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The Byrne Report and the Labour Question in New Brunswick, 1963-1968

David Frank

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Public Goods and Good Jobs: The Byrne Report and the Labour Question in New Brunswick, 1963-1968

WHEN PROFESSOR MURRAY YOUNG was teaching his pioneering courses on New Brunswick history up to what was then the recent past of the 1960s, colleagues would ask him what text he was using for the contemporary period. His answer was the Byrne Report. Students in that class learned how to read tables of data and lists of recommendations, and they came to appreciate the Report of the Royal Commission on Finance and Municipal Taxation as one of the most significant documents in the historical evolution of the province.

From an historical perspective, more than 50 years since the completion of the Byrne Report, we are still considering its impact. Numerous scholars have studied the sweeping changes in provincial administration and public finance that were proposed as well as the consequential reforms that came to be described as the Programme of Equal Opportunity. In the hands of Edward G. Byrne and Louis Joseph Robichaud, these initiatives involved, as political scientist Robert Young has pointed out, both the promotion of greater efficiency in provincial administration and also a larger measure of redistributive social justice within the province. Proceeding from the assumption that government is not a necessary evil but a positive force for the delivery of public goods in society, the report concluded that a modernized provincial state was the best agent of reform.[1]

The present exploration focuses on one particular theme in the reception of the Byrne Report. There is at least one historic silence in the pages of the report; and, in the story of Equal Opportunity, there is at least one outcome that was not anticipated at the start. As scholars have pointed out, the politics of New Brunswick in the 1960s involved tensions between technocratic and democratic priorities – a dilemma that

1 Robert A. Young, "The Programme of Equal Opportunity: An Overview," in *The Robichaud Era, 1960-70 – Colloquium Proceedings* (Moncton: The Canadian Institute for Research on Regional Development, 2001), 23-35 and other chapters in this volume. See also Young, "Remembering Equal Opportunity: Clearing the Undergrowth in New Brunswick," *Canadian Public Administration* 30, no. 1 (Spring 1987): 88-102. Note also the discussion of the mixed support for Robichaud's reforms in Joël Belliveau, "Acadian New Brunswick's Ambivalent Leap into the Canadian Liberal Order," in *Creating Postwar Canada: Community, Diversity, and Dissent, 1945-75,* ed. Magda Fahrni and Robert Rutherdale (Vancouver: UBC Press, 2008), 61-88. For a case study in the paradoxes of populism in the 1960s, see James Kenny, "A New Dependency: State, Local Capital, and the Development of New Brunswick's Base Metal Industry, 1960-70," *Canadian Historical Review* 78, no. 1 (March 1997): 1-39. The original version of the present study was presented at the Byrne @ 50 Symposium sponsored by the Urban and Community Studies Institute, University of New Brunswick, November 2013. The context was established in an evocative keynote address by Jim O'Sullivan; see https://www.youtube.com/watch?v=eLfIIYi7Lcc.

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is generally characteristic of the high modernist liberal state. The following discussion should remind us that the proponents of reform in this era were responding not only to the structural conditions that they themselves had identified but also to the desires and expectations of fellow New Brunswickers during a period of social change.[2]

First, some words about the silence. During the 1950s and 1960s both the Progressive Conservative and Liberal governments were very alert to the labour question, the classic debate on how to govern the world of work, and how to share the rewards of economic life. This had been a gathering theme in provincial history since at least the 1905 Factory Act and the 1918 Workmen's Compensation Act. We may even quote the optimistic language of the New Brunswick Federation of Labour's Reconstruction Programme of 1919, with its call to "open the doors of opportunity through which more sound and progressive policies may enter."[3] By mid-century, as elsewhere, the labour question came to hold a central place in the political discourse of the province, reflected in continual debates around policies such as mothers' allowances, minimum wages, and statutory recognition of unions. In 1945 the province adopted a modern Labour Relations Act that promised workers the right to secure union recognition and engage in collective bargaining. The union movement was accepted as one of the means by which citizens would achieve the elements of personal and social security that the Great Depression had denied and that the postwar world promised.[4] This was a tentative redefinition of Canadian society in the direction of greater social democracy, and the new labour rights and social legislation enacted by federal and provincial governments contributed to a substantial improvement in living standards. As the current study guide for Canadian citizenship tells us, "In 1951, for the first time, a majority of Canadians were able to afford adequate food, shelter and clothing."[5]

