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The Nova Scotia Civil Service Association, 1956-1967

PUBLIC SECTOR UNIONISM has rapidly acquired prominence in Canada in recent years. Although the history of government employee organizations extends back to the end of the 19th century, unionism among civil servants has become increasingly extensive in the last 25 years. Government employment is now the most fully-organized sector of the Canadian work force, and public service workers are often regarded as being exceptionally militant. In Nova Scotia civil servants, teachers, nurses, federal employees and municipal workers make up the majority of the organized work force; the unionization of the public sector has made the difference between a declining and an expanding labour movement.¹

These are, however, new developments. White collar workers have in the past been generally reluctant to adopt collective strategies in the marketplace, and these feelings have been most pronounced among government employees. Despite great differences between high-ranking professionals in the civil service and lower-level clerical workers, most government employees have enjoyed security of employment and benefits generally superior to white collar workers in the private sector. Furthermore, public employment has usually been accompanied by a service ethic which encouraged workers to identify their interests with those of management and to perceive unionism as contrary to the neutrality expected of civil servants. Blue collar public employees have been more likely to join unions than white collar civil servants, but in recent years it has become apparent that white collar public service workers have been more likely to organize unions than their counterparts in the private sector. This suggests that there are conditions in government work which are conducive to organization and points up the essential ambiguity of public sector work: the ethic of public service is balanced by the fact of dependent employment.²

In a relatively short period of time the civil service has undergone a major

1 Labour Canada, *Directory of Labour Organizations in Canada, 1980* (Ottawa, 1981); three of the four largest unions in Canada represent municipal, federal and provincial employees. For discussions of some aspects of the growth of public sector unionism in Canada, see Anthony Thomson, "'The Large and Generous View': The Debate on Labour Affiliation in the Canadian Civil Service, 1918-1928", *Labour/Le Travailleur*, 2 (1977), pp. 108-136; Joe Davidson and John Deverell, *Joe Davidson* (Toronto, 1978); Gil Levine, "The inevitability of public sector strikes in Canada", *Labour Gazette*, LXXVII (March, 1977), pp. 117-120.

2 Important discussions of the issues involved in white collar work and public sector unionism include C. Wright Mills, *White Collar* (New York, 1956), David Lockwood,

transformation. The growth of government activity since the 1940s has resulted in a great expansion in the number of municipal, provincial and federal employees. In Nova Scotia, for instance, there were about 1,900 provincial civil servants in 1953, but by 1966 this figure had doubled, and ten years afterwards the civil service included some 7,300 employees in the province.³ Beyond the great increase in the number of public employees, there has also been a major change in the work environment. From a small and personal employment setting the civil service has become a large, impersonal bureaucracy. The resulting rationalization of employment tended to break down the paternalistic relationship which supervisors and government officials had with their civil servants, and bureaucratization has emphasized the civil servant's status as an employee with interests apart from those of the employer or manager. These changes have been accompanied by the growth of increasingly pro-union sentiments among public employees.

The modern history of civil servants in Nova Scotia has conformed to this pattern. In 1958 they created an association to protect members' interests as employees. Over the next decade the association progressively evolved towards trade unionism as members gradually recognized the inadequacies of the association and adopted an increasingly oppositional stance towards government. The year 1967 represented a highpoint in the history of the Nova Scotia Civil Service Association. The establishment of a joint council for association-government negotiations marked the culmination of early efforts to achieve collective bargaining. In retrospect, however, this accomplishment was already an anachronism, for by 1972 new relationships had been established with the government and the labour movement. A study of the first decade of the NSCSA enables us to understand the traditions of civil service employment, the ambiguous status of government employees and the resulting controversies which have shaped the character of the present organization.

In Nova Scotia there was no early pressure from civil servants for employee organization or civil service reform. The service was small and generalist, and historical circumstances had provided provincial employees with a special security of tenure: between 1882 and 1956, with the exception of one eight-year span, the Liberal Party had held a virtual monopoly on formal political power and civil service appointments. In 1934 a royal commission had advocated a policy of further public regulation of the economy and provincial control over natural resources to promote economic and social development. Since the implementa-

The Blackcoated Worker (London, 1958), R.M. Blackburn, *Union Character and Social Class* (London, 1967), Adolf Sturmthal, *White Collar Trade Unions* (Chicago, 1967), A. Stewart, K. Prandy and R.M. Blackburn, *Social Stratification and Occupations* (London, 1980), P. Johnston, "The Promise of Public Sector Unionism", *Monthly Review*, XXX, 4 (1978), pp. 1-17, Harry Braverman, *Labor and Monopoly Capital* (New York, 1974).

3 Nova Scotia Civil Service Commission [NSCSC], *Annual Report, 1954*, NSCSC, *Annual Report, 1977*.

tion of such a policy required a permanent and efficient civil service, the practice of political patronage was judged an obstacle to economic progress. As one result of this report, a Civil Service Act was passed in 1935, creating a Civil Service Commission to establish a classification of positions and to make appointments by competitive examination.⁴ Although removal of the patronage barrier was a necessary condition for employee organization, nearly 20 years were to pass before Nova Scotia civil servants actively pursued organization.

Public sector unionism became significant in Canada after the Second World War. The federal government had granted collective bargaining rights in 1944 to the employees of national boards and commissions.⁵ In the provincial and municipal service fields, two principal unions had emerged by the early 1950s — the National Union of Public Employees (NUPE) and the National Union of Public Service Employees (NUPSE). In 1947 the Nova Scotia government responded to this trend by excluding all provincial employees from the provisions of the provincial Trade Union Act. This step was soon challenged. In 1954 Local 311 of the Canadian Union of Stationary Engineers and Allied Workers was formed, representing blue-collar workers at the Victoria General Hospital, the Nova Scotia Technical College and the Vocational Training School.⁶ The union affiliated with the Canadian Congress of Labour and in the following year both the CCL and the Nova Scotia Federation of Labour demanded that full collective bargaining rights be extended to all provincial employees.⁷ Nova Scotia's labour legislation was also being discussed at Dalhousie University's Institute of Public Affairs, a common meeting ground for businessmen, government officials, academics and trade union leaders. The Institute provided an opportunity to devise policy in an intellectual environment which accepted the principle of organized interest-group participation in pluralist decision-making.

As a result of these influences, by the mid-1950s the provincial government was prepared to adopt a more responsive stand on labour-management relations in the public sector. In the Speech from the Throne opening the 1956 session of the legislature, the Liberal government announced its intention to grant recogni-

4 Nova Scotia, *Report of the Royal Commission, Provincial Economic Inquiry* (Halifax, 1934), pp. 83-8; "Report on the Civil Service", in Nova Scotia, *Royal Commission on Provincial Development and Rehabilitation* (Halifax, 1944), pp. 9-13. Under the Civil Service Act, tenure was still defined as "at pleasure", the commission could exclude any position from the provisions of the act, and deputy ministers were authorized to refuse any appointment. Also, the act did not end the use of patronage: see John Hawkins, *The Life and Times of Angus L.* (Windsor, N.S., 1969), p. 243.

5 Both major labour centrals in Canada, the Trades and Labour Congress and the Canadian Congress of Labour, subsequently called for the extension of full collective bargaining rights to all government employees: *Labour Gazette*, LI (May, 1951), pp. 637-42.

6 Kevin Reilly, "A Search for Collective Bargaining — The Nova Scotia Government Employees Association Experience", unpublished paper, 1979.

