Reform or Revolt:  
How Canadians can take back our democracy

By: Deborah Coyne
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Introduction

“None of the above.” This is the all-too-common response of Canadians when asked who they support in politics today. “Uninspiring”, “ineffective’, “out-of-touch”, and “self-absorbed” are the kind of words we use to describe our representatives. Why are we settling for such mediocrity?

This book stems from an unusual opportunity I had to review my past political activities and organize almost 30 years of writings and thoughts. Crucially, ‘political’ in my case implies not only “relating to the government and public affairs of a country” but also “of or relating to citizens.” Although I spent decades immersing myself in the minutiae of government at all levels, our constitution and our laws, my most constructive political experiences involved popular, citizen mobilization outside of the political establishment. I remain fascinated by how we can use representative institutions and practices to improve our collective future, and shape a society where preserving the dignity of our fellow citizens—especially the disenfranchised—preserves the dignity of us all.

What became regrettably evident in my review was Canadian democratic institutions have continuously let citizens down. We have allowed the established political parties to take control of the democratic process away from citizens and run it like an elite sport of princes. Year after year, the political class in power carefully calibrates (and in the process, trivializes) the conduct of governance to support its re-election, while Canadians express endless frustration over unaccountable, unresponsive government. Election after election, citizens trudge off to vote, less and less enthusiastically (if at all), confined to the sidelines of a rigged political game.

It’s my hope that my book will provide a roadmap to fundamentally reforming our hijacked political structures—to putting engaged citizens back at the centre of our democratic system; and sidelining the political parties that are polarizing politics and constraining our civic space.

Here is something I wrote in 2013, when I was still actively engaged in federal politics in an effort to improve our democracy:
“Like many Canadians, I have lost confidence in the fundamentals of our democratic system, along with the idea of an honest and efficient government. I’m frustrated by endless reports of wasted money and ineffective programs. I resent years of leaders creating short-term opportunities for consumption instead of long-term opportunities for education and employment, leaving us spectacularly unprepared for an age of restraint and environmental devastation. Sadly, especially for many young people, it’s much easier to give up on politics altogether and settle for mediocrity and low expectations.”

I believed we could do politics differently, that we could overcome pervasive spin, manipulation, and obsession with partisan political agendas. Yet today, we find ourselves further than ever from achieving this goal, with a political establishment incapable of enacting the change we so vitally need.

This book is about how citizens must take back control from autocratic, self-absorbed political parties and build up Canada’s democratic institutions to support a sustainable, just and prosperous society capable of surmounting turbulent times ahead.

Citizen discontent with government and the established political parties is rising, although the political elite’s evident distrust of citizens is even greater. The establishment spends most of their energy managing and sidelining citizen engagement between elections. Hence, the ruling party’s obsession with controlling decision-making and messaging, manipulating one or another voting group, and creating wedge issues to needle the opposition—all with a view to successful re-election.

But the Samara Centre for Democracy’s 2019 report called “Don’t Blame The People: The Rise of Elite-led Populism in Canada,” perceptively notes that “democracy is all about people and a healthy democracy requires much more than an election every four years. A healthy democracy requires regular engagement from a wide swath of citizens or it does, indeed, become a plaything of the elite.”

Today, too many Canadians—I call us “sidelined citizens”—neither buy into worn-out political rhetoric about middle-class aspirations, nor see any measurable value in tax cuts or tax benefits for children or workers. Nor do we see any government initiatives that significantly assuage our anxiety about our precarious living conditions, and our social economy’s ominous future. Instead,
we see inequality increasing every day and stagnant or declining economic opportunity, with any rise in incomes still significantly skewed toward the highest earners. With every increase in secure salaries, gold-plated benefits and expense accounts for politicians, and each report of out-of-control pay for private sector CEOs and directors, citizens see more evidence that our democracy is far from a leveling system. As things stand, non-elites have no real say in building a society that assures equal access to opportunities.

The Proof Inc. CanTrust Index is an annual study of the trust levels of Canadians. After three years of stability, the 2019 study shows a significant drop in Canadians’ trust in major institutions, organizations, political leaders, and various sources of information. Proof Inc. CEO Bruce MacLellan said, “until this year, we could trust Canada to be different as other parts of the world fell into fear and cynicism. Our new study suggests that cracks are appearing in Canada’s trust foundation.” Among other things, an online survey of 1,543 Canadians aged 18 and older (representative with respect to region, age, and gender) suggests trust in government sits at a mere 36 percent.

If citizen cynicism and frustration reach a tipping point, if inequality continues to accelerate, if prosperity and progress always seem to happen to other people, if enough Canadians continue living precariously close to the edge, under- and unemployed, conditions will soon be ripe for a reaction that could destroy, rather than strengthen, our democracy.

One thing is for certain: we can no longer take the lazy route and expect to find the perfect leader—the “Enlightened One”—who will somehow make everything right. As of 2019, the Trudeau government, like Harper’s before it, has become too comfortable with power and privilege. Loyalty to the leader is valued above all else; when loyalty is challenged, as in the 2018–19 Jody Wilson-Raybould case, the individual who resists is punished. Politics is viewed as a leader-centred sport, secretive and controlled, focused on the next election instead of Canada’s long-term interests. Long-time political pundit Susan Delacourt describes the Trudeau government as the most cliquish she has experienced.

Small wonder there’s a general sense of disappointment and cynicism towards the Liberal government. They come off as good at rhetoric and grand gestures, endlessly repeating their commitment to helping the (aspiring) middle class; but insincere—powerless or unwilling to take necessary, innovative, and
transformative steps to genuinely help struggling Canadians. And when Liberals resort to vilifying the opposition in an effort to obscure their inaction, citizens are not fooled.

Most Canadians, especially millennials and generation Z, understand the need for government to underpin a strong social economy. In our intensely networked 21st-century world, we have an overload of information about the challenges we face, from unemployment and poverty to climate change, financial crises to pandemics, cyber-crime to terrorism. But we are frustrated. We lack governments and politicians capable of undertaking crucial, long-term collective action. Our governance structure is far too top-down. Our federal system discourages collaboration and harmonization across jurisdictions. Politicians at all levels are much too focused on the election cycle and short-term re-election plans. Power brokers within closed party hierarchies set policy agendas, while citizens’ political energy at the grass-roots level—even within large-scale movements such as Occupy Wall Street or Idle No More—cannot be translated into effective political power and change.

So how can we stop citizens from being sidelined? How can we get engaged to bring about concrete change?

The answer is twofold:

We need an urgent rebalancing of executive and citizen power, so that political power is no longer concentrated in party leaders, and government can genuinely respond to citizens’ concerns and carry out an innovative, ambitious agenda through greater collaboration and compromise. We must reform our democratic institutions and practices, and create new norms based on cooperation, finding common civic goals, and shared respect. As citizens, we have to focus our energy, skills and grass-roots experience on mobilizing outside of political parties, and demand much more of our individual candidates.

We also need to co-ordinate governance so that all levels of government work together—despite varied election cycles—to create national frameworks that support coherent actions and regulations in the many areas that cut across jurisdictions and deeply affect our daily lives.
Our entire system needs overhauling, from our representative institutions to intergovernmental relations. We desperately need to form an environment that encourages consensus among all of our elected representatives, and across all levels of government. We want elections to be about mobilizing Canadians around inspiring, long-term plans of action, rather than familiar, all-too-fleeting personalities.

In this book, I'll discuss the steps required to reform our democracy and take back citizen control from autocratic, self-absorbed political parties, accommodate more independence among our elected representatives, and implement better decision-making and responsive government. I suggest that in seeking ways of strengthening our democracy, it is important to examine and understand the stories of those who have failed to gain influence in the current structures, rather than the very few who have succeeded in playing the rigged game well. It is equally vital to learn from past experiences of popular mobilization for change—experiences all too often omitted from our history books.

I start by discussing the background to our current democratic crisis:

**Chapter 1** The system is broken: Democracy in peril  
**Chapter 2** Why Meech and Charlottetown matter: Lessons in citizen mobilization  
**Chapter 3** Changing the rules: Political engagement and social media today

I then set out five areas of our representative institutions and practices in need of urgent, fundamental change:

**Chapter 4** Taking back control from political party machines: Political party reforms  
**Chapter 5** Making our vote count: Election-related reforms  
**Chapter 6** Compromise, not polarize: Parliamentary reforms  
**Chapter 7** Stepping up: Citizen initiatives and referenda  
**Chapter 8** From the Senate to the notwithstanding clause, constitutional reform is overdue

Finally, I discuss how to modernize our federation and reform intergovernmental institutions and practices, to achieve better results for all Canadians.
Chapter 9 Getting governments working together: Reform of intergovernmental institutions and practices, and harmonizing fiscal responsibility

Chapter 10 The benefits of intergovernmental harmonization

Canadians must get off the sidelines, and take back the initiative to define Canada’s future from self-serving political machines. During elections, this means choosing to support the most thoughtful, principled candidates—regardless of any political affiliation. Far better to elect, riding by riding, a Parliament of trustworthy, independent-minded representatives, than to seek the perfect leader in whom all power is vested. To do this, voters—either individually or through civil society groups—must attend all-candidate meetings, speak to candidates at the door, and require firm commitments to implementing specific democratic reforms. For instance, in exchange for our support, we should demand that candidates vote independently in their legislatures, replace the first-past-the-post electoral system, and impose legal limits on the executive power of the prime minister, as well as leaders at all levels of government.

Either we rise up and insist on serious reform, or our politics will continue to be dominated by privileged elites who consider it a mere game to be fought and won, with citizens there to be manipulated, not served. Complacency is dangerous. It’s time to take back our democracy.

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Chapter 1
The system is broken: Democracy in peril

You are sitting on the roadside in a broken-down GO Bus or mired in endless traffic along one of our nation's highways. You are employed but your salary is never enough, or you are unemployed and looking, still looking. Your thoughts turn to you and your family's state of affairs. You were hoping for a tiny, 1 percent increase in the minimum wage, but a new provincial government has abruptly revoked it.

What about that national childcare program? That would really make a difference, but successive federal governments have talked about it for more than 25 years and nothing has materialized.

How about income support to survive the evermore precarious living conditions associated with having to work multiple jobs in the ‘gig economy’? What about enforceable employment standards to protect against the crazy and unpredictable shifts imposed on you? Or comparable and accessible training across all provinces that would enable you to take up decent work anywhere in Canada?

Maybe, you think, if your vote had some impact, things would improve. But try as you might to select the best local candidate, the best leader and the best political party, nothing seems to change. A new government may start by fulfilling some promises, but within months the impact on citizens—you—does not match the rhetoric. What follows is polarizing debate and intergovernmental squabbling—federal, provincial, municipal, Indigenous—which makes progress on important initiatives glacially slow, or even cancels them, from carbon pricing, to the minimum wage and a basic income experiment.

Eventually, a few long-ignored promises might re-appear, but only a few months before an election.

