The Tansley Lecture

The New Governing Balance
Politicians and Public Servants in Canada

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March 13, 2008
Delta Hotel, Regina
Johnson-Shoyama Graduate School of Public Policy

ISSN 1915-643X
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Introduction

I am very honored to give this inaugural lecture at the Johnson-Shoyama Graduate School of Public Policy. Both Al Johnson and Tom Shoyama were very important mentors of mine in Ottawa and in Victoria in the case of Tom Shoyama. So, it is for this reason that I feel especially honoured to be given the chance to talk to you this evening.

You have also put your faith in my ability to give an interesting and informative talk that does justice to Donald Tansley’s legacy. Don was a fine public servant. One of the so-called “Saskatchewan Mafia” of high quality public servants who, for many years, according to some observers, virtually ran Ottawa.

I think it’s a wonderful initiative of the school to create this lecture series. My understanding is that it intends to focus on good government – and in particular, how governments can use innovative administrative approaches to deal with contentious issues.

That focus reflects a core duality of good public administration that is one of the cornerstones of Canadian public administration.

I am referring to the crucial working relationship between the political and the permanent public service. It is the “yin and the yang” of modern government and when it works – it produces first-rate policies and administration. When it doesn’t, it can be “brutal” to observe and to experience, and non-productive in the extreme. Therefore, developing and maintaining a healthy relationship between the political level and the professional public service should be the priority of every newly elected government.

I chose this topic because, in my estimation, there is plenty of evidence that the traditional understanding of the complex relationship between
politicians and public servants in Canada has been disrupted by a number of factors that I will discuss in a few minutes.

In fact, Paul Tellier, the co-chair of Prime Minister Stephen Harper’s Advisory Committee on Public Service Renewal has recently stated that relations between politicians and the senior levels of the bureaucracy have never been more strained and he would know having served as Mr. Mulroney’s Secretary to the Cabinet in the mid 1980s.

In fact, his committee is so concerned about this issue that it plans to devote a special report to the Prime Minister in the next few months in order to confront this issue.

Paul Tellier could be referring to recent issues like the removal of the Chairperson of the Nuclear Safety Commission and of frictions between the government and the Chief Electoral Officer. He could also be thinking of the confrontations between public servants and members of some parliamentary committees. Unfortunately, these high profile examples are only the tip of the iceberg.

Distrust between politicians and public servants is also apparent in a number of provinces – including Saskatchewan – where a large number of public servants have been dismissed following the recent change in government.

It is for these reasons that I thought it might be useful to spend some time this evening discussing the issue of the relationship between the politicians and public servants. To do that I will first look at the reasons why we are experiencing this tension today. I will then move on to discuss the characteristics of a good working relationship, followed by a brief conversation about the weak elements in the traditional Canadian model. I will complete my remarks by looking at the so-called independent agencies that offer an interesting perspective on the issue given their legislative structure, and then by offering some conclusions.

In my view, there are both long-term and short-term trends at work.

Ezra Suleiman, a Professor of Politics at Princeton University, noted in a recent book that “in almost all democratic societies we have witnessed over the past two decades an incontestable phenomenon: relentless attacks on and denigration of the state” (2003. Dismantling Democratic States. Princeton: Princeton University Press, 2).

Why has the bureaucracy served as the punching bag for so many would-be reformers? he asks.
He points out that “the attacks on the bureaucracy have largely come from the politicians, in part to ward off attacks and to deflect criticism of their own incapacity to solve society’s pressing problems. Instead, they turned their wrath and frustration on their own state and on the way it was being managed” (Suleiman 2003, 3).


There are a number of reasons for this development. First, on a global scale, some have argued that the decline in legitimacy is the result of the ascendancy of the so-called new public management practitioners who see government institutions as organizations of questionable value.

Second, we have been experiencing declining trust in government institutions and the people who work there for more than 30 years due to a host of complex factors that generally speak to governments’ inability to solve society’s most intractable problems. There is a huge literature on this topic but let me give you one example from the research. In 1965, 58% of Canadians expressed the view that they “almost always” or “most of the time” trust the federal government to do what is right. By 2005, this number had steadily and relentlessly declined to 27% (Ekos Research Associates, Unpublished Research Findings, 2006).

