
To: Law Amendments Committee

By: John Stackhouse, Associate Professor, Nova Scotia Agricultural College

Before I begin I would like to thank the members of Law Amendments Committee for providing me with an opportunity to present this brief. Second, I wish to thank the NSGEU for their continued support of current and past employees of the Province of Nova Scotia.

My name is John Stackhouse. While I was a member of the NSGEU negotiating committee for the last two faculty collective agreements, I am presenting this brief to the Law Amendments Committee as a concerned citizen. I am an employee of this province, a faculty member at the Nova Scotia Agricultural College, a resident of Truro-Bible Hill and a member of the Nova Scotia Agricultural College community.

I have been employed at the Nova Scotia Agricultural College as a lecturer, assistant and associate professor in business and social sciences for the past thirty-seven years. In addition to my academic appointment, I also served as the first director of Academic Computing Services at the College from 1995 to 2002. For the past six years I have been actively involved in administration, curriculum development and teaching in a new degree program in International Food Business developed jointly with our partner, Dronen University of Applied Sciences in the Netherlands. Like the majority of my faculty colleagues at NSAC, I am also a member of the Graduate Faculty at Dalhousie University.

During my tenure, I have seen and participated in many changes at NSAC. Introduction of the Bachelor of Science in Agriculture, Master of Science and Bachelor of Technology degrees have occurred. Major building programs funded by the Province of Nova Scotia have provided superior facilities for teaching, scholarly activity, service, administration and recreation. These include the Cox Institute expansion, Langille Athletic Centre, Haley Institute, Jenkins Hall, MacRae Library, the Ruminant Animal Centre and a new green house, as well major renovations to Cumming Hall and other facilities. Funding to purchase information technology equipment and services enable our students, faculty and staff to access the increasingly important digital world for teaching, scholarly activity and service.

As with other members of the NSAC community, I feel fortunate to be a part of the continuing evolution as NSAC merges with Dalhousie University. The new opportunities that will be afforded to our students, faculty and staff are varied and numerous.

But what attracts students from China, India, the United States, the Netherlands, Germany and many other countries of the world to study at NSAC? Why do governments, universities and private companies from around the world sign memorandums of cooperation and research contracts with NSAC? Is it because of the bricks and mortar?

While a modern infrastructure and our growing collaboration with Dalhousie are important components in the continuing evolution of NSAC, it is the people that determine its success. Without the dedicated and caring group of staff, administrators and faculty that I have interacted with over the years, NSAC would not be the jewel it is today.

What does Bill 84 mean to the NSAC Community?

The current wording of Bill 84 does not provide the same protection for the rights of employees as was granted to other employees devolved from the civil service by previous legislation. For the first time, section 31 of the Trade Union Act does apply successor rights to a group of civil servants. However, legislation devolving groups by previous governments stated that section 31 was deemed to apply but for "further clarity" went on to embed specific terms into the legislation. The NSAC act passed in 2007 and repealed by Bill 84 applied similar wording that would have protected designated employees. Why does Bill 84 not contain "further clarity" clauses?

With the exception of pension benefits and seniority in Bill 84, all other rights are transient. Despite repeated statements from the current government, successor rights alone do not protect employees.

Let me use an analogy. Suppose I am a single father with children. It is September and I have been told I must move to Greenland and I cannot take my children. My children have an allowance of \$10 per week as well as the use of my computer, their own cell phones and television. These "benefits" have been negotiated with me as a result of doing well in school, performing daily chores around the house and behaving responsibly.

I reach an agreement with my neighbour to allow my children to live with her family. My neighbour agrees that I can continue providing the same benefits to my children, but only until Christmas. After that, they will live under the same conditions she sets for all of the children.

I know that my neighbour's children only have an allowance of \$5 per week and fewer benefits. There is no guarantee that my children will not have their allowance and benefits reduced. As a parent, am I behaving responsibly?

Is this not a reasonable illustration of what successor rights really mean in the NSAC-Dalhousie merger?

I am concerned that many of my colleagues at NSAC will be more affected by Bill 84 than me.

What does Bill 84 mean to me?

First I am disappointed that a statement made by senior administration in the Department of Agriculture in a public forum was not included in the legislation. Faculty and staff were assured that the public service award would be protected. An amendment to honour this is essential.

Second, I am appalled by the legislation's general lack of clarity related to employees and the impact that lack of clarity will have on the institution that has been my professional home for thirty-seven years. Many of my friends and colleagues on the staff and faculty are likely to retire before their time. I understand that over thirty percent of faculty and staff are eligible to retire having reached the magic 80. "A bird in the hand is worth two in the bush" but what will happen to the continuity of the institution that was the NSAC if many choose to retire? I contend that it is continuity that ensures an institution's legacy. This cannot be maintained when a substantial number of the community leave simultaneously.

Third, I am angry and saddened that the wording of this legislation may force me to choose retirement for pragmatic financial reasons, not because I am ready to retire. I am angry that I am not able to leave my professional career as a mentor, educator and scholar at a time that is best for both the institution and myself. A colleague, now 90, who was one of my mentors told me, if you care, you will know when it is time to go. The tingle of excitement and anticipation just before you walk into a lecture will be gone. I still tingle.

Nova Scotia House of Assembly

Law Amendments Committee

Bill 84 Submissions of Raymond Larkin, Q.C.

1. The Province has a responsibility to its employees to treat them decently and fairly. This government and all previous governments in my time has accepted that responsibility.
2. When government re-organizes its delivery of services to the public it has a responsibility to take care to protect the employees who deliver those services. This government and all previous governments in my time have accepted the responsibility to preserve the rights of employees and to protect its employees from collateral and unintended effects of the devolution of programs and services.
3. This House, in my time, has been the guarantor of this obligation.
4. Bill 84 does not do what every previous statute devolving programs or services from government departments to arms length entities has done to protect employees who transfer with their programs and services.
5. This is not a small thing; it is a big thing. Section 12 of Bill 84 is designed to relieve the Province of any of its responsibilities to the employees of the Nova Scotia Agricultural College upon transfer of the College to Dalhousie University. It protects their job and recognizes their service. It binds Dalhousie University to their collective agreements. It allows them to continue under their Pension Plan but takes away the entitlement under the Pension Plan to a supplementary pension where this applies.