Meanwhile, you're a parent of a child with a disability or a family living on the edge without affordable housing, and suddenly you find yourself faced with a government's decision to reverse critical funding you had been relying on. You have neither the time nor energy to protest; you simply have to wait another
four years until the next election for your vote to possibly make an impact. But by then you don’t know where your life will be—youren children never stop growing and getting older, and only a steady job with a living wage and access to effective social services will provide you with the dignity and security to survive.

A report published by the non-partisan Angus Reid Institute in March 2019 reveals how we are feeling. Overall, 40 percent of Canadians expect the economy to worsen, more than those who expect it to improve (24 percent) or stay the same (39 percent). Most (55 percent) say they feel the coming 12 months will be a bad time to make a major purchase, and nearly half (48 percent) are concerned that a member of their household could lose a job because of the economy. According to an Abacus Data study from March 2019, the rising cost of living is the number one concern of Canadians headed into the next election.

Our reaction, as citizens, is to conclude that politics is hopelessly toxic and retreat to the sidelines. We give up, struggle along with our lives, and increasingly rely on overstretched volunteer services, charities, or, where possible, our families, to help out. All too often we don’t bother to vote. It seems to make no difference.

We most certainly don’t get involved in political parties to bring about change. We’re now convinced that political parties claiming to have popular support are a sham: weak on principles and lacking long-term vision and goals. Leaders and their close advisors manipulate messaging and massage policies so they can claim that voters are aligned with their objectives. Then once they are elected, especially with a majority government, every initiative must pass the ‘can I get re-elected on this’ test, rather than aligning it with the public interest. This leads to mediocre leadership designed primarily for the benefit of the governing party, not the citizens of Canada.

Understandably, we are frustrated and cynical, alienated from the very individuals and organizations that are supposed to represent us and enable us to act collectively for the good of all. They appear blatantly out-of-touch and unresponsive, unable to manage the complex challenges facing every modern democracy.
If any of this resonates with you, then you are a member of a large and growing group of what I call “sidelined citizens”—those who have been let down by our basic democratic structures. When citizens are sidelined, political dialogue is polarized, driving out principles and long-term vision. Despite Canada’s reputation for moderation, tolerance, and inclusion, we, too, are vulnerable to pernicious, divisive forces.

I come at this with over a decade’s personal experience with the traditional party system, which I discuss in Chapter 4. Between 2005 and 2014, I was involved in three nomination contests to be a candidate for the Liberal Party of Canada. I also ran as a Liberal candidate in the 2006 general election. Along the way, I received advice from party insiders that I just had to play the political “game” nicely, wait my turn, accept that it’s all about luck and timing in so-called “winnable” ridings—code for doing all you can to get the leader’s personal support for your candidacy. In 2012–13, I joined the race for the leadership of the Liberal Party, a further education in how the system works.

In 2015, I transitioned out of the Liberal party in favour of a very refreshing stint as policy advisor to Elizabeth May and running as a Green Party candidate in the 2015 General Election. The Green Party was, and still is, a very open party, with a generally thoughtful, diverse membership and an able and articulate leader, but without the debilitating party discipline that suffocates the established parties. I have since left partisan politics, and I no longer see the party system as a useful vehicle for much-needed change. However, I hope that Green Party candidates will be able to maintain a coherent anti-establishment and independent spirit, as Canadians increasingly turn away from the status quo.

Most Canadians today are thoroughly disillusioned with our established political parties. Our leaders rule by distraction and diversion, and appeal to the lowest common denominator. They seem content to spout empty rhetoric and rely on appearance over action. They pander to their bases and seek to vilify the others. Meanwhile our democracy is ill-equipped to confront massive challenges such as: climate change, the effects of automation and technological disruption, our need for increased immigration while managing huge movements of people fleeing poverty, war, and crime.

As the gap between political elites and ordinary citizens has widened over the past couple of decades, it has stoked populist movements that give voice to
widespread frustration outside of the political establishment. Broad-based, popular engagement with civil concerns is invaluable—an indication of the need for serious change, and of citizens’ motivation to participate in transforming the status quo. But in the absence of a vibrant, inclusive civic space and strong democratic infrastructure, it can be co-opted by otherwise marginal far-right extremists and neo-Nazis, who use social media’s echo-chamber effect of information and misinformation, a potent weapon that makes it hard for many to distinguish between what is true and false.

At times like this, our democratic institutions prove fragile, and we see wild swings from one extreme policy agenda to another—in Ontario, for example, from Kathleen Wynne to Doug Ford. Under Wynne’s Liberals, Ontario took a step forward in introducing a basic annual income pilot project and increasing the minimum wage, only to see Ford’s hard-right government eliminate the annual income experiment and cancel the minimum wage increase. Canada’s political debate could all too easily degenerate into the corrosive polarization that overwhelms America.

Spike Lee’s powerful movie, *BlacKkKlansman*, comedically dramatized how the election of a white supremacist and former Grand Wizard of the Ku Klux Klan David Duke—considered absurd amidst the civil rights struggles of the early 1970s—is now not far from our reality. Today, Donald Trump has used white nationalism to his advantage, has Duke among his supporters, and has repeatedly refused to condemn Duke’s racist rhetoric.

To end this cycle of cynicism and polarization, and ensure our democratic institutions are strong and responsive to the needs of citizens, all of us need to get involved. This isn’t the time for passivity. It is the time for mobilizing to save our democracy. Going forward, like Dumbledore’s army in the Harry Potter series, we must always maintain a state of constant vigilance.

Citizen action must call for long-overdue reforms to our representative institutions and practices, re-establish responsible government, and repair what so many disillusioned voters see as a broken social contract undermining our democracy. Unfortunately, the kind of reforms we need—that enable both the clear articulation of specific long-term goals reflecting a broad consensus, and the establishment of a practical action plan for implementation, and funding—are impossible in current circumstances. So long as the established political parties have a monopoly over the levers of power, they will refuse to
take any action that undermines the ruling party leader’s effective control over the legislative process.

As recently as the 2015 general election, the Liberal Party, the New Democratic Party, and the Green Party all promised a whole raft of accountability, open government, and electoral reforms affecting the operation of Parliament and designed to diminish the power of the Prime Minister’s Office. Among other things, these would have resulted in freedom for MPs to act outside their partisan bubbles. The result is less polarization and more effective government action.

But as we have seen, once the Liberal Party of Canada elected a majority of MPs, these reforms were ignored, sacrificed on the altar of getting re-elected. The government settled for a short-term agenda of half measures that can easily be erased by the next government, like Doug Ford’s Ontario government reversing the minimum wage increase. With notable exceptions, like Liberal cabinet ministers Jody Wilson-Raybould and Jane Philpott who were at the centre of 2019’s most explosive political controversy, the majority of MPs are convinced by the leader that politics is dependent on their absolute support of Party through its leader, even when this undermines the national interest of the Canadian people. So, instead of the promised new way of doing politics, Justin Trudeau’s Liberals have treated us to widespread sycophancy, together with the same recitation of mindless, PMO-drafted talking points that characterized the Stephen Harper era.

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Nothing better symbolizes my thesis than the SNC-Lavalin affair, which featured Jody Wilson-Raybould, a prominent Indigenous politician who held two high-profile positions in Trudeau’s cabinet—Minister of Justice and Attorney General—from 2015 to January 2019. In her role as Attorney General, she had decided not to overrule a decision by the Director of Public Prosecutions to pursue charges of corruption and fraud against the Quebec engineering multinational SNC-Lavalin. Wilson-Raybould later reported that she was subjected to repeated overtures by cabinet colleagues and officials from the PMO trying to convince her to change her mind. After Treasury Board President Scott Brison resigned in January 2019, it provided Trudeau with an opportunity he couldn’t resist. In a cabinet shuffle on January 14, he reportedly moved Wilson-Raybould first to Indigenous Services and then, after she refused
the post which would require her to administer the Indian Act, to Veterans Affairs—widely seen as a demotion. Trudeau also replaced Brison at the Treasury Board with former Indigenous Affairs Minister Jane Philpott, a move seen as a promotion but in fact was a convenient way to neutralize both Philpott and Wilson-Raybould, who were often allied in cabinet against the PMO’s preferred direction in Indigenous matters.

On February 7, The Globe and Mail published a story, citing unnamed sources, reporting that Wilson-Raybould’s “lack of cooperation” as Justice Minister and Attorney General was the main reason she was removed from the portfolio. Five days later Wilson-Raybould resigned from her cabinet post and at the end of the month appeared before the Commons justice committee and stated that she felt intense political pressure and veiled threats relating to the SNC-Lavalin file. A few days later, Philpott resigned from her Treasury Board post saying, “Sadly, I have lost confidence in how the government has dealt with this matter and in how it responded to the issues raised... I must abide by my core values, my ethical responsibilities and constitutional obligations....”

It was a dramatic moment, but all the more so for those who recalled the day Justin Trudeau was sworn in as prime minister, standing in front of his cabinet made up of 15 women and 15 men. When he was asked why a gender balance mattered, he held up his hands and said, “Because it’s 2015.” Three years later, the self-proclaimed feminist appeared to have been too clever by half.

With the prime minister’s minions in overdrive trying to protect him and limit his direct involvement in the controversy, Wilson-Raybould produced another bombshell. In December 2018, when various government representatives were pressuring her, she voice-recorded a call from then-clerk of the Privy Council Michael Wernick that dashed all denials that Trudeau had been aggressively involved in protecting the interests of SNC Lavalin. In part, Wernick said: “I think he is gonna find a way to get it done one way or another... he is in that kinda mood and I wanted you to be aware of that... he is in a pretty firm frame of mind about this so... I am a bit worried... It is not a good idea for the prime minister and his Attorney General to be at loggerheads.”

My take on all this is that Jody Wilson-Raybould is among our rare principled politicians. She correctly identified and resisted attempts by the prime minister and his advisors to pressure the Attorney General to undermine prosecutorial independence. Jane Philpott, likewise, stood up “for principle, truth, and
justice,” resigning to protest the cabinet’s decision to support the government’s handling of the SNC-Lavalin affair. Finally, on April 2, 2019, Trudeau ejected both women from the Liberal caucus—a decision that was his alone, because the Liberal caucus had failed to adopt for itself the power to decide its own membership. In fact, the caucus had failed to even hold a vote on whether to adopt that power, despite being required to do so in the Parliament of Canada Act. Both Wilson-Raybould and Philpott subsequently said they would run as independents in the 2019 election, free from a political party telling them what to say, or a political staffer telling them how to vote.

