaries and promotions in the public service contributed to the difficulty in attracting trained personnel who were moving into universities and the expanding private sector. Unlike during the thirties, the problem was not one of reducing staff, but one of attracting the right kind of staff to meet the challenges brought on by this new era.

Gordon Commission

The Royal Commission on Administrative Classification in the Public Service headed by Walter Gordon was formed in February, 1946, in order to overhaul the machinery of personnel administration. The Gordon Commission saw the existing system for personnel administration — the working relationship that had been sketched out through the 1930s and maintained during the war — as irrational and flawed:

Royal Commission (Gordon Commission) questions dual management system

The Treasury Board has the authority in relation to all matters of establishment and organization but not the immediate responsibility; the Civil Service Commission has the responsibility but not the authority. This division of duties is the outstanding weakness in the central direction and control of the service and must be eliminated.

(Royal Commission on Administrative Classifications in the Public Service. *Report*. 1946:17)

According to Hodgetts (1972:210), the members of the Royal Commission decided early on that the Civil Service Commission was unable to be the moving force behind the changes that were needed in federal personnel administration. The Gordon Commission would seek ways to reduce the CSC's role. It did recommend the continuance of the Civil Service Commission as an independent and separately constituted body (*Report* 1946:9). However, it wanted to see the statutory responsibility of the Commission reduced to the following:

Gordon Commission recommends reducing CSC responsibility

- (a) The recruitment on a merit basis of personnel for all grades and classes.
- (b) The review of recommendations by Deputy Ministers and heads of Agencies for promotions of personnel in all grades other than the administrative, scientific, technical and professional grades.
- (c) The transfer of personnel in all grades other than the administrative, scientific, technical and professional grades from departments where they are no longer needed to other departments where additional staff is required.

- (d) General guidance to departments regarding programs of in-service training except in the case of the personnel [in the administrative, scientific, technical and professional grades].
(Royal Commission on Administrative Classifications in the Public Service. *Report*. 1946:23)

It is worth remembering that in 1946, in spite of the increased authority of the Treasury Board, and a handful of small amendments to the *Act*, the statutory powers of the Civil Service Commission remained essentially unchanged from 1918. In theory, with the removal of emergency measures put in place in 1932 in response to the Depression and kept in place under the *War Measures Act* during the war years, the situation could have returned to what it was in the 1920s.

What the efforts of the Gordon Commission boiled down to was, again, a desire to increase the role and responsibilities of the Treasury Board. The Gordon Commission recommended the creation of a new Establishments and Personnel Division at the Treasury Board that would assume responsibilities which previously had belonged solely to the Commission. Among other things, this new division at the Treasury Board would be responsible for:

Recommendation made for an Establishments and Personnel Division of the Treasury Board to take over CSC responsibilities

- all matters concerning the organization and establishments of departments and agencies;
- recommendations for scales of pay and important regulations affecting the service as a whole;
- review of recommendations by Deputy Ministers for promotions in the administrative, scientific, technical and professional grades;
- transfers between departments and agencies of administrative, scientific, technical and professional staff;
- general responsibility for policy and guidance regarding programmes of in-service training for the administrative, scientific, technical and professional grades;
- recommending policies concerning working conditions throughout the service including the improvement of morale and personnel welfare.

It is also noteworthy that the Director General of this new Treasury Board division would be responsible not to Parliament but "to the Government, through the Treasury Board" (Royal Commission on Administrative Classifications in the Public Service 1946:23-24).

Summary 1946

Although its recommendations were far-reaching, the Gordon Commission stands nonetheless as an important example of a non-starter as far as attempts to reduce the statutory powers of the Civil Service Commission go. The context in which these recommendations were made simply did not merit or give support to such recommendations. The Commission had just provided fifteen years of valuable service to the government and, importantly, to the Treasury Board itself, during what was perhaps the most difficult period in Canada's history, performing competently in its role of responsibility, but not authority, for

Support for CSC from most sectors

recruitment and selection of personnel. With almost thirty years' of history behind it, reasonably the memory span of a whole generation of bureaucrats and politicians, the Commission was now part of the landscape of the federal power structure, and was seen as useful in its service role. Public support was afforded the Civil Service Commission thanks to its efforts to ensure employment for returning servicemen. Having been seen as an advocate of staff in wage discussions with the Treasury Board, the Civil Service Commission also enjoyed support from within the service. Professional and staff associations agreed that there were problems, but saw the remedy in strengthening the power of the Civil Service Commission and loosening the controls of the Treasury Board (Royal Commission on Administrative Classifications in the Public Service, *Proceedings* 1946:428, 472, 703). In addition, Chairman Bland, re-appointed in 1945, had been spending much time at the House of Commons "courting" Members of Parliament, and was able to go directly to the Prime Minister on matters he considered important (Hodgetts et al. 1972:214).

On the other hand, a number of factors can be cited which prevented support for the Gordon Commission's recommendations. For example, 1946 was probably not an auspicious year to recommend eliminating the absolute preference given to veterans in appointments. Civil service associations, remembering the Depression-era and war time control regulations as stemming from the Treasury Board, maintained a deep-seated suspicion. According to Cole, they also harboured a fear that the weakening of the Commission would result in an increase of political patronage and personal favoritism (Cole 1949:56), citing the exempted Income Tax Division of the Department of National Revenue as an example where a large percentage of patronage appointments had been made (Cole 1949:21-22). Cole also points out that the Government's majority in the House of Commons was small at the time of the Gordon Commission's *Report* (Cole 1949:57). Finally, Deputy Ministers may have wished to maintain the Commission as a means of fending off an all too-powerful Treasury Board.

Gordon Commission recommendations fail to gain support
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In the end, the recommendations of the Gordon Commission would be dropped, and five years later, the *Financial Administration Act* would merely pass into legislation the structures and procedures which typified the extant working relationship of the Treasury Board and the Civil Service Commission.

Period 4: 1954-1965

Environment

There are two important influences on the civil service during this period. First, there was a growing clamouring amongst staff associations for the creation of a formalized collective bargaining and arbitration arrangement with the government of the day. Second, administrative deficiencies were becoming increasingly apparent in the personnel management system. This was largely due to the shared control between the Treasury Board and the CSC. These two factors provided the impetus for considerable debate on the appropriate role of the CSC and the Treasury Board in the personnel management system. Some of the debate called for a new function for the CSC, namely, acting as an "independent arbiter" between the government and staff associations. Initially there was support for the idea from the government and departments for this new role for the CSC. However, the election of a new government and a number of other factors eventually lead to the idea's demise. Thus the CSC was left trying to maintain and defend its traditional responsibilities for much of the latter part of this particular period.

The period is marked by a growing pressure for collective bargaining and growing inefficiencies in the personnel management system

During the early 1950's, historians of the Commission often comment on the problems associated with the shared responsibilities in the personnel management system. They mention how the government often played the two central agencies, the Treasury Board and the CSC, against one another, sometimes creating much confusion as to who was responsible for what in the personnel management arena. Hodgetts describes the evolution and personnel management problem as follows:

Managerial functions and responsibilities had been somewhat indiscriminately assigned to and shifted among the departments and several central agencies. The ambivalent approach to the disposition of management functions was exemplified most clearly in the area of personnel management . Here two conflicting values had been applied which created uncertainty as to function and tensions between various participants (TB and CSC). On the one hand, the historical path of reform had been marked by the introduction and preservation of the merit principle; this was asserted by developing a highly centralized but negative control apparatus, deliberately set up as an instrument of the legislature independent of the executive. Increasingly, however as the federal work force became larger and more sophisticated, the management of men required more than this protective approach: efficient personnel management came to be viewed as one of the core responsibilities of the executive, requiring positive and imaginative direction. (Hodgetts 1973:280)

It was quickly recognized by Liberal Prime Minister Louis St. Laurent that the deficiencies inherent in the current system, whereby responsibility was divided between the Treasury Board and the CSC, had to be addressed.

prime minister st. laurent recognises that changes to the personnel management system are necessary and seeks top level advice

Fundamental changes had to be carried out in order to instill some clarity. St. Laurent decided to

seek top level advice on new directions in the area of personnel management legislation.

Secret Committees

The first steps toward the attainment of disentangling the personnel management functions in the civil service began in mid-1954 when the Cabinet agreed that a small group of officials, including the CSC Commissioners, the Secretary of the Treasury Board, and, when possible, a senior bureaucrat named A.D.P Heeney, would convene to discuss the relationship between the CSC and the Treasury Board and possible changes to the current Civil Service Act. This "secret" committee met infrequently over the next year to discuss the direction of personnel management. However, nothing was ever formalized or acted upon in these brief discussions.

A small group of senior officials convene to discuss the TB, CSC and the Civil service Act

In 1956 another committee of senior officials was formed to consider similar issues and to address the growing concern surrounding the question of collective bargaining. This committee was the first to discuss a mediating role for the Civil Service Commission between the government and staff associations. A key element in driving the discussions forward was the independence that increasingly characterized the CSC. Therefore, it seemed appropriate to all that the CSC would indeed be able to carry out some form of arbitration between the government and the staff associations.

This idea had the support of Prime Minister St. Laurent, several Deputy Ministers, and, surprisingly, the Treasury Board. However, there was a general lack of enthusiasm and even some opposition from the Civil Service Commissioners. Hodgetts points out that, for the Government, this proposal represented a way out of the collective bargaining dilemma that it was facing. Therefore, as a direct result of this lack of enthusiasm on the part of the Commissioners, the Government sought to appoint someone to the Chairmanship of the Commission who would be open to innovation and bring the idea to fruition. This person was A.D.P. Heeney. His appointment to the Chairmanship eventually took place in March of 1957. (Hodgetts et al. 1972:241-242).

