

1914

c 14 Public Service Act

Ontario

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CHAPTER 14.

An Act respecting the Public Service of Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

SHORT TITLE.

Short title. 1. This Act may be cited as *The Ontario Public Service Act*. 3-4 Geo. V. c. 3, s. 1.

INTERPRETATION.

Interpretation. 2. In this Act,

"Civil servant." (a) "Civil Servant" shall mean an officer, clerk or servant employed in a department;

"Department." (b) "Department" shall mean a department, branch office or service in the civil service at the seat of Government at Toronto;

"Minister." (c) "Minister" shall mean the Member of the Executive Council for the time being presiding over a department or charged with administration of any Act or regulation respecting an office in the Public Service;

"Public service." (d) "Public Service" shall include every department and every office, clerkship or service at the nomination of the Crown, as representing the Province of Ontario, wherever held or performed.

3-4 Geo. V. c. 3, s. 2.

Application of Act to officers, etc., of Assembly. 3. Saving always the legal rights and privileges of the Assembly as respects the appointment or removal of its officers, clerks or servants, this Act shall apply to the permanent officers, clerks and servants of the Assembly, and for the purposes hereof such officers, clerks and servants shall constitute a department. 3-4 Geo. V. c. 3, s. 3.

Application to offices at Osgoode Hall. 4.—(1) For the purposes of this Act, the offices of the Courts, and the offices of the Master of Titles, Surrogate Clerk, and of the Inspector of Legal Offices and the Stamp Office at Osgoode Hall, shall be deemed to be a department, and shall be presided over by the Attorney-General of Ontario, and the person having for the time being the conduct of the business of any such office shall have and perform with

respect thereto the powers and duties under this Act of a deputy head of a department.

(2) Nothing herein shall impair or interfere with the authority or control of the courts and judges over their officers. Saving as to authority of courts. 3-4 Geo. V. c. 3, s. 4.

DISQUALIFICATION.

5. A member of the Parliament of Canada shall not be appointed to or hold any permanent office or employment in the service of the Government of Ontario at the nomination of the Crown, to which a salary or other emolument in lieu of salary is attached, but this shall not apply to the offices of justice of the peace, coroner or notary public or to any like office. Members of Dominion Parliament not to hold permanent office at salary. 3-4 Geo. V. c. 3, s. 5.

APPOINTMENTS, DIRECTION AND CONTROL.

6. The Lieutenant-Governor in Council upon the recommendation of the Minister may appoint such officers, clerks and servants in any department as may be deemed requisite or as may be provided for by statute or by any regulation made thereunder. Appointments by Lieutenant-Governor in Council. 3-4 Geo. V. c. 3, s. 6.

7.—(1) The Lieutenant-Governor in Council may make regulations, Regulations.

(a) For the classification of the civil servants in any department and prescribing the duties to be performed by them; Classification.

(b) For fixing the maximum and minimum salary or other remuneration to be paid to civil servants in any department; Salary.

(c) For determining the qualifications, knowledge, skill or experience to be required before appointment to any office, clerkship or service in a department; Qualifications.

(d) For fixing the hours of service in any department; Hours.

(e) For regulating the conduct of civil servants and for imposing penalties by fine, suspension or otherwise for breach of such regulations, or for any misconduct or negligence on the part of civil servants. Conduct.

(2) Every regulation made under this section shall be laid before the Assembly forthwith, if the Assembly is then in session, and if the Assembly is not then in session, within one week after the commencement of the next session. To be laid before Assembly. 3-4 Geo. V. c. 3, s. 7.

8. Upon the report of the Minister that it is necessary that an officer, clerk or servant shall be permanently employed in a department, but that no salary or other remuneration Appointment where no salary voted.

has been voted by the Assembly for that purpose, the Lieutenant-Governor in Council may make the appointment and may fix the salary or remuneration to be paid and the same shall be payable out of the Consolidated Revenue Fund until the end of the then next Session of this Legislature. 3-4 Geo. V. c. 3, s. 8.

TEMPORARY CLERKS.

When temporary clerks to be appointed.

9.—(1) Whenever owing to the increase of business in any department, or to any additional work having been authorized by the Lieutenant-Governor in Council to be performed in a department, or by any person specially appointed for that purpose, it is deemed necessary that an officer, clerk or servant shall be employed temporarily in a department, the Minister may make such appointment and every officer, clerk or servant so appointed shall receive such remuneration as may be fixed by Order in Council and such remuneration may be paid out of the moneys voted for the contingencies of the department or out of any moneys appropriated by this Legislature for the work or service.

Term of appointment.