Wilson-Raybould and Philpott were both cabinet ministers. Pity the poor backbencher. Author and political scientist Alex Marland, who is working on a book about how party discipline has intensified in Canada, wrote in the March 2019 issue of Policy Options: “Backbenchers are unfairly derided by pundits as trained seals who mindlessly follow their masters’ orders. In reality, they are interesting people who get involved in party politics hoping to make a difference. But too often independent thinking does give way to a team mentality. The transformation begins the moment they sign a “values contract” when they want to be nominated as party candidates. The contract is signed during the candidate vetting process to screen out people who might attract negative attention during a campaign and those unwilling to commit to the party’s core values, such as the principles articulated in the party constitution. The team ethos is reinforced through a daily barrage of digital messages, including hashtags that emphasize the team leader (such as #TeamTrudeau).”

Two camps have emerged in the political sphere:

- The politics as usual/politics as a game camp sees political parties as the personal instrument of the leader for the purpose of winning the next election and staying in power.

- The principled citizen camp refuses to accept that politics is a game and believes in a vibrant citizen-powered democracy. Its members are those who believe we can do better and do not have to settle for mediocrity.

To apply this to today, the politics as usual gang has tried to change the public’s positive perception of both Jody Wilson-Raybould and Jane Philpott as principled heroes. They made a great effort to portray both women as self-interested politicians out only for their own personal glorification. The as usual
gang, best symbolized by the team within the PMO, are acolytes and yes-men who argue that politics can only effectively function as a rigorous team sport with fealty to the all-powerful leader. Indeed, Democratic Institutions Minister Karina Gould suggested on CTV that the expulsion of the two women, and preserving caucus unity, was more important than addressing the constitutional breach of judicial independence that is at the core of the controversy. Astute *Maclean's* columnist Paul Wells, called this phony but surely it is well-beyond phony. “And since the lot of them never stop calling themselves #TeamTrudeau on Twitter,” Wells wrote, “I guess we can, without fear of contradiction, say the Prime Minister of Canada has been the phony-in-chief.”

By the spring of 2019, Trudeau began diverting attention from the scandal by framing the upcoming fall election as a choice between the Liberals or the frightening Conservative party of Andrew Scheer. But how frightening is it? In an article published in April in the *Christian Science Monitor*, a reporter summarizes commentator Stephen Marche’s views on the difference between Canadian and U.S. politics. “Although Canadian Conservatives have taken up wedge issues, especially around immigration, in their quest to regain power... it is nothing like what he hears from some far-right elements of the U.S. Republican Party in which ‘there really is a sense of wrecking the whole thing.’” That’s not to minimize Scheer’s duty to make clear at every turn that he is committed to isolating and rejecting any anti-immigrant, anti-LGBTQ2, racist, xenophobic and misogynist elements within his party.

At a speech Scheer gave on May 28, 2019, he said: “I’d like to make something absolutely crystal clear. There is absolutely no room in a peaceful and free country like Canada for intolerance, racism, and extremism of any kind. And the Conservative Party of Canada will always make that absolutely clear.” This may sound reassuring, but Scheer has to more consistently demonstrate actions that reflect his words, and must fully overcome concerns about, for example, his speaking at a rally in February where members of the “yellow vest” movement, who champion anti-immigration messages, were present.

Still, Scheer is not Trump and the Liberal Party of Canada does not have a monopoly over governance in Canada, nor in defining what is in the public interest. Indeed, the Liberal government increasingly appears incompetent and drifting. Despite initial enthrallment with his celebrity status, good looks, and promise of “sunny ways,” Trudeau has demonstrated all too clearly the
superficial, self-interested side of Liberal party culture: the arrogance and the suffocatingly centralized party leadership that rules in a bubble.

Citizens are increasingly recognizing this and seeking alternatives. We’re prepared to pass harsh judgment on the faulty moral compass that guides the Liberal government and demand more than carefully-crafted spin from our elected representatives. While we may have concerns about Scheer and his Conservatives, we won’t be scared into voting Liberal because the alternatives are said to be worse.

It is important to understand that this crisis of frustration with government is not without precedent. The popular movement that flourished in opposition to the Meech Lake Accord of the late ‘80s and the Charlottetown Accord of the early ‘90s [more on this in Chapter 2] demonstrated how diverse groups of “critical, engaged and involved citizens” —which the Samara Centre for Democracy considers always good for democracy—can come together to protect and promote the rights and freedoms of all Canadians. According to Samara, constructive, broad-based citizen action is vital if we are to find solutions to the “very real problems [in our democracy today] including centralized control, degraded legislatures, unhealthy political parties and low voter turnout.”

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One recent afternoon, I was chatting with a customer service representative at our local post office when she asked me in dismay why the Ontario government cancelled the further increase of the minimum wage in Ontario to $15.00. She couldn’t understand why the new government was so mean, and how something announced by a previous government could be so easily overturned. Among other things, I said that the policy reversal could have been averted if Doug Ford had not been elected with a majority government. I explained how a minority government would have provided serious checks on his power, and likely prevented the change.

Excited, she then asked how she could vote for a minority government at the next election. Which led to a further discussion about how a minority government could not be engineered under our first-past-the-post system. We could only try to elect candidates committed to electoral reform. Some form of proportional representation would more accurately reflect the will of citizens
and pave the way for coalition governments, which would in turn encourage greater compromise and collaboration, such that Doug Ford would be unable to polarize a sensible policy like raising the minimum wage.

So, for now, what can sidelined citizens do? First and foremost, we must vote, especially the over 30 percent who consistently fail to cast their ballots. One person, one vote, is (supposedly) the bedrock of democracies and only by voting can we expect to see positive change. Yet structural change is required to make our votes count, and we still have to use the deeply flawed first-past-the-post voting system at least one more time. This too often results in flukes, as in 2015, when we got a surprise majority government with the support of only a minority of the population who turned out to vote.

In part, votes had shifted to the Liberals in 2015 because Justin Trudeau had a clearly-voiced commitment to pursue electoral reform. According to his pre-election platform:

“We are committed to ensuring that 2015 will be the last federal election conducted under the first-past-the-post voting system. We will convene an all-party Parliamentary committee to review a wide variety of reforms, such as ranked ballots, proportional representation, mandatory voting, and online voting. This committee will deliver its recommendations to Parliament. Within 18 months of forming government, we will introduce legislation to enact electoral reform.”

But after a Special Committee on Electoral Reform met for most of 2016 and produced a report in December recommending electoral reform and a consultative referendum, Trudeau abruptly abandoned the campaign promise [more on this in Chapter 5]. With the media repeating the obvious, but dangerous, conclusion—that Canadians can no longer believe any election promises, an invitation to further cynicism and voter disengagement—this episode proved beyond a doubt that Canada suffers from an autocratic political system in which a prime minister has more executive power than the President of the United States.

The time is overdue to elect a government able and willing to implement transformative reforms to our democratic institutions and practices, including electoral reform. To this end, citizens need to work outside established political parties. We need to devise ways to wrest control from the parties at all stages
of the political process, from the selection of candidates to the legislative process. Only by electing more independent and principled MPs, who are encouraged to collaborate across partisan divides, can we take back our democracy and defeat the forces that for too long have treated politics as their private sport and enforced the rules for their own benefit.

One day, a person associated with a thoughtful non-profit, non-partisan organization dedicated to “increasing civic engagement and a more positive public life,” thanked me for my service to Canada over the years. She asked me what I thought I had been able to contribute to public policy or public life during those years of active involvement in politics. Without bitterness, but with some regret, I replied, “nothing.”

I spent most of my adult life refining my thinking about Canada—its values and institutions—and how we can ensure good governance and productive citizenship. But while those goals may have resonated with many fine people along the way, I can honestly conclude that my partisan activity had no meaningful impact whatsoever. That experience qualifies me to comment on the dysfunction of conventional party politics.

Still, there was one time in my political life I can truly say was a rewarding and effective experience: my involvement in the constitutional debates over the Meech Lake and Charlottetown Accords, from 1987 to 1992. Citizens took matters into their hands and battled around the rigid, insular political elites that were steering the country in the wrong direction. The debates were full of principle and a sense of purpose, providing valuable insights into the hopes and dreams of Canadians across the country. This experience forms the bedrock of much of my thinking on creating political change today.
Chapter 2

Why Meech and Charlottetown matter today: Lessons in citizen mobilization

How does the Charlottetown referendum, and the five years of debate that preceded it, relate to today? The 1992 referendum saw most of Canada's population vote against an agreement supported by the political establishment, including every official party. It was a powerful grass-roots message to Canada's "elite political class" and certainly a preview of how things would develop in this country over the course of subsequent decades. Citizens coordinated a widespread, organized revolt against the lack of transparency and accountability that still plagues political conduct in Canada, both within governments and between different levels of government.

All in all, it was arguably among the two or three most successful citizen mobilizations in Canadian history. Still, according to many in our political, academic and media establishments, it might as well be written out of our history books. This misrepresentation must be changed.

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More than 30 years ago, Canada faced a constitutional crisis that was resolved by citizen engagement, organised in exactly the kind of movement we need to see today. It started in 1987 with the Meech Lake Accord, when then-prime minister Brian Mulroney introduced controversial amendments to Canada's Constitution. The amendments, demanded by the Quebec government, would have seriously undermined the role of the federal government and eroded the Charter of Rights and Freedoms. Meech was presented to Canadians as a take-it-or-leave-it proposition.

In April 1987, I was a young law professor at the University of Toronto reading through the proposed changes to the Constitution. I couldn't believe how eleven men could have the audacity to sit in camera and then present to the people of Canada changes that would result in a substantial devolution of powers to the provinces, and a substantial reduction in the impact and powers of the federal government. Essentially, the prime minister had conceded each of Quebec's demands for more powers and, wherever possible, extended these concessions to all the provinces to ensure their support, undermining the Charter in the
process. At the very least, there was something wrong with a process that could alter the fundamental law of the land—our basic individual rights and freedoms and basic framework for our representative institutions and practices—without serious consultation and direct input from the people of Canada.

Unfortunately, the flawed constitutional amending formula adopted as part of the historic patriation process in 1982, and the failure to amend the preamble of the constitution to include an inspiring ‘we the people’ provision, leaving only a dry outdated reference to “supremacy of God and the rule of law”, made the first ministers’ controversial action possible in 1987. The final 1982 amending formula expressly rejected the initial proposal for a referendum mechanism to ensure popular assent for constitutional change that Prime Minister Pierre Trudeau and sovereigntist premier René Lévesque of Quebec both supported. But in the final compromise with the recalcitrant provinces outside Quebec who opposed the Charter of Rights and Freedoms, the federal government reluctantly agreed not only to an amending formula that requires only legislative votes in the federal and provincial legislatures, but also to the controversial notwithstanding clause, which allows governments to override certain rights and freedoms from time to time. The determination of nine provinces to hold out for a package that did not include a referendum mechanism meant the final package was rejected by René Lévesque, and the myth of Quebec’s exclusion arose. [More on this in Chapter 8.]

A day or so later, I sat with other constitutional law professors to settle on the materials for the coming school year when one of my colleagues mentioned in passing that we should add the Meech Lake Accord. I strongly objected, saying that it should never become law. To me, the Meech Lake Accord represented a complete reversal of the country’s constitutional evolution. It seemed obvious that it had the potential to create enormous rifts in, if not tear apart, the fabric of the Canada I loved.