Another committee meets to address the issue of collective bargaining

Personnel Administration in the Public Service (Heeney Report, 1958)

A.D.P. Heeney was a highly respected civil servant who had served as Canada's first Secretary to Cabinet, Clerk of the Privy Council, and Ambassador to the United States before assuming the chairmanship of the CSC. He assumed his new position with a mandate from the Prime Minister to review and propose revisions to the Civil Service Act with special attention to the most appropriate role for the CSC to play, vis-à-vis the government as employer and its employees and their organizations.

A.D.P. Heeney is appointed to the CSC with a mandate to make recommendations to revise the current civil service act

However, this plan of action would be somewhat upset when a Progressive Conservative government trumped the Liberals and was elected in the summer of 1957. Although Heeney would continue with his restructuring task, the new government refused to commit itself to the idea of the CSC as an independent arbiter. The new Prime Minister, John Diefenbaker, was much less flexible to the proposed, innovative ideas on the future of the Commission than St. Laurent had been. In fact, Diefenbaker was unwilling to commit to the Government's position on the role of the CSC, or to any revisions to the Civil Service Act. He was, however, in favour of having a large independent, American style Hoover Commission inquiry into the Civil Service Act (Hodgetts et al. 1972:244). This would eventually take place as the Glassco Commission on Government Organization in the early 1960's.

Diefenbaker and the Conservatives come to power in 1957 upsetting the current plan of action

Part of Diefenbaker's reluctance to commit can be attributed to his overall mistrust of senior bureaucrats. Granatstein suggests that:

When Diefenbaker unexpectedly led the Progressive Conservative party to victory in the 1957 election, the incoming government was filled with mistrust of its senior bureaucratic advisors. The most suspicious Tory of all was Diefenbaker, who wrote in his memoirs: when a government has been in power as long as the Liberals, it was natural that many public officials absorbed the political faith of the government, which in their opinion seemed destined to endure forever. Following the election of in 1957 one or two high-ranking public servants suggested that my government would be best short lived. (Granatstein 1982:266)

Despite this mistrust from the new Government, Heeney went ahead with his own investigation and a report was presented to the Government in December of 1958. The Heeney Report, as it was known, would be the first of three major reports on the Canadian Government to come forward in the next seven years, each having an everlasting effect on the direction and role of the CSC (the other two being the report of the Glassco Royal Commission and the report of the Preparatory Committee on Collective Bargaining).

Heeney goes ahead as planned and presents a report to the government in 1958

The Heeney Report had two main points of interest. First, the report established the CSC's independent and exclusive role in those functions relating directly to the maintenance of the merit system. It recommended that the CSC continue to retain final responsibility for recruitment, selection, appointment and promotion. As well, in the name of "unfettered departmental management", it proposed an end to the CSC's control over matters not directly related to the merit principle. Second, as a solution to the employer-employee relationship, the Report proposed that the CSC should play an independent arbiter role. More specifically, the CSC should be placed between the government and the staff associations where it would be positioned to make recommendations on staff relations and pay determination. As

The report establishes the role of the PSC in two areas: maintenance of the merit system and as an independent arbiter

Heeney put it, the CSC would have a "quasi judicial role" that could be put into effect without a statutory change. In an appendix to the Heeney Report it was stated that "the Commission [would] not, in handling its industrial functions be an agency of the government but [rather] fully independent in status as any special tribunal which might be set up by Parliament to resolve conflicts between employer and employee".

Clearly, what the Heeney Report represented was the CSC's view of its role in the future. Hodgetts suggests that the CSC was trying to "keep one leg on familiar footing (foundation in the merit principle) while reaching out with the other for new ground (independent arbiter role)" (Hodgetts et al. 1972:254) .

However, at this time, the independent arbiter view did not win full support from others. Initially, Prime Minister Diefenbaker, Finance Minister Donald Fleming, and other Ministers

The independent arbiter role does not gain full support from the government

seemed to show support as a bill was drafted and introduced into the House of Commons containing many of Heeney's recommendations. However, the bill stalled and was allowed to die in the legislature. It appears that the government had decided it would rather proceed with more caution, wanting more of an opportunity to scrutinize the Report and its recommendations thoroughly. The end result of this delay was that any momentum built by Heeney for his recommendations over the years was now gone, and so too was his concept of the role of the CSC. Shortly after this, Heeney ended up resuming his former position back in Washington, a clear sign that this was the beginning of the end of the proposed independent arbiter role for the CSC.

According to Hodgetts, there were three major factors which led to the demise of the concept of an independent arbiter role. The first factor involved pay disputes in 1958 and 1959. Support

Pay disputes of 1958 and 1959 contribute to the demise of the CSC as an independent arbiter

by staff associations for the independent arbiter role of the Commission was dealt a large blow in pay disputes between the government and the CSC Pay Research Bureau (PRB) that was created under Heeney in 1957. In 1958 the PRB had made a recommendation to the government that there should be no general salary increases. The government, wishing to avoid pay increases, accepted the CSC's recommendation, simultaneously deflecting strong staff association criticism onto the CSC. However, the following year, in June of 1959, the Government refused to accept the Commission's pay recommendation of a general increase citing that it doubted the CSC and the PRB's data and its interpretation (Hodgetts et al. 1972:262-265).

This severely damaged the credibility of the CSC and the PRB in the eyes of the staff associations and effectively ended the independent arbiter concept as far as the CSC was concerned, along with any hope that a conciliation-based framework for industrial relations would evolve. This, in turn, led to a growing militancy on the part of the staff associations and gave rise to demands for full, direct collective bargaining with the Treasury Board. Another factor which led to the demise of an independent arbiter role was the Glassco Commission's challenge concerning the CSC's future as a control agency (Hodgetts et al. 1972:259).

Royal Commission on Government Operations (Glassco Commission, 1962)

The Glassco Royal Commission was established in September of 1960 and reported in July of 1962. The lengthy report dealt almost exclusively with management, efficiency and economy in the federal civil service. Of greater significance, however, was the fact that Glassco's report had the effect of undercutting Heeney's recommendations.

To illustrate this point, the Glassco Commission recommended stripping the CSC of almost all of its management functions and divesting them in a Personnel Division of the Treasury Board. It proposed a shift in the locus of managerial responsibility to the executive, the Treasury Board. As well, it recommended that, in order for departmental managers to manage properly, "manpower management" responsibilities should be placed squarely within the departments' range of responsibilities.

The Glassco Royal commission recommends stripping the CSC of all its management functions

Hodgetts suggests that the CSC was now viewed as follows:

Accordingly, protection of the merit principle was to remain with the CSC ... but it was no longer necessary to vest the sum total of personnel management decisions in the CSC. Rather its quasi-judicial position was to be the basis for emphasizing auditing, reviewing, and appellate functions which would arise in connection with such vital personnel decisions as those having to do with appointment, promotion, and disciplinary matters. In addition, viewed now as a central servicing agency rather than a control body, the CSC was to continue recruiting the large, service wide categories of less specialized talent, assist departments with and operate training programmes, and generally to provide information, research data, and guidelines for departments as they sought to use their new found managerial rights.

(Hodgetts et al. 1972:281)

In explaining its recommendations on the role of the CSC, the Glassco Commission suggested that:

the present role of CSC as protector of the individual employee in questions of transfer, promotion and salary increments derives ... from the belief that intervention of an independent authority is necessary to ensure preferment on the basis of merit. No convincing evidence has been found that any special factors distinguish the public service from other employment in this respect. Consequently, it cannot be concluded that civil servants need special protective machinery which employees outside the public service do not have. Moreover, there is an impressive array of evidence that the procedures and machinery created to prevent internal patronage have imposed upon the public service a very high cost in terms of delay, unfilled positions, poor selection of personnel, and general frustration of responsible supervisors.

(Glassco Report 1961:150)

Moreover, in talking about the personnel management system in the federal civil service and the CSC, the Glassco Commission was of the view that:

In the public service of Canada, a number of historical and traditional factors have combined to produce an allocation of responsibility that is largely incompatible with attaining efficiency in an organization that has grown so large and complex. Responsibility and authority for personnel management are divided among departments, the CSC, and the Treasury Board and its staff. While the Treasury Board and departments may properly be regarded as parts of the management structure, the Civil Service Commission — even though it exercised managerial authority — has no managerial responsibility. It cannot be held accountable for effective performance of any of the tasks of government, since it is, in fact, an independent watch-dog responsible directly to Parliament itself. Departments and agencies subject to the authority of the CSC find that in using a key resource — people — they are regulated and constrained by a body whose attitudes and criteria may be unrelated to their (Glassco 1961:136)

Outside of its strong attacks on the CSC, what is evident from the Glassco Commission is that it was probably "responsible for more significant changes in the personnel function of the civil service than any other event since Confederation, with the possible exception of the establishment of the modern CSC in 1918" (Barnes 1975:3). Although this may be somewhat overstating the point, we will see the major effects of the Glassco Commission's recommendations in the following period.

The Glassco recommendations although not immediately acted upon, are to have a major impact on the personnel management system
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Summary 1954-1965

During this period, the CSC went from hearing proposals suggesting a new and expanded role as an independent arbiter in the collective bargaining process, to an organization that was left having to defend itself in the face of heavy criticism from a Royal Commission that questioned the CSC's role and responsibilities in the personnel management system.