Third, experience has informed us that many newly elected governments are both fearful and suspicious of their public service, particularly if they have been out of office for a relatively long time so they have a tendency to take an adversarial stance, at least in the early stages. A more competitive media environment that feeds on conflict and administrative errors has fueled this.

And fourth, the revelation in recent years that a few public officials acted inappropriately in a number of instances has provided ammunition to critics that government does not work and should not be trusted.

As a result, in Ottawa, and also in the provinces, new governments have come to power which are very wary of the public service and which have a tendency to see the senior levels of the public service as linked to, and ideologically in-line with, their opponents.

Here in Regina, Professor Ken Rasmussen has been critical of both major Saskatchewan political parties which have, he argues, consistently put supporters
in key public service positions only to see them – and sometimes others not so politically aligned – swept away when the “other team” gets in power.

The problem – as Rasmussen rightly points out – is that this can quickly spiral out of control and in the process greatly undermine the credibility of the public service itself. Experience also teaches us that once the spiral of retribution begins to spin, it is almost impossible to bring the practice to a stop.

Characteristics

The relation between the professional public service and elected officials is never easy. But it should be professional, helpful and respectful. And it should be cordial. But that does not mean everybody should be a best buddy.

I am reminded of a story told to me by a former Ontario deputy of finance about his first meeting with a brand new, recently elected minister, who introduced himself as “Bob” and insisted they should be on a first name basis.

When the deputy balked at this, saying he preferred using the more formal term “minister,” the minister asked why.

“Well minister I am going to do all I can to help you. But there are going to be times in which I can’t help you. There may even be times in which I will feel obliged to stop you from doing things you feel you want to do. You may even yell at me. My job description might include being yelled at by the minister from time to time. I can accept that. But if some guy named Bob, or Pete or Joe yells at me, I might get mad and yell back. And that wouldn’t be good for either of us.”

“OK, deputy” said the minister. “Point taken. Let’s get to work.”

Changes in government are a key part of the democratic process and government. In fact, our ability to smoothly and efficiently change from one government to the next is one of the things that distinguishes us from places like Pakistan, or Cuba or Russia, where the leader has a firm hold on everything, and where it takes a real revolution to change things.

In democratic regimes when the government changes – like it has recently in Ottawa, Regina, Canberra, France and London, and where it will very soon in the United States – each of these changes poses the question of the relation of the new government to the public service already in place.
Will it be friendly or hostile? Will it be trusting or cynical? Will it be collaborative or competitive? And who will be the custodian of the public interest while this is sorted out?

Perhaps I can start off by sharing a personal experience with you. On a warm summer day in 1993 – now almost 15 years ago – I had an appointment in Ottawa with Glen Shortliffe.

At the time, Mr. Shortliffe was the deputy minister and Clerk of the Privy Council for the newly installed Prime Minister, Kim Campbell.

My meeting with Glen took place in his large corner office in the Langevin Block – some of you will know it – a beautiful sandstone building just across from Parliament on Wellington Street.

Of course, it’s always special to meet with the Clerk of the Privy Council, but this meeting was extra special for me since I had been asked by Mr. Chrétien to head his transition team, to meet with Glen and to discuss his plans if he won the 1993 fall election.

Most observers thought Mr. Chrétien had a decent chance of becoming the next prime minister, but of course that was not inevitable and, at times as many of you will recall, it was not obvious to observers who the eventual winner would be.

Remember, too, that as Prime Minister Campbell’s deputy, Shortliffe needed to have Prime Minister Campbell’s full confidence to do his job. Meeting emissaries from the official opposition would normally be out of the question.

After 10 years in opposition the Liberals had a new policy agenda called the Red Book that they wanted to implement.

But, in order to carry it out, many decisions had to be made. Some of these decisions – like the size of the new Cabinet, the number of Cabinet Committees or what the new government’s priorities should be – were only a part of my mandate.