In my view, Mulroney and the provincial premiers had made an enormous miscalculation. After patriation of the Constitution in 1982 and the introduction of the Charter, Canadians felt a sense of ownership in what was now seen as our constitution, and would surely take offense at the idea that matters that would ultimately define Canada might be conducted behind closed doors. My instinct proved accurate almost immediately, as Canadians began to voice their distaste for such hasty reforms.
Even back then, I realized that our parliamentary system, dominated by established political parties, was not the way to fight Meech. Individual MPs and provincial legislators were expected to toe the party line once the leader made a decision, leaving no room for independence. This is true to this day, as I’ll demonstrate in future chapters.

To effectively mobilize citizens to oppose the Accord required organizing outside the established political parties. That’s why I abandoned the idea of trying for a nomination to be the Liberal Party of Canada candidate in the Beaches riding during the 1988 election campaign, and instead turned to organizing popular opposition. The Liberal leader, John Turner, strongly supported Meech from the beginning, and although a few Liberal MPs and candidates were critical of the Accord, they had no chance of exerting any influence in a House of Commons with a strong conservative majority. The best approach, I decided, was to spend my time organizing citizens outside the party structure, in hopes of convincing those who supported the Accord that they were wrong.

Recognizing that Mulroney was hell-bent on ramming the accord through the relevant parliamentary committees as quickly as possible, I spent the summer in my small office on the top floor of Falconer Hall, one of the two old U of T Law School buildings, contacting people across the country to build the foundations of a national organization. In those pre-Internet days, doing so required a lot of energy: phone calls, writing submissions for various people who wanted to appear before federal and provincial committees, and late-night photocopying sessions with volunteers preparing material that had to be sent via courier the next morning.

It astounds me to think what we could have accomplished then if we’d had access to today’s instant communications and social media networks. I believe opposition to the accord would have coalesced so quickly that it would have forced the first ministers to back down and spare Canada three terrible years of divisive and damaging debate that increasingly alienated citizens from self-absorbed political elites.

We organized from the grass roots, using little more than landline telephones and word of mouth, without the convenience of texting, email and social media. Individuals were encouraged to get any civil society group—or any other private or public association they were involved with—to oppose the accord.
This expanded our civil society base to include women’s groups, indigenous groups, municipal councils, schools, the March of Dimes... the list was endless. What mattered was to build a consensus and develop a list of key concerns that all opponents could sign onto, so as to ensure our opposition was united and coherent, nationally based and not anti-Quebec.

Public debate intensified, spurred on by purposeful, intricate popular organizing. Protest happened through every possible outlet, inside and outside the provincial and federal legislatures. Proponents of the Accord labelled us “dissidents”, claiming we were “anti-Quebec” and out to weaken Canada—very much a prelude to the fearmongering and deliberate polarization of political messaging practiced so assiduously by the established political parties today.

The proposed constitutional amendments were controversial because they seriously undermined the role of the federal government and eroded the Charter of Rights and Freedoms’ vision of equal citizenship and a Canada-wide civic identity. For most Canadians, the decentralizing concessions demanded by the Quebec government (supported, unsurprisingly, by all the other premiers) were too high a price to pay for a largely symbolic vote of approval for the 1982 Constitution in the Quebec National Assembly. Despite Lévesque’s regrettable refusal to sign the final document, the 1982 Constitution had become the fundamental law of the land everywhere in Canada. 72 of 75 Quebec MPs in Parliament voted in favour of the changes and, since 1982, Quebecers have not hesitated to rely on the Constitution and our Charter of Rights and Freedoms, in the courts and elsewhere.

The political leaders of all the major political parties closed ranks to support the executive agreement reached by the heads of federal and provincial governments, without any consultation or engagement with citizens. Legislative committees were established in all the jurisdictions to examine the Accord, but most signatory governments had little trouble obtaining majorities to pass the necessary ratification resolutions through their respective legislatures—undeterred by growing public concern.

The Quebec government led the way by approving the Accord on June 23, 1987 and triggering the three-year time frame set out in the Constitution for obtaining all requisite ratifications (in this case, from all provincial legislatures, the House of Commons and the Senate). In so doing, they were following the amending formula introduced as part of the Constitution Act, 1982 that only
requires approval of federal and provincial legislatures, and excludes the possibility of directly consulting citizens.

It was an exciting time of citizen mobilization. The multi-partisan coalition of opponents that I helped build endured through the three-year life of the Meech Lake Accord and beyond, to the Charlottetown referendum vote in October 1992. Our goal was always to criticize constructively and, wherever possible, present alternatives such as recognizing Quebec’s distinctiveness in the constitutional preamble so that the Charter would not be undermined.

We wanted to unite Canadians from all walks of life around common principles of equality, freedom and democratic participation. By connecting diverse citizen initiatives under a national roof, we cultivated a vibrant civic space for debate and action to address urgent collective concerns. This architecture—maintained through careful and tireless communication and organization—facilitated a proliferation of meetings and events across the country. (All my papers and records related to this period are deposited in the National Archives).

In Parliament, the Senate stalled its ratification process and held lengthy committee hearings that provided an invaluable outlet for the growing opposition. The Senate’s eventual rejection of the Accord was overridden by the House of Commons. Over the course of the ensuing three years, three new provincial premiers were elected who did not accept the Accord as it stood. New Brunswick ultimately passed a futile companion accord to address some criticisms.

In 1989, Newfoundland and Labrador elected a new premier, Clyde Wells. He had vocally articulated his principled opposition to the Accord, which had been approved by the House of Assembly under his predecessor. Premier Wells indicated that he was prepared to rescind the NL House of Assembly’s prior approval.

With very little hesitation, I accepted an offer to work with the premier as his constitutional advisor. Within two weeks I had moved from Toronto to St. John’s. Finally, an opportunity had emerged to realize the goals of our national movement to stop the Accord, provided the NL House of Assembly revoked their approval.
Premier Wells confronted Mulroney face-to-face at a First Ministers' Conference in November 1989. The debate was broadcast live on television and replayed many times on newscasts. Unsurprisingly, Wells came across as a hero. Look no further than the polls for evidence. A majority of Canadians outside Quebec favoured the accord in 1987; by 1990, as Wells' personal popularity soared, a majority opposed it. In particular, many Canadians became uncomfortable about giving Quebec “distinct society” status, which sounded like one province would be elevated above all the others. Wells had emerged as a national voice representing the opponents of Meech.

The basic details of Meech are well-known. Today, the debate may seem to some like a lot of wrangling over dry and convoluted constitutional minutiae; at the time, though, Meech was a wild rollercoaster ride for the entire nation.

Mulroney refused to back down, wrongly assuming Canadians could be persuaded to see the Meech Lake Accord in a positive light. Convinced that a deal with the holdout provincial premiers was all that was required, the prime minister initiated what turned into a marathon 70-hour negotiating session in a boardroom in Ottawa’s Conference Centre, at the very last moment before the June 23 deadline for approval. On June 9, 1990, Mulroney announced that a tentative agreement had been reached. The lone holdout was Clyde Wells, who agreed to present the compromise to his province’s legislature. A few days later, Mulroney gave an interview to The Globe and Mail. The story published on Tuesday, June 12 made it clear that the prime minister had deliberately timed the first ministers’ conference to ensure a crisis atmosphere, maximize pressure on the hold-out provinces, and leave so little time that Newfoundland would be unable to hold a referendum.

Though Mulroney's revelation hardly surprised those familiar with his overwhelmingly partisan approach, his bluntness on this occasion was extraordinary. He described gathering his advisors at 24 Sussex a month before the June conference to map out a federal strategy. "Right here, I told them when it would be," Mulroney said. "I told them a month ago when we were going to [meet]. It's like an election campaign. You count backward. [I said,] 'that's the day we're going to roll the dice.'"
At this point, all but two provincial legislatures had approved the accord, so the success or failure of Meech rested on Manitoba and Newfoundland’s responses to Mulroney’s compromise. Manitoba premier Gary Filmon was in favour, but faced a procedural hurdle. If he could not get all members of the Manitoba legislature to unanimously approve the compromise, public hearings would have to be held—a process that would stretch beyond the ten-day deadline. On June 12, the province’s lone Indigenous representative, Elijah Harper, strongly backed by Indigenous groups across Canada, refused to give his consent.

The resolve of the Indigenous leaders was inspiring and appropriate. Few were better placed to lead the opposition than the first inhabitants of Canada who, as so many pointed out, were more important, distinctive, and fundamental than any other group. They collectively dispelled naive notions that they could be bought off with minimal concessions thrown together by Mulroney and the pro-Meech forces. I can’t think of a better illustration of the vital need for any constitutional reform in this country to be transparent and open at every stage, taking into account the interests of all Canadians equally.

For the remaining days of the debate, I coordinated responses to over 12,000 letters, calls, and faxes received during the ten-day period. Without exaggeration, 95 percent supported Wells—a tangible demonstration of how out-of-touch the other first ministers were with Canadians’ feelings about Meech.

At the Newfoundland House of Assembly, the cabinet debated whether to hold a referendum or a free vote. A referendum proved impossible under the tight time constraint, so a debate was set to begin on June 20, giving the members of Newfoundland’s House of Assembly time to return to consult their constituents in their respective districts. In the end, with backing from his caucus, Wells tabled a motion to adjourn and the House voted in favour. A vote on the Meech Lake accord was thus deferred for good. Meanwhile, the people finally prevailed with one final wave of Elijah Harper’s feather, as he thwarted the unanimous vote in the Manitoba legislature.

In the midst of all the political manipulation, some in the media became extraordinarily engaged in support of Meech. Those of us organizing in opposition to the Accord had to learn to grow a thick skin, stand by our principles and not be provoked by pathetic efforts to stigmatize us. This was never easy. A few days before the Accord expired, then leading Globe and Mail...
commentator Jeffrey Simpson penned a direct personal attack on me and my counterpart in Manitoba, entitled “Wherever the Meech flame flickers, there they’ll be with a snuffer”, and arguing that if we were wrong about the need to defeat the Accord, “Canada as we know it is finished”.

A year later, the *Montreal Gazette*’s brilliant cartoonist, Aislin (Terry Mosher), captured everything that was wrong with Meech in one simple image. It depicts Wells asking Mulroney, "But if Meech was as important to Canada as you've always said it was, why didn't you let Canadians vote on the matter?" Mulroney replies: "Because, Clyde, it was far too important."

When Meech died, all of us who had opposed the Accord hoped our experience would ensure that any future constitutional amendments would be grounded in open, principled debate and direct consultation with the people of Canada, to prevent such a debacle from ever recurring. We were to be disappointed. Despite key advisors’ advice to the contrary, Mulroney forged ahead with a new round of constitutional talks that would become known as the Charlottetown Accord.