Period 5: 1966-1967

Environment

The period of the 1960s was marked by increasing pressure for decentralization of management authority to departments, and for a more effective personnel management system. The years 1966 and 1967 were watershed years, representing a time of dramatic change to the major players in the human resources arena, including the CSC.

In 1966, on the basis of the Glassco Commission's recommendations and the report of the Preparatory Committee on Collective Bargaining, the government finally dispensed with the old personnel management system and introduced new legislation. This included the *Public Service Employment Act (PSEA)* and the *Public Service Staffing Relations Act (PSSRA)* as well as major amendments to the *Financial Administration Act (FAA)*. These all came into power in 1967.

New legislation is introduced, including the *PSEA*, *PSSRA* and amendments to the *FAA*

Hodgetts suggests that what helped to precipitate these major changes

was the unanimous agreement of all political parties prior to the 1963 election to support the claims of the staff associations for collective bargaining and arbitration. The Liberal government was faithful to this promise and quickly set up the Preparatory Committee on Collective Bargaining. As this Committee discovered, before collective bargaining could be instituted a drastic simplification of the classification plan had to be achieved — a step which had been urged, for rather different reasons, by a succession of investigations going back to the Beatty Commission of 1930's. (Hodgetts 1973:282)

Legislative Changes

There were many implications for departments, central agencies, and the public service as a result of these legislative changes. First, the civil service, in its older and narrower sense, was enlarged to accommodate some forty thousand prevailing rate employees under the global title Public Service of Canada, a proposal that was strongly endorsed in the Heeney Report of 1958.

Changes in legislation had an impact on departments, central agencies and the public service

Second, responsibilities which had been vested in the CSC for fifty years were now passed over to the Treasury Board and its newly created Secretariat. The Treasury Board was now recast as the *general manager* of the public service and the *employer* in the collective bargaining relationship. Under the *PSEA*, the newly named Public Service Commission (PSC) was entrusted with staffing, including recruitment, selection, appointments and appeals. This new arrangement of responsibilities between the central agencies was seen at the time as providing an acceptable accommodation between those concepts and systems which had proved their worth over many decades, and the new attitudes towards the regulation of employer-employee relationship which had gradually spread throughout Canada in the post-war period. As a result of these changes, the PSC would no longer be responsible for those functions bearing upon the organization of

departments, classification of staff, and the determination of pay and conditions.

The *PSSRA* established the Public Service Staffing Relations Board (PSSRB) to oversee and direct the system of collective bargaining and gave it sole responsibility for pay research and for hearing grievances on disciplinary matters. As well, within the *PSSRA* there was a measure that clearly distinguished the Treasury Board as the employer in the collective bargaining relationship. The CSC, now known as the PSC, found no mention of itself in this area. These changes bear witness to the strong desire to disengage the PSC from its role as part of the management unit representing the employer. Rather than place the PSC between employer and employee, a new PSSRB and separate Arbitration Board were to be created (Hodgetts 1973:283).

Under the new legislation, the CSC (now PSC) was to have no role in the collective bargaining process

The revised *FAA* entrusted the Treasury Board with management of public service personnel, including the authority to determine the terms and conditions of employment. New amendments to the Act stipulated that the Treasury Board would determine the manpower requirements of the Public Service, provide for allocation and effective use of manpower resources, determine requirements for training and development, and provide for the classification of positions and employees. "The amendments to the *FAA* spelled out the duties of the Treasury Board so as to leave little room for querying the location of the ultimate repository of the managerial authority over the public service" (Hodgetts 1973:284).

Treasury Board is entrusted with the managerial authority in the personnel management function

To many, these legislative changes were thought to represent key steps to eliminating the dual, often confusing and ambiguous relationship which had previously existed in personnel management in the public service. Furthermore, they were also thought to ease and facilitate the implementation of collective bargaining. Although these were dramatic changes, and the PSC lost some of its traditional responsibilities, the effect of the *PSEA* was to give the PSC a renewed and clarified role.

Under the *PSEA*, the main duty of the PSC would be appointments according to merit, including promotion, for which it was to be the sole interpreter. Other duties included training and development of staff on its own authority, and assistance to deputy ministers in the organization of departmental training and developmental programmes. In addition, the PSC would also hear appeals from staff against decisions on matters coming within the Act, such as promotions, rejection while on probation, layoff and demotion or release for incompetence and incapacity.

PSC's main duty was to be that of appointments

Summary 1966-1967

As mentioned, the years of 1966-67 represented a watershed period in the personnel management system of the public service. New roles and

Two separate bodies emerge under the new legislation, one responsible for merit, the other as general manager

responsibilities were put in place for the Treasury Board Secretariat and the PSC. More importantly, there was a shift in the balance of power amongst these central agencies that would stay much the same for the next thirty years. During this period, two separate bodies emerge, one to oversee the merit principle (PSC) and the other to oversee industrial relations and collective bargaining (Treasury Board). The legislative changes clearly confirmed and identified the Treasury Board, and its newly created Secretariat, as both the general manager and personnel manager of the public service.

For the PSC, its main role was now to ensure merit and due process in staffing. Another significant development of this period was the changing usage and interpretation of the merit principle.

Merit becomes redefined in both usage and interpretation

Merit reverted to a more conventional usage, and was conceptually centred on *appointments to the public service* and *promotions within it*. As a concept, it was in the process of evolving to where it now was becoming infused with new and constructive formulations relating to both the social conditions in Canada and to the management requirements of the Public Service.

Period 6: 1977-1980

Environment

For the federal public service, the 1970s was marked by repeated attempts to achieve a balance between the principles of merit and the growing demands for increased efficiency. Spurred on by international events, such as the oil crisis of 1973, and domestic complications, such as the persistent demands made in the Auditor General's Annual Reports for better financial management in the public service, the concern over greater efficiency grew to become a prominent social ideal. The dilemma of how to achieve a proper balance, initially echoed in the Glassco Commission, had finally reached a point where a reconsideration of the entire staffing system was required. This inherently meant a fundamental reconsideration of the role of the PSC.

growing dilemma between merit and efficiency

A growing body of opinion favouring significant changes to personnel management practices in the federal public service can be seen throughout the 1970s, starting with the Bryden enquiry of 1972, followed by the Finkelman Report on staff relations in 1974, the Smyth Study of 1974, the Blackwell Report on staffing of 1975, and the Report to Parliament of the Special Joint Committee on Employer-Employee Relations in the Public Service of 1976.³ The subsequent launch of two major studies, the Lambert Royal Commission on Financial Management and Accountability, and the D'Avignon Special Committee on Personnel Management and the Merit Principle, continued this process.

number of studies in the area of personnel management mushrooms

At this time, the PSC was also aware of the need to make changes to the existing personnel management system. In fact, the Commission was engaged in its own lobbying. For example, as early as the mid-70s while testifying before the Joint Committee of the Senate and House of Commons on Employer-Employee relations in the Public Service, John Carson, then Chairman of the PSC, had urged the Committee to review the entire *PSEA* and not just the sections relating to recommendations in the Finkelman report. Similarly, in May of 1975, the PSC appeared again before the Committee and recommended that a special task force undertake review of the *PSEA* and the role of the Commission.

The PSC lobbying for change

In 1976, in response to these requests, the Joint Committee reached consensus that a comprehensive re-evaluation of personnel management and an implicit review of the *PSEA* was needed, but was beyond the Committee's scope and resources. Thus, it recommended that a special task force be established to review the *PSEA* and the role of the PSC in personnel management and employer-employee relations in the Public Service, and that the review include an examination of the role

³This Committee was set up to consider Parts I, II, III of the Employer-Employee Relations in the Public Service of Canada, otherwise known as the Finkelman Report.

assigned the PSC and its relationship to the Treasury Board Secretariat and the PSSRB. This would later turn out to be the D'Avignon Special Committee (Joint Committee Employer-Employee Relations 1976:9).

As part of the discussion surrounding changes to the existing personnel management system, there were recommendations for new structural arrangements which included the PSC. This often included rumours and debate as to the rationale for the demise of the PSC as a separate agency. Some models put forward included a department of the Public Service which would encompass the Personnel Policy Branch of the Treasury Board Secretariat and the policy, operational, and service roles of the PSC. Another model proposed that the PSC should be responsible to Ministers, through the President of the Treasury Board, on matters of recruitment policy while retaining its independence with respect to the appointment function. The PSC made submissions to both the Lambert and D'Avignon Committees that clearly outlined their opposition to such changes⁴.

new structural arrangements are proposed

The personnel recommendations of the Lambert and D'Avignon reports were viewed as two important contributions as they not only added to the opinion favouring significant changes to personnel management but also offered opinions on the future role of the PSC. They therefore warrant some further detailed discussion.

Royal Commission on Financial Management and Accountability (Lambert Commission, 1979)

The Lambert Commission was established in 1976 and reported in March of 1979. There were many reasons for its conception including: unprecedented demands placed on government by the growth in its responsibilities and programs; a desire to ensure efficiency and probity in the public service; a serious concern about the adequacy of financial administration in government, accountability for public funds, and the need to achieve effective use of resources, to avoid waste and increase productivity in government.