(2) An appointment under this section shall not be made for a longer period than three months, and at the expiration of that period may be renewed for a further term not exceeding three months and thereafter from time to time for a like period as the Minister may direct. 3-4 Geo. V. c. 3, s. 9.

DEPUTY HEADS OF DEPARTMENTS.

Who to be deputy heads.

10.—(1) The following officers shall be respectively the deputy heads of the departments to which they are attached:

- The Deputy Attorney-General.
- The Deputy Minister of Education.
- The Deputy Minister of Lands and Forests.
- The Deputy Minister of Mines.
- The Assistant Provincial Secretary.
- The Deputy Minister of Public Works.
- The Deputy Minister of Agriculture.
- The Provincial Auditor.
- The Assistant Treasurer.
- The Clerk of the Executive Council.
- The Clerk of the Assembly.
- The Superintendent of Insurance.
- The Registrar of Loan Corporations.
- The Chief Clerk of the office of the President of the Council.

Temporary absence or vacancy.

(2) Where the deputy head of a department is absent or there is a vacancy in the office, the powers and duties of the deputy head shall be exercised and performed by such officer or clerk in the department as may be designated by the Minister.

(3) The deputy head of a department shall have the general control of his department and shall have such other powers and perform such duties as may be assigned to him by the Lieutenant-Governor in Council and shall oversee and direct the other officers, clerks and servants of the department and in the absence of the Minister and during such absence may suspend from employment any such officer, clerk or servant who refuses or neglects to obey his directions as such deputy. 3 & 4 Geo. V. c. 3, s. 10.

11. No allowance or compensation shall be made for any extra service whatsoever which any civil servant or any officer, clerk or servant employed in the public service may be required to perform in the department to which he belongs, but nothing herein shall prevent the payment of remuneration for special services in addition to his ordinary duties rendered or performed by any civil servant or any officer, clerk or servant employed in the public service by the written direction or at the written request of the Minister. 3-4 Geo. V. c. 3, s. 11.

12. Nothing in this Act shall affect any salary or emolument granted or fixed by any statute. 3-4 Geo. V. c. 3, s. 12.

13. Whenever the staff of any department cannot adequately perform the duties required in an emergency, the deputy head of the department may require from the deputy head of any other department the temporary service of any clerk or servant who is not then actively engaged in his own department, but no additional remuneration shall be paid therefor. 3-4 Geo. V. c. 3, s. 13.

14. Every Minister shall furnish to the Lieutenant-Governor in Council at such times as he may direct, reports upon the conduct and efficiency of the civil servants employed in his department. 3-4 Geo. V. c. 3, s. 14.

ATTACHMENT OF SALARIES OF CIVIL SERVANTS.

15.—(1) Where a debt or money demand, not being strictly a claim for damages, is due and owing to any person from a civil servant, either on a judgment or otherwise, and a debt is due and owing from the Crown, to such civil servant the person to whom the first mentioned debt or money demand is so due and owing (hereinafter designated the creditor) may recover in the manner herein provided any debt due or owing to the civil servant from the Crown, or sufficient thereof to satisfy the claim of the creditor, subject always to the rights of other parties to the debt owing from the Crown.

(2) The creditor may serve a notice personally on the Treasurer or on the Assistant Treasurer, or on some other

officer appointed by the Treasurer to receive the same, specifying the nature of the claim, and shewing the name and residence of the civil servant and the nature of his occupation; and the service of such notice upon the Treasurer, Assistant Treasurer or other officer shall have the effect, subject to the rights of other persons, of attaching and binding in the hands of the Treasurer all debts then owing from the Crown to the civil servant, or sufficient thereof to satisfy the claim of the creditor, to the same extent as a garnishing or attaching order issued by or from a court of law.

Effect of notice.

Treasurer to retain money due.

(3) After service of the notice the Treasurer shall, when the creditor's claim is a judgment, retain all moneys then owing from the Crown to the civil servant, or sufficient thereof to satisfy the judgment, and a payment into Court or to the creditor, or where an execution is in the hands of a sheriff or bailiff, to the sheriff or bailiff, of the amount due to the civil servant, or of the amount due and costs unsatisfied on the judgment, shall be a discharge to that extent of the debt owing from the Crown to the employee.

Dispute notice.

(4) Where judgment has not been recovered for the claim, the creditor, besides serving the notice provided by subsection 2, shall also serve a copy of such notice on the civil servant, together with a memorandum requiring the civil servant if he disputes the claim to file a disputing note with the Treasurer within ten days from the date of service.

Where no dispute notice filed.

(5) If no disputing note is filed, the Treasurer, on being satisfied that notice has been served on the civil servant, shall retain any moneys due and owing to such civil servant and pay the same or a sufficient part thereof to satisfy the creditor's claim, subject to the provisions of subsection 8.