The new initiative led by Joe Clark did involve public consultation, but this was carefully managed to sideline opposition, constrain popular engagement and ensure majority legislative support in all provinces and territories. The new package of even more extensive reforms was quickly dubbed “Meech plus”. This time, the Charlottetown Accord appeared to garner not only the support of all premiers, but of Indigenous leaders as well.

Fortunately, Mulroney opted to call a consultative national referendum, seeking what he hoped would be such unambiguous support for the constitutional amendments across Canada that expeditious ratifications by all legislatures would follow easily. The political elite, media, and both the cultural and business communities supported the Charlottetown Accord. Liberals either endorsed it or retreated to the sidelines. Even Clyde Wells was on board, judging that sufficient progress had been made toward Senate reform and addressing Indigenous concerns.

As if he’d learned nothing from the failure of Meech, Mulroney set a low tone by calling opponents of the accord "enemies of Canada". For most Canadians, it seemed the public was once again under-consulted, and bullied to fall into line with an even more complicated set of constitutional reforms in an apparent
replay of Meech. By then working in Ottawa, I helped to co-found ‘Canada For All Canadians’, one of the registered "no" committees during the campaign leading up to the 1992 national referendum. I simultaneously co-wrote, with law professor Robert Howse, a little book called *No Deal: Why Canadians Should Reject the Mulroney Constitution* in which we outlined Charlottetown's deficiencies. "There is absolutely no reason to think that this Accord will bring constitutional peace," we wrote. "What does history suggest about pacts and armistices made under threats and intimidation? They lack all moral authority and soon dissolve into chaos and conflict".

Canada For All Canadians gained a reputation as the only credible, pan-Canadian "no" committee. As a result, the media took us seriously. Other "no" groups tended to represent narrower interests. For example, I kept a cautious distance when contacted by Preston Manning—then leading the newly-created Reform Party—since his opposition had a strong anti-Quebec flavour that ran counter to our movement’s inclusive approach.

In order for the federal and provincial governments to entrench the Charlottetown Accord in the Constitution, in accordance with the amendment provisions stipulated in the *Constitution Act, 1982*, it was generally accepted that the support of a majority of voters in seven provinces comprising 50 percent of the national population would be required, if not provincial unanimity. The question on the ballot was: “Do you agree that the Constitution of Canada should be renewed on the basis of the agreement reached on August 28, 1992”?

The referendum legislation of 1992, which is still on the books, was flawed and rudimentary. For example, as there were no financial controls on spending, any Yes or No committee could spend $.564 per elector. This meant the deep-pocketed, federal-government-sponsored Yes committee outspent their grassroots No opponents by hundreds of thousands of dollars to one.

Yet this huge imbalance in financial resources had little impact on voters, who were reasonably well informed by the time of the vote. The referendum debate had been effectively five years in the making, and prior broad-based organizing meant we were well prepared to mobilize against another establishment attempt to constrain popular dissent.
On October 26, 1992, the Accord was unambiguously rejected in Quebec, and by a majority of voters in most other provinces (as well as voters living on First Nations reserves) who turned out in very high numbers to vote. Mulroney wisely withdrew the initiative.

So ended an incredibly, and unnecessarily, divisive period in our nation's history. Appropriately, Mulroney's approval rating dropped to 11 percent in a 1992 Gallup poll, making him among the most unpopular prime ministers in the half-century since the introduction of opinion polling in Canada. He retired just two months before the 1993 federal election, replaced by his defence minister, Kim Campbell. With little time to rebuild the party, Campbell suffered the worst defeat by a governing federal party in history. In 1993, the Progressive Conservatives went from 151 seats to two, thus losing official party status.

Mulroney was right to call a consultative referendum. Enduring another lengthy legislative ratification process for the Charlottetown Accord was not an option. The referendum was the most expeditious and democratic mechanism available, and it proved effective in enabling citizens to mobilize on both sides in a condensed time frame.

Regrettably, since the Charlottetown referendum, a knee-jerk distrust of referenda has emerged among those in the Canadian political establishment who supported the Accords and were bruised by the ‘unsatisfactory’ outcome. They deem the referendum an overly simplistic mechanism that prevented Canadians from understanding the complexity and value of the Charlottetown Accord. In other words, citizens were ill-informed, and those who voted No simply made the wrong choice.

This is wrong. Canadians across the country had a very good understanding of the Charlottetown Accord, and seriously debated both its general impact and detailed legal provisions. Properly designed and executed, consultative referenda are entirely appropriate for gauging public opinion in a constructive way—even when complex issues are at stake—and an important tool for strengthening our representative democracy and enhancing citizen participation.

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The basic organizational structures, skills and practices we honed during the citizen mobilization around the constitutional amendments between 1987 and 1992 are still required today, albeit with the benefit of much more efficient communication tools. The participatory power of social networks and our unfettered access to data is transforming politics and democracy itself. Political influence is shifting away from brokers and elites and back to the people, provided we can harness digital infrastructure to expand our civic space, build principled movements and renew our democracy.
Chapter 3

Changing the rules: Political engagement and social media

As I look back on my rather eclectic history of political engagement, the most exciting and fulfilling experiences involved anti-establishment campaigns, grounded in popular mobilizations outside the traditional political arena. The pre-Internet, pre-social media era I started out in now seems so antiquated. Linking up in those days took endless hours of phone calls and photocopying, faxing, and snail-mailing. Things that took hours to accomplish then, now take mere minutes or seconds.

Social media today is certainly a positive development in the political landscape. Vital civic concerns can get traction, and many more voices can be amplified much faster and more effectively than before. I think of the #MeToo campaign and so many others.

The potential of this vastly enlarged civic space makes it well worth the time and effort required to correct negative impacts of heightened connectivity and to design effective mechanisms to filter out the bigotry, misogyny, and dis- and misinformation so prevalent on social media today, while containing the just plain trivial.

What most interests me, though, is how to use social media more constructively to strengthen our democratic institutions and practices, as well as ensure that it serves the broader purpose of supporting a thoughtful, more-informed citizenry. Can we restore public confidence in our elected representatives, and ensure more responsive and responsible government? Can we expand our civic space so that citizens can interact with our governments in a more collaborative, consensus-building and less polarized way, around long-term projects and goals?

I strongly believe most Canadians accept that our government’s role is to enable all citizens to fully enjoy equality and our rights and freedoms, and to provide the basics of citizenship: justice and safety, public education, healthcare, clean air, clean water, housing, parks, etc. We believe government should help build a resilient social economy so Canadians can meet the real challenges we all face on a daily basis: finding and keeping a decent job with decent pay, raising children in a safe and clean environment, caring for elderly parents and
disabled relatives, and ensuring enough food is on the table. At the same time, we believe that governments must raise enough revenues, through various types of taxation, to adequately fund our collective responsibilities. And raising this revenue must be done fairly, openly, and efficiently to ensure that the wealthy pay their fair share to ensure fiscal sustainability.

To accomplish all this, however, requires governments that are more collaborative, and elected representatives who can carry through big ideas and bold policies. This is where citizen action—and social media—comes in.

If you look around, you will see a vibrant world of engaged citizens, active community organizations and articulate civil society advocates collaborating on the ground, outside political parties, to promote leveling the playing field for all Canadians and their families. Their activities are varied—from helping Canadians directly with support or legal advice to initiating legal action, challenging government laws or regulations, and raising awareness of underserved communities.

Citizens are fighting for a wide range of policy initiatives at local and national levels—an annual basic income, tax reform, public education, childcare, post-secondary education, employment training, healthcare, pharmacare, infrastructure, public transportation, social housing, electoral reform, climate action and sustainable development. These are the reforms that will better prepare us for our real world of technological disruption, deepening globalization, climate change, and nuclear proliferation.

We must encourage citizens and innovative civil society organizations to network with each other much more, and combine their efforts, rather than operate largely out of separate silos. If their collective impact were enhanced, governments might then be persuaded to experiment with bold initiatives, rather than continuing to allow social and economic injustices to persist.

You may remember from the previous chapter that this is what my colleagues and I did when we formed that multi-partisan umbrella organization to oppose the controversial constitutional amendment proposals that were the Meech Lake and Charlottetown Accords, in the period from 1987 to 1992. This approach was necessary because all the mainstream political parties, both federal and provincial, supported the accords and provided no democratic outlet for widespread public concern. This, by the way, is a serious flaw in our
Constitution: that amendments require only legislative approval, not a citizen-based vote.

We carefully built up a broad-based, resilient network of diverse civil society groups, communities and individuals across Canada that opposed the accords for different reasons. What united all of us was our determination to prevent a serious weakening of the federal government and the Charter, and our shared commitment to building a Canada much bigger than the sum of its parts. We didn’t need any prior experience to start mobilizing around this common cause, and contribute—each in our own capacity—to amplifying our collective voice. Ultimately, in a consultative referendum called in 1992, Canadians turned out in very high numbers to definitively reject the constitutional changes tabled by the Mulroney government.

Today, at a minimum, I see common ground among four groups of concerned citizens, whether or not we are already organized in community or civil society groups:

1. Supporters of a basic minimum income that could simplify the confusing and conflicting federal-provincial-municipal income support programs, provide greater economic freedom to citizens, and even help resolve federalism’s coming fiscal crisis.
2. Tax reformers who want fiscal sustainability and an overhaul of our unfair, exemption-riddled income tax system, as well as a better balance between income tax and other taxes such as corporate, financial transactions or consumption.
3. Workers who want to ensure that automation and artificial intelligence (AI) is deployed in such a way as to increase, not decrease, opportunities for meaningful work.
4. Environmentalists who support climate change mitigation and sustainable development.

The challenge is for these groups to form, well before an election, a coherent network for concrete collaboration beyond just digital communications. This organization would agree on a joint program, or demands, to present to candidates of all parties in the election. Typically, election candidates receive endless streams of single-issue questionnaires that they just hand off the central party office to complete—which hardly encourages independent thought on the candidates’ part. What’s novel about the process I’m proposing
is that candidates would be asked to support a joint program that included not only particular policy initiatives of concern to the citizens’ network, but also the institutional reforms essential to ensuring real legislative progress. These candidates, if elected, would commit to working with like-minded colleagues across partisan lines to find common ground, to broaden frameworks for engaging with citizens (including citizen ballot initiatives that are working well in California), to insist on voting independently in the legislature, and to support electoral reform involving a proportional voting system.

Even if only a few such candidates were elected initially, the emergence of an independent, multi-partisan democratic caucus—comprising representatives directly accountable to a network of diverse Canadians united around common goals—could make a real difference and likely force through crucial reforms, especially under a minority government. One such reform, namely, the introduction of some form of proportional voting—would eventually lead to more minority and coalition governments which, as we see today in British Columbia and New Brunswick, compel elected representatives to work together across party lines. [More on this in Chapter 5]

In general, such governments ultimately prove more productive and responsive to the concerns of citizens. Minority governments clip the wings of party leaders, preventing petty actions like Doug Ford’s cancellation of the minimum wage increase. But equally importantly, coalition governments would take more care than Kathleen Wynne did to build the necessary consensus and enact critical safeguards required to preserve what is arguably a good long-term policy on minimum wage.