As part of its recommendations, the Lambert Commission attempted to define a new role for the PSC. Of interest was the fact that, during the enquiries and hearings of the Committee, the issue of the appropriate reporting role of the PSC was raised. In a PSC submission to the Lambert Commission, it was pointed out that, at that time, there was no parliamentary review of personnel management comparable to the review of financial management by the Public Accounts Committee. This was partly due to the fact that the relationship between Parliament and the PSC was unclear. The legal status of the PSC was akin to that of an independent decision-making or advisory body; and there was nothing in the *PSEA* to suggest a supportive role comparable to the role outlined in the Auditor General Act. As a result, it was unclear as to whether the PSC should appear before a Parliamentary Committee to account for the exercise of its staffing authority and,

The Lambert Commission proposed a limited role for the PSC

⁴ See Appendix B and C for the PSC submissions to these committees.

as well, provide an independent assurance that staffing had been carried out on the basis of merit. In attempting to clarify the reporting responsibility of the PSC, the Lambert Commission recommended that the PSC should report directly to Parliament on its responsibility for ensuring that appointments within the public service were based upon merit, not political or administrative patronage.

Of importance to this recommendation was the fact that the Lambert Commission felt the objectivity and fairness of the appeal process would be strengthened if it rested with a PSC with no responsibility for staffing. According to Lambert, staffing should be the sole responsibility of a Board of Management (a renamed Treasury Board). It was felt that this Board of Management would provide a single focus for the central management of government, consolidating the responsibilities for personnel and financial management. This consolidation would enable the establishment of clear lines of accountability for all facets of management from Departments and Agencies (Lambert Commission 1979:114).

The Lambert Commission recommends removing the staffing process from the PSC

In its report, the Lambert Commission recommended that the PSC be classified as a *Parliamentary Department*, where it would be a servant of Parliament with special reporting functions and with responsibilities requiring a measure of autonomy in carrying out duties⁵. The recommendation stated that the PSC should be reconstituted as a Parliamentary Department charged with the duty of ensuring that selection and appointment to the public service would be made on the basis of merit; and that the PSC would report annually to Parliament instances where personnel policies, procedures, or actions failed to support the merit principle (Lambert Commission 1979:125). The Lambert Commission appeared to favour a centralization of all aspects of management, including personnel, into one body, the Treasury Board. This would mean stripping the PSC of its staffing function and having it operate as a watchdog agency, similar in function to the Canadian Human Rights Commission or the Auditor General.

Lambert recommends that the PSC be a parliamentary department similar to the AG

Special Committee on the Review of Personnel Management and the Merit Principle (D'Avignon Committee, 1979)

In December 1977, the government announced it had established the D'Avignon Committee, a review body which would specifically examine staffing, appointments, and training in the public service. It reported in September of 1979 with an examination of all matters pertaining to the PSEA and brought forward recommendations, including references to the PSC and merit principle. The Special Committee undertook a very extensive investigation, choosing to meet with representatives of central agencies, Deputy Ministers, heads of public service unions, personnel directors, special interest groups and many others.

⁵ See Appendix D for more details on Parliamentary Departments.

In terms of the merit principle, the D'Avignon Committee recommended that merit should continue to be the basis for appointment and advancement in the public service. However, while the current merit system may have been appropriate for conditions that prevailed in the past, and though it continued to achieve its purpose of preventing patronage, new and changed priorities necessitated a reinterpretation of merit. Based on this, it recommended a redesign of the merit system, one attuned to the demands that would be placed on it in the 1980s.

The D'Avignon committee confirms the PSC's role in ensuring merit

Of importance to the PSC was the D'Avignon Committee's belief that, as long as the public service was to be staffed on the basis of merit, there was a need for an independent parliamentary agent charged with the protection of merit. It went on to say that those most vulnerable to pressure to compromise merit often described the potential for censure by the PSC as having a strong deterrent effect. Therefore, the Committee concluded that the PSC should continue to act on behalf of Parliament to uphold the merit principle (D'Avignon 1979:93). In a sense, the Committee saw the main role of the PSC as that of guardian of merit in the Public Service.

D'Avignon recommends that the PSC should be the guardian of merit in the public service

However, like the Lambert Commission, the D'Avignon Committee also felt that there was a need to centralize corporate management, including personnel management, into one body.

Like Lambert, D'Avignon also recommends centralizing personnel management into one body

They recommended that there be a Cabinet Committee, the Board of Management, whose corporate management responsibilities would encompass all aspects of personnel management, including the operational responsibilities then under the *PSEA*. It was felt that such a structure would provide central direction for all human resource management concerns (D'Avignon 1979:158). It appears that D'Avignon, similar to Lambert, felt that the PSC should not be involved in the day-to-day management of the personnel administration of the public service, but rather should focus on its primary role of ensuring the merit principle was being upheld.

The PSC formally responded to the D'Avignon recommendations in a report, tabled in November of 1980, in which the PSC voiced support for many of the major objectives behind the recommendations of the Lambert and D'Avignon reports, particularly those aimed at improving the quality of management. However, in terms of the proposed new roles and structures, the PSC did not believe that the time was appropriate for the kind of structural realignment proposed in both reports, and proposed instead some steps that would emphasize the importance accorded to quality of management by the Government and the public service. One of these steps was to clarify what the PSC was and should be. In its own words, the PSC informally defined itself as follows:

PSC rejects the new structural arrangement proposed by both Lambert and D'Avignon

"It is the staffing agency of the Government, charged by Parliament to perform this

administrative function within the framework of principles and practices set in law, and granted explicit powers to resist or counteract inappropriate pressures. It also performs other responsibilities at the request of the Treasury Board or the Governor-in-Council." (PSC Response to Special Committee Recommendations, 1980: 2)

Summary 1977-1980

During this period in which there was growing concern over balancing the principles of merit and efficiency in the federal public service, a fundamental reconsideration of the entire staffing system took place. Major government studies were undertaken that resulted in recommendations for restructuring and redrawing the roles and responsibilities of the central agencies involved in the personnel management arena. Recommendations included the establishment of a central management body, the Treasury Board, that would be responsible for all aspects of personnel management. The consequences of such a body for the PSC were significant, since it would have removed all of the PSC's personnel management responsibilities and left it with the singular role of "guardian of merit" for the public service. In the end, the Board of Management idea, conceptualized and recommended by both Lambert and D'Avignon, was never acted upon for a variety of reasons. Instead, the Treasury Board and the PSC engaged in their own process of clarifying who would be responsible for what in the personnel management system. As well, the period of the 1980s brought other issues to the forefront for governments, and public sector reform was relegated to the background.

Recent Reforms

Public Service 2000

Unlike the 60s and 70s, the 1980s was a period where very little consideration was given by governments to the restructuring of the public service. Few significant changes were initiated or implemented. One explanation given for this malaise has been that governments' priorities were focused on other issues such as constitutional reform, the free trade agreement with the US, and designing a tax reform package (GST). However during this period, dissatisfaction was growing amongst the general public with the public service over issues such as increasing debt and persistent deficit. Concerns were being raised over the effectiveness and efficiency of the government and its public servants. Criticisms came not only from the outside but also internally from the rank and file⁶.

During the 1980s little consideration was given to public sector restructuring

Towards the end of the decade, shortly after the reelection of the Mulroney government, Public Service 2000, a public service renewal initiative, was announced by the Prime Minister in December of 1989. It was intended to clarify the accountability relationships in human resources management, improve service to the public, and design and implement human resource policies to enable institutions and employees to meet the challenges of a changing world.

Shortly after the reelection of the Mulroney Government, PS 2000 initiative on public service renewal is announced

Unique to this renewal initiative was the fact that it would be led from within the public service. It was felt that massive cultural change was required and broad support within the public service, especially in the management cadre, was essential to the initiative's success (Manion 1991: 365). In light of this, PS2000 was led by the Clerk of the Privy Council with assistance from the Chairman of the PSC and Secretary of the Treasury Board. Ten task forces, composed mainly of senior public servants (DM's and ADM's), were established to examine the issues of staffing, workforce adaptiveness, staff relations, classification and occupational group structures, remuneration, the executive group, compensation and benefits, staff training, resource management and budget controls, and service to the public.

One year later, in December 1990, a white paper was released by the government in response to the the task forces' recommendations. In addition to promoting increased efficiency, the paper also

⁶ A pair of studies by David Zussman and Jak Jabes in 1986 and 1988 identified problems of dissatisfaction for ministers and senior public servants. They found that senior managers and middle managers revealed much greater disaffection and a less positive view of management practice in the public sector than in the private sector. As well one could also observe a declining loyalty as one proceeded down the organizational structure (vertical solitude).

focused on ensuring better quality service to more demanding citizens, and an emphasis on flexibility, speed, responsiveness, adaption, and innovation.

Recommendations largely focused on service but they also gave attention to front line responsibilities of departments which included some discussion on the personnel management responsibilities in the public service, including those of the PSC. Following in the foot steps of the Lambert Commission and D'Avignon Committee, the paper recommended that the personnel function of the Public Service, which was shared among the PSC, the Treasury Board, the Privy Council Office, and line departments, needed to be clarified. To this end, it recommended that the respective roles of the PSC and the Treasury Board would need to be better defined to achieve better accountability for the management of people and to align their respective mandates more closely with the appropriate roles of Parliament and the Executive.

Echoing previous reform initiatives, PS 2000 outlined the need for clarity in the personnel management system

Other proposals included amendments to the *PSEA* and the *FAA* that would distinguish clearly between the role of the PSC as Parliament's agent in protecting the merit principle, and the responsibility of the Government for the management of the resources made available by Parliament, through the Commission, for the operation of the Public Service. These proposed amendments attempted to clarify that the PSC should be responsible for all appointments (ie. recruitment and promotions) and the Executive should be responsible for deploying the human resources made available to it by Parliament.

PS2000 proposed amendments to the *PSEA* and the *FAA*

Under this arrangement, the duties were to be divided as follows: the PSC would be vested with the powers of recruitment, appointment to level or to position, and appeal and audit; Deputies would be vested with the powers of deployment and training and development subject to the Treasury Board's statutory responsibility for personnel management; the mandate for the Treasury Board would be for personnel management including active responsibility for career development, allocating resources to meet the personnel needs of departments, policy support to deputies for deployment of members to the new Executive Group, and training and development.