The Progressive Conservative government of Hugh John Flemming came to power in 1952, in part on the strength of a pledge to permit workers at the New Brunswick Electric Power Commission to be represented by the union of their choice – the International Brotherhood of Electrical Workers. The new minister of labour was Arthur Skaling, a veteran Saint John labour leader, who introduced labour standards such as the Fair Employment Practices Act and the Weekly Rest

2 See especially the chapters by Margaret Conrad, Della Stanley, and John G. Reid in *The Atlantic Provinces in Confederation,* ed. E.R. Forbes and D.A. Muise (Fredericton and Toronto: Acadiensis Press and University of Toronto Press, 1993) on the "quiet revolution" in regional society and politics in the era from the 1950s to the 1970s. Beyond the region, there were rising expectations in other provinces as well; similar developments in province-building in Saskatchewan and Quebec, for instance, had a marked influence in New Brunswick.

3 David Frank, *Provincial Solidarities: A History of the New Brunswick Federation of Labour* (Edmonton: Athabasca University Press, 2013), 29-30. The full text of the Reconstruction Programme, as published in the *Daily Gleaner* (Fredericton), 21 March 1919, is reproduced on the Labour History in New Brunswick website: http://www.lhtnb.ca.

4 See *Provincial Solidarities*, chap. 1-3.

5 *Discover Canada: The Rights and Responsibilities of Citizenship* (Ottawa: Citizenship and Immigration Canada, 2013), 22. In the context of the study guide, however, the statement is somewhat anomalous; see my discussion in "The Great Continuing Mystery of Labour Day," http://nbmediacoop.org/2015/09/04/the-great-continuing-mystery-of-labour-day/.

Period Act. The Liberals were taking notes and went out of their way to recruit labour support in the 1960 election, even taking on a veteran labour leader, Angus MacLeod, a long-time supporter of the Co-operative Commonwealth Federation, as a local candidate in Saint John. The new Robichaud government soon brought in the Female Employees Fair Remuneration Act, which promised equal pay for equal work; some of the most blatant gender discrimination in labour standards was later removed from the minimum wage laws. Most importantly, the Labour Relations Act was amended to bring municipal employees under its provisions; this made collective bargaining available to all municipal employees, including those working for hospital and school boards. It is worth noting, however, that at the same time nurses were quietly added to the list of workers excluded from the definition of employees under the act. All of this established a context for the continued expansion of organized labour, not only in its traditional areas of strength but also among the public employees who were responsible for delivering the substantial public goods of the modern provincial state. Thousands of these workers belonged to associations of nurses, teachers, and civil servants and, by 1963, the newly founded Canadian Union of Public Employees was also growing rapidly, with 39 locals across the province representing 2,500 employees of municipalities, schools, and hospitals.[6]

Then came the Byrne Report. To be sure, this was a royal commission on finance and taxation and it was difficult to anticipate all the implications of its recommendations. And from the start of his work in July 1960, Edward Byrne was an unstoppable force. A wealthy and well-connected corporation lawyer and former mayor of Bathurst, Byrne was accustomed to having his way.[7] He quickly brought in key consultants from outside the province, and they spent almost two years analyzing what they saw as the main problems and preparing the recommendations that became the basic elements of the report. All this occurred before the actual appointment of Byrne's fellow commissioners in March 1962 (and the hiring of an

6 "A Submission of CUPE-CLC and its New Brunswick Division to the Special Committee Appointed to Study the Byrne Royal Commission Report," *New Brunswick Federation of Labour Proceedings, 1964,* Appendix. The new union was established in 1963 by a merger of the National Union of Public Employees and the National Union of Public Service Employees. On the history of the union in the province, see William Vinh-Doyle, "Standing Up, Fighting Back: Collective Action in CUPE New Brunswick, 1963-1993" (PhD diss. in history, University of New Brunswick, 2015).