But lots of other questions, like whether the responsibility for foreign trade was best situated with the Department of Industry or the Department of Foreign Affairs, or what challenges the government was having in attracting people from Western Canada to join the public service, or which deputies should be placed where, or which major policy issues needed immediate attention, could only be addressed using information and insight only available from those public servants currently managing the system.
In other words, within a few short weeks of taking power (if that should happen) Chrétien would be faced with many complex management questions that would have to be addressed almost immediately.

In passing, I think Mr. Chrétien had turned to me in part because I was not a member of his party and had no real interest in partisan politics. My interest, and he knew this, began and ended with good public policy and good government.

Another reason might have been that I was dean of the Faculty of Management at the University of Ottawa. So I guess he thought I had a lot of free time on my hands.

Glen Shortliffe, on the other hand, was a career public servant with a long track record. He had worked under several prime ministers – including Trudeau, Mulroney and Campbell.

As a professional public servant, he was non-partisan. And his job was not to get the current government re-elected, but to help the government of the day carry out its objectives. That would include helping implement the program of whatever government eventually was elected in 1993.

I guess Mrs. Campbell could have forbidden him to meet with me. After all, there was a danger that some of things he shared with me could end up being used against her in the election. But the Prime Minister recognized the importance of informed transitions and, as a result, I had many fruitful meetings with the Clerk and his senior officials.

My notes from that meeting show that our initial conversation covered the theme of today’s presentation:

1. I stressed that Mr. Chrétien understood the non-partisan role of the public service and hoped that if elected, he would quickly be able to work closely with the public service as he had as a minister in eight previous portfolios.
2. I indicated that we were thinking about some major changes in the operations and structure of the public service, and wanted to be able to discuss some of those options with PCO staff in order to test the viability of the ideas.
3. I also indicated my interest in developing a protocol, which would guide our discussions, so that both the current Prime Minister and the senior public servants could be comfortable in
these discussions that were designed to deliver a smooth and rapid transition.

4. Finally, I gave Mr. Shortliffe my assurances that our discussions would not be used as part of the election campaign in any way. In practical terms, this meant that I could share the information I learned with very few other people. Where appropriate, I did share some with Mr. Chrétien but did not do so with those who were involved in planning his election campaign.

I hope you will forgive me for spending so much time on just this one little and untold story but I do think that, in many ways, it underlines some of the key elements that describe the delicate and important relationship between politicians and public servants.

These elements are: having a public service that is trusted by the elected officials to the extent that it is encouraged to provide unvarnished and professional advice, supporting and implementing its policies in a professional and non-partisan way once the government has been elected, and continuing a long-standing tradition at the federal level where the prime minister permits the public service to work on transitions with all viable parties.

The doctrine of the “non-partisan” nature of the public service is a key characteristic of our Westminster system. It is based on the notion that there is something known as “the public interest” which is not always the same thing as the interest – or the intentions – of the political party in power.

Political parties in power are always under extreme pressure to make “popular” decisions, ones that will pay off at the ballot box in the next election, even when they suspect these decisions may not be effective or efficient.

In fact, there are few incentives for a political party to make policy or administrative decisions that will only pay off at some future time after the next election.

The “non-partisan, professional public service,” on the other hand, is duty bound to explain and defend the public interest to those holding political power. This includes understanding the long-term consequences of action – or inaction – and the consequences for different regions or segments of the population, including ones that may not be supporters of the current government.
One of the abiding differences between the perspectives of the public service and the political level of course is that of the time frame. Hence, politicians are required to think about the next election. Their time frame can rarely be more than a couple of years.

Public servants, however, can and must be thinking about much longer time frames – a decade or two. As a result, the issues that they address will often span the lives of several governments.

This difference in the two time frames is greatly enhanced in the context of a minority government – where the elected politicians are forced to think in very short time frames, sometimes merely months, forcing public servants to readjust and shorten their own time frames.

In fact, the notion that the public service owns the long-term perspective even drives the nomenclature. In Britain, the deputy minister is known as the “Permanent Secretary” of a department.

“The permanent custodian of permanent problems,” as some observers has commented.

Who Defines the Public Interest?

Of course, what is in the “public interest” is always a matter of debate – even within the public service. What officials in the Department of the Environment think is in the public interest might be quite different from those in the Department of Industry. So the “public interest” is an elusive phenomenon.

