

Intro

- Thank you for the opportunity to speak to you today. It is wonderful to be asked to speak as part of such a great conference, with so many highly qualified presenters on such interesting topics, even if I am speaking at the end of the day when all the good governance jokes have been taken.

I want to congratulate the organizers and all of you for tackling the big questions of Governance, Leadership and Innovation and for putting the focus on the long-term future. In my job, I have to admit that I do not get enough opportunity to look beyond the press of daily business to think about and talk about what the future might look like and to ask if we are doing what we need to do to be ready for it and to take advantage of the opportunities it will bring, particularly to those who are ready.

I am going to try to do that with you today by talking to you from two perspectives.

One is as someone who has tried, not only as a lawyer in public administration but also as a teacher and scholar, to understand governance in public administration.

The other is as someone who has had the opportunity and responsibility to provide leadership in the public service of the Province of Nova Scotia, including as ADM of the Department of Health and in my current role as Deputy Minister of Environment and Labour, which I have to say, is an amazing job, if anyone ever offers it to you!

My topic is really this – how ill government attract and retain the future leaders of the public service? My thesis is along these lines – we will not be successful unless we remember that we are looking for public servants, not employees.

Uniqueness of the public sector – of public service

- I have just about always worked in the public sector, and that is something that I am very proud of. I was drawn to public service for many reasons but the most important was a personal one – I grew up in northern New Brunswick just after Louis Robichaud's Equal Opportunity Plan, which made high school accessible to kids in rural communities, such as the one I grew up in. I am the first generation of my family to get to high school and from there, with lots more assistance from the New Brunswick and Canadian governments, to university. Not surprisingly, in my family, we spoke often of the positive difference that government and public programs had made to our lives and to our future. To this day, my Dad will speak of the day that he was asked to carry Louis Robichaud triumphantly to the stage in our little community hall with a catch in his voice. He will say that supporting Equal Opportunity was the best thing he ever did for his family.
- So I went to law school fairly certain that I wanted to go into public service. That was in the early 1980's, when I think that was more often the case than it may be now, if my experience as a law professor is representative.
- And when I was in law school, those of us interested in public service, tended to look forward to careers in government. I believe we had a sense that public service within government was one of the great traditions of the legal profession.

- Fifteen or so years later, as a law professor, I saw the same interest in pursuing a career in public service among young law students. But instead of setting their sights on a career in government, they were looking to non-governmental agencies, or to what I will call interest-based advocacy, whether on behalf of the environment, gender equality or to socially disadvantaged groups. I have found that NGOs and this kind of advocacy get equated with public service, and that government tends to get ignored as an option, at least relative to my day.

- Now, in case you didn't notice, this is spot in my remarks where it says in quotation marks, "insert self-deprecating lawyer joke here". In a world that many would say is in danger of being overrun with lawyers, fewer lawyers aspiring to public service might sound like a good start on overdue public service reform.

But I think it does say something that is significant to us as public service leaders. It says something important that changed over those 15 years between my days at the back of the class with a ball cap on and my days up in front torturing first years students.

In law, it is fairly obvious that the change has much to do with the impact of the Charter of Rights and Freedoms. But within law and more broadly, it is also due to the growth of NGOs. Just look at the environmental movement. Greenpeace went from an idea on the back of an envelope to a worldwide organization that effected global change in less than two decades.

- In Canada, we are seeing environmental groups emerging as the voice for what most people would call mainstream Canadians. We see the environment emerging, thanks largely to the influence of NGO's, as a top of mind priority that can push itself onto the agenda, as it seems to be doing currently in Ottawa.

There is certainly a need and a role for NGOs as part of the broader public service. I could not do my job as Deputy Minister without personal relationships with environmental activists. The same goes for the staff of the department at all levels. Indeed, the movement of staff between departments of environment and the NGO's, in both directions, is all to the good. The role that Environment and Labour plays in building capacity in the environmental community through the Nova Scotia Youth Conservation Corps is one of the truly great things that we do as a department.

But I think we all need to do more to restore the place of government as the core of the public service, as the place to be if you feel a calling – and that is what I think it is – to be in public service.

To do that, we have to start with a realistic appreciation of what has caused this shift in the perception of the public service as a potential career path.