7 See André Veniot, "The Pinstriped Revolutionary," *New Brunswick Reader* (Saint John), 23 October 1999, 16-19. Byrne's limited involvement with the world of organized labour included efforts to assist fish-processing companies in resisting certification of the Canadian Fish Handlers' Union in northeast New Brunswick in the early 1950s. When the New Brunswick Labour Relations Board granted certification to the union at Gorton-Pew operations at Caraquet, Byrne convinced the Massachussetts-based company to launch a court appeal. The case was largely based on technical grounds, but Byrne believed that the appeal was justified because the union organizers were reputed to be Communists. See Raymond Léger, "L'évolution des syndicats au Nouveau-Brunswick, de 1910 à 1950," *Égalité : revue acadienne d'analyse politique* 31 (printemps 1992): 36-8. See also "I Can Remember . . . Memoirs of E.G. Byrne, OC, QC: The Reformer in the Three-Piece Suit," as told to Wendell Fulton, ed. and transcribed Pamela J. Fulton, Pamela Fulton Collection, MC 3950, file MS1A4, p. 106, Provincial Archives of New Brunswick (PANB).

energetic commission secretary, Jim O'Sullivan). At this stage there came the challenge, as Byrne later recalled, to "indoctrinate the four members of the Commission with the studies and solutions that had been worked out by the consultants and myself."[8] This took place in the context of public hearings between September 1962 and June 1963 in several parts of the province, including an intensive "lock-up" for the commissioners at the Admiral Beatty Hotel in Saint John to work on the main recommendations. The report was drafted by September 1963, primarily by the consultants (although, as O'Sullivan has pointed out, Byrne himself was solely responsible for the Foreword and would not have it tampered with). There was a stage when two commissioners balked at signing the final text, but Byrne ultimately managed to secure a unanimous report. The document was delivered in November 1963, although not publicly released until early 1964 in mimeographed form. The printed text, in both English and French editions, became one of the key documents in provincial history.[9]

Besides Byrne, the four other commissioners included an industrialist from Saint John, a small businessman from Saint Stephen, a municipal leader from Madawaska County and a university administrator from Moncton. A generation earlier, when the provincial Committee on Reconstruction was appointed by a Liberal government in 1943, labour had had the benefit of strong representation. The committee was chaired by Norman A.M. MacKenzie, the liberal-minded president of the University of New Brunswick, and labour was represented by F.S.A. McMullin and later by J.S. MacKinnon, union leaders from Saint John who were active in the Federation of Labour. The federation itself submitted a "Post War Reconstruction Brief," which called for constitutional amendments to place authority for social legislation in the hands of the federal Parliament in order to ensure that "all Canadian citizens irrespective of what Province they live in are to benefit equally." When the committee issued its report, the recommendations included support for a national labour code including apprenticeship programs, minimum wages, and health and safety standards. They also endorsed the extension of trade union rights as a general principle: "The Committee considers that the general interest of the Canadian people would be furthered were all labour to be organized into *bona fide* trade unions."[10]

8 Biographical background on the commissioners as well as the consultants is found in RS179, Records of the Royal Commission on Finance and Municipal Taxation, vol. 10, file 5, PANB. An account by Byrne of the making of the report is contained in Byrne to Louis J. Robichaud, December 1992 January 1993, MS3 A59, MC1880, Edward Byrne fonds, PANB. As Byrne explained to journalist Blair Fraser, "I knew where I wanted to go before the Commission was appointed"; see Byrne to Fraser, 13 February 1967, MS3 A20, MC1880, PANB. For discussions of the politics of the Byrne Commission and Equal Opportunity, see also Della Stanley, *Louis Robichaud: A Decade of Power* (Halifax: Nimbus Publishing, 1984), chap. 11, 12, and Richard Wilbur, *The Rise of French New Brunswick* (Halifax: Formac Publishing, 1989), esp. chap. 14.