I hold out great hope that younger Canadians—the Millennials and Generation Z that follows them—can turn around the environmental and financial mess that Baby Boomers and Generation X are leaving behind. Generation Z, born after 1997, now constitutes 17 percent of the population. One study finds that, like Millennials, they are “connected, open and optimistic”, extremely diverse—from their values to their backgrounds—and pragmatic, having watched their parents struggle through economic decline. Data from the Samara Centre suggests that young Millennials and Generation Z actually discuss politics more than older Canadians, and are more likely to participate in almost every way—except for voting. Whether they will develop the habit of voting early remains to be seen.
Most importantly for this discussion, these younger generations are masters of social media. But we must remember that to have an enduring impact requires more than merely digital networks. It requires coordinated, on-the-ground operations and constant vigilance over the use of social media to encourage online participation in thoughtful forums, rather than the instant, reactive kind of exchange that shuts down or intimidates constructive civic engagement.

Social media can serve as an extraordinarily efficient communication and information-sharing tool. And digital networks play a valuable role in bringing together a diverse range of unconnected citizens. But we are now all too aware of the risks inherent in our instant access to unlimited quantities of information. It often amplifies our sense of insecurity and skepticism, and encourages disinformation and disrespectful discourse.

In effect, digital networks on their own can neither translate the kind of superficial, fleeting emotional attachment expressed through a “like”, a “comment”, or a “retweet” into constructive action, nor build informed consensus and encourage collaboration across wide gulfs of opinion. Too often, the most insightful voices are lost in the noise or drowned in triviality. Research finds that social media platforms are built to intensify and spread strong emotions like anger, awe, and anxiety—thoughtful deliberation is less valuable in the attention economy. If we cannot find a way to use our networks to communicate meaningfully across these divides, social media risks simply intensifying the existing fault lines in our society.

When the French grass-roots movement involving citizens wearing yellow vests (that they are required to carry in their vehicles) first erupted in fall 2018, it was not connected to any particular trade union, political party, or other national organization. Many assumed the internet was the explanation for the emergence and diffusion of the protests, or that Facebook had somehow caused the protest movement itself. What observers ultimately discovered was that the transmission of information via social media was simply an enabler for a variety of organizations, such as traditional unions of teachers and transport workers, to join forces around their shared concerns, while reinvigorating their individual organizations’ platforms. This collaboration significantly amplified both their collective and individual impacts on national conversations about economic and social justice.
So, behind all the hashtags and virtue signaling in our digital world, it is still the people on the ground and their real-life, mobilized networks that drive social movements. The original yellow vests protests that began at the traffic circles in small communities were organized by people already connected and living together in the same small town. It was an organic popular movement focused on improving the lives of the working class. But while the original movement demonstrated the power of civil society groups collaborating to enhance their collective impact, the very breadth and force of social media that enabled concrete citizen mobilization also facilitated its hijacking by extremists more interested in disrupting and shutting down opportunities for broader civic engagement.

The protests in France demonstrate that organizing modern social movements for change still requires effective on-the-ground networks, while integrating digital capabilities carefully into traditional methods of organizing and civic infrastructure. Popular movements still drive the internet, not the other way around. But inequalities in access to digital activism persist, reflecting broader structural inequities of class, race, gender, and other factors. Constant vigilance is required to prevent exclusionary, divisive elements from infiltrating and subverting a movement’s goals and principles.

As we turn increasingly to social media to help expand our civic space and organize politically, popular platforms like Facebook and Google merit public scrutiny and oversight. Facebook and Google have coercive economic power. They effectively control half of all digital advertising revenue. They exploit the data they control, bundle the services they offer and use discriminatory pricing to retain benefits they would otherwise be obliged to share with consumers. They have achieved monopoly power while also competing against one another, swallowing up competitors and deploying enormous resources to invade each other’s territories.

In addition, Facebook and Google’s business models are built around surveillance. They make most of their money by elaborating increasingly detailed profiles of your behaviors and preferences, and selling that information to advertisers. Search results and social feeds created by advertising companies are strongly incentivized to push you toward information silos or apps that show you more ads from those same platforms.
Companies this dominant—near-monopoly distributors of information—will rarely take adequate action on their own to protect society from the consequences of their actions, especially with respect to privacy and data protection laws. When so many of us are only too happy to give away our most valuable asset, our personal data, in exchange for a free email service or a cute cat video, governments must take action to protect the public interest.

The historian Yuval Noah Harari calls this meta-challenge “avoiding a digital dictatorship”. We must regulate data ownership to prevent a concentration of all wealth and power in the hands of a small elite—whether it’s Amazon’s Jeff Bezos or Facebook’s Mark Zuckerberg.

Furthermore, decent future jobs in AI are predicted to be relatively few in number compared to jobs lost to automation, and likely to go to the well-educated and well-connected. As many citizens lose their economic power, they lose political power. The same technologies that risk making billions of people economically irrelevant may also make them easier to monitor or control. In fact, AI could erase the practical advantages of democracy, erode the ideals of liberty and equality, and concentrate power among a small elite group who control the data. Our sidelined citizens will be left even further out-of-the-loop, angry, and alienated.

So, national government oversight and stringent regulations are needed to preserve competition, privacy, innovation, and fair and open access to data. Unless we move in this direction, we are abdicating crucially important civil decision-making to large, private, non-governmental corporations instead of to fully accountable governments or governmental organizations.

Canada is, unfortunately, a global outlier in terms of government action vis-à-vis the tech companies, according to Jim Balsillie, Chair of the Council of Canadian Innovators, and many others. Balsillie appeared before the International Grand Committee on Big Data, Privacy and Democracy that met in Ottawa in May 2019. The Committee is comprised of Canadian MPs and legislators from a small group of countries (including U.K., Ireland, Singapore, Mexico, Chile, and Morocco) concerned about content regulation and privacy protection on social media.

Facebook’s CEO, Mark Zuckerberg and COO, Sheryl Sandberg, refused to appear to testify before the Committee, leaving it to Facebook’s in-house policy
advisors to repeat the official position: Facebook welcomes more control by governments and regulators, and the establishment of basic standards as concerns difficult issues like free expression, democratic participation, and hate speech. Facebook is clearly determined to avoid adopting pro-active measures of its own accord, such as amped-up screening algorithms, that would prevent content inciting fear, hatred, and conspiracy theories from being posted. Facebook will only take action when the content is brought to its attention. The sad truth is that such incendiary content drives users to its platforms and adds monetary value.

Canada is lagging seriously in all areas of legislative and regulatory oversight relating to competition, privacy, and election laws. In April 2019, the Privacy Commissioner, Daniel Therrien, completed an investigation into Facebook’s operations following the Cambridge Analytica scandal. He concluded that Facebook had broken the law by acquiring hundreds of thousands of Canadians’ private information and indicated that he would be seeking a court order against Facebook. However, the privacy protections in our legislation were empty and effectively unenforceable in these circumstances.

Equally concerning, according to the Commissioner, is the fact that Canadian political parties have not yet agreed to be subject to our own privacy legislation. At the same time as developing highly sophisticated methods of data collection, the federal parties have plead poverty—insisting that they would be unable to meet even basic legal privacy standards. But in many other jurisdictions (including British Columbia), political parties must meet the same or comparable privacy standards as are imposed on private companies, while still campaigning effectively. Yet the partisan data collection by political parties, as much as by private companies, undermines the personal autonomy and private will of sovereign individuals—the fundamental basis of democracy. Indeed, one of the primary objectives of parties in collecting our data is simply to determine whether or not we’re likely to support them, and therefore, worth talking to or not.

Political parties are in the business of learning as much about you as possible and influencing your choices at election time, yet have hitherto refused to submit to our privacy legislation and the pertinent regulation and oversight. This is unacceptable and must be corrected. Citizens must have much greater rights over the use, mobility and, monetization of personal data in all contexts, and any regulation thereof must be accompanied by meaningful enforcement.
At an international meeting in Paris following the Christchurch massacre and the murderer’s disturbing Facebook posts, Canada signed the Christchurch Call along with 17 other countries to address, among other things, content regulation (free speech versus censorship) on social media. The federal government also announced a 10-point Digital Charter that regrettably turned out to be an assemblage of digital initiatives preoccupied with protecting and managing personal data collected by online companies. Canada urgently requires much more: a coordinated policy initiative with respect to content, data, and competition policy in the digital industry.

With respect to our elections, the federal Minister of Democratic Institutions issued a Declaration on Electoral Integrity regarding the conduct of social media companies during an election. Facebook, Google, and Microsoft have now signed it, but Twitter has yet to do so. Unfortunately, the Declaration is as vague as the Digital Charter, with no teeth, or any announced plan whatsoever for measuring whether the terms of the declaration are being met. This reflects a consistent tendency of the Canadian government—increasingly at odds with other democratic governments trying to tackle this problem—of being almost deferential to the social media platforms, and steering clear of any hard regulatory power of the State.

The Democratic Institutions minister did introduce Bill C-76 in December 2018, creating new regulation for third-party advertisers on electronic platforms. The legislation broadly defines “election advertising” as any ad taking a position on an issue with which a registered party or candidate is associated. A “registry” requirement, which must be updated daily, is then imposed on websites and apps. The impact of these first steps at regulation is uncertain and will require ongoing, coherent, government attention. Facebook’s ad registry is now exceeding the requirements of the law. But Google decided that it did not have enough employees or capacity to monitor all ads and update a registry constantly in real time. So the tech giant complied with the law by canceling all political ad sales in Canada during the upcoming regulated election period. This in turn upset the political parties that need Google to establish their demographic targeting campaigns. Google was then summoned to appear before the House of Commons Committee on Access to Information, Privacy, and Ethics in May 2019, to explain its decision.
In addition to establishing oversight and rules for tech companies, social media and political parties, much more conscientious action is needed to strengthen civic and media literacy, and ensure a truly informed democratic citizenry. All citizens need expanded ethics and rights training in all areas of social, economic and cultural life. And substantial investment is required for teaching civic and media literacy every year, at every level in schools—not just for one term in high school.

One final observation: if there was any doubt about the need for serious oversight to hold social media platforms accountable for the civic impact of their activities, Facebook’s recent record should put that to rest. The online giant continues to be a valuable tool for authoritarians out to control and suppress civic opposition, as demonstrated recently in Brazil by incumbent president Jair Bolsonaro. Mark Zuckerberg only acknowledged after the fact that military authorities had manipulated his routine expansion of Facebook into Myanmar to catalyze the Rohingya genocide. Warnings were issued by activists on the ground, but no one was listening at the Facebook headquarters, and no-one held accountable for the social media network’s devastating impact. A similar situation arose in India when inflammatory messages on Facebook’s WhatsApp whipped up sectarian violence, resulting in many deaths. Facebook has since tweaked the usage rules for WhatsApp to address the situation, but sadly after-the-fact, with no assurances of ongoing consideration of serious preventive action.