The changing perception of public service

- So, what caused the shift?
- Well, there were years when the public service was not hiring. Through the recessions of the early to mid 1980s and the budget cutting of the early to mid-1990s, there were not many opportunities to pursue a career in government. In fact more jobs were being cut than created.

It has to also be recognized that high profile scandals have not helped. The recent sponsorship scandal proves these kinds of events are still possible, and not only in what the national press regards as the backward parts of the

nation. It would be naïve to think these kinds of events are now behind us, even with the Accountability Act. What we can say though is that at least recent events in the private sector, such as Enron and WorldCom, have leveled the reputational playing field.

- And that brings me to something more fundamental that was happening through the 1980's and 90's. The downsizing that I mentioned a few moments ago coincided with changing economic philosophy, exemplified by the pro-business policies of Ronald Reagan in the United States and Margaret Thatcher in the UK. Indeed, it was a manifestation of that philosophy. The private sector was seen as the dynamic sector. This encouraged the idea that government needed to be more like business. Indeed, it led to the idea that government was good or bad to the extent that that it achieved this ideal of "being run like a business". Public institutions were privatized and services were contracted out. Attention was focused on government's role as the provider of services to citizens turned into consumers. Efficiency of process became the benchmark against which government performance was measured, as Janice Stein has wonderfully described.

There was much that was positive, even necessary in the challenge to government to be more like business. Government activity has become more efficient in many areas and this probably would not have happened without business leading the charge, with wide support from citizens, for more efficiency and better service from government offices and other public institutions.

If you doubt the progress that has been made, think for a moment (if you are old enough and resident in Halifax long enough) to what it was like to go and

get a drivers licence at the Young Street Office of Motor Vehicles in about 1995. Think now of what that same experience is like at the local Access Centre. I think you will all agree that we all have dealings with private businesses that could be better if they were more like our dealings with the public servants at Access Nova Scotia.

There is much that I would like to say here about government as business, if time allowed. For me, the basic problem with the focus on service delivery is that it allowed many, including many within government, to lose sight of the fact that government is responsible for much more than the delivery of services. It is responsible, in a phrase, for advancing the public good, which includes the efficient delivery of quality services but which also includes much more.

Advancing the public good sounds like grand, self-important work, but then, I think that public service is indeed grand work. Doing it is what that amorphous word governance, is all about. I'll skip by any attempt to define it, as that I am sure, is best left to the experts who have already spoken to you. I'll simply say that I think of it as everything that goes into deciding and being accountable for setting a direction and for selecting the instruments that we will use, including our relationships with others, to get us there. It means choosing

between wants and desires, not just responding to them efficiently. It means protecting values, not just achieving results.

As you can tell, I'm getting all indignant and self-righteous, so I'll stop. If you want to talk more about "government as business", I'd be happy to when we get to questions. For now, I just want to say that I think it has done damage to the attractiveness of the public service as a career option. It defines public service in government relative to what it is not, rather than in reference to what it is. The basic problem as I see it simple: recruiting and retaining the best and the brightest is not easy when your slogan is something like, "work for us, we're almost as good as the other guys, who, by the way, will pay you more and probably give you more time off"!

Signs we are turning the Corner

- Fortunately we are seeing some changes that should work to make public sector a more attractive career option, and in particular government
- One is simple demographics. Retirements are happening at an accelerating rate and there are many more to come, soon. This is distressing to watch as all that institutional memory and hard-earned wisdom gets ready to walk out the door. We are doing more all the time to ensure that knowledge transfer happens, through mentoring and double hiring programs, but we have to do much more in these respects, and fast.

- But this demographic changing of the guard also brings opportunity with it. Canada's public sector has a growing need for educated, knowledgeable workforce. In recent years government has been hiring again at the entry level especially, as well as at more senior levels. This creates the necessary but not sufficient conditions for rejuvenation. We need to hire the right people for the challenges that lie ahead and, once we have them, we have to keep them or provide them with such rewarding professional development and work satisfaction that they come back to us after they spend their stints with others.

To do all that, many things have to happen. One that is fundamental is to have opinion leaders and influencers speak up more strongly and clearly on the importance of the work of the public service, on the quality of the people who do it and on the satisfaction that comes from having done it. It's simple really. The message has to be something like if you're talented, ambitious and committed and want to make your society a better one, come work for us"!