7 *Labour Gazette*, LI (May, 1951), p. 637.

tion to unions of public servants, with the exception of those appointed under the Civil Service Act. Based on a recommendation from Minister of Labour Clyde Nunn, the government issued an order-in-council on 8 February 1956 giving recognition to unions of workers at public boards and commissions, granting them "permission . . . to act as bargaining agent", and directing that negotiations between the union and management "shall" take place "with the view to arriving at a mutually agreeable understanding". Under this order the union was granted permission to bargain rather than recognition of its right, and the Minister of Labour was given absolute discretion to grant certification and to define the bargaining unit. While the employing board or commission was instructed to negotiate, no agreement necessarily resulted, although a written agreement, "may be signed" on behalf of the Province, subject to cabinet approval. Since there was no dispute resolution procedure, the employer was not compelled to reach an agreement. A "withdrawal of services" by the employees was declared "incompatible with the basic principles of public service", and a stiff sanction was imposed: "withdrawal of permission to act as agent of the employees in the unit".⁸

However, the largest group of government employees was excluded from these provisions for recognition and bargaining. Legislation divided the public sector into two distinct components. In one category, generally consisting of utility operations such as the Nova Scotia Power Commission, an independent agency was the legal employer, holding independent rights over personnel management and policy formation. This sector was managed in a manner similar to private industry and the bargaining procedures as set out in 1956 restricted bargaining to this set of employees. By 1960, 180 employees of the power commission were organized by the International Brotherhood of Electrical Workers; 50 employees of the Highways Garage and 100 N.S. Liquor Commission employees were organized in locals directly chartered by the Canadian Labour Congress; and 25 members of the cleaning staff of the Provincial Building in Sydney were organized by the Building Services Employees International Union. Only the electrical workers had negotiated a signed agreement.⁹

The largest group of provincial employees — the civil service — consisted of workers who were employed directly by a government department. Unlike the agency employees, who were hired and fired by independent boards, civil servants were hired through the Civil Service Commission and were subject to the Civil Service Act. Management was administered by a staff headed by a cabinet minister. These employees were specifically excluded from the bargain-

8 *Royal Gazette Extraordinary* (Halifax), 14 February 1956; a copy of the order-in-council is included in Box 1, File 1.0, Nova Scotia Government Employees Association Papers, Dalhousie University Archives [NSGEA Papers].

9 "Arguments Concerning Association Representation", NSGEA Papers, Box 1, File 1.0.

ing provisions granted the agency workers. Nor were civil servants demanding such recognition. However, the 1956 throne speech had also given authorization for employees subject to the Civil Service Act to form an association. While the government had maintained a broad framework of control over the recognized public service unions, they clearly desired a more direct influence over the activities of this proposed association; thus it was specified that the proposed association's constitution, rules and by-laws "shall be subject to the approval" of the Cabinet.¹⁰

Although the official history of the Nova Scotia Civil Service Association notes that this announcement "had been proposed without the prior knowledge of the civil service community",¹¹ and thus reflected the entrenched paternalism which informed official civil service policy, the civil service community, or more precisely its higher levels, did play an important role in the process. In the early 1950s some civil servants became concerned about the pay scales and benefits granted to provincial employees. Such feelings were strengthened when in December 1953 the federal government had met the demand of federal civil servants for a substantial general increase in pay.¹² Although few opportunities existed for an organized expression of this sentiment, civil servants did voice concern through the Province House Credit Union (founded in 1937) and also through the Institute of Public Affairs. Through their involvement in IPA discussions, several key career civil servants came to accept labour-management cooperation as a philosophical basis for civil service participation in decision-making. Such cooperation obviously required as a minimum some form of organization among the employees. There was one other consideration: security of tenure. It did not require great foresight to anticipate that after 23 years the Liberals were slipping from power, and an association would help maintain civil service continuity and oppose patronage dismissals.¹³

Two weeks after the passing of the 1956 order-in-council, a meeting of about 40 civil servants, described as "unofficial but representative",¹⁴ took place in the Department of Mines. Six males from senior positions¹⁵ and one female secretary were elected to a provisional committee which, with the assistance of a personnel manager from the Civil Service Commission, was to organize the

10 Order-in-Council, 8 February 1956, NSGEA Papers, Box 1, File 1.0.

11 Gordon Burnham, *Civil Servants by the Sea* (Halifax, 1977), p. 23.

12 NSCSC, *Annual Report, 1954*.

13 Following the Conservative victory in 1956, former Premier Henry Hicks gave seminars on responsible government and employer-employee relations through the Institute of Public Affairs, which were attended by some high-ranking civil servants.

14 Gordon Burnham to Premier Henry Hicks, 9 April 1956, NSGEA Papers, Box 1, File 1.0.

15 A supervisor of school attendance, an assistant deputy registrar general, a supervisor of delinquency services, an assistant chief accountant, a chief clerk, and a securities clerk: "Report of the Provisional Committee", April 1956, NSGEA Papers, Box 1, File 1.0.

association. The chairman of the committee was Gordon Burnham, a securities clerk in the Department of Finance who had been active in the Credit Union and IPA discussions. He was subsequently elected to the first presidency of the NSCSA in 1958, serving in this position for four years. In 1962 he became treasurer, and later president, of the Canadian Federation of Government Employee Organizations, a national umbrella organization. Throughout the 1960s he continued to serve on the NSCSA Executive, consistently taking a strong position in favour of collective bargaining. During its deliberations, the provisional committee sought advice from officials in the Departments of Education and Labour, from the IPA, and from other civil service associations. The trade union movement was not a major source of inspiration, although a representative from the Canadian Labour Congress, and the secretary of the Joint Employee Council of Imperial Oil Limited, also met the committee.¹⁶ Early in March 1957 it was announced through the IPA that civil servants would attempt to form the Nova Scotia Civil Service Association.

In April 1957 300 civil servants met in the chambers of the House of Assembly and endorsed the programme of the provisional committee. Believing that the "good will and confidence of our employer must be maintained", the committee proposed first to seek the premier's approval to proceed, and then to draft a constitution to be submitted to the cabinet. Once official approval was obtained, a conference would be held to ratify the constitution and found the association.¹⁷ Anxious to receive the blessing of government, the committee initially worked more closely with the officials than with its own potential membership. Nevertheless, the provisional committee soon won the support of the majority of civil servants. Using the government's pay distribution system, the committee had sent notices of intent to organize to all civil servants with their April salary cheque. In response the majority of employees indicated "interest in the proposed association as a means of fostering high standards of service and maintaining good relations with the government".¹⁸ Receiving 1,500 replies, the association's leadership concluded that the poll had tapped existing attitudes and interests.

Despite the reported near-unanimity concerning the objectives and orientation of the association, the activities of the provisional committee did not proceed in an atmosphere of complete consensus. An alternative conception of the organization apparently existed among a minority of employees. In the organizational meetings, the provisional committee carefully ensured that it had control over the prevailing discussion. Vice-chairman Stanley MacKenzie ordered that the 1956-1958 Progress Report, written by himself and Burnham, and "submitted to the Premier", was the only address to be given to the pre-

16 *Ibid.*

17 *Ibid.*

18 Provisional Committee, "Press Release", 11 January 1957, NSGEA Papers, Box 1, File 1.0.

convention meetings. Any "deviation from the content in principle" was deemed unwarranted, "especially when consideration is given to its source".¹⁹ More explicitly, a second memorandum suggested that people should spend more time on their duties and on the functions of their departments rather than basing their discussions "on their relationships as . . . civil servants". The memorandum claimed that unspecified individuals had used the organizational meetings for their own aggrandizement and warned that "any remark relating to political parties, or some fields being designated as training grounds, and expressions suggesting over-aggressiveness" should be avoided because such discussion "could result in defeating one of our primary objectives: 'Maintaining good relations with the Government'". The document concluded clearly enough: "this is an Association . . . not a union".²⁰ Publically, Burnham did not take such an inflexible stance. In the first edition of the *Newsletter* he wrote: "We are a Civil Service association with ideals and purposes neither purely professional nor yet have they the characteristics of a labour union. It is evident that the popularity of our activities in this quarter or that could ebb and flow depending on which of the three aims receives the most emphasis". The three aims specified in the constitution were to further the interests of civil servants, to maintain good relations with the government, and to develop a higher standard of service for the public. It was assumed that there was no necessary incompatibility between the three and Burnham expected each to receive equal weight, adding that "no effort will be made which will allow any one of the three to suffer from lack of consideration".²¹

The inauguration of the association had originally been planned for the spring of 1957, but this was delayed after the Liberals were defeated in the 1956 provincial election. The new Conservative government was generally less committed to the principle of civil service organization, according to Burnham, and delayed the formation of the association specifically in the interests of making political appointments.²² However, on 5 December 1957 the cabinet approved the constitution and by-laws of the Nova Scotia Civil Service Association.²³ Beginning in February 1958, meetings were held to organize the founding convention. These were attended by more than 50 per cent of eligible members, indicating considerable support for the organization. The constitution was ratified at a

19 S.E. MacKenzie, "Some observations respecting two organizational meetings", NSGEA Papers, Box 1, File 1.0.

20 "Nova Scotia Civil Service Association", undated document, NSGEA Papers, Box 1, File 1.0.