Of importance to the clarification of roles of the PSC, the Treasury Board, and departments, was a distinction made between appointments and deployments. Appointments, which were made on entry to the Public Service and whenever a Public Servant was promoted, were made by or under the auspices of the PSC on the basis of merit. They were essentially judgments about the intrinsic capabilities and experience of individuals that qualify them for appointment to the Public Service, to fill a particular position or to work at a given level of responsibility. Deployments were the result from decisions by managers, arrived at with concurrence of the individuals concerned, to use persons qualified by the Commission to perform

In clarifying the roles of the PSC and Treasury Board, a distinction is made between appointments and deployments

particular duties at the level of responsibility approved by the Commission when the individual was appointed to the public service or last promoted (PS2000 1990: 68).

The white paper recommended that deployment become a matter between management and the individual, subject to Treasury Board policy. The reason for this distinction was that the government was proposing to move towards a personnel management system based on the principle that individuals would be appointed to a particular rank in the Service rather than to a particular position.

Public Service Reform Act (PSRA, 1992)

As a consequence of the PS 2000 recommendations, and a recognition that flexible staffing arrangements were required to allow managers to provide the best possible service to the public, the *Public Service Reform Act (PSRA)* was passed in November, 1992. The Act made amendments to two pieces of legislation, the *PSSRA* and *PSEA*. These changes represented the first major set of amendments to staffing legislation since 1967.

PSRA made amendments to the *PSSRA* and the *PSEA* that simplified the job classification and staffing process

Many of the *PSRA* amendments simplified the job classification system and the staffing process. Following the PS 2000 recommendations, a new system of deployments was initiated, subject to Treasury Board direction, which enabled managers to move employees more easily to a position of the same level, either to meet operational requirements or to give employees the opportunity to acquire new skills. As well, departments would now be allowed to respond quickly to urgent or short term operational needs by hiring people on a short term basis without applying the normal merit process.

There were also amendments of direct significance to the PSC. For example, although the requirement to select people on the basis of merit was retained as the basis of appointment, a new amendment enabled the PSC to prescribe standards of competence to measure merit in isolation rather than by comparison, with other persons (not simply on deployments but on promotions as well). Although these changes largely promoted efficiency benefits, the trade off would seem to be an erosion of the traditional definition and upholding of merit.

Although some of the amendments to the *PSRA* promoted efficiency benefits, the tradeoff may have been at the expense of the merit system

Trends and Similarities Between Periods

Environmental Influences

World Wars

Both the First and Second World Wars were periods of intense activity in the public service of Canada. This activity would lead to special mechanisms put in place under war measures provisions, generally making an abstraction of the provisions of federal public service laws, and even putting on hold amendments under consideration before the opening of hostilities. At the same time, however, this activity also generated interest and consideration about how employment took place in the federal public service. The First World War afforded the Government the powers and opportunity to put in place Orders in Council which would be reinforced by the landmark 1918 *Civil Service Act*. The Second World War gave the Civil Service Commission the opportunity to prove its worth in a service role, especially at a time when its powers were waning, and its purpose being called into question. Subsequent to both wars, the Commission's role in dealing with the effect on the labour market of thousands of returning soldiers would help cement its place in the federal bureaucratic power structure.

World Wars have put pressure on the civil service and extended broad executive power to effect reform

Economic crises

The economic exigencies of the 1930s Depression had a great influence over the Commission's role in governance structures since this period also saw the changes in authority that the Treasury Board exercised over personnel management. In a similar way, the pressures of the recession of the 1970s would heighten the dilemma between merit and economic efficiency in the public service. Simply put, there was a greater emphasis put on a management system which reflected the values of the private sector.

Economic pressures of Depression and Recession impact on CSC/PSC authority

Instruments of change

Legislation and Orders in Council

Several means have been used to effect change in the role that the Civil and Public Service Commissions have played in the governance structures of the country. Major change has been brought about by Orders in Council, although these were also followed up by legislation in order to formalize their provisions. For example, the Orders in Council of February and March 1918 were followed by the *Civil Service Act* in 1918 and the *Civil Service Amendment Act* of 1919. In a similar way, the Orders in Council of the early 1930s giving the Treasury Board final authority over most matters relating to staff were followed — albeit somewhat belatedly — by the *Financial Administration Act* of 1951. The enactment of the *PSEA* and *PSSRB* — both laws stemming from

Major changes brought about by Orders in Council, followed by legislation

recommendations of the Glassco Royal Commission and the Preparatory Committee on Collective Bargaining — are examples of legislation passed directly without the intermediary stage of Orders in Council.

Appointments

Change was also brought about, however, without changing the word of the law, but instead by choice in appointment of those whose job it was to interpret it. The examples of the Mackenzie King appointments of 1926 and the R.B. Bennett appointments of the 1930s stand out as clear examples of how the exercise of authority by a statutory body can be modified by careful selection of those at the head of it.

Choice of Commissioners influences exercise of authority

It is worth noting, if only in passing, that this consideration, which we could call a factor of personality, has played both against and in favour of the Commission's role in the governance structures. For example, the appointments in the 1920s tended to weaken the Commission's ability to act as a strong anchor against Government attempts to promote patronage or executive control. On the other hand, the networking — as we call it today — done by Chairman Bland through the 1930s and 1940s helped forestall the recommendations of the Gordon Commission which would have vastly reduced the Commission's statutory powers. The appointment of Heeney can be seen as intended to promote a positive relationship between the Civil Service Commission and the government of the day. Thanks to his strong connection to St. Laurent, upon his appointment, he was given broad leeway to provide advice to the government on the appropriate role of the Commission and on the *Civil Service Act*.

Contextual dynamics

Finally, a couple of remarks can be made about the contextual level since the Commission does not exist in isolation from what is going on around it.

Changing context can restrict authority

Without changing the powers accorded to a body by statute, it is possible for that authority to be changed by the context in which it exercises that authority. For example, the power of a Civil Service Commission operating in an environment of minimal Treasury Board influence (1918-1931) is quite different from the power it could exercise in the environment where this new centre of power existed (post-1930). In a similar way, exemptions and alternative employment mechanisms have an impact on the authority of a statutory body like the Commission. Faced in the early 1920s with pressure to broaden exemptions under the *Civil Service Act*, Chairman Roche was of the view that appointments made without regard to merit had the tendency to undermine both the principle of the *Act* and the authority of the Civil Service Commission. In a similar way, the growth in commissions, corporations and agencies not covered by the provisions of the *Civil Service Act* during the Second World War created whole areas where the Commission had no authority. In this way, whatever the statutory authority of the Commission, the employment context in which the Commission works can have a lot to do with whether or not that authority has any relevance.

Political Influences

Parliamentary Commissions and Committees

Considering political influence within the context of attention given by Parliament to the study of civil service matters, it can be observed that there have been few periods in which there has not been a Royal Commission or some kind of parliamentary committee dedicated either to the general provisions of civil service acts or to specific provisions under the various acts, from the moment of the passage of the first *Canada Civil Service Act* to the present day. This does not take into account other committees or study groups which have been carried out by other bodies such as the Privy Council Office, the Treasury Board or the Commission itself.

The roles and responsibilities of the Commission have been almost constantly under study

Elections

Elections have been seen to have a significant influence on what the Government of the day is willing to do to bring about change in the public service. In particular, public service reform and public service administration were issues in the elections of both 1917 and 1926, leaving the Government in a position to act on statements made on the campaign trail. The election of 1957 was influential to the future direction and role of the CSC. The election of the Diefenbaker Tories had a tremendous effect on the proposed independent arbiter role of the CSC that had gained momentum under the St. Laurent Liberals.

Campaign debate of public sector reform and roles strengthens government power to bring about change

House Politics

The Union Government — formed in October 1917 and, under Robert Borden, winner of the election of December 1917 — was unique in that it brought together both Liberal and Conservative Members. This can be seen as crucial to the establishment of a strong Civil Service Commission with powers to eliminate political patronage in the public service throughout the nation. It is interesting to note that the first parliamentary attempt to reduce the CSC's powers — the Spinney Bill — came in 1921 at a time when the cohesion of the Union government was faltering. The Liberal Party was quick to point out what it saw as an attempt to reinstate patronage and partisanship in the public service (National Liberal Committee 1921).

Consensus among sitting parties facilitates change

Political influence can also be seen prior to the election of 1963, where all three political parties had agreed to support the claims of staff associations for full collective bargaining. This resulted in the Preparatory Committee on Collective Bargaining and, ultimately, major legislative changes involving collective bargaining in 1967.

On the other hand, a slim majority in 1946 — and the fact that the Leader of the Opposition would not even appear before the Gordon Commission — helped prevent the Government of the day from moving ahead with the recommendations of the Royal Commission. Similarly, during the 1980s under majority Conservative governments, public sector renewal seemed to get lost on the

agenda in favour of other higher profile political issues.

Public Sentiment

General public support

Support from the general public for actions made by Government or for the work of the Civil Service Commission can have an impact on what actions will be taken in the sphere of civil service reform.

