

“Legal Aid for Stuff You Can’t Get Legal Aid For”: Constituency Role Orientations among MLAs in Nova Scotia

The role of elected members who serve in Westminster Parliaments is contested. While there is an assumption among some academics that the role of elected members is to hold government accountable,¹ elected members do not necessarily share this view or act in ways that conform to this role orientation. This article enters the discussion of parliamentary role orientations by addressing the prominence of constituency service work among the attitudes and behavior of Members of the Nova Scotia Legislative Assembly. The author draws on a series of interviews with former MLAs in Nova Scotia where constituency service work emerged as a major theme in the careers of elected members.

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Do we elect parliamentarians primarily to hold government accountable or to serve their constituency in other ways? The answer to this question depends greatly on whether you’re posing it to academics or parliamentarians themselves. Drawing on 35 semi-structured interviews conducted with former Nova Scotia MLAs in the summer and fall of 2015, in this article I explore how constituency service work is often considered one of the most significant aspects of their role.

The interviews were conducted on behalf of a project entitled “On the Record, Off-Script,” facilitated by Springtide.² The methodology for Off-Script drew heavily from Samara Canada’s MP exit interview project, where the findings were published into the best-selling book *Tragedy in the Commons*.

Initially, the Off-Script project had broader research questions than finding out about the role orientations of MLAs. The prominence of constituency service work among MLAs in Nova Scotia was just an incidental finding. The Off-Script team was originally interested in why MLAs make certain decisions. For example, we asked about the context behind some of the things many Nova Scotians find objectionable, such as heckling in the House and the lack of collaboration between parties.

Then there were questions about the decision-making spaces such as cabinet, caucus, and the premier’s office. These places are like black boxes; researchers and members of the public have little knowledge of what goes on in there. The Off-Script team also asked why the tone of the House seems so toxic? What are the experiences of women and racialized minorities in the House? And, are backbenchers as powerless in Nova Scotia as they seem to be in Ottawa?

The Off-Script team interviewed MLAs from the three parties with representation in Nova Scotia’s Assembly: 7 Liberal members, 15 New Democratic Party members and 13 Progressive Conservative members. We also interviewed MLAs who served in a variety of positions in the House, including a mix of former backbenchers, cabinet ministers, premiers, and opposition and government MLAs). Due to the lack of former female MLAs, the ratio of male to female interviewees for our project (23 per cent female and 77 per cent male) had a gender distribution that was similar to that of the Nova Scotia Assembly over the past decade. Most of our interviewees had served within the past 20 years, in both the government and opposition, under different premiers and opposition leaders. Our team was very fortunate to have access to a large number of former MLAs who served during Darrell Dexter’s NDP government from 2009-2013. These interviews provided more recent insights into the state of the Nova Scotia Legislative Assembly and the attitudes and behavior of the MLAs who serve the people of Nova Scotia.

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The most surprising finding from the interviews was the emphasis that the respondents placed on constituency service work, a term that refers to front-end service provision conducted for constituents by elected representatives or their staff. Constituency service work is conducted through the MLAs' constituency office and is facilitated by staff, but MLAs are often very involved in constituency service work. As one Nova Scotia MLA remarked: "you set up an office, you hire a constituency assistant, and he or she is on the front line dealing with the public, but, in reality, it all comes back to the MLA to, you know, to find a solution for somebody."

The respondents regaled us with stories about the services they provided to constituents, from the tale about the constituent who requested help from their MLA to heat their budgie's cage during the winter to the MLA who received a call from a woman about a blocked toilet. There were also more desperate concerns from constituents to which our respondents attended. For instance – there was a story of a low-income single mother who requested help from her MLA to feed her children. Another MLA spoke of helping to fast-track a constituent's mother to the top of a nursing home waiting list.

Perhaps an even more surprising finding was the proportion of MLAs who felt that constituency service work was the most important aspect of their role. During the interviews, the respondents were asked to describe what they considered to be the primary role of an MLA in Nova Scotia. In response, around 43 per cent of the MLAs we interviewed either told us that the most important role of an MLA is constituency service work or told us that constituency service work took up the majority of their time as an MLA. The 57 per cent of MLAs who did not consider constituency service work to be their primary role typically defined their work as one of balance between representing constituents and ensuring the well-being of the province as a whole. Others told us that there is no defined role of an MLA and that the job description is nebulous.³ However, even MLAs who did not identify constituency service work as being their primary role recounted several instances where they were involved in constituency service work. The frequency of these anecdotes suggest that even though some MLAs did not consider constituency service work to be the primary role of an MLA, serving constituents directly seemed to be an important element of their role in practice. For instance, one MLA who told us that there is no job description for an MLA and that the role is very nebulous, also recounted stories of helping constituents with student loan applications and dealing with potholes on a constituent's local road.