Clearly, the questions of who controls social media and data, as well as who controls our political parties and democratic processes, present urgent challenges here in Canada and elsewhere. Addressing these challenges will determine whether we succeed or fail to build a more resilient and inclusive democracy, and advance sustainable social and economic justice for all Canadians in our extraordinary, globally connected society.
Chapter 4

Taking back control from political party machines: Political party reforms

What can be done to end the hegemony of our insular, autocratic political parties and open up the various institutions and practices they currently monopolize?

Political parties used to play the crucial role of mobilizing citizens and constructively guiding public policy agendas. Now, they operate phony grass-roots organizations, which at most involve two percent of the population and serve merely as election machines for party leaders. Research from the Samara Centre recently found that a majority of Canadians wouldn’t even consider joining a major party in the future.

Party leaders tightly control everything: the nomination of the candidates you vote for, the election policy platforms you are presented with, and, if elected to power, Parliament’s legislative program. This means submissive party caucuses, submissive cabinets, and ultimately submissive legislatures. Even the new, transparent way of governing Justin Trudeau promised, quickly devolved into the same top-down, tightly-controlled style of government familiar to any previous prime minister going back to the 1970s.

This centralized control does not translate into the bold government action we desperately need to address our economic and social anxieties. The government’s focus on the four-year re-election cycle leaves no room for long-term thinking and goals. Debate in the legislature is methodically controlled over so-called wedge issues—like carbon pricing or immigration—to attract the short-term attention of voters. MPs dutifully recite talking points prepared by political parties that scrape your personal data off Facebook and Twitter to design micro-targeted messaging, while conveniently exempting their outreach operations from oversight by the Privacy Commissioner.

Critically, it is not in the interest of political parties seeking re-election to implement policies designed to break down this debilitating, top-down party control and encourage more collaboration across partisan divides in the legislature, however essential this may be. Hence the majority Trudeau government has rejected electoral reforms that would introduce some form of
proportional representation; parliamentary reforms to allow more free votes and eliminate omnibus bills; and other modifications that would place party nomination races and memberships under Elections Canada oversight.

Under these conditions, little or no attempt is made to debate, design and implement bold policies that would make a noticeable difference to struggling Canadians. So, we have to settle, at the federal level, for a limited increase to the Canada Child Benefit here, a slight enhancement of the Canada Pension Plan there, and some tinkering with our convoluted tax system.

Under a majority government, the opposition can do nothing to force change, and there is minimal civic space in which citizens can constructively engage with policy-makers. In Ontario, for instance, it is already all too clear that lobbying to change Doug Ford’s plans to cancel the minimum wage increase is futile. Citizens’ frustration is compounded by the chaotic dysfunction that exists between different levels of government—federal, provincial, territorial, municipal, Indigenous—which produces paralysis instead of the crucial harmonization needed for effective public policy.

Serious reforms are essential to reverse the weakening of our democratic institutions and practices, and declining civic respect. Only in this way can we harness the populist will that is so easily expressed in our age of social media, and so easily fragmented and perverted by self-interested politicians. This change will happen when individual Canadians join forces to rebuild this country regardless of partisan political affiliations. A new generation is focused on our global society, not on borders, and not on the parochial, tiresome debates that characterize old-school political thinking.

To be effective in restoring power and influence to citizens, we need to overhaul the role of political parties, the election process and the rules of Parliament, to introduce more direct democracy, and to amend our constitution. In this chapter, I will propose measures to reduce the influence of political parties in our democratic processes. Subsequent chapters will address other areas of reform.

I will draw on my personal experiences navigating the shoals of party politics to illustrate the urgency for change. My eclectic career spans over 30 years of varied political activity, but mine is a cautionary tale. I found participating in
active politics exhilarating yet failed in my ultimate goal of becoming an elected representative.

This is not to say I have regrets. Looking back, I can easily identify moments when I could have changed course and compromised my principles to succeed. I knew that many established politicians and pundits considered me naïve and intransigent, but I could never accept that politics was a game. Among other things, this trivializes governance in our democracy. When deposed Liberal Jody Wilson-Raybould announced her plan to run as an independent in May 2019, she expressed her will to “change the way our parliamentary system operates.” The reaction from many establishment commentators was that to do so is impossible; the system as it exists is entrenched. They could not be more wrong. And the broad support among Canadians for both Wilson-Raybould and Philpott demonstrates this.

If we are serious about strengthening our weakened democracy and revitalizing representative institutions and practices, the way forward comes not from the exceptional success stories of politicians who have succeeded in getting elected. It should come from the experiences of many more who have failed. The stories of those who failed to obtain a nomination, who were manipulated out of the way by the party leader or his advisors, or the rare examples of those who were elected but refused to be reduced to talking-point factotums, are the stories that must be told. For out of the accounts of losers in a rigged political game will come a blueprint for serious structural and systemic reforms that will end the rule of insular established parties and inject more accountability, popular input and control into our democracy. The reforms that will end the polarizing, pandering approach of parties focused solely on electoral success and instead promote thoughtful, constructive debates among candidates and, eventually, the elected representatives of any given Parliament or legislature.

As recently as the 1970s, political parties were still considered the essential underpinnings of our democratic system. They played critical roles in mobilizing voters, nominating candidates for elections, selecting party leaders, and developing policies for election platforms that could eventually form part of a government’s legislative program. Today, I believe our established parties no longer make a constructive contribution in the democratic process.
By the 1980s, when I first became politically active, many current criticisms of political parties had been articulated by the President’s Committee for Reform of the Liberal Party of Canada. The 1985 report of that Committee, which I participated in drafting, was a response to strong grass-roots objections to the centralization of control by the leader, Pierre Trudeau, and his office. The recommendations were wide-ranging and included strengthening the role of unelected party members, as well as creating a Council of Riding Presidents to ensure more meaningful interaction between the elected and unelected wings of the party. The recommendations were largely ignored. When the Council of Riding Presidents was finally created years later, it was left weak, dysfunctional, and practically irrelevant.

While this disappointed me at the time, I did not realize that it would be just the first of many similar disappointments that would follow successive efforts to reduce the top-down control of established political parties’ structure and operations. My involvement in party politics—trying either to influence policy or get elected to parliament—was a long, frustrating process of learning that the only way to have any real influence is to be very close to the leader and his advisors who expected absolute loyalty from his “team”.

As I mentioned earlier, elected politics was not an option while I was engaged in the constitutional battles. Only in 2005, when I decided my children were old enough, did I try re-entering the party-focused political arena I had left 18 years earlier. At that point, I had no obvious riding in which to run, except where I was living in Ottawa, and no effective connections with then-leader Paul Martin or his team. Nevertheless, I had some enthusiastic supporters, and enough confidence to believe that a hard-working, independent-minded, principled candidate could run successfully for open nominations. I would soon learn otherwise. The nomination for my Ottawa riding was quickly passed off by the retiring Liberal MP to her preferred successor. The date of the nomination vote was rigged so that only the successor had time to sign up enough members to seriously contest the ballot. The successor was conveniently acclaimed.

Rather than give up, in 2005–06, I settled on my only other option: to run in a completely unwinnable riding. Liberal Party central was prepared to grant me a free path to the nomination for the riding of Toronto Danforth, provided retiring MP Dennis Mills agreed. The support of Mills, who still “controlled” the riding association membership at that point, would pretty much guarantee my acclamation at the nomination meeting. Paul Martin’s campaign advisors
thought I might be able to attract some positive attention to an otherwise hopeless race against NDP leader Jack Layton, who was the riding’s shoo-in candidate. My allies advised me that running in Toronto-Danforth would amount to “paying my dues”, making me eligible for a more winnable riding in the next elections.

That general election period was one of the longest in history, stretching from November 2005 to the end of January 2006, and necessitating a few days’ break of sorts over Christmas. Most of my party help came from provincial Liberals led by Dalton McGuinty, who would call a by-election in the riding shortly after the national election. The provincial Liberal candidate, Ben Chin, accompanied me from time to time when I was canvassing door-to-door. Two or three extraordinarily dedicated volunteers also helped, but I frequently canvassed alone through rain, sleet, and snow. I discovered that I thoroughly enjoyed door-to-door exchanges and the chance to really get to know, and respond to, the concerns of citizens.

After my all-too-predictable loss, and with Jack Layton and the NDP now comfortably ensconced in Toronto-Danforth, I turned to next steps. I hadn’t factored in Paul Martin’s sudden resignation after Stephen Harper’s government came to power. My ability to find a nomination in another, more winnable, riding was now dependent on building a connection with a new leader. For all intents and purposes, any “credit” I had earned by running for the Martin team was null and void, non-transferable to a new leader.

In the 2006 leadership race, I decided to support Michael Ignatieff. I was advised to find ways to work for him to build up my “credit” with him and his inner circle and become eligible for a better riding should he become leader. But almost immediately, I grew concerned when he swiftly supported Harper’s declaration that the Québécois were a nation, albeit within Canada. I managed to schedule a brief meeting with Ignatieff and present him with a memo about the history of Meech and Charlottetown, explaining how the better approach to re-opening the issue of Quebec’s so-called exclusion from the constitution and distinct society was to draft a new preamble to the Constitution. [You can read more about it here.]

Ignatieff responded that while he understood the problem, his team thought a change of position would appear weak in the eyes of voters. Indeed, his support for the nation concept already figured in his printed campaign materials. At the
leadership convention, he and Bob Rae both lost to the compromise candidate, Stephane Dion, who had a somewhat stronger federalist position on the “Québécois-as-a-nation” debate.

So, I was back to square one with yet another leader with whom I had no connection. I decided to seek a nomination in the Toronto riding of Don Valley West, which had opened up when MP John Godfrey retired in 2008. It was a riding that I had lived in and understood. I was told that my candidacy was futile since the leader’s office would be supporting Rob Oliphant, but that if I withdrew quietly, I would be in a better position for the next winnable riding. I could see what was happening on this chessboard. Dion’s office pulled in behind the candidate supported surprisingly by both the Ignatieff and Rae teams, which jointly dominated the Liberal scene in Toronto. Rob Oliphant had been a vocal supporter of Ignatieff, but had also helped Rae by stepping out of the 2006 Toronto Centre nomination race to make way for Rae after the leadership campaign.

After withdrawing from the Don Valley West race, I briefly considered a Brampton riding whose MP, Colleen Beaumier, had announced that she would not be running in the next election. I met with the riding president and retiring MP but was then advised that Dion was throwing his support behind Andrew Kania, who reportedly had donated significant funds to Dion’s leadership campaign. (As I recall, the local riding association did not welcome the party’s choice, and much manipulation took place before the party could safely call a nomination vote and be assured there were enough Kania votes in the bag.) Yet again, the lesson learned was that when party central decides on a preferred nomination result, there is no point putting up a fight. At the time, I was reminded once more by senior organizers that it was “not my time and place.”