9 *Report of the Royal Commission on Finance and Municipal Taxation in New Brunswick* [Byrne Report] (Fredericton: Province of New Brunswick, 1963). A facsimile reproduction of the text is available from the University of New Brunswick, in both English and French editions; see http://www.lib.unb.ca/Texts/NBHistory/Commissions/ browse.htm#1921.

10 The federation brief, as included with the *NBFL Proceedings, 1942*, is reproduced at http://www.lhtnb.ca. See also *Report of the New Brunswick Committee on Reconstruction* (Fredericton: Province of New Brunswick, 1944), 56-8.

Things were different in the early 1960s, however, and the Byrne Report made little effort to address labour matters. There were no labour members on the commission, and there is no record of the Federation of Labour protesting that omission, submitting a brief, or appearing at the hearings. The reasons can only be surmised: the Federation of Labour had no research staff, and most unions were preoccupied with the organizing campaigns in both private and public sectors that significantly increased union membership in the province between the 1950s and the 1970s.[11] In its own way, however, the Byrne Report was addressing some of the long-term social goals of organized labour, notably by refocusing the purposes of government on such matters as "adequate standards in such vital areas as education, public health, hospital services, social welfare and justice." To achieve such goals, the report famously announced that a revolution in provincial administration was needed to bring about "a complete functional rationalization of provincial and municipal government activities."[12]

This change had at least two implications for New Brunswick workers. First, there was the acknowledgement that the province's human resources needed to be recognized and developed: "An educated and healthy labour force well-adjusted to the modern environment is a prerequisite to a quickening of the industrial growth of the province and will do more to attract industry than any other single condition" (Recommendation #171). Indeed, the report noted, "a high and stable level of employment would do more to improve the lot of the many needy families than any action a provincial government can undertake" (#174). And the equalization of social standards across the province was expected to promote both the stability and the mobility of labour within the province (#168).[13]

Secondly, in order to achieve the report's objectives under a centralized administration, the province needed to build up an expanded public service equipped with appropriate qualifications. In this connection, the report recognized "an urgent need to raise the skills of those engaged in the public service" and called for improving "the low salaries now paid to fill certain key public offices."[14] From the context, however, it seems clear that the passages about employment practices referred only to senior administrators and specialists – "attracting and retaining capable administrative personnel" – rather than to the thousands of rank and file employees who were already delivering services in the existing municipalities, schools, and hospitals. This is where the report ran into some trouble.

After the delivery of the report Byrne was not eager to enter public debate, but he became concerned about front-page newspaper reports from the 1964 Federation of Labour convention. The retiring president James Whitebone, the province's "Mr. Labour," was reported to have said that while there were many sections of the report with which labour was fully or partly in agreement, "there are many recommendations and observations which will, if implemented, constitute a serious

11 With the apparent exception of the New Brunswick Teachers' Association and the Association des instituteurs acadiens, no employee organizations submitted briefs or appeared at the hearings during the preparation of the Byrne Report.

12 Byrne Report, 3-4.

13 Byrne Report, 37.

14 Byrne Report, 5.

threat to organized labor in general and, more particularly, to those of our affiliated unions whose members are employed in the Public Service."[15] When Byrne pressed him privately for an explanation, saying he was "at a loss to understand" his fears, Whitebone explained that thousands of union members were employed by school and hospital boards, municipal and civic governments, and other boards and commissions, and many already had the benefit of labour agreements with their employers: "It is only natural that we are disturbed by the possibility that conditions built up over a period of years could be abolished, and we are asking that the rights of labour be guaranteed in any future changes as recommended by the Byrne Report."[16]

Union leaders were anxious about the transfer of public employees to provincial jurisdiction because the Labour Relations Act as a rule excluded public service workers from the definition of employees, allowing exceptions only by order-in-council. Whitebone had opposed the exclusion of civil servants ever since the province's first labour relations law was debated in 1938. He objected to the exclusion of public employees from the 1945 act in strong words: "It is difficult to understand why the Provincial Government persists in refusing to recognize and bargain with legitimate Unions of its own employees while enacting and attempting to enforce laws which required private employers to do so."[17] Whitebone's successor as federation president was even more committed to the cause. A navy veteran who became a Saint John policeman after the war, John F. "Lofty" MacMillan belonged to the new generation of union activists who were strengthening local public sector unionism across Canada. He was active within the older National Union of Public Employees and, by 1964, he was the regional director of its successor, the Canadian Union of Public Employees. As MacMillan explained to Byrne, his union had already been refused the right to represent workers at one provincial hospital and the report, in proposing to redefine all hospital workers as provincial employees, left the entire sector in jeopardy. Accordingly, he explained, "I personally feel that had the Report provided for collective bargaining under the LRA for all workers affected by the Report, the Report would have received the blessing of Labour in this province."[18]