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The constituency service work performed by MLAs was divided into two parts: an ombudsperson role and a direct service provision role. The MLAs we interviewed performed both ombudsperson activities and direct service provision, depending on the particular problem the constituents presented them with. The ombudsperson role entailed helping constituents to navigate government services or advocating for constituents within the bureaucracy, whereas the direct service provision role entailed solving the problems of individual constituents through direct intervention by the MLA. As ombudspersons in their constituency, MLAs helped constituents to navigate provincial government services, often by acting as advocates for their constituents in the bureaucracy. The MLAs we spoke with felt that they had the ability to do “marvelous things” by intervening on their constituents’ behalf. For instance, one MLA phoned Nova Scotia Power⁴ to negotiate a payment plan for a constituent who was unable to afford their power bill and had their power cut off. The MLA’s phone call to Nova Scotia Power ensured that the constituent retained power in their home. The second role, direct service provision, involved a medley of tasks for MLAs. These ranged from helping constituents to write resumes to providing constituents with space heaters from the MLA’s own residence. One MLA went into detail about the types of direct service work he performed: “I had a group of volunteers and people would come to the MLA office and drop off their income tax returns. It was part of a national program but we set it up so that it was through the MLA office. We help[ed] people with letter writing, a lot of your time is spent with things like workers compensation, community service issues take a tremendous amount of time. Things like the snow plow hit my mailbox, the bushes on the side of the road aren’t being cut, how come my road didn’t get graded this summer?”

Many respondents compared their role as an MLA to other occupations – for example, social work – where the job entails front-end service provision or ombudsperson-style advocacy. Two of the respondents had been Church ministers prior to entering provincial politics and told us that the process of delivering services to constituents was similar to looking after parishioners. One of them said that constituency work was “[a] lot of what you did in Ministry but without being able to work at writing a sermon and dealing with ideas, it was more just sort of problem after problem, trying to solve it.” Four respondents compared the role of an MLA to running a legal aid office where clients (or in this

case, constituents) were treated as separate cases. A case file was opened, constituents had to complete an intake form, and the case was then dealt with through the expertise of those in the MLA’s office. The assistance could come from staff in the constituency office, direct help from the MLA or through the MLA’s real or perceived clout in navigating the bureaucracy of the Nova Scotia government. As one respondent explained, he considered his constituency office to be a “legal aid [office] for stuff you can’t get legal aid for.” Constituents would often arrive at his constituency office to request help on a variety of issues. The respondent explained that “people come to a constituency office very commonly with these sorrowful brown envelopes of stuff that they’ve got – maybe it’s got to do with an EI appeal or a compensation appeal or something.... And they’re swamped and overwhelmed by it. [They] take it to [their MLA]. There’s a tradition in some areas, where there have been strong constituency workers, you would take it to your MLA.”

The prioritization of constituency service work among MLAs suggests that in Nova Scotia the relationship between elected members and their constituency goes beyond representation. In other words, MLAs do not just represent their constituents by taking their constituents’ concerns to the Assembly; MLAs occupy another role in the riding by serving their constituents as ombudspersons and service providers. From listening to the respondents, it was unclear how the service work in the constituency related to the MLA’s duties as a legislator. The job of serving constituents in the riding (both by advocating on behalf of constituents and also providing them with services directly) seemed to be separate from the job of representing constituents in the Assembly. Direct services and advocacy were provided by MLAs to constituents on an individual basis, instead of discussing the issues that befall these constituents or groups of constituents in the Assembly. In other words, it was not clear from the interviews that the MLAs translated the problems of individual constituents to broader policy concerns that might affect the constituency or the province as a whole. The only exception to this was that some respondents who had served as backbench MLAs told us that they would sometimes approach a minister on the floor of the Assembly or in caucus to request help for one of their constituents. However, MLAs typically requested help for individual constituents, not the constituency as a whole or communities within the constituency. One respondent who was a former cabinet minister told us about how members of the

opposition approached him to request services for their constituents: “they [opposition MLAs] will berate you in public on a whole range of issues but after they’ve made their speech, they’ll walk over the floor and say ‘could you help this person out?’ and you know here’s a file on them and after you’ve heard them speak, you’ll say ‘you know, why don’t we talk after about this?’ So there’s a lot of personal exchange between the MLAs across the floor on a case by case basis.”