21 Nova Scotia Civil Service Association, *Newsletter* [*NSCSA Newsletter*], September 1958.

22 Burnham, *Civil Servants by the Sea*, p. 11. The cabinet had excluded many positions from appointment by the Civil Service Commission.

23 The government also granted the use of public buildings for association meetings, time off for delegates to attend the convention, and other concessions: Order-in-Council, 5 December 1957, NSGEA Papers, Box 1, File 1.0.

convention held the following spring, when an executive of eight members was elected, including both Burnham and MacKenzie who had served on the provisional committee. The executive and most councillors were drawn from the administrative or supervisory personnel, a situation which continued throughout the first decade. With the exception of 1962, when a new president took office, only two or three changes in the personnel of the executive occurred each year, with the result that it maintained considerable continuity, not only of classification, but of actual membership.

According to the philosophy of the association's executive, the key to success was direct communication with the government. In this view, problems arose out of ignorance or from mistakes, rather than from directly conflicting interests. "The Government", Burnham declared, "is friendly We must learn to work together with our fellows, and with Government for our mutual benefit".²⁴ As middle level supervisors, the association leaders shared with their superiors a similar philosophy of management, but were generally excluded from making major policy decisions. They expected the association, however, would enable them to have access to information about proposed changes, making their task of policy implementation easier and providing some channels for influencing their own work. Although one year after the formation of the association the executive was still claiming that relations with the government had been "gracious" and that "mutual respect has been achieved",²⁵ the first crack in this relationship was being formed by a scientific classification study.

In 1958 the government contracted an American management consulting firm, Jerome Barnum Associates, to study the classifications, salaries and grading policies of the civil service. From the outset the civil servants' response to this survey was ambivalent. There were objections to having outsiders, particularly foreigners, prying about and interfering with their jobs. Civil servants also objected to the possibly restrictive effects of the new job descriptions. At the association's fall council meeting it was proposed to prepare a brief, noting inter-provincial salary inequalities as well as the "complexity of the responsibility" shouldered by civil servants in Nova Scotia in contrast to other provinces where civil servants had a "more sharply defined and narrowed responsibility".²⁶ The Barnum study, however, also held out the expectation of "an upward adjustment in salaries".²⁷ The association decided to take no formal part in the study and, in place of preparing a brief, formed a committee to record existing classifications and salary scales and monitor any changes recommended by Barnum.²⁸ Association leaders advised civil servants to comply with

24 *NSCSA Newsletter*, September 1958.

25 *NSCSA Newsletter*, September 1959.

26 *NSCSA Newsletter*, February 1959.

27 *NSCSA Newsletter*, September 1959.

28 *NSCSA Newsletter*, February 1959.

requests to outline their job content and responsibilities.²⁹

The association had thus demonstrated its good will and expected to be informed of the findings and recommendations of the survey. Despite the employees' cooperation the government controlled access to the information, and by delaying for a time the release of the information, demonstrated the weakness of the association's position. Writing to Premier Robert Stanfield, Burnham noted that frustrations were rising among the employees who were "anxious . . . to be properly compensated". However, in an effort to reassure the premier that the association deserved both trust and respect, Burnham wrote that the association would "assure the ultimate success of any worthwhile proposal", and was "anxious to assist the employees in their competent understanding of the Evaluation findings".³⁰ Again, this promise to gather employee support for the proposals was founded on the assumption that the results would generally be in the interests of the civil servants. In response, Premier Stanfield denied that a general salary increase was planned and referred Burnham to the Civil Service Commission, which had been charged with assessing the report and making recommendations to the government.³¹ Writing next to Commissioner William Finn, Burnham dropped the deferential tone and claimed the employees' "right to question the intrinsic worth of the 'facts' so described since we ourselves participated in the process".³²

To the surprise of the civil servants, in February 1960 the *Halifax Chronicle-Herald* predicted a substantial general salary increase for the provincial civil service. The executive of the association was concerned that the media appeared to have access to information which the employees did not. Furthermore, the report contradicted what the premier had written and the limited increase the association had informed its members to expect. They feared the report would create unrealizable expectations which would rebound to the association's discredit, and that the executive would be charged with having agreed to less than was possible. To demonstrate its good faith to the membership, the association published the correspondence in a special edition of the newsletter, warning members that the new salary scale would be lower than anticipated, especially in relation to the rising cost of living.³³

29 The Point Method Plan was used, each position being scored on ten factors. Two sets of positions were defined: the professional and general (clerical), and the manual skills and crafts. Seven factors, such as knowledge, experience, physical demand, were common between the two. In addition, the former plan included mental and visual effort, decisions affecting cost, and "contacts", presumably with the public; the latter pay plan included manual skill, responsibility for tools, and responsibility for the safety of others. To implement this rationalization scheme, the Civil Service Commission hired a job analyst responsible for job reclassifications, and a researcher to study compensation rates: NSCSC, *Annual Report, 1960*.

30 Burnham to Premier Robert Stanfield, 16 December 1959, NSGEA Papers, Box 16, File 10A.

31 Stanfield to Burnham, 5 January 1960, NSGEA Papers, Box 16, File 10A.

32 *NSCSA Newsletter*, Special Edition, February 1960.

33 *Ibid.*

The first results of the classification survey, released to government departments in February 1960, indicated increases of from zero to six per cent, far below the anticipated average increase of ten per cent.³⁴ The executive responded by questioning the scientific procedures followed. If the survey did not meet the reasonable expectations of the responsible civil service leaders, it was mistaken and was to be queried on the grounds of scientific method. For Burnham, the results were “not what one would expect from a scientific survey”.³⁵ He objected to its failure to establish a “progressive . . . forward-looking policy”: “the situation has deteriorated so that in some groups the same salary is received by persons who are able to assume responsibility and do not receive immediate supervision, as that received by experienced persons who require immediate supervisors”. Failure to establish the appropriate differentials “militates against the continuance in the Service of progressive, ambitious staff” and contributes to a decline in morale.³⁶ A progressive policy would mean that salary differentials would be determined objectively on the basis of recognized degrees of skill and technical expertise and the sharpening of these skills “through experience in the performance of technical duties or professional practices”.

The difficulties experienced over the Barnum study raised the issue of how employees could have a more direct voice in influencing government policy. During the 1959 fall council, when the employees were becoming impatient with the delay in publishing the new reclassification, a resolution was passed calling for the formation of a joint council as the best framework for ensuring good relations with the government.³⁷ From the beginning the members of the original provisional committee had seen such a council as the ideal forum for influencing their conditions of work. They had anticipated a slow, evolutionary process in which good relations, mutual respect and confidence between the government and the association officials would grow, a “gradual development towards full-

34 NSCSC, *Annual Report, 1960*. See also Burnham to Finn, 1 March 1960, NSGEA Papers, Box 16, File 10A.

35 NSCSA *Newsletter*, April 1960.

36 NSCSA, “Brief to the Government of Nova Scotia”, September 1961, NSGEA Papers, Box 5, File 3.1.6. The Barnum Survey formed the basis of the classification scheme followed by the commission, but over the next few years hundreds of new positions were created while only approximately one-sixth as many were deleted. Not until the acceptance of collective bargaining was there a systematic attempt to group them into large occupational components. The inequalities and disruptions caused by the study were still being felt several years after its initial implementation, and it was referred to disparagingly by civil servants as the “Barnum and Bailey Survey”.