In fact, a recent article in the *Australian Journal of Public Administration* fiercely contests whether the public service should play any role in the determination of “public interest.”


However, we all know there are lots of policy areas where there is no right answer. Whether the GST reduction was good for the economy or just good
politics, is an example. Or in the field of criminal justice, whether sentencing convicted offenders to harsher sentences will lead to lower crime rates.

In these and other matters, the public service has a duty – to “speak truth to power.” It has an obligation to try to spell out for ministers as best it can what might be the long-term consequences for the country, or for regions of the country, or for specific social groups of any specific policy action – even if the minister doesn’t want to hear that advice.

However, and this is important, speaking “truth to power” should not be a cover behind which the public service can hide while refusing to consider new approaches or understand new values.

Repeating the old ways of doing things, remaining within a comfortable paradigm, is not good enough.

New governments often have different values. Some of those values may make senior public servants uncomfortable.

In my view, public servants who cannot work with the value framework of the new government ought to consider a different line of work. It is not their role as public servants to question or challenge those values.

But it is very much their role to say to ministers, “this proposed policy would likely have these consequences which you should consider carefully.”

This tension between elected politicians and the non-partisan public service is one of the defining characteristics of the Westminster system. It ensures that all political decisions have to face an internal test – how does this or that decision stack up against the long-term public interest?

But I should be clear – whatever benefit flows from the tension between “the public service’s view of the public interest” and “the politicians’ view of the same thing” – the will of the elected politicians must finally prevail. This is the bottom line of any democracy.

In an organizational sense, countries operating under the Westminster system usually take the power to hire and fire most public servants away from individual ministers (those who are not Order-in-Council and therefore hired and fired at the pleasure of the Cabinet) and confer it to some central authority, typically a Public Service Commission (PSC).

At the federal level, for example, ministers cannot hire or fire public servants. The Public Service Commission as a measure of protection appoints all public servants below the deputy level.

As a result, if an angry minister says to his or her deputy minister, “fire
that director general,” the deputy must say, “minister, I do not have the power to do that. That is the responsibility of the Public Service Commission.”

It gives the public servant a certain element of freedom. But that freedom is not – and should not be – absolute. It must not be abused because excessive power on either end of that balance will destroy it.

If those holding political power, for example, effectively banish the right to “speak truth to power,” and want to hear only support and encouragement from the public service, then that public service becomes no more than apologist and cheerleader for the government of the day.

If senior level public servants are fired or demoted because they point out problems with proposed policies, then the public loses the benefit of a longer term, professional perspective.

If, on the other hand, public servants can effectively ignore or override the political level and are allowed to define “the public interest” on their own, this defeats the democratic process itself.

This is how our Westminster Cabinet system of executive government generally works but, as we all know, the Westminster system is not the only governance model out there.

Other Systems

Many Third World countries still have a “winner-take-all” kind of approach, in which the government and opposition parties are like huge warring camps (often based on ethnic or regional rivalries), and when one government is overthrown, the whole lot of public servants is also thrown out and new “friendly” ones are brought in.

But most developed countries have evolved systems that achieve the objective of balancing the long-term public interest with the short-term accommodation to democratic decision-making.

In France, for example, public servants are appointed to “level” by competition and have a high degree of employment protection. However, French politicians have a great deal of liberty to choose which public servants they want to work with. Those they don’t want to work with can be shelved indefinitely – at full salary, however.
In the United States, as you know, the incoming administration has sweeping powers to name public servants. It is very common for thousands of public servants to leave the public service, and new ones to join the public service, after a change in administrations.

However, the US has also developed some very sophisticated structures to square this with the longer-term public interest.

One structure is the “advise and consent” system in which the Senate has very extensive powers to interrogate candidates and approve appointments.

Another component is that the US has a highly developed set of non-government organizations – think tanks like the Brookings Institute, or the American Enterprise Institute – which act like way stations for public servants on the “opposing” team.

Both the French and American systems have merit. But they are very costly. In the French system, it is the state that picks up the cost – in the US system, it is the private sector that does so.