Support from the general public can take many shapes and facilitate reform

For years preceding the 1918 *Civil Service Act*, newspaper editorials called for the elimination of patronage in the public service. Later, when the Commission was proving to be a problem for the government of Mackenzie King in the 1920s, Cabinet was reluctant to take any action which would appear to be an attempt to revive patronage in federal public service appointments. The role of the Citizens' Research Institute of Canada and its annual Civil Service Research Conference as a base of public support in the 1920s no doubt helped to keep the Commission's efforts to defeat patronage a public concern (Hodgetts et al. 1972:97)

More recently, the general public's sentiment can be seen as influential. During the late 1980s, in an environment of escalating debt and deficits, a more cynical public attitude towards the motivations of public servants and their political leaders emerged. The public service was seen to be part of the problem, not part of the solution. These feelings seemed to have triggered a new round of reforms that were initiated by PS 2000 and the *PSRA* in the early 1990s.

Veterans' support

Specifically, a great deal of support for the Commission's work was regularly generated by veterans' associations. They appeared before Committees and Royal Commissions to defend the existence and powers of the Civil Service Commission. To understand this, it helps to remember that the Commission was not only the government's employment agency when thousands of soldiers were returning home, but that it also gave absolute preference in the merit order to those returning from active duty.

Veterans have been very supportive of the CSC/PSC because of post-war labour market placement

Business support

The role of business in laying the foundation for a public service free of political patronage has been mentioned in relation to the Toronto Eighteen. It might be remembered as well that the original classification project of the public service was carried out by a group of private sector consultants. Business leaders have also been brought in to lend an air of objectivity and external authority to Royal Commissions such as the Gordon Commission or the Lambert Commission. The influence of business can be seen at other times, though, when the values of private industry have been more or less successfully promoted for application in the public service. One example of this would be the use of efficiency studies and other notions stemming from the theory of scientific management

Private sector support and private sector values play important roles in public sector reform

prevalent in the period just following the 1918 Act. Another would be the call for the adoption of "modern business methods" in government expenditures contained in the 1924 Béique Commission Report (Senate Special Committee on the Civil Service 1924:9-10).

Other Department/Agency Involvement

Treasury Board

As the other major player in the dual control of the personnel management system, the Treasury Board together with its Secretariat have had a significant impact on the role of the CSC/PSC throughout the post-Depression years. As the PSC was stripped of much of its management functions and control, the Treasury Board was usually the recipient of the Commission's former responsibilities.

CSC/PSC responsibilities passed on to Treasury Board

Auditor General

The Auditor General has also had some influence over the role of the PSC. The Auditor General's Annual reports of the 1970s brought to light the fact that the government of the day was losing hold of the strings of the public purse. This led to increased pressure for better financial management and more efficiency in the public service. Certainly, attention to the dilemma between merit and efficiency in the public service was heightened, and discussion about the most appropriate role of the PSC was generated. The Lambert and D'Avignon studies would come about as a result of this attention.

Auditor General reports create pressure for efficiency and better financial management in the public service

Departments/DMs

Lack of support from departments and Deputy Ministers helped turn the 1920s into very trying years for the CSC. It is during that era that we see the Commission struggling with the practical realities of bringing about change, and repeatedly asking government to give them the clout — in the form of an Order in Council — which would allow them to exercise their statutory authority to reorganize the public service.

Support of DMs and their departments plays a role in the initiation of reforms

On the other hand, the convenience for Deputy Ministers of having the CSC as a buffer between them and the Treasury Board meant that they would not support the Gordon Commission recommendations of 1946.

By the 1970s, pressure was being exerted by departments to decentralize management authority, leading to a questioning of the PSC's role in the current personnel management system. This pressure has continued along with growing support for private sector management methods, which emphasize efficiency, effectiveness, and service. These pressures have culminated in several reform initiatives such as D'Avignon, Lambert, PS 2000 and the PSRA. PS 2000 was largely

based on improving service, increasing efficiency, and emphasizing flexibility and innovation. It was led by senior public servants in the belief that broad support (ownership) especially from the management cadre, was essential to its success.

Court decisions

While not studied here, it might be remembered that court decisions can have an important impact on the authority of a body like the Commission.

Court decisions impact on public service management

Other documents provide some indication of the importance of this consideration, and for this it is worthwhile consulting, for example, Ducharme and Bouzigon 1995, Bélanger, Arseneault and St-Louis 1997, Arseneault, Lee and Whitelaw 1994, and Arseneault, Laurendeau and Whitelaw 1993.

Support from the civil service associations

Civil service associations were initially opposed to the responsibilities accorded the CSC by the 1918 *Act*. This can be understood in many ways, though, since the effects on wages of the first classification project were not beneficial to employees. As well, the prevailing theories of scientific management which permeated the classification work were not well received.

Civil Service Association support for the CSC/PSC has varied according to the period

In spite of the opposition to reclassification, though, it should be pointed out that by the time of the Special Committee Appointed to Inquire into the Operation of the Civil Service Act (1923), staff association support for the role of the CSC was building. For example, appearing before the 1923 Committee, J.A. Elrick (Amalgamated Civil Servants of Western Canada) stated:

We believe that the Civil Service Commission should continue as they are, their functions and scope should be practically as they are at the present time.

(Special Committee Appointed to Inquire into the Operation of Chapter 12, 1923:408)

Staff association support for the role of the Commission was particularly strong in the 1940s when the Treasury Board was seen as the source of the preceding fifteen years of staff control regulations.

Staff association support for the CSC diminished after pay disputes in 1958 and 1959. Due to these disputes, the staff associations felt that the existing triangular relationship that existed between the Commission, the Minister of Finance (the Treasury Board), and staff associations on pay and monetary matters could not stand. The staff associations disputed the independence of the CSC from the government of the day. They pushed to eliminate the Commission entirely from the bargaining mechanisms on pay and working conditions, and to substitute a more practical and satisfactory dual system of Treasury Board-Association negotiations.

Appendices

Appendix A: W.C. Ronson before the Gordon Commission

Following are excerpts of evidence given by W.C. Ronson, Assistant to the Deputy Minister of Finance, before the Gordon Commission, March 13, 1946. In this, he outlines the control measures put in place establishing Treasury Board authority over matters relating to the Civil Service Commission (Royal Commission on Administrative Classifications in the Public Service, *Proceedings: Official Report*, volume I: 55-63).

MR. RONSON: [...] Then, the next item I have here is this general order in council of February 7, which provides that all matters pertaining to the Civil Service shall be referred by council to Treasury Board for report. I believe that is in your book.

In 1932, because of the extraordinary need for economy at that time, we passed a series of staff control regulations restricting the numbers of civil servants and restricting the rates of pay. On those regulations are still based a good deal of the restrictions still in effect. Shall I read them, or shall I not?

THE CHAIRMAN: That is 1932, is it?

MR. RONSON: Yes. It is the basis of the present staff control regulations, as we call them. They require that members of the civil service in various departments, and rates of their pay, shall all be referred for approval to Treasury Board. In a word, it is an organization of the various departments.

MAJOR-GENERAL PANET: Do those regulations hold good today?

MR. RONSON: Yes, with some modifications for war time. It started out by abolishing all vacant positions. This is paragraph 1:

"That all permanent positions which are vacat [*sic*], as of July 30, 1932, be deleted from those services for which establishments have been authorized by Order in Council, and that the remaining positions be the establishments of such services, -- provided that the foregoing shall not apply to any position which may have been vacated by appointment to a position in an office of a minister of the crown in charge of a department, including the office of the Solicitor General."

These staff control regulations go on for a page and a half.

THE CHAIRMAN: Perhaps they should be included.

MR. RONSON: They continue as follows:

"2. That establishments, in accordance with the numbers, ranks and salaries of permanent employees on the staff as of July 30, 1932, be authorized for all other services.

"3. That establishments of temporary employees, in accordance with the number and ranks of such employees authorized by the Treasury Board, be sanctioned, and that any other establishments covering temporary employees be cancelled.

"4. That estimates of seasonal and casual salaries and wages, not provided in the foregoing, be made, for each department requiring such employees, by the administrative officers of

such department and the comptroller of the Treasury and/or his representative.

"5. That the Comptroller of the Treasury be directed to enter, as a commitment against each parliamentary appropriation affected, the annual cost of the establishments provided for in paragraphs numbered 1, 2 and 3 above, in accordance with the provisions of section 26(1) of the Consolidated Revenue and Audit Act, 1931.

"6. That the Comptroller of the Treasury be directed to enter, as an additiona [sic] salaries and wages allotment against each parliamentary appropriation affected, the estimate of annual cost provided for in paragraph number 4 above.

"7. That no increase, prior to March 31, 1933, be made in the remuneration of any officer, clerk, or employee, except on promotion under the conditions prescribed by the next succeeding paragraph.

"8. That no position, which becomes vacant after July 30, 1932, shall be filled either by new appointment or promotion, except under the following conditions:

"(a) The Deputy Head of the Department concerned shall certify, in writing, that he has examined in detail the Staff requirements of his Department for the purpose of determining whether such position could be abolished, but that such examination has satisfied him that the public interest will suffer if the position is not filled.

"(b) The minister of the department concerned shall concur in the report of the deputy head, in writing.

"(c) The appointing authority shall be satisfied that it is impossible to avoid the proposed action by rearrangement of staff or other similar means.

"9. That positions, which become vacant after July 30, 1932, and which are not filled in accordance with the provisions of the next preceding paragraph, shall be abolished.

"10. Amendments, within the establishments provided by paragraphs 1, 2 and 3, may be made by the proper authority, provided increased cost, immediate or eventual, is not involved, but no increase in the total number of employees provided by such establishments shall be made without the specific authority of the Treasury Board.

"11. Copies of the establishments referred to in paragraphs 1,2, and 3, and of the estimates of seasonal an casual salaries and wages referred to in paragraph 4, shall be sent to the comptroller of the Treasury, the Auditor General, and the Civil Service Commission."