37 NSCSA, “A Brief in Support of a Joint Council”, January 1960, NSGEA Papers, Box 16, File 10A. The idea of a joint council had originally arisen in a meeting of the provisional committee in 1957, and the model for such a council was provided by the Joint Industrial Council of Imperial Oil Limited; the provincial Department of Labour promoted such joint councils and the principle of labour-management cooperation: “Report of Meeting”, (July 1957), NSGEA Papers, Box 1, File 1.0.

fledged representation with the eventual goal being some form of Joint Council".³⁸ The initial problem was seen as the need for the association to prove to the government that it was trustworthy and responsible. The executive had no doubt that all interests were reconcilable within the unity of purpose underlying social service. A letter setting forth this perspective emphasized that all discussions with the government "ought to be within a unified framework There will be no need in this type of representative development for the Association to become a conflicting group with motives other than the general welfare".³⁹

A formal request for the creation of a joint council was submitted early in 1960. Directing attention to the "they complex", defined as an attitude of "us versus them", the brief noted that this attitude is "particularly prevalent during a time of major change. Many manifestations of this human trait have been observed during recent times in this service". In the context of the Barnum Study, "good relations appear to have broken down". While arguing that it was from the conflict of interests between employers and employees that the opportunity arises for progress in human relations, the brief maintained that the mutual objectives shared by management and employees should be accorded overriding importance. Both sides should pool their efforts in their joint undertaking. The brief also asserted the right of employees to be informed, for access to information would overcome the syndrome of antagonism and would provide "an incentive for each member to contribute his share to a group output" thereby improving "the effectiveness of the organization". Besides giving the employees confidence in their employer, it would afford them "sound reasons for an attitude of loyalty". Participation would ensure employee interest and support and give them a feeling of importance as well as a "sense of proprietorship".⁴⁰ Despite these arguments and the obvious benefits management would derive from a consultative body, by mid-1960 it was clear that the association had failed to persuade the government to institute a joint council.

Disenchanted with the limited recognition originally granted, the association executive began to realize that it was necessary to exert some added pressure to obtain results. A second brief, submitted in January 1961, was written in a lively

38 NSCSA, "Revision: Argument concerning association representation", n.d., NSGEA Papers, Box 1, File 1.0.

39 *Ibid.*

40 "A Brief in Support of a Joint Council", January 1960: the problems with those joint councils which existed in other provinces were said to be "brought on. . . by attempting to apply an industrial private enterprise system [collective bargaining] to a government function". The association's brief quoted industrial relations texts with titles such as "Human Relations in Industry", "Teamwork in Industry", "Instincts in Industry" and "Partners in Production". In addition quotes were taken from a half-dozen booklets published by the American Management Association. The labour-management cooperative approach was not one confined to management and industrial relations experts, but did represent a trend within the North American labour movement of the 1950s, as some unions were able to obtain real improvements in working conditions and wages in the context of general economic prosperity.

question-and-answer format.⁴¹ It was given wide distribution in the media, the public being seen as a potential ally in the campaign for a joint council. The ideological frame of reference remained unchanged: the team spirit would be developed in an atmosphere of trust and respect as employers and employees worked together to accomplish the common purposes of the service. While the goal remained the establishment of a joint council, the association's conceptualization of the role of such a council had been, to a degree, altered. Although it would not make final decisions for its constituents, the council would have the responsibility to make recommendations to them — it would be an advisory body. Also, while the first brief had only implied the possibility of a labour affiliation, one alternative to the joint council was now explicitly listed as "Affiliation with labour and ultimately collective bargaining". The words conveyed several meanings. For some executive members they indicated a realization that there were no necessary legal barriers to a collective bargaining position for government employees, and Saskatchewan was cited as a Canadian example. For most members, however, the model of negotiation rights was the limited provision granted the agency workers in Nova Scotia and the threat of labour affiliation was only a bargaining tactic.

The government responded to the 1961 brief with an offer to set up a procedure whereby the Civil Service Commission, the association, and government officials could "meet periodically to consider matters relating to the public service". Although this was not the desired joint council, the executive decided to participate and work for a guarantee of continuity through legislation.⁴² In the subsequent meetings Burnham argued that the association was seeking official recognition and the right to deal with "responsible authorities" and to "suggest possible changes in the Civil Service Act".⁴³ The government, however, considered a joint council unnecessary because the Civil Service Commission was responsible for giving advice on civil service matters. According to Premier Stanfield, such issues as grievance procedure, holidays, travel policy, means to prevent high turnover, job training, temporary employees, and overtime pay were all matters properly dealt with by the Civil Service Commission.⁴⁴ By 1963 the association was declaring joint consultation to be an "exercise in futility".⁴⁵

In 1962 the hiring of a full-time executive secretary demonstrated the associa-

41 NSCSA, "Brief to the government of Nova Scotia regarding Joint Council", *NSCSA Newsletter*, February 1961. The association was becoming disenchanted with the limited recognition received under the order-in-council. With bargaining rights confined to agency employees only, civil servants increasingly came to see themselves as "second class citizens".

42 *NSCSA Newsletter*, June 1961.

43 "Preliminary report on second joint meeting between Government and the Nova Scotia Civil Service Association", 29 September 1961, NSGEA Papers, Box 16, File 10A.

44 Stanfield to Burnham, 22 September 1961, NSGEA Papers, Box 16, File 10A.

45 *NSCSA Newsletter*, May 1963.

tion's determination to have a more effective voice in influencing government. The new official, A.E. King, was described as an experienced public relations executive who had been "associated in the consulting and corporate public relations field".⁴⁶ He began his tenure by opening the association's campaign to obtain a general salary increase rather inauspiciously. Writing to Commissioner G.E. Perry, he instructed the Civil Service Commission to "institute without delay, an upward revision" of civil service salaries.⁴⁷ Perry did not reply to this directive, and four months later the new president, Alex Buchanan, wrote a second letter in the customary deferential tone. Noting that the association "had not been favoured with a formal acknowledgement" of its request, and that it would "greatly appreciate knowing the Commission's stand", Buchanan reiterated King's arguments about the cost of living, the adjustments other employees had received, and the threat these posed for recruitment and retention of personnel. There was also reference to members who "were becoming justifiably impatient with the Association".⁴⁸ The sense of relative deprivation had increased since provincial highways workers, who were represented by a union, had recently won a general wage increase. Buchanan promised a sympathetic response if the commission would take the association "into the picture".⁴⁹

The request for an across-the-board increase was rejected because it was contrary to the policy that compensation was to be determined scientifically for

46 Burnham, *Civil Servants by the Sea*, p. 59. He was also an active member of the Halifax Board of Trade.

47 *NSCSA Newsletter*, October 1962.

48 Some association members resigned after their demand that the executive secretary achieve a general increase for the service was not met; three of these dissidents had "union backgrounds and were all for leading this group into a union and force their demands": "Resignation of 14 members — Division 5", [1962], NSGEA Papers, Box 7, File 3.7.4A; see also Minutes, Executive Committee, Division 13, 28 November 1962, NSGEA Papers, Box 4, File 2.5.2. There were also other indications of dissatisfaction. Late in 1962 the association commissioned the Institute of Public Affairs to conduct a survey of members' attitudes. Although the 700 replies (28.5 per cent of the membership) agreed that the organization ought not to interfere in areas of management responsibility, there were numerous criticisms, including the view that the association was built from the "top down", objections to the failure to obtain salary increases, and some support for a stronger "union type" of organization. The membership of the association declined from a high of 64 per cent of eligible civil servants in 1961 to 53 per cent in 1965: see Christopher Bailey, "White Collar Unionization: The Case of the Nova Scotia Government Employees Association", M.A. thesis, Dalhousie University, 1979, pp. 104, 17.