First, this message has to come from leaders in the public service. They have to be leaders who can speak the message with credibility and conviction, by virtue of what they have done with their own career, by the values they demonstrate in their professional lives and by the way they treat, support and develop the people who work with them.

But the message has to come from other places as well. Speaking here at a university, at my university, I have to say that it has to come more frequently and fervently from university professors and other educators. I know that on this I am preaching to the converted here in the faculty of management during a conference on public administration. But the same does not apply, in my view, in other faculties. It is responsibility of academics to criticize public policy and social and economic trends. They owe it to their students and to society to use their expertise to be skeptical and critical of government, its decisions and its

ways. But I do not think that any of this is inconsistent with promoting the value and importance of public service within government as a career choice. To paraphrase an old saying: it sometimes seems to me that academics love public services, but have a hard time loving the public servants that provide them!

I do not think my own discipline does as much as it should in this regard. I think this is a serious issue because of the historic and continuing importance of law and of public administration to each other. We need always to be aware that among the things that make leadership, governance and innovation in the public service truly distinctive is that all three happen within the context of the basic task of the public service, which is to implement and administer the law or, to put it differently, to administer according to law. In a very real sense, public administration is administration of the law. For that reason, they must not become isolated from one another, as I fear they have to some extent.

(Recognize need for two-way engagement between academia and the public service. At Environment and Labour, we trying to do that through the development of a departmental Science Strategy, with input from academic community, that will be a framework for an ongoing relationship between the department and the academic community, whereby we more consistently draw on the expertise that exists in the academic community and academic community has more opportunity to learn about what we do and the challenges we face. This is part of the Competitiveness and Compliance Initiative that I will be speak more about later).

Business is another voice that needs to be heard more loudly and consistently on the value, importance and quality of the public service. When he was here in Halifax, Kevin Lynch spoke of the importance of the public service by giving deficit elimination, actuarially sound public pension plans and the fight against inflation as examples of the value of Canada's public service to Canada's place in the globalized world. Depending on how you classify things, all of these examples are economic. So they speak directly to economic prosperity and to the interests of the business community.

This theme of competitive governance, for that really is what Lynch was talking about, is one that extends beyond the explicitly economic activities of government. It applies to virtually everything that government does. For just about everything government does helps to shape the business climate and the quality of life of a place and these in turn influence competitiveness and prosperity. This starts with the basics, like an efficient, fair and dependable legal system, a good education system and a modern health care system.

It includes just about everything that we do at the Department of Environment and Labour.

Like all regulatory agencies, we are pressed to reduce the costs we impose on business. At the same time, we are expected to provide increasing protection for the environment, for workers and for the general public. Business wants regulations based on good and up-to-date science. Yet they want fast decisions and stable rules. Most importantly, business needs a regulatory process that is dependable, predictable and consistent. Yet they want one that has enough flexibility to allow for truly different or changed circumstances to be dealt with differently, by public servants who have the authority, expertise and skills that are needed to make the necessary decisions. Everyone wants more

transparency and participation. Yet they want us to be accountable and responsible for what happens.

All this requires buckets of innovation that we generate or know where to borrow and apply. (Again, importance of Science Strategy) It requires more than good regulatory practice or even good regulatory management. It requires good regulatory governance that is linked to good governance in other areas, such as public health, education, energy policy and economic development. **(Mention Opportunities for Sustainable Development)**

It also requires Nova Scotia – and Canada – cannot compete economically by compromising on the protection that we provide to our people or our environment. Where we need to compete is with our ability to deliver the same or better protection as other places to our people and our environment at the same or less cost to business and taxpayers. This sounds like a tall order, but someone is going to do it. It might as well be us.

At Environment and Labour, our vehicle for moving in this direction is our Competitiveness and Compliance Initiative. I won't say too much about it now, except to say that it is an attempt move beyond a "one size fits all" approach to regulatory effectiveness (like red tape reduction). It is an attempt to change our organizational culture from one that is focused on our activities (making and enforcing rules) to one that is focused on our objectives (achieving protection for the environment and for people, including workers). Red tape reduction and improved service continue to be important. But they are important within a broader context that is about problem solving and intelligent and innovative use of the full range of instruments, regulatory and non-regulatory, that are available to achieve and implement those solutions.