There was a mixed response among the respondents regarding the question of whether or not MLAs felt that constituency service work was beneficial or worthwhile to political life in Nova Scotia. Some MLAs considered the focus on constituency work to be too parochial and took the view that it prevented the MLAs from looking at broader issues that could be addressed by MLAs in the Assembly. One respondent admitted that he questioned why MLAs perform so much constituency service work:

A question I hold, arguably a concern that I have, [is that MLAs] become advocate ombudsman and they continue to get caught – their efforts get caught in the small picture, instead of going up to the big picture. If...so many of our MLAs are actually doing appeals for their constituents in, you know, Residential Tenancies and, you know, and CPP work and all the rest. I wonder, if we were to free them up to actually look at the larger challenges that face us as a province, then I think we would have more meaningful debate in the Legislature and we’d have a clearer vision about where we want to take the province around our big challenges.

This argument – that elected representatives focus too much on the individual problems brought to them by constituents instead of issues that befall the constituency as a whole – is echoed by Franks⁵ in his discussion of constituency service work at the federal level. Stilborn⁶ explains further that, at the federal level, focusing on constituency work competes with other pressing items on Members’ already busy schedules. By performing constituency service work MLAs solve problems that are experienced by individual constituents. Through focusing their time on aiding an individual constituent through his or her problem, the MLA may neglect the possibility of legislative changes to solve wider issues. After all, anyone with a background in social work or community organization can help to run a constituency office as staff. However, only MLAs elected to the Assembly

can pass or amend legislation to solve the broader problems that arise at the constituency office as individual cases of poverty or cases of constituents who have trouble navigating government services. For instance, the MLA who phoned Nova Scotia power to help develop a payment plan for their constituent only told us about that individual instance of helping a constituent and did not mention broader efforts to aid Nova Scotians in poverty or to decrease energy costs in the province.

While some MLAs questioned the usefulness of constituency service work, other MLAs felt proud of their constituency service work and indicated that it was a highlight of their career as an MLA. One respondent spoke of his regret that his constituency office closed when he did not get elected for a second term: “it’s very painful to me that [the constituency office] was lost when I lost the election and the people that worked there had to go to other lines of work which are not as socially useful as what they were able to when we had that project [of developing an effective constituency office].” Another MLA told us in an excited tone that she “loved [constituency work], it was really like rubbing my hands together and being like ‘yes let’s find a solution to this.’”

Despite the mixed reaction to the question of whether or not constituency work is useful, it nevertheless loomed large in the careers of the MLAs we interviewed. An inevitable question that came up in the background of this research was - why do MLAs perform constituency service work to the extent they do? Why did 43 per cent of the MLAs we spoke to consider constituency work to be their primary role in the House? In our interviews, some of the respondents considered the question of why MLAs find constituency work to be so important. The respondents came up with a number of answers. These included:

- constituents expect to be provided services by their MLAs
- performing good constituency service work increases an MLA’s chances of being re-elected
- constituency service work brings meaning to the role of backbench MLAs

The expectations of constituents

Many respondents told us that constituents have very high expectations of MLAs with respect to constituency service work. The MLAs we spoke with told us that it is hard to refuse service requests from

constituents as a precedence had been set in their constituency where MLAs were expected to provide services to constituents. As one MLA explained: "People come to you with things that you've never heard of before and they want your help and they expect [it] ...Well you're the MLA so you're supposed to be an expert on this, you're supposed to snap your fingers and tell them how to solve their problem. [It] might be something like, I don't know, nursing home waitlist or some problem to do with social assistance that you've never dealt with before."

Electability

There was a sense among the MLAs that performing constituency work increased their chances of getting re-elected. In other words, attention to constituency service work plays well with voters, whereas inattention to the constituency decreases the chance of successful electoral prospects. Throughout the interviews we often heard the refrain "there are no votes in Halifax" from MLAs representing constituencies out of the capital. Indeed, some respondents claimed that cabinet ministers had a lower chance of getting re-elected because they are not able to devote as much time to constituency work.

Rural/urban divide

Some respondents also suggested that MLAs in rural areas perform constituency service work simply because there are fewer ways for constituents to access government services outside of urban centres. These same respondents noted that government services are lacking in rural areas in comparison to urban municipalities. Constituents in urban centres (Halifax and Sydney) are able to seek help from municipal councillors, whereas constituents in rural areas do not have access to a municipal layer of government so must request help from their MLA.