49 *NSCSA Newsletter*, October 1962. The highways workers had received an additional five to eight cents an hour. The government's standing position on civil service salaries was that government employees should not "expect to receive as high a salary as they might earn outside the service" and in recompense they would receive security of tenure and adequate pension benefits. Salaries, however, should not be so low as to act as a disincentive for "men of solid ambition and high competence"; pay schedules were to be "fair and equitable": *Royal Commission on Provincial Development, 1944*, pp. 10, 44-5.

each classification. According to Commissioner Perry, the only acceptable procedure was "regular and periodic salary reviews" based on the commission's own studies of prevailing rates.⁵⁰ This was to be a method of establishing comparisons which would not admit the use of force or change in the face of pressure. This conception did not imply that the association had no role to play: it could be involved in informative discussions, it could question the scientific procedures used,⁵¹ and finally it could assist in the propagation of the decisions. Open communication could produce confidence in the government and in commission policy and develop "a sound reason for an attitude of loyalty toward the employer" which would help to increase productivity.⁵²

In the early 1960s, battle lines were beginning to take shape on these issues all across the country. Public employees were commonly paid less than prevailing rates for comparable jobs in the private sector, but the advantages that civil servants had in other areas were beginning to disappear as white collar workers and trade unions negotiated better holidays, pensions and other benefits. Increasingly, civil servants believed the cause of their weakness was the absence of bargaining rights. In the federal civil service, associations demanding bargaining rights were supported by the opposition parties of the day, including the Liberal Party. The Canadian Council of Provincial Employee Associations, which had existed since 1944, was reorganized in February 1962 as the Canadian Federation of Government Employee Organizations, with the basic aim of gaining collective bargaining rights for civil servants in all provinces. The CFGEO claimed that government employees had an "undeniable right" to participate as equals in negotiations. Paradoxically, however, the CFGEO and its member associations were seen as an alternative to trade unionism such as that represented by the Canadian Union of Public Employees.⁵³

When the CFGEO circulated a brief to provincial governments in July 1962 outlining its arguments in favour of collective bargaining, the federation declared that unions typified "to many thousands of government employees a sure way of accomplishing improvements in wages and working conditions

50 *NSCSA Newsletter*, October 1962.

51 In his reply, Buchanan questioned the method: the industries chosen for comparison, the samples used, and the results obtained: *NSCSA Newsletter*, October 1962.

52 *Ibid.*

53 Elsewhere in Canada, most provincial civil service organizations had obtained some negotiating rights through joint councils. The experience with this form of consultation had been unsatisfactory and the growing militancy of the membership pushed these associations in the direction of collective bargaining. See Saul Frankel, *Staff Relations in the Civil Service* (Montreal, 1967) and L.W.C.S. Barnes, *Consult and Advise: A History of the National Joint Council of the Public Service of Canada, 1944-1974* (Kingston, 1975). The development of collective bargaining procedures was seen as necessary to undercut the potential appeal of trade unions. CUPE had begun organizing agency employees in New Brunswick, where there was an open jurisdiction, causing concern among association leaders in Nova Scotia: H.B. Hunter to King, 20 March 1963, NSGEA Papers, Box 16, File 10.1A.

which their own organizations” had never been able to achieve. Dissatisfactions were growing and pressure was increasing “for some satisfactory form of conducting direct negotiations”. Aware of this sentiment the union movement had begun preparations for a massive organizing drive spearheaded by the Canadian Union of Public Employees. In response to this, the CFGEO urged, governments should grant exclusive recognition and a satisfactory negotiating procedure to the existing provincial employee associations, since they were “a last barrier standing between governments and the union movement. They may well represent a final opportunity for governments to work out, in co-operation with their own employees, the effective means necessary to the conduct of a mutually satisfactory employer-employee relationship in the public services of our province”. If the governments were to show some foresight, imagination and “more trust in the responsible leaders of government employee organizations”, they could prevent the “potential developments from . . . ripening into a bitter fruit”. The strike was seen as the most distasteful aspect of trade unionism, and the CFGEO willingly disavowed this sanction in order to convince governments to accept its proposals.⁵⁴

The Nova Scotia association had joined the national organization of civil servants in 1959, and when Burnham left the association presidency in 1962, he became treasurer, and subsequently president, of the CFGEO. Although Burnham had been a consistent supporter of collective bargaining rights including the right to strike, within the Nova Scotia association, this was not the case with his successor, Alex Buchanan. Buchanan, supervisor of the Apple Maggot Control Programme in the Annapolis Valley, had joined the association shortly after it was organized, becoming vice-president in 1961, and president in 1962. In contrast to Burnham who was more intellectual in his approach to organization and more inclined to argue, on principle, that the NSCSA should have bargaining rights equal to any other employee in the province, Buchanan was more pragmatic and less inclined to rock the boat. In his own view, most civil servants at the time were “perfectly happy with their lot in life” and were not union-

54 Canadian Federation of Government Employee Organizations [CFGEO], “A Brief to all the Prime Ministers of all the Provinces of Canada”, July 1962, NSGEA Papers, Box 5, File 3.3B. Most provincial governments sent representatives to a conference held in Toronto in January 1963. In his confidential report, Chairman E.W. Hinman, the provincial treasurer of Alberta, stressed that the absence of bargaining rights was encouraging labour unions to become increasingly active in the public sector. An immediate matter of concern was the imminent merger of two public sector unions to create the Canadian Union of Public Employees, which was seen as a threat to existing provincial associations. In return for formal certification as bargaining agent, the associations offered insurance against outside control of the civil service associations, recognition of the principle of sovereignty, and agreement on “the undesirability of strike action on the part of government employees”; in place of strike action they requested binding arbitration to resolve disputes: “Chairman’s Report to the Prime Minister and the Premiers of the Provinces”, February 1963, NSGEA Papers, Box 5, File 3.3C; CFGEO, “Opening Statement”, 1963, NSGEA Papers, Box 5, File 3.3B.

oriented.⁵⁵ Under Buchanan's leadership, the association would take steps which consolidated its position as a consultative body.

In this context, the Nova Scotia association not only continued efforts to obtain an advisory joint council, defined as "a system of bilateral determination", but, to protect their flank from "invasion by outside groups", they also argued for an expanded jurisdiction.⁵⁶ The reasons for this were apparent in Halifax, where the non-civil service staff in the provincial hospital, the Victoria General, had been organized by the Canadian Brotherhood of Railway, Transport and General Workers. The certification of this union led to dissatisfaction in the NSCSA's Division 11 because the union members appeared "to be gaining benefits which they previously did not have, also wage considerations in a shorter time than it is taking the Association to solve the problems of its members". As a result, according to Burnham, civil servants had "become more concerned as to just what the Association can do for them".⁵⁷ To prevent the encroachment of organized labour on other fronts, a formal request for an enlarged jurisdiction was sent to the premier in July 1963. If the unions succeeded in organizing the public employees, the association declared, the government and the people, who held the "biggest stake", would have the most to lose.⁵⁸ Also in July 1963 the NSCSA made its third submission requesting a changed relationship with the government. The existing system of consultation was declared to have been "inconclusive" and civil servants were said to have the "inherent right to bargain collectively with their employer". The association disavowed the "strike privilege as a weapon. . . provided a system of arbitration is a part of the agreement with our employer".⁵⁹

In response to these initiatives, and following a provincial election in the fall of 1963, the government finally proposed a formal joint council in which the NSCSA would be recognized as the sole negotiating agent for provincial civil servants. Stanfield wrote that the government had come to accept the view that "progressive flexibility in the exercise of government sovereignty, good faith and mutual trust are essential elements in establishing good staff relations".⁶⁰ By

55 Interview with Alex Buchanan, 14 September 1982.

56 *NSCSA Newsletter*, May 1963.