Where dispute note filed.

(6) If a note disputing the claim is filed, the Treasurer may with the consent of all parties determine whether any and what sum is due by the civil servant to the creditor upon the claim, or he may require the creditor to bring an action therefor against the civil servant, and in such case he shall retain any moneys due and owing to the civil servant or sufficient thereof to pay any claim and costs which may be recovered in the action to abide the result of the action provided such action is promptly prosecuted to judgment.

Treasurer to keep attachment book.

(7) There shall be kept in the Treasury Department an attachment book, in which shall be entered the names of parties, the dates of service of notices, the statement of claim, and the amount, if any, due and owing to the civil servant at the time of service.

Limit of application of section.

(8) This section shall not apply to any debt contracted before the 17th day of January, 1898, nor where the amount due to the civil servant does not exceed \$25, nor if such amount exceeds \$25 beyond the amount of such excess, nor to any debt not contracted for board or lodging which does not exceed \$25.

(9) Nothing in this section shall authorize the bringing or maintaining of a suit against the Crown or the Treasurer without the fiat of the Attorney-General first had and obtained in accordance with the present practice. 3-4 Geo. V. c. 3, s. 15.

OATHS OF OFFICE.

16.—(1) Every civil servant shall, before entering upon the duties of his office, take and subscribe before the Clerk of the Executive Council the Oath of Allegiance and a Solemn Declaration in the following form:

“I (A.B.) solemnly and sincerely declare that I will faithfully and honestly fulfil the duties which devolve upon me as and that I will not ask or receive any money, service or recompense, or matter, or thing whatsoever, directly or indirectly, in return for what I shall have done or may do in the discharge of any of the duties of my said office, except my salary or what may be allowed me by law or by an Order of the Lieutenant-Governor in Council.”

(2) The Clerk of the Executive Council shall keep a register of such oaths. 3-4 Geo. V. c. 3, s. 16.

LEAVE OF ABSENCE.

17.—(1) A Minister may grant to any civil servant employed in his department, or to any officer, clerk or servant employed in the public service under his direction or control, leave of absence for recreation for any period not exceeding three weeks in any one year, or on account of sickness or other pressing necessity for any period not exceeding two months in any one year.

(2) The Lieutenant-Governor in Council may grant to any civil servant or to any officer, clerk or servant employed in the public service of Ontario, leave of absence for a period not exceeding one year, with or without salary, for such cause and upon such terms as may be deemed proper and as shall be set out in the Order in Council granting such leave.

(3) The salary of any person during leave of absence may be paid to him in advance at the time of granting such leave, or at such times as the Minister, or the Lieutenant-Governor in Council, may direct. 3-4 Geo. V. c. 3, s. 17.

GRATUITIES.

18.—(1) Where the services of a civil servant or of any officer, clerk or servant in the public service are dispensed with on account of age, ill-health or infirmity, or in consequence of a change in the department, or changes in, or the abolition of, any office, clerkship or service in which he has been employed in the public service or from any cause other than misconduct or improper behaviour on his part, or

where a civil servant or any such officer, clerk or servant dies, there may be paid to him, or to his personal representatives, or to any member of his family, upon the order of the Lieutenant-Governor in Council, a sum not exceeding one month's pay for each year of his service.

(2) This section shall not apply to any person appointed after the 1st day of January, 1898. 3-4 Geo. V. c. 3, s. 18.

SALARIES AND INCREASES.

Salaries
and
Increases.

When to
take effect.

19.—(1) Where the salary or other remuneration or an increase in the salary or other remuneration attached to any office, clerkship or service is voted by the Assembly in the Estimates or Supplementary Estimates for any financial year, whether the appropriation therefor is made by this Legislature before the commencement of, or during the financial year for which the appropriation is made, and notwithstanding that the officer, clerk or servant was appointed after the commencement of the financial year for which the salary or other remuneration or increase was voted, unless it is otherwise expressly stated in the Estimates or Supplementary Estimates, or directed by the Lieutenant-Governor in Council, any appointment to such office, clerkship or service shall take effect as from the commencement of the financial year in which the same is made, and such salary, or other remuneration, or such increase, shall take effect and shall be payable as from the commencement of the financial year for which the same is voted, and the portion of such salary or other remuneration or of such increase which has accrued before the date of the passing of the Act making the appropriation shall be payable at that date. 3-4 Geo. V. c. 3, s. 19, *part*.

SAVING AS TO OTHER ACTS.

Act sub-
ject to
other
provisions.

20. This Act shall be subject to the provisions of any other Act relating to any department or public office under the Government. 3-4 Geo. V. c. 3, s. 20.