One MLA told us:

I've often said that, you know, rural MLAs have a larger workload than urban MLAs because of the road issue and, in some respects, it makes sense to have rural ridings perhaps smaller in population so they can deal with all that extra work. In an urban environment, roads are looked after by the city or by the town, by the municipality. So those calls go to the municipal councillor in Cape Breton Regional Municipality or Halifax Regional Municipality or even a town like Kentville or Bridgewater.

But, in a rural riding like Pictou-West or King's-West or, you know, any rural riding out there, that's an extra responsibility that MLAs have in those ridings that takes a lot of their time and effort.

In response to this lack of services, rural MLAs told us that they felt compelled to act as advocates in their riding because they felt that no one else was looking out for the constituents. However, this explanation only accounts for why rural MLAs perform constituency work; urban MLAs performed constituency work as well. It is likely that rural and urban MLAs perform different types of constituency work. For example, rural MLAs concentrate more on ensuring that roads in the constituency are safe, whereas urban MLAs concentrate more on solving social issues specific to urban settings.

Lack of a meaningful role in the Legislature

Some respondents pondered whether the lack of a meaningful role in the House for MLAs prompted them to seek a larger, more involved, role through their constituency work. It was difficult to pinpoint exactly how the constituency service work that MLAs performed translated into the MLAs' work in the Assembly. The prioritization of constituency work was in contrast to how backbench MLAs (and some ministers) perceived their work in the House. Many MLAs told us they felt they made a larger difference back in their riding than on the floor of Province House. In the constituency, MLAs felt that they had an "affirming presence" but in the Assembly, they felt lost and powerless. As one MLA told us: "Trudeau is famous for saying is that an MP is a nobody outside the Hill... but what I found was that we're [MLAs] nobodies on the Hill. We're actually [somebodies] outside the Hill and you know in your riding where you still think you have some clout." Another MLA asked:

why do MLAs spend their time on casework so much?...Down at the legislature it's so hard to see sometimes what difference you're making. You're just another bum in the chair down at the legislature, you vote the way you're supposed to vote, you go home. ...But back at the constituency office when you've fixed somebody's problem, it makes you feel good. You've helped somebody; you've done a good thing and that becomes kind of addictive after a while. It becomes the meaning that MLAs find in their jobs. Down at the legislature, you

realise pretty fast that things go exactly the same, whether you read the bills or not, right?

To illustrate the extent to which many MLAs prioritized constituency work versus their role in the Assembly, one MLA even suggested that the Assembly's timetable should be changed to accommodate more time for MLAs to perform constituency work:

We wanted to look at a number of things and maybe possibly change hours, or the way the hours when you're in the legislature start Monday afternoon and leave Friday morning, so that people could get to Cape Breton and Yarmouth from their constituencies or get in. We floated that, let's talk about that, and there was no interest from the other two parties at the time.

Conclusion

Based on our interviews with 35 former MLAs, we found that elected members in the Nova Scotia Assembly put a high priority on constituency service work. Our findings at the provincial level in Nova Scotia share similarities with work that explores the roles of MPs at the federal level. We know that MPs also provide services to constituents, either by taking an advocacy role or through providing services directly. However there is still the question of whether or not MPs at the federal level prioritise constituency

work as much as their provincial counterparts in Nova Scotia. Future research on constituency service work should be comparative between provinces and regions in Canada and address the following questions: is the prioritisation of constituency roles in Nova Scotia unique to that province? Is the prioritisation of constituency work a feature of Atlantic Canadian political culture or do provincial representatives from legislatures across Canada conduct constituency work to the same extent? What are the differences between constituency service work at the federal level versus the provincial level?

Notes

- 1 Lori Turnbull, "Minority Government in Nova Scotia: does it empower private members?" *Journal of Parliamentary and Political Law* 4, No.2, (2010), pp. 181-192.
- 2 An organization in Nova Scotia that promotes political leadership
- 3 This attitude was similar to Loat and MacMillan's findings in their exit interviews with federal MPs. See: Allison Loat and MacMillan, Michael, *Tragedy in the Commons*, Toronto: Random House, 2014.
- 4 The main power company in Nova Scotia
- 5 C.E.S Franks, "Members and Constituency Roles in the Canadian Federal System", *Regional and Federal Studies*, 17, No.1. (2007), pp. 23-45.
- 6 Jack Stillborn, "The Roles of the Member of Parliament in Canada: Are They Changing?", Library of Parliament Research Service, (2002), URL: <http://www.parl.gc.ca/Content/LOP/researchpublications/prb0204-e.htm>.