57 Burnham to Pauline MacDonald, 27 January 1961, NSGEA Papers, Box 16, File 10.1A; Division 11 Annual Report, 1963-1964, NSGEA Papers, Box 4, File 2.5.2.

58 "Draft Report of Joint Council Committee", NSGEA Papers, Box 16, File 10A. The CLC had not restricted the public sector jurisdiction to CUPE, and, in the words of the Joint Council Committee, had guaranteed instead "the law of the jungle" and civil servants were "fair game for say, Jimmy Hoffa's boys".

59 NSCSA, "Submission in support of its right to bargain collectively with the Government of the Province of Nova Scotia", July 1963, NSGEA Papers, Box 7, File 3.6A.

60 Stanfield to Buchanan, 23 November 1963, NSGEA Papers, Box 16, File 10A. There was considerable support outside the civil service for the inclusion of a provision for arbitration. Judge Alexander MacKinnon, who was appointed in 1960 as a one-man commission to inves-

proposing a council to deal with terms and conditions of employment, the premier had essentially accepted the original 1960 proposal, making no reference to the changes in the subsequent submissions. Upon receipt of the draft proposal from the government, the immediate response of the NSCSA's joint council committee was to seek inclusion of an additional provision for binding arbitration.

Association opinion was divided on whether to accept the government's offer. At the fall council meeting, Burnham argued that a council without arbitration was unacceptable, first on the grounds that the government could "after all discussion is over say 'no' or 'yes' without laying the full argument on the table" — that is, withhold information — and second, because the government retained power to make unilateral decisions. Furthermore, without arbitration as a "weapon", the jurisdiction of the association would be put at risk in the face of raiding unions.⁶¹ On the other side of the argument, President Buchanan's position was that the association should accept the government's offer, and that attempts to secure more reforms could continue within the new framework. A unanimous motion instructed the joint council committee to "go back and intensify their efforts" to get collective bargaining with arbitration.⁶² Differences remained, however, and the second day of fall council produced a clarification. Several members of council understood that the motion to renegotiate had been an implicit rejection of the government's proposal, and this interpretation was released to the press. Buchanan argued, however, that the motion had implied working within the proposed council to change its terms of reference to include binding arbitration. Whether the outcome indicated a clarification, or whether a change had been engineered between sessions, a majority voted to accept the joint council as offered and to inform the media that the original press release had not reflected the association's position.⁶³ Shortly thereafter, Burnham resigned from the joint council committee.⁶⁴

Formation of the new council was announced by the provincial government

to regulate labour relations in the province, had advocated that the Trade Union Act be made applicable to civil servants, with the inclusion of a model paragraph withdrawing the right to strike and replacing it with compulsory arbitration: *Labour Gazette*, LXII (May, 1962), pp. 508-9. The Halifax press also argued that civil servants should have collective bargaining with arbitration, for without this sanction the government would be both an interested party and an adjudicator: *Chronicle-Herald* (Halifax), 15 August 1962.

61 Burnham, "Paper on collective bargaining", presented to NSCSA fall council, November 1963, NSGEA Papers, Box 7, File 3.6A.

62 Minutes of NSCSA Fall Council Meeting, 18-19 November 1963, NSGEA Papers, Box 16, File 10A. This motion was moved by Alex MacRea, who believed that the association may have committed a "blunder by telling government we would withhold strike action". He understood the motion to be one of rejection of the offer rather than provisional acceptance.

63 Minutes, 1963 Fall Council. The vote was 14-6.

64 "Report of the Joint Council Committee", April 1964, NSGEA Papers, Box 16, File 10A.

and the NSCSA in February 1964. Given a wide scope to discuss matters relating to terms and conditions of employment, the council would have “power, upon reaching agreement, to transmit its decision to appropriate authorities for implementation.”⁶⁵ No provision was provided to resolve disputes if agreement could not be reached, but since agreement was necessary for implementation, there would be pressure on the association to accept even minimal offers on the grounds that these were better than nothing. Like most civil service associations in Canada, the NSCSA adopted the view that the use of strikes was not an acceptable weapon for public service workers.⁶⁶ The Nova Scotia association, in rejecting the strike, exaggerated the role of strikes in the private sector while minimizing their potential effectiveness for public employees. The strike was called the “great equalizer” in private industry, but it was deemed unworkable in the public sector for two reasons. First, orderly government activities were essential to the public and a strike would be seen as “disproportionately disruptive if not intolerable” to the public.⁶⁷ Second, any contest of economic strength between “stable government and a section of its community — its employees” — would be so unequal that the employees would necessarily lose more than they could potentially gain.⁶⁸ In any case, the government would declare a strike by civil servants to be against the public interest and therefore illegal.

It took a dramatic illegal strike in the federal civil service to indicate that the power of the government was not absolute and that the disruption of a public service could be regarded sympathetically. The 1965 national postal strike, brought about by the government’s refusal to implement a pay award recommended by the Civil Service Commission, was generally seen by the NSCSA as a justifiable response to the government’s provocation. It was argued in the association’s *Newsletter* that the strike produced “prompt and beneficial results” which impressed civil servants elsewhere. This increased legitimacy of the

65 “Joint Release from the Offices of the Premier of Nova Scotia and the Nova Scotia Civil Service Association”, *ibid.*

66 The principal argument used by civil servants in their rejection of the strike was the public service ethic. The ambiguity of this argument, however, is that in many cases those occupations which have a direct public service component, such as police, firefighting, hospital work, have often been granted the right to strike, while white-collar civil servants, more removed from the immediately essential services, have not. With the exception of the CCF government elected in Saskatchewan in 1944, Canadian governments had been unwilling to grant the right to strike to civil servants up until the mid-1960s. The Conservative government’s view was that any agreement to bargain with federal employees was conditional on their agreement to renounce the right to strike: John G. Diefenbaker to the Federal Employee Associations, n.d., NSGEA Papers, Box 16, File 10.1A. The Heeney Report (1965), which recommended a collective bargaining procedure for federal employees, included only binding arbitration as a sanction for employees: *NSCSA Newsletter*, February 1965.

67 S.J. Frankel, “Address to the Interprovincial Conference on Employer-Employee Relations in the Public Service”, Halifax, 25 September 1963, NSGEA Papers, Box 5, File 3.3C.

68 *NSCSA Newsletter*, August 1963.

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strike, as a last resort in the most extreme situation, added a new element to the discussions. Without the “distasteful prospect of a strike” as a sanction, it was argued, civil service salaries would continue to lag two years behind the private sector. However, the Nova Scotia government was assured that once granted this right, the civil servants would no longer feel oppressed, and would be no less responsible in bargaining than in the past.⁶⁹

For the Nova Scotia association, arbitration was still seen as the appropriate equalizer, but the main problem was the government’s power to veto an award. Both parties were expected to use “common sense”, the civil servants having no intention of “making outrageous demands and ruining their advantage”, while the government side was “to treat reasonable demands with proper respect”. The association hoped that the public would recognize a refusal by government to implement “an award won through a fair and legal bargaining procedure” as an injustice and be sympathetic to the employees.⁷⁰ Yet in the joint council formed in Nova Scotia in 1964, even this limited sanction of binding arbitration was absent. By July of that year the government had delimited the role of the council, deeming it incompetent to deal with matters concerning the application of the Civil Service Act, such as promotions or work organization, and listing those matters which were to be handled at the departmental level. Automatic membership, for example, was not a “proper matter” for discussion while the distribution of Service Pin Awards to faithful civil servants was considered proper.⁷¹ While the premier was expressing the desire to give joint consultation a further trial period,⁷² the association was asking, rhetorically, whether the results of council consultation were a foregone conclusion.⁷³

Meanwhile, provincial associations in Western Canada were receiving exclusive jurisdiction rights, signed contracts and binding arbitration. The success of the postal strike was instrumental in the decision to alter the proposed federal legislation to include the option of choosing the right to strike. In Nova Scotia the provincial government amended the Trade Union Act in 1965, giving agency workers employed by boards or commissions the right to come under this act. As the civil servants were informed by their executive at their annual convention, “these people, many of them in your own classifications, have all the rights under present labour legislation, including the right to strike”.⁷⁴ The expansion of the rights of other workers in the public sector exacerbated the perceived union threat of trade union organizing campaigns. Unless it secured full

69 *NSCSA Newsletter*, October 1965.