MacMillan stirred up a little more mischief when he pointed to the model of labour relations in Sweden, briefly described in an appendix to the report prepared

15 "Threat to Labour Seen in Sections of Byrne Report," *Telegraph-Journal* (Saint John), 1 September 1964.

16 Byrne to Whitebone, 4 September 1964, Whitebone to Byrne, 20 September 1964, and Byrne to Whitebone, 22 September 1964, all in MS3 A 42, MC1880, PANB. Generally regarded as a moderate in labour politics, Whitebone was a long-time city councillor in Saint John and had served on the board of the provincial power commission as well as a provincial royal commission on liquor laws. In a subsequent letter, on 2 November 1964, Whitebone expressed support for the report without withdrawing his concerns about union recognition. Byrne forwarded this letter to Premier Robichaud on 3 November 1964, drawing the following conclusion: "You will note the fact that the 'Mr. Labour' of New Brunswick has now personally withdrawn any opposition to the Report," and added that the report was "so logical, common sense and constructive in all its principal recommendations that, given the proper explanation, most of the rabid opponents can be made supporters."

17 *NBFL Proceedings, 1946*.

18 Byrne to MacMillan, 4 September 1964, MacMillan to Byrne, 10 September 1964, MS3 A79, MC1880, PANB.

by Commissioner Alexandre Boudreau, who was director of extension at the new Université de Moncton.[19] In borrowing from the Swedish model of enlightened public administration, MacMillan wondered why the report had failed to explain that public employees in that country enjoyed full union rights. Byrne did not appreciate the criticism, replying "It did not occur to me at any time that any of the recommendations impinged upon the rights of labour" while also noting that organized labour had failed to submit briefs or make itself heard at the commission's hearings. Too much reference to Swedish social democracy would be misleading, Byrne warned: "In no instance am I aware that we have made any recommendation that may be termed socialistic. . . . [W]e have accepted what might be termed 'the welfare state'"; he added that he would "make no bones about my philosophy of free enterprise, tempered however with the acceptance of the obligation to care and provide for those in need or want."[20] Meanwhile, at the 1964 Federation of Labour convention, Boudreau had told delegates that "it might have been an oversight" on the part of the commission not to safeguard the rights of labour: "Perhaps it was an exaggerated confidence in the intelligence of our political leaders, I didn't feel we had to."[21]

It fell then to Premier Robichaud to address the perceived anomalies in the report and to shore up his support from organized labour. In an extended address to the Federation of Labour convention in 1965, he paid tribute to the large social mission of organized labour and presented himself as a supporter of the cause. In this speech he used a cautious rhetoric of decolonization to imply that New Brunswick was not unlike the underdeveloped countries of the world that were "in a state of revolt against poverty, disease and dominance by stronger nations" and "no longer disposed to entrust their future exclusively to the forces of the market, the whims of nature or the judgement of colonial rulers." New Brunswick workers, he said, needed better working conditions and wages, and regional disparities would have to be addressed as never before: "We will have to recognize that the wage gap between the Atlantic Region and the rest of Canada must close. If we ignore this fact we will merely train for export." Robichaud made no promises about the status of labour within his legislative agenda, but delegates recognized him as an ally and hopefully renewed their appeal for bargaining rights for all provincial employees.[22]

For his part, MacMillan understood this as a time of strategic opportunity to protect existing rights and to secure for all public employees the union rights that had been repeatedly denied in the past. Under his watch, the campaign continued

19 Boudreau's prior university appointment had been in Sudbury, Ontario, where he was involved in the contentious Cold War dispute between the Mine-Mill and Steelworkers unions as an advisor to the anti-communist faction. See Matt Bray et al., *Laurentian University: A History* (Montreal and Kingston: McGill-Queen's University Press, 2010), 13, 22. Robichaud no doubt chose Boudreau as a representative of the Acadian community; he may also have recalled that Boudreau was a professor at the Université Laval when Robichaud first arrived there as a student in 1947.

