

Hon. John MacDonell
Minister of Agriculture
P.O. Box 2223
Halifax, Nova Scotia
B3J 3C4

Dear Minister MacDonell,

I am writing regarding Bill 84 – the Dalhousie University-Nova Scotia Agricultural College Merger Act.

I first wish to congratulate the government for moving ahead in a direction that ultimately, I believe, will positively impact higher education in Nova Scotia. Indeed, this is change that will positively affect the future of the entire Atlantic region, for the Nova Scotia Agricultural College, with its mandate for providing agricultural education and training (both degree and technical), brings to this merger with Dalhousie that region-wide mandate and mission.

As the above statement makes clear, I support Bill 84 in principle. However, I am writing to express the concerns of myself, as a faculty member since 1998 at NSAC, and as a member of the Nova Scotia Government and General Employees Union. These concerns are related to the absence, in Bill 84, of protection for employees in the context of the devolution of the Nova Scotia Agricultural College from the public civil service to Dalhousie University.

Let me speak frankly and plainly here. As an academic, as someone who was hired in a tenure-track position – and was the first person at NSAC to go through an actual tenure and promotion process—I am very happy that I will soon no longer be a civil servant. It has posed problems in the past for me, as a poet (whose book of poetry, *Movement Catalogued*, was deemed by some to be copyright not by me, its author, but copyright held by the Queen in right of the Province of Nova Scotia!). It has also made it difficult to work as a rural researcher in instances where it is necessary to analyze policy documents, historical documents, focus group interviews and other data and to at some points criticize but also sometimes praise governments and institutions. But that is what an intellectual, what an academic does. And so I have been grateful to know that NSGEU and the Government worked out the difficulties regarding academic freedom in our Collective Agreement, and that we who are faculty, and we who are administrative and support staff at NSAC would shortly be fully part of a university.

But, as we move into this new reality, it behooves us to move carefully and with attention to the effects that legislative changes will have on all of us at NSAC, and the resulting impacts such changes may have on the educational environment at the new Faculty of Agriculture.

I am presently the Director of the Rural Research Centre, a small research institute at NSAC. This role affords me outreach and research responsibilities that encompass the region and involve agricultural producer groups, rural non-profits, rural volunteer groups (such as the WINS), rural community organizations, and others. I am also an Associate Professor of Humanities, with responsibilities for teaching humanities courses such as English 1001 (The Novel) and other writing-intensive courses designed to facilitate students' acquisition of critical thinking, reading, writing skills. The past several years of "transition" and "devolution" have been difficult, as it has stymied our development of engaged multidisciplinary programs that address the rapidly changing world of agriculture. Every time there has been an effort, it has been severely hampered by this process that we are undergoing. And while one effort, heroically undertaken by some of my colleagues (the International Food

Business program) has made it through the process, many others have not. And, it appears that, if Bill 84 goes ahead without sufficient protections in place, without revisions to address the concerns of NSAC's employees, that we will potentially lose the capacity to build new programs that will be powerful assets to our Faculty, to Dal, and to our region.

I urge the Committee to take sufficient time to consider all matters of concern related to the effects that this legislation may have on current employees of NSAC. I cite below here information provided by my union, and which I concur with in terms of the concerns expressed.

Nearly every statute since 1996, which provided for devolution of a segment of the civil service to another employer covered by the Trade Union Act, has included the following three protections for employees:

>Provision that every employee designated for transfer from the civil service "is employed by [the new employer] on the same terms and conditions of employment of those under which the employee was employed [by the Province] until changed by collective agreement or contract of employment";

>Provision that "benefits accumulated by an employee while employed [by the Province] are vested in the employee and the employee is entitled to receive those benefits from the [new employer]"; and

>Provision that "the obligations and liabilities of [the Province] in respect of those employees are the obligations and liabilities of [the new employer] including all employee benefits and entitlements".

These provisions have been included in a whole series of statutes enacted over the past two decades. Their presence in these statutes served important purposes.

Provision that employees continue to be employed on the same terms and conditions of employment ensures that employees do not lose any of the benefit of their terms and conditions of employment until such changes have been negotiated in collective bargaining.

Provision that benefits accumulated by the employees are vested in the employees protects the accrued rights that employees have built up as civil servants. They range from accrued rights to sick leave, vacation leave and other types of leave to accrued rights to pay, to overtime pay, to public service awards, to supplementary pension benefit and many other benefits which were generated either under the collective agreement or under the Civil Service Act and Regulations.

Provision that the obligations and liabilities in respect of employees of the Province are the obligations and liabilities of the new employer makes clear a legislative intention that the employees are to be fully protected when their services are devolved out of the public service to an employer under a different statutory scheme.

The absence of these provisions from Bill 84 speaks loudly that employees' terms and conditions of employment, their accrued rights, and the obligations and liabilities of the Province toward them may not be protected upon the devolution of the Nova Scotia Agricultural College to Dalhousie University. There are no special circumstances of the Nova Scotia Agricultural College to justify denying these protections. These

provisions were present in the Nova Scotia Agricultural College Act which was enacted in 2008, specifically subsections 42(5), (6) and (8) of the statute.

There are particular circumstances which require provision to protect employees at the Nova Scotia Agricultural College. These provisions were included in the Nova Scotia Agricultural College Act and relate specifically to the preservation of retirement benefits of civil servants and the continuation of the application of the Nova Scotia Public Service Long-Term Disability Plan. I refer to sections 43, 45 and 46 of that Act. Section 46 of the Nova Scotia Agricultural College Act provided for the new employer to provide "the same or substantially the same level of benefits coverage as provided to employees of the Province under the Province of Nova Scotia Group Life Assurance Plan and the Consolidated Health and Dental Plan".

Section 14(2) of Bill 84 expressly takes away the right of certain employees to a supplementary pension that is available to civil servants under the Public Service Superannuation Act. Is this truly what is intended: that the statute should be used to take away a benefit to which some employees may be entitled? This should be a matter for collective bargaining.

There clearly are some major omissions in this Bill, and I urge the legislation be amended in order to address these issues. To utilize some figurative language, with its roots in my agricultural-farming past and present: to plan for a successful NEW crop on a NEW farm, it's necessary to look at the soil (fertility, etc), as the soil is the foundation of all production, and also to examine carefully the previous years' crop rotations (what has the field grown before), access to animal traffic and manure, current and projected weather conditions, a whole host of things. The NSAC-Dal merger represents a brand new agricultural endeavour. We've got to proceed carefully. Bill 84 is just too thin on the information, and does not rest on a foundation that is secure and nuanced, that takes into account NSAC's past and present realities.

Thank you very much.

Sincerely,

Deborah Stiles, Ph.D.
Associate Professor, Humanities
Director, Rural Research Centre
Nova Scotia Agricultural College