SIR THOMAS GARDINER: Emergency restrictions that were introduced in 1932 continue to operate to-day?

MR. RONSON: Yes.

SIR THOMAS GARDINER: Did the emergency continue that long?

MR. RONSON: The staff control feature of it is largely still in effect. That is, the organizations of the various departments, even the war organizations, must be approved by Treasury Board.

There was a very drastic proposal that every position vacant on July 31, 1932 was to be dropped. The theory behind that was that if it was vacant it was not probably required.

SIR THOMAS GARDINER: Austere methods.

MR. RONSON: Yes, as I have pointed out, the second paragraph states that establishment, in accordance with the numbers, ranks on salaries of permanent employees on the staff as of July 30, 1932, be authorized for all other services. Then it goes on to provide for the establishment of temporary employees. A good deal of this deals with procedure.

It states in one paragraph that no increase prior to March 31, 1933 shall be made in the remuneration of any officer, clerk or employee, except on promotion under the conditions prescribed by the next succeeding paragraph.

That is, at that time we were having a series of reclassifications, meaning to us a reevaluation of duties. This put a stop to that, and said, "You can only get an increase in a salary if you are promoted to another position." And, "No position that becomes vacant after July 30 shall be filled either by a new appointment or by a promotion, except under certain conditions". [...]

I believe that covers it pretty well. The whole idea was to obtain economies wherever possible. As you suggest, Sir Thomas, by austere methods; but that is the only way you get them in the Civil Service.

This, of course, is the Canadian Civil Service. We went on with that sort of staff control, regulated by order in council. I direct your attention to the Treasury Board minutes of July 18, 1932. This is really an amplification of those regulations and provisions respecting procedure. It sets out that there shall be a review of staff requirements twice a year, to see if they are real requirements, or if further reduction might be made. This staff control minute is as follows:

"The Board had under consideration a submission reporting that order in council P.C. 44/1367 provides for abolition of all permanent positions which are vacant on the 30th instant, and for restrictions concerning promotions, appointments, and other increases; that the advance date for abolition was selected with the object of affording an opportunity for completion of changes which were urgently required, and not to permit permanent appointments or promotions in general.

"The Board, concurring in this view and being of the opinion that it is necessary to reduce the cost of personnel, directs;

"1. That permanent appointments shall be restricted to instances where it can be shown that the duties of the position can not be performed efficiently on a temporary basis, it being understood that departments will be allowed to retain necessary employees on that basis.

"2. That promotions and other increases shall be restricted to instances where new and heavy responsibilities of an administrative nature have been assumed.

"3. That the said order in council be so interpreted as to attain the greatest reduction possible in the cost of personnel and in accordance with the following:

"(a) Permanent positions, referred to in paragraphs 1 and 2 shall include all positions, without distinction as to whether or not they are under the jurisdiction of the Civil Service Commission.

[...]

About the same time an order in council was passed to the effect that no civil servant should be retained in the service after his 65th birthday, unless he had special qualifications or circumstances were exceptional.

To tempt the departments to let these men go, it was provided that if they were not under a

superannuation act they could get a gratuity equal to one month's salary for each two years of service, to a maximum of six months' salary. [...]

Appendix B: Accountability in the Public Service Commission

In November 1977, the PSC made a submission to the Lambert Commission entitled *Accountability in the Public Service Commission*. In this submission, the PSC addressed the issue of structural change to the PSC and commented on such proposed models as a Department of the Public Service. The following excerpt is reproduced from the report.

A Department of the Public Service

From time to time proposals have been made for restructuring the personnel management responsibilities in the Canadian Federal Public Service. The most durable of these proposals contemplates the establishment of a Department of the Public Service responsible for all personnel policies and any centralized operations and services – in effect encompassing the present roles of the Personnel Policy Branch of the Treasury Board Secretariat and the Public Service Commission policy, operational and services roles. Under this scenario, the PSC mandate would be limited to auditing and investigating roles, and (perhaps through combining the PSC and PSSRB) all or some responsibilities for redress. The advocates of restructuring have suggested the following types of advantages would accrue:

- would enable the PSC to concentrate all of its energies on auditing the application of the merit principle without the distraction of operational and service functions;
- would ensure a stronger Cabinet concern with personnel matters through amalgamating of all aspects of personnel management under one Minister and a Deputy Minister.

The advantages cited may seem attractive. At the same time, the suggested model solution has some serious inherent problems. The most crucial of these is the question of control over initial appointments to the Public Service. It is extremely doubtful that either Parliament, the unions or many segments of the general public would be willing to see the Government (as employer) assume virtual control over these. Indeed, there can be no doubt that the existence of the PSC is an important bulwark against pressures to appoint unsuitable persons from outside the Public Service. This suggests that the above model would need to be modified so that the PSC would retain control over initial appointments to the Public Service. If this distinction were made, there would then be two staffing agencies (raising possible problems or common standards, equivalency of tests, etc.).

It is very easy for those not involved in staffing activities to overlook the fact that all selection decisions have a subjective element in them, which traditionally has caused the auditing of delegated staffing authority to concentrate on compliance rather than on the quality of such decisions. The importance of this subjective element, often characterized as "personal suitability", is especially pronounced at the senior management levels. This is one of the main reasons that the Commission has retained the authority for the top 2 to 3% of appointments.

If the PSC were divested of this authority and were forced to rely solely on auditing senior appointments, it would be forced inevitably into the position of questioning in public and after the event the appropriateness of particular appointments. To take an extreme and hypothetical situation, Parliament would never allow the Commission to do no more than merely observe that patronage seemed to be occurring in, for example, PCO!

To-day, the authority of the PSC over appointments is sufficient to bring about discussions about the quality of candidates beforehand and in confidence. One way to avoid public confrontations on the appropriateness of appointments in the future would be for the PSC to retain its power to revoke appointments in this revised mandate.

Assuming that Parliament would insist that the PSC should continue to provide a quality control function through control of initial appointments and the power to undertake remedial action including the revocation [*sic*] of appointments, the suggested Department of the Public Service might assume responsibility for promotion and internal movement. At present, departments can look to one organization to take note of their forecasted needs and to act accordingly. With a split of responsibilities and two organizations involved, the only way that the system could work would be if the Department of the Public Service were to provide the PSC with information on the numbers and types of skills required.

Proponents of a Department of the Public Service cite the advantages which might accrue from putting staffing policy in the same locus as other personnel management policies (e.g., classification, salary, etc.). However, past experience and present pressures from unions make it desirable to keep staffing policy out of the collective bargaining arena. Opening up staffing policy to the coercive pressures of collective bargaining could only lead to the differential application of merit and equity to public servants depending on the size, strength and militancy of their bargaining units and not necessarily on the needs of a particular group or department.

Personnel management is part of overall management and is therefore heavily interdependent with other current responsibilities of the Treasury Board Secretariat, as for instance:

- budgetary responsibility, e.g.: program decisions as well as man-year and senior establishment controls;
- administrative policy, e.g.: policies relating to make-or-buy, decentralization, relocation expenses, accommodation standards, parking, travel, etc.

The effect, therefore, of creating a Department of the Public Service (derived from the Personnel Policy Branch) could be to introduce further inter-organizational barriers into an already complex problem of coordination within Treasury Board Secretariat. It is not at all clear how increasing the number of central agencies would serve to clarify the accountability of the senior managers responsible. (The establishment of a Comptroller-General function which takes over some but not all of the present responsibilities of the Treasury Board Secretariat in financial management has added to the number of central agencies with which departments have to deal.)

Another Model

In a number of jurisdictions (e.g. UK, Ontario, Québec, State of New York) the counterpart of the Federal Public Service Commission is within the machinery of government. The usual model is for a Commission and a Department reporting to the same elected official – in the case of the UK, the Prime Minister.

It is possible to visualize a situation wherein the PSC could be responsible to Ministers through the President of the Treasury Board on matters of recruitment policy, while retaining its independence with respect to the appointment function. This type of arrangement could permit the PSC:

- (a) to exert influence directly on Cabinet deliberations bearing on the staffing and composition of the Public Service;
- (b) to become more immediately involved in managerial questions of effectiveness and efficiency, sensitivity and responsiveness in the Public Service;
- (c) and Treasury Board Secretariat to harmonize their efforts and activities more closely.

Relative to the Department of the Public Service model, this model would also result in a Minister responsible for all aspects of personnel management policy (the President of the Treasury Board), but without the need to break up existing organizations. Further, this model would not result in the creation of yet another central agency.

Public acceptance of this model would depend to a large extent on the nature and extent of the independence accorded the Commissioners and their accountability to Parliament. It is doubtful that any real lessening of the independence of the Commissioners would be acceptable either to Parliament or the unions. Indeed, a stronger link to Parliament may be a requisite condition for acceptance of this model.

Conclusion

The foregoing analysis has demonstrated in our view no advantage or gain in terms of efficiency or effectiveness of sufficient magnitude to warrant the costs and delays which would be involved in making structural rearrangements. In accountability terms, there would be the potential for a significant loss if two agencies were to share accountability for appointments, e.g., the PSC for initial appointments, a Department of the Public Service for subsequent appointments.

Unless and until it becomes evident that the tightening of accountability and controls leaves no alternative to structural change, it is our view that the time and energy should be devoted instead to making existing organizations and machinery work more effectively.

Appendix C: Public Service and Public Interest

Similar to Appendix B, the PSC also presented a brief to the D'Avignon Committee, which was latter published as *Public Service and Public Interest*. In this brief, the PSC argued against the concept of a Department of the Public Service. The relevant contents of the brief are produced below.