20 Byrne to MacMillan, 22 September 1964, MS3 A79, MC1880, PANB. Byrne also rejected MacMillan's view that labour should be represented on the proposed commissions for the administration of public services. The report did, however, identify the Federation of Labour as a responsible organization capable of nominating candidates for the commissions.

21 *NBFL Proceedings, 1964*.

22 *NBFL Proceedings, 1965*. See also *Provincial Solidarities*, 101-3.

over the next two years. As he has recalled, "We had rallies all over the province. These included the civil servants, the secretaries, clerical workers, liquor store workers, highway workers, public works, forest rangers, the general broad scope of public employees. We also had a policy of getting to the local MLAs. We kept on the backs of them all the time. We figured you're not going to get the legislation passed, if you just present briefs to the cabinet."[23] But they did write briefs as well to a select committee of the legislature, which also received submissions from the Canadian Union of Public Employees, the Civil Service Association of New Brunswick, the New Brunswick Association of Registered Nurses and the New Brunswick Teachers' Federation.[24] The agitation also prompted an important adjustment to provincial law in 1967 to end the prohibition on the employment of married women under the Civil Service Act, employment that was considered acceptable at the municipal level but largely prohibited under provincial law.[25]

The turning point came in June 1966 when Robichaud named a one-man royal commission to deliver recommendations. Union leaders were well aware that the chosen McGill University specialist in industrial relations, Saul Frankel, would write a report with a practical plan for collective bargaining in the public service. In supporting this appointment, Robichaud's principal advisor on the matter, the former Saskatchewan civil servant Donald Tansley, reassured the premier that civil servants in Saskatchewan (where Tansley had worked for the Co-operative Commonwealth Federation government before coming to New Brunswick) had enjoyed union rights since 1945.[26] The federation and CUPE, as well as well as the teachers, nurses, and the Civil Service Association, all participated in the hearings. When the report was released in July 1967, there were no surprises. The underlying theme was that collective bargaining was an accepted feature of the democratic way of life: "Collective bargaining in one form or another is characteristic of the political process in a society that allows its members a wide area of freedom. . . . If democratic

23 Lofty MacMillan, *The Boy from Port Hood: The Autobiography of John Francis "Lofty" MacMillan* (Fredericton: New Ireland Press, 1996), 134-5.

24 See, for instance, "A Submission of CUPE-CLC and its New Brunswick Division to the Special Committee Appointed to Study the Byrne Royal Commission Report." This brief argued that a set of basic principles should be asserted, including the right to join unions and the right to collective bargaining. Moreover, the Byrne Report was criticized for failing to note that Sweden had one of the strongest union movements in the world and that public employees enjoyed full union rights. If the system was to be borrowed "as a package," CUPE argued, "this package should include trade union rights."

25 *Statutes of New Brunswick* (1967), chap. 29, repealed Section 34, which specified that married women could not be employed unless widowed or lacking competent male support.

26 His appointment was also supported by CUPE. In a book on public sector labour relations, Frankel had had little to say about the situation in Quebec and the Atlantic provinces: "There are staff associations in all of these provinces; but they are weak in numbers, little respected by their Governments, and quite ineffective"; see Frankel, *Staff Relations in the Civil Service: The Canadian Experience* (Montreal: McGill University Press, 1962), 205-6. For additional context, including the Robichaud government's enthusiasm about hiring senior staff from the CCF administration in Saskatchewan, see Lisa Pasolli, "Bureaucratizing the Atlantic Revolution: The 'Saskatchewan Mafia' in the New Brunswick Civil Service, 1960-1970," *Acadiensis* XXXVIII, no. 1 (Winter/Spring 2009): 126-50.