70 H.B. Hunter to King, 20 March 1963, NSGEA Papers, Box 16, File 10.1A.

71 Memorandum, “Civil Service Joint Council”, 28 July 1964, NSGEA Papers, Box 16, File 10A.

72 Buchanan to Stanfield, 9 March 1965, NSGEA Papers, Box 7, File 3.6A.

73 *NSCSA Newsletter*, October 1965.

74 *NSCSA Newsletter*, June-July 1965. On achievements in the west, see Hunter to Buchanan, 5 February 1965, NSGEA Papers, Box 16, File 10.1A.

negotiating rights, including the ability to go on strike, warned the NSCSA executive secretary in 1965, the association could be deserted by its membership and the civil servants would fall "like a ripe plum into some union basket".⁷⁵ The main speaker at the 1965 convention, CLC vice-president William Dodge, underlined this jurisdictional threat. Tactfully expressing a desire to see the association become a competitor for the agency sector, he added that if this did not happen, these employees would become "in the not too distant future, members of a strong labour organization competing for the present membership of the Association".⁷⁶

The union threat was put most forcefully within the association executive by Hugh MacLeod, who replaced King as executive secretary when the latter resigned in 1965 to take a post with the provincial government. MacLeod had some trade union experience in the Halifax Dockyard Council and later became secretary of the Nova Scotia Federation of Labour. His support for full bargaining rights for civil servants was an important factor in his selection for the position and, in conjunction with the Institute of Public Affairs, he initiated an educational programme on bargaining procedures.⁷⁷ In the aftermath of the amendment to the Trade Union Act which gave public agency workers union rights, MacLeod anticipated the full extension of rights to the civil service. While unions had not been interested in government employees because of "past frustrations in trying to deal with an employer who was immune to the general rules of collective bargaining", he believed that when this situation changed, unions would renew their interest.⁷⁸

There was an alternative possibility: the jurisdictional threat could be undercut if the right to organize civil servants was confined legally to the association. The government could be persuaded to concede this special relationship if it could see the benefits to be derived — and the association promised responsible demands and the renunciation of the strike. The problem that the success of the unions would widen the disparity between the two sections of government employees, leading to more militant demands from civil servants which would overturn the special relationship, could be solved in advance by procedural improvements to ensure that the relative positions of the civil servants were not eroded. Given an economic climate of general prosperity in the mid-1960s, this was a potentially successful strategy. Neither the government nor the civil

75 Hugh MacLeod to Buchanan, 27 January 1965, NSGEA Papers, Box 16, File 10.1A.

76 NSCSA *Newsletter*, June-July 1965. Certain agency groups in the public sector, such as the employees of the Amherst School for the Deaf, had petitioned for association membership. These requests could not be granted within the terms of the existing constitution, which could be amended only with the government's approval.

77 Buchanan to Hunter, 15 January 1965, NSGEA Papers, Box 7, File 3.6A. Buchanan reported that the association had received a "shot in the arm" with MacLeod, who appeared to get on well with the membership.

78 MacLeod to Buchanan, 15, 27 January 1965, NSGEA Papers, Box 7, File 3.6A, Box 16, File

servants would be required to renounce their ingrained attitudes of paternalism.

Several developments shaped the realization of this alternative relationship. Elsewhere in Canada the revival of public sector militancy, influenced by the settlement of the postal dispute, was meeting with determined opposition. In Ontario, the government withdrew the right to strike from hospital workers and substituted compulsory arbitration,⁷⁹ and a strike at the provincial power corporation in Saskatchewan prompted the government to pass emergency legislation imposing penalties on the unions and requiring them to submit to arbitration.⁸⁰ The association executive watched these events with considerable interest, for they appeared to prove that the right to strike was unworkable in a situation where the government could simply legislate settlements.⁸¹

Within the association internal developments led to the ascendancy of an accommodationist trend. When MacLeod resigned later in 1965 to accept a position with the government as Director of Labour Standards, an important individual supporter of collective bargaining was removed from an influential position. The individual who was most important in developing the new trend within the association was the new executive secretary, Tom Shiers. Recommended by MacLeod, Shiers had impressive trade union credentials. He had been president of the Nova Scotia Quarry Workers Union and led them through a long and difficult 14-month strike in 1955-56, an experience which had impressed upon him the value of conciliation and arbitration to resolve disputes. Subsequently he became treasurer and then vice-president of the Nova Scotia Federation of Labour and then worked as a representative of the Newspaper Guild in Ontario. Shiers came to the NSCSA at a low point in its brief existence. Membership numbers were stagnating. Some divisions had not met for several years. The executive was dominated by a number of supervisory civil servants with little organizational experience and little knowledge of collective bargaining. Trade union sentiment was very low among members. The existing joint council was a powerless instrument without provision for compulsory arbitration. There was a minority position within the association in favour of full collective bargaining rights, but Shiers believed the strike weapon had been proven unworkable in the public sector.⁸² Shiers quickly established himself as the bargaining representative for the association, striking up a personal relationship with Civil Service Commissioner Perry. The first fruit of this relationship,

10.1A. Demands for collective bargaining rights were made by Division 1 (Cape Breton) at the 1965 convention, and by Division Ten (Halifax Provincial Building) at the fall council that year: Minutes of Fall Council, 1965, NSGEA Papers, Box 7, File 3.6A.

79 *NSCSA Newsletter*, July-August 1966.

80 Minutes of CFGEO Executive Council Meeting, 22-23 September 1966, NSGEA Papers, Box 6, File 3.3D.

81 Interview with Thomas Shiers, 19 January 1983.

82 *Ibid.*

coming in September 1965, less than two months after Shiers' appointment, was an automatic dues check-off, which placed the association on a more solid financial basis.

Shiers' contribution to the association would be very ambiguous. The association edged in the direction of trade unionism as Shiers negotiated a better grievance procedure and opened discussions with the Civil Service Commission and the government for a more formal bargaining relationship. On the other hand, Shiers' influence was instrumental in consolidating the cooperative labour-management approach which was successful in the short-run in obtaining benefits for the members, but proved unsuitable in the more antagonistic labour relations of the 1970s. Although President Buchanan tended to be greatly influenced by the philosophy of the executive secretaries who worked during his tenure,⁸³ he was most sympathetic to Shiers' approach because it was more compatible with his own conservatism.

Members of the association executive were also realizing that the implications of collective bargaining were not in their own interests. As part of its national campaign for the extension of negotiation rights, the CFGEO organized a seminar on bargaining procedures which was attended by Buchanan and Shiers. Buchanan reported that "the matters discussed were a revelation" and that he had been "almost completely unaware of the many ramifications of" collective bargaining.⁸⁴ Rather than preparing the association executive for the inevitability of bargaining, the seminar had inadvertently consolidated their opposition to it. While the western associations argued that in their experience it had been beneficial to exclude bona fide management from their membership, these observations worried the association's leadership, most of whom were themselves in supervisory positions. Another issue, the union principle of seniority, was regarded as contrary to the civil service expectations of promotion on merit. In the middle levels of the service — the supervisory positions and the steps immediately below them — there was considerable individual competition for advancement, and only those in positions of immediate succession on the basis of seniority were liable to approve of the union principle. From the point of view of middle management personnel who had some influence over which internal candidate would be promoted, any seniority clause would reduce even further their capacity to make decisions on personnel matters. With these implications in mind association leaders began to turn away from collective bargaining towards the establishment of a special relationship with the government.