They are also rather rigid. The US goes through a wrenching reorganization every four or eight years, like the one we are witnessing as we speak. In France, the transition is just as complex and takes place every five years.

The Westminster system avoids these convulsions. It has been successfully used in Canada, Australia, the UK and New Zealand at the national level, and is mostly used at the provincial or state levels in those countries.

**Weaknesses of the Westminster System**

However, in my mind, our Westminster system does suffer from one significant drawback.

Over time we have developed an “informal” system, based to a large extent on the willingness of people on the political and public service side to work effectively together. Hence, its informality makes it relatively easy for people, either through ignorance or bad faith, to seriously damage it.

Moreover, this arrangement is not easily understood or explained, especially to those outside the system. In fact, in my experience, not even new ministers can understand it easily.
After the 1993 election, Mr. Chrétien asked me to organize a two-day training session for new ministers in his government. The session dealt with a wide range of issues, from the Red Book to the Cabinet Committee structure, to ethics, to setting up the minister’s office, and how to interact with the public service.

As we went through the training session, I was struck by how little these new ministers of the Crown knew about how the public service was structured or how government functioned or about the nature of the relation between politicians and the public service.

New ministers want to make their mark. They want to get to work. But almost instinctively, most of them bring a preconceived model to the management of their department in which they assemble the team that they want to work with.

So even simple questions arose, such as, Why can’t I hire my campaign manager or best friend to run my office if I want to? Or why can’t I choose the deputy minister who I want to run my department since I am ultimately responsible for the performance of the organization?

These issues took quite a bit of discussion.

I shouldn’t have been so naïve. I had to keep reminding myself that Members of Parliament live in a completely different world than we do and in 1993, more than 200 of the approximately 300 Members of Parliament were newly elected, parliamentary novices.

We live in the world of public administration. They live in a pressure cooker environment, running from church dinners to caucus meetings to question period. They focus on the drama of high politics. The gritty issues of managing the public service don’t usually get on their agenda until the day they become a minister. So, it is not surprising that the topics require a lot of discussion.

**Independent Agencies**

One area in particular that new ministers often have trouble understanding is the relation they have with independent agencies, boards, commissions and tribunals. This is an important area to examine since governments, for the past 20 years, have become more important as many of their mandates have
expanded and their stakeholder groups have become more aware of their activities.

The reason for making these agencies “at arms-length” of course is precisely so that immediate political expediency will not prejudice their activities.

These are areas in which Parliament has decided to “load the dice” on the public interest end of that balancing act between politicians and the public service.

I’m thinking here – at the federal level – of agencies like the Canadian Nuclear Safety Commission, the RCMP, the Chief Electoral Officer, the Immigration and Refugee Board, the National Energy Board and so on. Just at the federal level alone, there are hundreds of these bodies.

This special status is usually reflected in the organization’s enabling legislation, which describes its mission, and usually describes how key officers are appointed.

However, ministers – and particular new ministers – can overlook or underestimate the independence of these agencies, and think of them as yet more arms of the public service and, therefore, under ministerial direction.

But they are not under ministerial direction. In many important ways, they operate as independent organizations.

What often adds to the confusion, however, is that in order to ensure oversight, these agencies all have to report to Parliament. And this is usually done “through a minister.”

Many ministers, particularly new ministers, find this notion of reporting to Parliament on behalf of an independent agency, over which they have limited or even no control, hard to understand. And they find it even harder to apply when they know that the opposition will often ignore such subtleties if they think they can draw political advantage by tarring the minister with some unfortunate action of the agency. Not surprisingly, therefore, the minister tends to assume responsibility (even where the law says otherwise).

Conclusion

Up to this point, I have spent quite a bit of time explaining my view of a very complicated relationship – that between elected officials and the permanent public service.
I hope I have made it clear that I think that the two institutions have very important roles to play in our political system. It is this healthy tension, and the dynamic interaction of the two, that gives our political system strength.

However, I also hope I have made it clear that I think, in the final analysis, the views of the elected officials must prevail.