societies are viable and enduring it is . . . because they succeed in developing institutions and procedures that help to reconcile differences and provide ways of resolving disputes."[27]

When a Public Service Labour Relations Act was announced in the Speech from the Throne in February 1968, Minister of Labour H.H. Williamson stated that the purpose was to give employees of government the same rights as other workers in the province. This would allow for a "planned and professional approach" to labour relations in which basic principles of due process and fair treatment would prevail: "All public service employees will be treated equitably, both in relation to each other and to the community." This would also serve to promote "a public service which has the best possible employees with a high morale because they are working under conditions which they themselves have had a part in creating."[28] These objectives were hardly foreign to the spirit of the Byrne Report, and for this reason the 1967 Frankel Report and the 1968 legislation may be regarded as a supplementary chapter or codicil to the Byrne Report. Although public service collective bargaining was not one of the original objectives of Equal Opportunity, Robichaud recognized that it was among the most significant outcomes. What he failed to state more explicitly was that the enactment of this reform remedied an omission in the original report and was an example of New Brunswick citizens making the principles of Equal Opportunity their own.

In addition to those who participated in the Federation of Labour, workers in other parts of the public sector would also have new opportunities to negotiate the conditions and standards of their work. The long-run implications were apparent in the general growth in the level of union membership in the province from 19 per cent in 1968 (39,493 members) to 31.5 per cent (84,382 members) ten years later.[29] In the case of the nurses and teachers, for instance, the new law in 1968 and the subsequent changes that produced a new Industrial Relations Act in 1971 effectively reversed their exclusion from the provisions of the Labour Relations Act.[30] Members of the New Brunswick Association of Registered Nurses had been agitating for improved wages and conditions throughout the decade of the 1960s, culminating in a mass-resignation campaign in 1969. Once they had received certification, the nurses concluded province-wide collective agreements in 1970 and 1971.[31] The provincial Civil Service Association, which had existed since 1954, was reorganized under a new name in 1971 as the New Brunswick Public Employees Association and

27 See *Report of the Royal Commission on Employer-Employee Relations in the Public Services of New Brunswick* (Fredericton: Province of New Brunswick, 1967), 15-16. Like the Byrne Report, the Frankel Report was also published in both languages.

28 *Proceedings of the Legislative Assembly of New Brunswick* (1968), 647-8, 662-89, 709. When the bill received final reading in December 1968, Robichaud pronounced the legislation "long overdue."

29 Greg Allain, "L'évolution du syndicalisme au Canada et au Nouveau-Brunswick," *Égalité : Revue acadienne d'analyse politique* 31 (printemps 1992): 57.

30 "Industrial Relations Act," *Statutes of New Brunswick* (1971), chap. 9.

31 On the nurses, see Linda Kealey, "No More 'Yes Girls': Labour Activism among New Brunswick Nurses, 1964-1981," *Acadiensis* XXXVII, no. 2 (Summer/Autumn 2008): 3-17, and Roxanne Reeves, "Collective Bargaining for New Brunswick Nurses by New Brunswick Nurses, 1965-1969: In Unity There is Strength" (M.A. thesis in history, University of New Brunswick, 2006).

was recognized as the bargaining agent for several thousand civil servants; it is the forerunner of today's New Brunswick Union of Public and Private Employees. Similarly, the province's teachers, who organized in separate but complementary groups representing teachers in the English and French school systems, received certification in 1972.[32]

A consideration of the relationship of the Byrne Report to the labour issues of its time points to several observations. We are reminded that royal commissions are hardly the last word on any subject, but that they may play a role in framing public discussion and defining what citizens expect from the state. In public debate on the Byrne Report, organized labour filled the silence on the labour question. Robichaud's positive response to the challenge helped give Equal Opportunity a supportive public constituency among working people that crossed language and regional boundaries within the province. Organized labour, moreover, proved to be notably active in promoting support for medicare, which included prodding the provincial and federal governments not only to enact medicare but also to proceed more rapidly to implementation in the province.[33] At a more general level, by supporting the logic of public goods and good jobs the union movement assisted in resolving tensions between technocratic and democratic priorities in the province's reform agenda.[34]