The two points of view within the executive were debated at length during an enlarged session of the executive in August 1966. Buchanan raised the issue of "what the people who are talking collective bargaining mean". He was concerned that exclusions would leave supervisory staff with no organization to

83 Reilly, "A search for collective bargaining", p. 16.

84 *NCSA Newsletter*, July-August 1966.

bargain with the government, and that coming under the Trade Union Act would open the association for raiding by unions. In response, Alex MacRae, an executive member from Division 1 (Sydney district), indicating the ambivalence of the collective bargaining group within the executive, replied that bargaining meant a written agreement, but “wondered if this would wear so well in the Civil Service”. He added that, with exclusions, the association “would lose the people who are capable of bargaining for us”. Burnham, who had arrived late, spoke more directly, declaring the two issues raised to be “red herrings”. “Maybe it would be better”, he argued, “if some of the people who elect the supervisors to the executive should be on the executive themselves”. Rather than request “special protection from the trade unions”, he urged the association to “work harder because of the competition”.⁸⁵

Burnham’s arguments were not persuasive. J.H. MacKenzie raised the crucial issue: “supposing as of May ‘67 we get collective bargaining with the exclusion of everyone around this table, all the members of committees and maybe half the Councillors, then where is the Association?” Exclusions “would wreck us totally as we stand today”. The leading spokesman opposed to Burnham at this meeting was Tom Shiers. He endorsed the view that the strength of the association lay “in the top brackets”. It was “the respect afforded the top people by government that has obtained the things” that the association had won.⁸⁶ There was some limited opposition to the consolidation of this viewpoint among the members. In the *Newsletter* one member objected to the renunciation of full collective bargaining which had occurred in “behind the scenes dealings without the proper authorization of the membership”, but there was no evidence the membership would support the minority sentiment in the executive.⁸⁷ During the fall of 1966 Buchanan and Shiers undertook a systematic campaign to carry the executive’s point of view to divisional meetings throughout the province. The existing relationship between the association and government was declared to be the best in Canada, while talk of the right to strike had “no place in public service”.⁸⁸

While the special relationship with government, which was the essence of this strategy, existed formally in the joint council and informally in joint consultations between Shiers and Commissioner Perry, it was also necessary to estab-

85 “Discussion on collective bargaining”, 20 August 1966, NSGEA Papers, Box 7, File 3.6A.

86 *Ibid.*

87 *NSCSA Newsletter*, September-October 1966. Of more immediate concern to the members was the closed nature of association dealings. During the 1966 convention several sharp exchanges occurred between the executive and spokesmen from the floor. To obtain an increase in dues the executive prepared an Extraordinary Resolution which “was sprung on the Council”, narrowly missed defeat, and provoked “uncontrollable rudeness” and talk of a walkout: *NSCSA Newsletter*, September-October 1966.

88 Minutes, Division 4 Meeting, 24 November 1966, NSGEA Papers, Box 3, File 2.5.2.

lish security of jurisdiction and some machinery to ensure that civil servants maintained their relative position. The first provision was satisfied when the association was certified by an order-in-council as the negotiating agent for employees appointed under the Civil Service Act, thus erecting a barrier against the potential threat from the trade union movement. Negotiations to satisfy the second requirement between Shiers, W.E. Moseley, chairman of the joint council, and Tom McKeough, the Minister of Labour, led to the proclamation of a legislative basis for joint council, Bill 111.⁸⁹

In an early meeting between Shiers and Moseley there had been agreement that in return for arbitration there would be no right to strike. But the arbitration clause in the bill did not appear to be binding on the government, since awards "seriously prejudicial to the public interest" would not be implemented until the next prorogation "unless the House of Assembly otherwise determines".⁹⁰ Moseley reported to McKeough that Shiers "had receded from his stand on the right to strike". Shiers agreed that there should be no strikes but he was reluctant to agree to taking away the right⁹¹ and demanded that section ten, explicitly denying the strike sanction to civil servants, be withdrawn. This was less a point of principle and more a bargaining tactic, for Shiers agreed that civil servants would not strike. The clause stating that decisions of the new joint council would "be transmitted to the appropriate authorities for implementation", had been inserted in the 1964 order-in-council establishing joint consultation, but it had been "utterly confusing in its application", and the association was able to obtain a stronger guarantee that decisions and awards won through arbitration would be implemented as a matter of routine.

Meanwhile, official pronouncements from the association were reminiscent of the perspectives adopted in the earliest requests for joint consultation. Stanley MacKenzie, a member of the provisional committee in 1956, described the goal of the association as one of fostering high standards of service and maintaining good relations with government.⁹² The staff side of joint council reported that "so long as fair and reasonable demands are presented, supported by full and detailed facts, progress to the benefit of our membership and the people of Nova Scotia will be forthcoming".⁹³ In the words of the Civil Service Commission, informal meetings with the executive secretary, conducted in a spirit of good faith, "successfully served the purpose for which they were intended and proved the value of joint consultation".⁹⁴

89 Buchanan to Stanfield, 9 March 1965, NSGEA Papers, Box 7, File 3.6A.

90 NSCSA to R.A. Donahoe, 20 March 1967, NSGEA Papers, *ibid.*

91 Memorandum to T.J. McKeough from W.E. Moseley, 23 November 1966, *ibid.*

92 NSCSA Newsletter, December 1965.

93 Quoted by Burnham, *Civil Servants by the Sea*, p. 83.

94 NSCSA, *Annual Report, 1965*; see also reports for 1966 and 1967. Some agency employees were asking to be represented by the NSCSA, a decision which the association claimed indicated

The Joint Council Act of 1967 marked the apex of the labour-management approach in the NSCSA. Throughout the 1960s developments within the provincial civil service were strengthening the pro-union forces within the association. Between 1962 and 1968 the number of civil servants in Nova Scotia doubled; these younger employees did not have a history of a paternalistic relationship with the government and entered the civil service at a point where it was becoming increasingly bureaucratized. The appearance of stability in the two years following the enactment of Bill 111 was temporary. The grievance procedure proved inadequate; there was no signed agreement; membership did not have direct control over the acceptance or rejection of negotiated settlements; and the structure of the association favoured a self-perpetuating leadership. Beginning in 1969 changes were instituted in the association, including the creation of a system of shop stewards and a component bargaining framework complete with signed contracts; members began to ratify or reject negotiated agreements; and the executive was enlarged. The jurisdiction was expanded to include non-civil servants, and the name of the organization was changed to the Nova Scotia Government Employees Association.

These internal developments were given an additional impetus by a changed relationship with the employer. By 1970 governments across Canada were feeling the pinch of financial constraint and consequently were adopting tougher bargaining positions with their own employees. In Nova Scotia the Liberal government imposed a five per cent limit on increases in provincial employees' salaries. The acquiescent response of many association leaders, including executive secretary Shiers, precipitated a wholesale change in the leadership. Pockets of exceptional militancy surfaced among members, particularly those employed in the Victoria General Hospital in Halifax. For its part, the new executive pressed for the right to strike and encouraged affiliation with the Canadian Labour Congress. With the Civil Service Collective Bargaining Act of 1979 and a further change in its name, the Nova Scotia Government Employees Union has now adopted all the formal attributes of unionism, but it remains to be seen to what extent the civil servants have abandoned their traditional attitudes in favour of an unambiguous union consciousness.

their "reluctance to become members of Trade Unions". Here the identical perspective on the nature of the association was expressed in the same terms as a decade previously.