To go back to my theme of how government is different, CCI is not about making us more like business. It is about making Nova Scotia a better place for business by making us better at doing what only governments get to do, which is to define and protect the public good that is a clean environment and safe and healthy workplaces through the making and administration of the law.

Well, I'm in danger of going off the deep end here and so I'll stop talking about competitive governance. My point is simply that when we think of governance and leadership and innovation in the public service in the future, we should think of them as attributes of our public service that differentiates not just our public service, but also our province and our country, from other jurisdictions. This is an inspiring vision that will make a high quality, high achieving public service a core part of Canada's greatness. It will make public service attractive again. We in public service as well as aspiring public servants need encouragement to get there, including from business and academia. We need greater recognition from business and academia than we sometimes get that sometimes we are already there.

The right HR planning

- Obviously, we need more than to talk a good game. We need to have programs in place that translate the talk about the importance of public servants into action.
- As leaders in the public sector, as Deputy Ministers, it is incumbent upon us to be advocates for creating a professional environment that is not just good, profoundly meaningful for people. That is what people who are attracted to public service are looking for.
- Here, I believe we are turning the corner. In the provincial government we have had some truly unique initiatives. The development of the MPA(M) at

Dalhousie was through a partnership with the NS Civil Service – to develop a mid-career graduate program for civil servants.

- We have a Leadership Continuity Program that allows senior civil servants to take assignments in other departments to further develop their management skills. We are moving that mobility down into the organization by developing inventories of talent and developmental needs and matching them to opportunities that exist across our departments and the broader government. In these ways, we are maximizing the potential of one of the great virtues of a public service career, which is that it is really multiple careers within one employment relationship.

- We have also begun surveying our workforce to get their perspective on what works and what doesn't. The Nova Scotia Public Service Commission has developed a Corporate HR Plan that is geared to address employee's concerns as well as enabling the government to respond to the changing public sector environment.

- We have begun an evaluation of our current fair hiring and affirmative action policies and have announced public consultations to seek input into how they could be improved. Through the Corporate HR Plan, and through the Immigration Strategy and the policy on bilingual services, we are using the rejuvenation of the public service as our opportunity to expand and deepen its diversity.

- Some of the impetus for change has come from the new public servants who have already joined us. The Nova Scotia government has endorsed an initiative started by young civil servants called GoverNEXT. It is a network for young public servants created by young public servants that spans all the boundaries (such as management and union, regions and Halifax) that usually

keep us apart and compartmentalized. It is organizing high quality learning events and will soon be ready to be a channel for input from young public servants into on our HR planning process.

- I have the distinct pleasure of serving as champion for Governext at the table of Deputy Ministers. That is a pleasure for all kinds of reasons, including the fact that the support for Governext at that table has been tremendous.
- In Environment and Labour, we are building upon these government-wide initiatives by customizing them to our needs as a regulatory agency that must walk on water in the ways I described earlier. We believe strongly that HR issues are not for the HR department but for the whole organization. We believe strongly that HR planning is not something that happens alongside our business and strategic planning and our management and delivery of programs, but through these day to day responsibilities.
- So, part of the CCI is the Science Strategy that I mentioned above, which is about making sure our people are supported by the technical expertise they need to do they jobs well and to feel confident in their jobs and performance. It includes a Learning Strategy that pays attention to the specific challenges that regulators face and that maximizes learning between regulators who work in different regulatory programs. Again, it is about ensuring that we are effective, that people have an opportunity to become better at what Malcolm Sparrow calls the "regulatory craft", and that people feel supported in carrying out their difficult and important work. It includes a community outreach program, that takes our best practices in working with communities and stakeholders on policy development and on specific issues and puts them into a framework that becomes part of the entire fabric of how we do business as a department. In sum, it is about ensured that cultural change is pushed from below ... not just from above.

Concluding Remarks

In closing – if we want to attract and retain the public service leaders of tomorrow we need we need leadership now in a revitalized appreciation for the value and importance of the public service, not only at the level of the discrete services and programs that government provides, but at the level of the role of governance in the prosperity of our province and our country.

To get the leaders and innovators of tomorrow, we need leadership and innovation **now** in our response to the challenges and opportunities that face our departments and our governments. My bottom line is this: to attract and retain people who are drawn to the challenges and rewards of a life in public service, we need to achieve and support excellence and achievement in what we do as public servants. And we need to be courageous enough to brag about it.

Thank you.