1960

c 331 Public Service Act

Ontario
CHAPTER 331

The Public Service Act

1. In this Act,

(a) "civil servant" means a person appointed to the service of the Crown by the Lieutenant Governor in Council or by a minister, but does not include the persons or classes of persons designated by the regulations, and "civil service" has a corresponding meaning;

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

(c) "Crown" means the Crown in right of Ontario;

(d) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;

(e) "regulations" means the regulations made under this Act;

(f) "Treasurer" means the Treasurer of Ontario. R.S.O. 1950, c. 317, s. 1 (1); 1959, c. 84, s. 1, amended.

2.—(1) The commission known as the Civil Service Commission is continued and shall consist of not more than three persons appointed by the Lieutenant Governor in Council, one of whom may be appointed chairman. R.S.O. 1950, c. 317, s. 2 (1).

(2) The Commission is responsible to the Minister for the administration of this Act. 1959, c. 84, s. 2.

(3) The Commission shall,

(a) examine and pass upon the qualifications of nominees for the civil service;

(b) assign nominees for the civil service and civil servants to classifications prescribed by the regulations and specify the salary payable;

(c) determine the value of perquisites of civil servants;

(d) study the organization and administration of the staffs of the departments and make such recom-
Appointments

Temporary appointments

Certification by Commission

Oaths of allegiance, office and secrecy

3.—(1) The Lieutenant Governor in Council may appoint such persons to the civil service as he deems requisite or as may be required under any Act.

(2) A minister may appoint such persons to the civil service in any department over which he presides as he deems requisite or as may be required under any Act, but any such appointment shall not be for a longer period than one year.

(3) No person shall be appointed as a civil servant until the Commission has certified to the Lieutenant Governor in Council or the minister, as the case may be, that the person is qualified and has assigned him to a classification and specified the salary to which he is entitled in accordance with the regulations. R.S.O. 1950, c. 317, s. 3.

4.—(1) Every civil servant shall before any salary is paid to him take and subscribe before the Clerk of the Executive Council or a person designated by the Lieutenant Governor in Council, the oath of allegiance in the following form:

I, ........................................, do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth the Second (or the reigning sovereign for the time being), Her heirs and successors according to law. So help me God.

and the oath of office and secrecy in the following form:

I, ........................................, do swear that I will faithfully discharge my duties as a civil servant and except as I may be legally authorized or required I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a civil servant. So help me God.
(2) The Clerk of the Executive Council and the persons designated by the Lieutenant Governor in Council to administer oaths shall keep records of the oaths that they administer. R.S.O. 1950, c. 317, s. 4.

5. Except as otherwise provided, every civil servant shall be retired upon attaining the age of sixty-five years. R.S.O. 1950, c. 317, s. 5, amended.

6. Where a civil servant or former civil servant,

(a) has attained the age of sixty-five years; and

(b) on account of his peculiar skill and fitness for his position it is in the public interest so to do,

the Lieutenant Governor in Council may re-appoint him, but such re-appointment shall not be for a longer period than one year at a time and is not renewable for more than five years in all unless the re-appointment is to a different position and does not limit the possibilities of promotion of other civil servants. R.S.O. 1950, c. 317, s. 6 (1)

7.—(1) Notwithstanding subsection 3 of section 3 and sections 5 and 6, the Lieutenant Governor in Council may appoint in any special capacity not included in the classification schedules made under the regulations any person who is receiving a superannuation allowance and who has professional, expert or technical knowledge that he desires to have at his disposal for any period not exceeding the maximum period prescribed by the regulations.

(2) Sections 6 and 16 of The Public Service Superannuation Act do not apply to a person appointed under this section. R.S.O. 1950, c. 317, s. 6 (1), R.S.O. 1960, c. 332, iss. 6, 16 not to apply

8.—(1) A deputy minister has the general control of his department and has such other powers and shall perform such other duties as are assigned to him by the Lieutenant Governor in Council. R.S.O. 1950, c. 317, s. 7 (1).

(2) With the consent of his minister, a deputy minister may delegate in writing any of his powers or duties to any civil servant in his department. 1960, c. 97, s. 1.

(3) Where a deputy minister is absent or there is a vacancy in the office, his powers and duties shall be exercised and performed by such civil servant as is designated by the minister of the department.

(4) With the consent of his minister a deputy minister may suspend from employment any person in his department who refuses or neglects to obey his directions. R.S.O. 1950, c. 317, s. 7 (2, 3).
Debts of civil servants

9. When a creditor of a civil servant files with the Treasurer,

(a) a notice that a debt or money demand of not less than $25, not being a claim for damages, is due and owing to him from a civil servant, either on a judgment or otherwise; and

(b) such proof as the Treasurer requires that the debt or money demand is owing,

the Treasurer may deduct from the salary of the civil servant or from any money owing to him from the Crown, such amount as the Treasurer sees fit in the circumstances and pay the amount to the creditor in discharge or partial discharge of the debt or money demand. R.S.O. 1950, c. 317, s. 8.

Regulations

10. The Lieutenant Governor in Council may make regulations,

(a) prescribing the procedure to be followed in the appointment of civil servants;

(b) prescribing the maximum period for which an appointment may be made under section 7;

(c) designating the appointees or classes of appointees who shall not be civil servants;

(d) prescribing the method of classifying, re-classifying and promoting civil servants and of increasing the remuneration of civil servants and of transferring civil servants from one department to another;

(e) prescribing a schedule of classifications for civil servants, including qualifications, duties and salaries;

(f) providing for the time and manner of payment of the salaries of civil servants;

(g) prescribing the hours of service for civil servants;

(h) providing for a system of credits for the regular attendance of civil servants and for the payment to a person who has ceased to be a civil servant, or to his personal representative, of an amount equal to the value or a portion of the value of his credit;

(i) providing for the granting of leave of absence to civil servants;

(j) for regulating the conduct of civil servants, including the imposing of penalties by fine, suspension, demotion or otherwise;
(k) providing for the establishment of advisory, joint or departmental councils or committees and prescribing the powers and duties thereof;

(l) prescribing procedures to be followed for hearing and dealing with grievances of such classes of persons in the public service as are designated,

   (i) providing for the establishment of a grievance board to hear and deal with such grievances as are prescribed, and

   (ii) prescribing the powers of the board including the power to call, swear and compel the attendance of witnesses;

(m) authorizing the Commission to hear and deal with such grievances as are prescribed of classes of persons designated under clause l and prescribing the powers of the Commission for the purpose;

(n) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 317, s. 9; 1958, c. 89, s. 2; 1960, c. 97, s. 2, amended.

11. The cost of administration of this Act is payable out of the moneys that are appropriated therefor by the Legislature. R.S.O. 1950, c. 317, s. 10.