Premier Robichaud and senior civil servants proved sympathetic to the labour cause because they shared the same optimism about redressing disparities in the province. The White Paper on the Responsibilities of Government (1965), a concise and eloquent statement of the political philosophy of the provincial state at this time, articulated that rationale at a general level in stating "our wealth is the product of the interdependence of our people" and that we owe each other a guarantee of "acceptable minimum standards of social, economic, and cultural opportunity."[35] This theme spoke to the heart of the union movement in the province and was also understood to be the essential promise of Equal Opportunity.

We might read all this as an elaboration on the law of unintended consequences, and what Byrne himself thought of all the outcomes is not clear. Byrne had been certain that his report must be adopted as a package, but Equal Opportunity opened many doors. A businessman lawyer, a reforming premier, a labour organizer – people such as Edward Byrne, Louis Robichaud, and Lofty MacMillan –

32 For these groups, see Courtney MacIsaac and Lisa Pasolli, "NBPEA to NBU: Association to Union, 1970-2004," unpublished research paper, June 2007, and Ruth Vallillee, "The Unionization of New Brunswick Teachers, 1964-1974" (M.Ed. thesis, University of New Brunswick, 1995).

33 Gregory P. Marchildon and Nicole C. O'Byrne, "Last Province Aboard: New Brunswick and National Medicare," *Acadiensis* XLII, no. 1 (Winter/Spring 2013): 150-67. See also *Provincial Solidarities,* 132-3.

34 On this theme, see Pier Robichaud and Sylvain Vézina, "Modernizing New Brunswick's Public Administration: The Robichaud Model," in *Robichaud Era,* 53-66. Note also that several large projects of state modernization in this era faced local resistance; see, for instance, James L. Kenny and Andrew G. Secord, "Engineering Modernity: Hydroelectric Development in New Brunswick, 1945-1970," *Acadiensis* XXXIX, no. 1 (Winter/Spring 2010): 3-26.

35 Province of New Brunswick, *White Paper on the Responsibilities of Government* [tabled in the Legislative Assembly, 4 March 1965], esp. 17, 19.

represented several, sometimes competing, strains in the political culture of the province, each contributing to the outcome as did representatives of other identities within provincial civil society. If we turn to the generalities of political culture, we may need to remind ourselves that the image of this province in Canadian politics is unfairly touched by a stereotype of resistance to change and innovation. During the 1960s Equal Opportunity was widely understood in Canada as a model of constructive state intervention in province-building, though not necessarily a model of participatory democracy.[36] The ground had been prepared in the reconstruction and development ideas of the 1940s and 1950s, and the legacy of state modernization was carried forward by the provincial governments of the 1970s. Within this context, the activism of organized labour advanced and expanded the scope of Equal Opportunity to include recognition of union rights in the public sector. If there is a general argument here, it may be that New Brunswick has an authentic tradition of what may tentatively be termed a conservative liberal progressivism, a political culture that was visibly in play during the era of the 1960s.[37]

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36 The ambiguities of a process of bureaucratic modernization were explored by a provincial Task Force on Social Development, which was named by the Robichaud government and reported to its Progressive Conservative successor in 1971. In a contemporary review of *Participation and Development: Report of the New Brunswick Task Force on Social Development,* political scientist Gary Allen observed that the value of the report "lies in its challenge to the politics of economic growthmanship, in its very real concern with human dignity, and in its emphasis on the necessity for popular participation in the setting of social policy"; see Allen, *Canadian Journal of Political Science* 7, no. 2 (June 1974): 362-3.

37 This general argument is advanced in *Provincial Solidarities* and, more briefly, in "Organized Labour and the Making of Public Policy in Twentieth-Century New Brunswick," *Journal of New Brunswick Studies* 2 (2011), https://journals.lib.unb.ca/index.php/JNBS/index; repr. in *Journal of New Brunswick Studies Reader*, ed. Tony Tremblay and James Kerr (Fredericton: *Journal of New Brunswick Studies*, 2015), 113-23.