To conclude my remarks today, let me say that over the last century, we have developed in Canada a public service system based on professionalism, merit and non-partisanship. In general, we have moved far away from institutional political patronage, graft, corruption and favouritism.

That has been a relatively slow process, taking almost 100 years, since it required changes in legislation and, more important, changes in attitudes. But it gave us a first-rate public service in Canada capable of gathering information, analyzing the data, and then providing insight and high quality policy advice to its elected leaders and through them quality services to its citizens.

It is a system that has served our country very well. Our public service, and our governance system, is undoubtedly one of our competitive strengths in a complex the world. Thomas Friedman, the author of *The World is Flat*, pointed out, “… in the globalization system … one of the most important and enduring competitive advantages that a country can have today is a lean, effective, honest civil service” (Thomas Friedman. 1999. *The Lexus and the Olive Tree*. Harper Collins, 394).

As Kevin Lynch, the Secretary to the Cabinet and Head of the federal public service, noted in a recent speech to public servants in Vancouver a few weeks ago, there is a strong correlation between a country’s competitiveness and the quality of its public sector. Furthermore, Lynch also noted that “this correlation holds whether the country is developing or developed; poor or rich; African or Asian or European or Western Hemisphere. In short, what you do, delivering public services, matters, and how you do it, matters even more.”

In my view, it is a system that is worth maintaining but we need to make some adjustments.

As Paul Thomas of the University of Manitoba has pointed out in a recent conference in Australia entitled “Political Administrative Relations”, Canada prefers to muddle through its key policy challenges without implementing grand designs.

Using this kind of approach let me suggest some modest things we could do to modernize our present system.
First, we need to train politicians and public servants about the nature of this complex relationship and the challenges of governance in our federation. We can no longer assume that we all understand and appreciate the model.

Second, we need to recognize that the constant shuffling of deputy ministers and ministers undermines the opportunity for the two to develop a professional and sometimes personal relationship that could help bridge the initial reticence to trust one another.

Third, we should find ways to involve ministers and the Cabinet in discussions about issues that touch the public service so that they learn to appreciate the challenges it is facing. We could start with discussion around the impact of demographics on staffing and succession planning, and the use of technology as a driver of service innovation and recruitment.

And finally, we need to have more occasions like we have had this evening to acknowledge publicly the great contribution of people like Al Johnson, Tom Shoyama, and Donald Tansley to discuss and debate the various ways of making government more effective in the interest of our citizens.
David R. Zussman has had a distinguished career in government, the private sector and in academia and is a recognized authority on public sector management, public administration and governance. He joined the federal public service in 1973 working for Statistics Canada, the Treasury Board Secretariat, Energy Mines and Resources, and the Privy Council Office. He was responsible for the transition of government in Ottawa in 1993 after which he headed up an extensive program review of the activities of the federal government. He has been closely involved in some of the most exciting developments in Canada in public sector governance and alternative service delivery. In 2005, Dr. Zussman joined the University of Ottawa as the first recipient of the Stephen Jarislowsky Chair for Public Sector Management. Dr. Zussman is involved in many boards and has a regular column in the Ottawa Citizen and Canadian Government Executive.
Born in Regina on May 19, 1925, Don Tansley served overseas with the Regina Rifle Regiment. He joined the Government of Saskatchewan in 1950 after graduating in arts and commerce from the University of Saskatchewan. During his time in government, Tansley played a pivotal role in several areas, including chairing the committee that implemented the country’s first working model of medicare. Tansley spent four years as a key deputy minister in the modernization of the New Brunswick government before moving to Ottawa where he served the federal government in various positions including Deputy Minister of Fisheries and Oceans. Tansley was noted for his great organizational skills and his ability to work in challenging public policy environments.

THE TANSLEY LECTURE - Named in honour of Donald D. Tansley and his remarkable career as a senior civil servant in Canada, this lecture highlights the various organizational approaches which have been used to implement innovative and often contentious policy decisions by governments. Each lecturer is selected on the basis of knowledge of, or experience with, using or adapting the machinery of government or the non-profit sector to achieve an ambitious policy objective or better serve the public interest. At times, this requires a major restructuring of government and its agencies or a reorientation of the public sector relative to other sectors in society.