The Concept of a Department of the Public Service

This brings us to the question of whether it would be beneficial to regroup the central personnel functions of the federal Public Service into one organization responsible to a Minister (or statutory Cabinet Committee such as Treasury Board). Advocates of such a structural regrouping often refer to it as the establishment of a Department of the Public Service, and envisage this accompanied by the transfer of the administrative tribunals of the Public Service Commission to another parliamentary agent such as the PSSRB.

It is an organizational option that many may find appealing, perhaps primarily because of the symmetry involved in placing all personnel matters in one organization. The appeal would certainly be increased if the scope of collective bargaining were to be extended to matters relating to selection policies and practices, since it would clearly not be appropriate for a parliamentary agent such as the Commission to be engaged in bargaining. However, major organizational restructuring, while often resolving certain problems, tends to create a new set of issues; and it is essential to determine whether those resolved are, on balance, more important than the ones generated. Some of the factors that would need to be examined are the following:

Under present structures, the Commission, a politically independent body, answers to Parliament for staffing policies and practices with certain decisions subject to possible review by the courts. Before considering a fundamental change to transfer responsibility for staffing policies and practices from a politically independent body to a government department with a Minister responsible to Cabinet, should one not think through all the possible implications of such a basic departure from a system instituted 70 years ago, developed, tried and proved ever since with regard to the non-politicizing of selection decisions?

Traditionally the Commission has been responsible for protecting the Public Service against political intervention in the selection process. If faith instead were to be placed primarily on the vigilance and power of staff associations, in whom, or in which process, would the more than 20,000 excluded public servants place their faith? We believe, as our predecessors have done, that the greatest risk of political intervention rests with the more senior appointments, partly because ministers tend to be more exposed to personnel at these levels and partly because such personnel are less inclined to use the routes available to them to seek redress. This is one of the major reasons why the Commission has never delegated the most senior level appointments.

Would the establishment of a Department of the Public Service result in weakening the central influence over personnel management? For example:

- the personnel functions of the Treasury Board Secretariat exist side-by-side with the budgetary functions. Would separation reduce the influence of the first on the second or

- reduce the influence of the first over departments by virtue of separating these functions from the Secretariat's source of de facto power in respect to the budgetary aspect?
- the personnel functions of the Commission are supported by the Commission's direct mandate from Parliament and its autonomy vis-à-vis Ministers.

It is worth noting that the UK experience with a Civil Service Department, entirely divorced from the locus of budgetary responsibilities, does not appear to have been entirely successful.

Alternatively, would the personnel functions derive their strength from the bargaining, adjudicable, and court elements in the process? If so, would personnel management in the federal Public Service become more rigid and legalistic? The present situation in the U.S.A. illustrates just how rigid and legalistic personnel management can become. An outcome such as this would not be in the public interest in that it would undoubtedly reduce efficiency and effectiveness.

Would the role of the Department of the Public Service include initial recruitment? If so, would this be in the public interest or too open to undesirable manipulation? The Province of Quebec felt that the latter was the case and has created a separate agency to handle initial recruitment. The question arises as to whether it is efficient and effective to have two bodies responsible for staffing, especially when decisions on recruitment from outside or appointment from inside are part of the same overall decision (how to fill a vacancy). Would the division of responsibilities between the two bodies result in pressures towards inconsistency in selection criteria? How would this be resolved?

PSC Views

These kinds of questions must be thoroughly examined. If there are major demonstrable advantages to re-structuring, it should of course occur. If, on balance, there are more disadvantages, it should clearly not be recommended. If the net balance is not clear, it seems to us that before recommending major structural changes, one should weigh also the costs arising from the changes, costs not just in straight dollar terms but also in their disruptive impact as new structures are built and public servants and others adjust to them. It is sobering, but nevertheless true, that many public servants and Parliamentarians still have not adjusted to the changes made by the 1967 legislation, seeking assistance from the Commission on matters squarely in the mandate of Treasury Board.

We hope that the above examples illustrate how various types of issues may be analyzed in the context of the public interest and, more particularly, in the context of principles deemed to be in the public interest. We would want to stress in the strongest terms that we are not against substantive changes to the *PSEA*, so long as such changes would not prevent a reasonable balance being struck with respect to the five principles. In fact we openly acknowledge that the provisions of the present *PSEA* and the staffing practices that flow from them leave much to be desired and, building on the work of our predecessors, we have in the last two years taken action on a number of fronts:

The preparation of a number of special amendments to the *PSEA* such as:

- a more comprehensive delineation of the three distinct types of transfers: mandatory, voluntary and transfers within a group of positions having identical requirements;
- the authorization of two new forms of appointment: those of a temporary nature involving employees who have neither the status nor privileges of public servants, and underfill appointments;
- provision of protection of employment security for long-service employees who are rejected on probation in a position won through competition.

Unfortunately, the Government has not been able to table these before Parliament due to the priority of other legislation.

Recently proposed revisions to Regulation 7.2, which relates to appointment without competition. The Commission is taking steps to revise the wording of this regulation so as to identify more clearly when its use is warranted. At the same time, the Commission already has taken back authority to make 7.2. appointments in instances where the discretion involved is considerable.

Improved controls on delegation through the establishment of a separate Audit Branch and implementation of a new staffing audit methodology, which we believe will prove to be the most thorough and well-thought-out staffing audit program in existence.

Efforts to increase the quality of management through such means as the provision of a continuum of management training and development courses as well as the use of appraisals in the selection process.

Measures to streamline the staffing process such as the formation by the Commission of a voluntary interdepartmental transfer service open to all full-time employees who have been appointed for an indeterminate period, and the implementation of new precise guidelines and a format for poster competitions held within the Public Service (the one-page poster).

Further major steps under development as regards the staffing process relate to changes in the Data STREAM system and the implementation of an automated telecommunications notice system (ANS) for distribution of posters and appeal notices.

With respect to Data STREAM, effective June 1, 1978, it is intended to make the use of this system part of the competitive process and mandatory for staffing of all positions at the PM-6 level or equivalent, and above. The initiative for entering the system will remain with the individual at the PM-5 level or equivalent and, in addition to the standardized data inputs, there will be allowance for individuals themselves to include a summary of personal information. Eliminating Data STREAM for appointment to levels below PM-6 will result in greater reliance on posters as the key selection process.

The ANS system, a natural evolution of the one-page poster, will involve electronic facsimile

transmittal of job vacancies and requirements to as many as 20 stations across the country so as to reduce the staffing time. It will be available for all poster competitions including interdepartmental-national and departmental-national. Its implementation is planned for this fall.

Conclusions

In conclusion, we should like to make two final points. First, the best staffing system and the best selection decisions will never lead everyone to agree that the right people are being appointed. Many of those who disagree will tend to seek comfort in the belief that political and bureaucratic patronage is rampant. The federal Public Service is nevertheless one of the cleanest of public services in this regard, with substantive safeguards of procedure and redress in place, with, for instance, politicians almost without exception behaving in an impeccably neutral fashion and resisting the temptation to pressure for the appointment or career advancement of specific individuals who come under the PSEA. Equally, we are convinced that the great majority of Public Service managers are honest and are motivated to high performance, and that most of the undesirable acts of commission or omission that have been documented are due to weakness in the systems and to a failure to prepare employees adequately for the assumption of management responsibility and to hold them to account sufficiently for their performance in this field. It is ironic that at this moment of history, there can be few public services more under attack, with sweeping charges about the motives behind the action of managers.

Second, we believe that the key in securing fair treatment and a good working environment for public servants lies primarily in the calibre of the managers supervising them. Without managerial commitment to, and understanding of, personnel management policies and practices, the efforts of even armies of personnel officers will be of limited value. To place faith, instead, in ever-increasing volume and rigidity of regulations or legal provisions is not only a policy of despair — it just would not work. One cannot eliminate abuse or misuse by regulations, however sophisticated, that apply to the handling of a heterogeneous group of 283,000 people; in fact one would likely end up creating more inequities than one would be eliminating. Hence many of our proposals will be directed towards ensuring that the vast majority of management personnel has a sound knowledge, understanding and indeed aptitude for managing people.

(Source: Public Service and Public Interest, 1978: 17-18)

Appendix D: Lambert Commission on Parliamentary Departments

The Lambert Commission in its report attempted to categorize all existing government departments and crown agencies into a classification structure (for example, Ministerial Departments, Special Status Departments, Crown Corporations). The Lambert Commission saw the PSC as a Parliamentary Department. Reproduced below from the Lambert Commission's report is the section that outlined the criteria for Parliamentary Departments.

C. Parliamentary Departments

Criteria:

- (a) Established by act of Parliament
- (b) Report to Minister, Prime Minister, or Speaker
- (c) Care and management assigned to a Chairman, Chief, Director , etc.
- (d) Designed a Department under (1) Financial Administration Act and (2) Public Service Employment Act
- (e) (1) Appointment and (2) dismissal subject to confirmation by joint resolution of both Houses.

Parliamentary Department	Portfolio	Present Classification	Criteria NOT Currently met
Auditor General	Finance	Branch Designated	(d)(2); (e)(1)
Canadian Human Rights Commission	Justice	Branch Designated	
Chief Electoral Officer	President of the Privy Council	Branch Designated	
Commissioner of Official Languages	Prime Minister	Branch Designated	
Public Service Commission	Secretary of State	Branch Designated	(e)(1)
Representation Commissioner	Secretary of State	Branch Designated	(d)(2)

(Source: Lambert Commission, 1979: 432-433)

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