But I also concluded that if you ran a credible campaign for party leadership, the successful leader would generally enable unelected leadership candidates to obtain nominations. In 2006, this was the case for Bob Rae in Toronto Centre (which led to Rob Oliphant’s play for Don Valley West) as well as Martha Hall Findlay, who had run for party leadership after being sidelined in the 2006 election, when Conservative MP Belinda Stronach crossed the floor to be nominated as the new Liberal candidate for Newmarket. Indeed, I had looked into Jim Peterson’s riding of Willowdale when he announced his retirement after his 2006 re-election. He indicated that while he liked the idea of my
candidacy, he was obliged to pass it on to Martha Hall Findlay following her unsuccessful leadership bid.

In addition to taking steps to find a new riding, my continued interest in government and policy led me to establish a website and blog called Canadians Without Borders in 2008. My experience as a first-time candidate two years earlier had convinced me that I had to understand the entire policy universe, including intergovernmental connections, in order to feel confident in active politics and have credibility when asserting public policy positions. I felt that as a candidate, anyone in the public was entitled to ask me a question and get an informed answer, without spin or doublespeak.

I wanted to encourage and contribute to a public debate among Canadians about what we share; what it means to be Canadian when so many of us come from all over the world; and what we, as Canadians, want to accomplish together. We need to have a national voice that is clear, coherent, and principled. But to have that we had to have bold, visionary, national leadership and a more collaborative and collegial federalism.

It took the devastating collapse of the Liberals in 2011 to permit a sclerotic party, however briefly and cautiously, to open itself up to people like me, who have a genuine interest in engaging Canadians in a debate about the future of our country. So, on June 27, 2012, I decided to campaign for party leadership, and created a new website (www.deborahcoyne.ca) to promote One Canada for All Canadians and to document my ideas, policies, and activities.

I was determined to see whether, in our age of instant and low-cost communication, it was possible to do politics differently; to run a relatively frugal campaign of substance, uncluttered by spin and manipulation. We had to move beyond obsession with partisan political agendas. A renewed Liberal Party would only be as strong as its links to citizens, encouraging and connecting with the many grass-roots groups committed to helping the disenfranchised, protecting the environment, advocating for world peace, and generally strengthening Canada.

I’m not naive about the tactics pursued by others, but I have full confidence in the Canadian people’s ability to distinguish between the authentic and the phony. I know many people get it. There is a different way to approach politics.
I drew inspiration from a trip I took to Washington in 2010 to see Jon Stewart’s and Stephen Colbert’s “Rally to Restore Sanity and/or Fear.” It took two political satirists to assemble a quarter of a million people at an anti-rally rally against the hijacking of the political system by elites that effectively shut out ordinary people. It was a political event that never endorsed a politician, just the idea that the citizenry can—and should—take control of the political narrative. There was a lot of humour, but Stewart struck a more serious tone in his closing speech, stating: “We know instinctively as a people that if we are to get through the darkness and back into the light, we have to work together.”

That is, in fact, what drew me to political life: the idea of helping to bring people together, something I have always strived to do. The all-volunteer team I assembled for the Liberal leadership race included former colleagues from various organizations for which I worked, former law students, people I helped over the years, and citizens who backed my Meech or Charlottetown efforts.

Running for the leadership was a great experience for me. I ran with a comprehensive policy platform: One Canada for All Canadians. With help from some enthusiastic volunteers, we created a colourful Roadmap to One Canada, with each policy direction linked to 22 short policy papers. [You can see it here.] I was finally free to express my opinions, unfettered by existing party policies, for what I hoped was an interested audience.

Here is the summary of my vision of One Canada—the policy framework I hoped could help the party and next leader—from my final speech:

I entered this race to engage Canadians in a conversation about national politics and to make the argument for One Canada – One Canada for all Canadians.

We are more and more disconnected in a Canada that is just a fragmented collection of provinces and territories – a nation in name only – and a fading presence in the global community. This has to change. And I am convinced that Canadians want it to change.

We’re tired of a dysfunctional political process, polarized politics and the winner-take-all mentality of the left and the right. We are tired of national government that is only about short-term partisan gains and the next election, instead of inspiring us to work together in the national interest, for the long term. We can and must do much better. We have to get back to the fundamentals of governing for all Canadians – for the people, not the
politicians. We have to get back to building a Canada that matches our highest aspirations for ourselves and our nation.

What does this One Canada look like?

- It’s a Canada where we have the same quality of health care in St. John’s as in Toronto.
- It’s a Canada where our abundant minerals, gas and oil are developed sustainably based on the best science and most advanced environmental standards.
- It’s a Canada where we fully address the infrastructure needs of our towns and cities without leaving impossible debt to future generations.
- It’s a Canada where skilled citizens can go where the jobs are and always take their certifications with them.
- And it’s a Canada where everyone looking for new work gets transitional support and training, because the best social and economic policy is a good job with fair pay.

I am convinced that together, we can build this Canada – One Canada for all Canadians.

We need bold national leadership to focus on strengthening Canada and our responsibilities to one another as citizens of this great country. We need bold national leadership so that we are coherent and respected in all the international forums addressing the growing number of challenges that require global cooperation. Bold national leadership is not about imposing blueprints or micromanaging matters better left to other levels of government. It is about articulating a clear vision and principles that bring citizens and governments together in the national interest. Bold national leadership in our 21st century world of instant communications means the federal government – the one government elected by and accountable to all Canadians – leads collaboration across all jurisdictions – not just provincial and territorial, but also municipal and Aboriginal.

Canadians know all too well that the critical challenges we face today involve every level of government – we cannot neatly allocate this or that responsibility to this or that jurisdiction. We need to modernize our federation with new national forums, so that government actually helps Canadians meet the real challenges we all face on a daily basis: finding and keeping a decent job with decent pay, raising children in a safe and clean environment, caring for elderly parents and disabled relatives, and ensuring enough food is on the table.

I have proposed the creation of a new national forum to address these challenges: A Council of Canadian Governments, chaired by the prime
minister, to bring all levels of government together to ensure action on selected national priorities each year. These priorities could be health care and environmental standards, a national price on carbon, a national energy grid, lower drug prices, and an Infrastructure Financing Authority. The Council of Canadian Governments will lead the effort to finally implement a Canadian economic union, removing the barriers to productive economic activity across provincial borders that currently hinder so many business and employment opportunities for Canadians.

In the past, whenever Canadians have accomplished great projects – such as medicare and public pensions – it took national leadership and constructive collaboration across jurisdictions and levels of governments. When the challenge has demanded it, we have always been able to rise above any disagreements to commit to common national objectives that strengthen Canada, and our place in the world.

We have such enormous potential to be one of the great nations of the 21st century. Canadians from all corners of the world are building one of history's most fascinating, diverse and cosmopolitan societies. A society dedicated to equality of opportunity and the pursuit of social and economic justice, grounded in the entrenched Charter of Rights and Freedoms. With our incredible human and geographic diversity, we have every right to be proud and assertive on the global stage, leading the way to renewing our global institutions and conventions for the 21st century.

Let there be no doubt: we are building a great nation. We must bring citizens and governments together to create a better Canada, a Canada that deserves the admiration of the world for our innovation and competitive spirit, for the respect we show to our environment and our indigenous peoples, and for our commitment to social justice and our support for the disenfranchised.

During this campaign, I have heard from many Canadians of their desire for a more civil dialogue and more constructive teamwork in national politics, especially in Parliament. I share this desire, and I have made a range of proposals to reduce the bloated power of the Prime Minister's Office, return power to Parliament, and empower individual members of parliament with the freedom to work together in service of the Canadian people.

I stand ready and willing to work with anyone who shares our vision for Canada, whether it is in Parliament, or in our communities, because it is going to take all of us working together to address the challenges our nation is facing. Canadians are sending us a clear message – that we need straight talk, clear goals, and reasonable, principled compromise.

We are privileged to live in freedom in one of the greatest countries in the world. But with that privilege comes great responsibility. A responsibility we
must all share. We must look over the horizon, make reasonable compromises, and build a Canada much bigger than the sum of its parts. A Canada where everyone has equal access to opportunities and is included in our shared prosperity, and where everyone shares in the hard work to make this a reality.

We must demand more from our politicians and from ourselves. We must demand better.

Canada is a land of vast opportunity with a vibrant, globally connected population and extraordinary and expanding human energy and potential. It is time to fully embrace what we can do as a nation and as a people, to unleash this tremendous energy – the ideas, the talents, and the drive. Because together, we can build One Canada – a powerhouse of prosperity, sustainable living and social justice. One Canada for all Canadians.

Unfortunately, throughout that long leadership race spanning June 2012 to April 2013, most media outlets studiously ignored my candidacy because I had not been previously elected. Even when Justin Trudeau and I were simultaneously confirmed as accredited candidates with all the requisite signatures, I was never mentioned by name. With dark humour, my campaign manager compared me to Lord Voldemort in the Harry Potter series, “he who must not be named.”

Of course, this all made me constantly question why I was sticking it out, but I kept my expenses and expectations low. I successfully covered all my expenses through supporter contributions but was left with some outstanding leadership debt (now retired) because the party unexpectedly set the contest fee at an exorbitant $75,000, instead of the anticipated $30,000 (the 2006 fee), in an attempt to limit the number of candidates.

As I said in my final speech of the campaign on April 6, 2013: “it was an amazing journey. Nine months, and over 20,000 kilometers of driving later, here we are at the end. I have dodged buffalo while driving the Alaska Highway across northern British Columbia in a snow storm. Survived the treacherous Highway 63 on my way to Fort McMurray. Crossed the Confederation Bridge onto Prince Edward Island in fog and high winds. Visited communities from Whitehorse to Gander. I have consumed more early morning oatmeals and coffees in more Tim Hortons than I care to remember, and I have thrived on the excitement of innumerable rerouting battles with my GPS. I owe enormous thanks to my all-volunteer team for running an unprecedentedly frugal national campaign. We proved that a campaign about vision, principles and ideas can survive.”
I thoroughly enjoyed the opportunity to meet so many Canadians genuinely interested in how government could be more responsive and responsible. I loved long questions and answers sessions during which I could really listen to their concerns and suggestions, and exchange views on a wide range of practical proposals that would enable elected representatives to implement real change for the better.

In the end, however, the leadership race was all about “electability”, not policy. And many in the establishment would argue that the election of a majority Liberal government in 2015 confirmed the merit of the choice.

But in my view, leadership races should still be about policy and long-term vision. By focusing on electability alone, the party missed an important opportunity to reset and reform itself to provide a more responsive, transparent, and accountable government. The centralized control of both organization and the policy and legislative agenda by the leader was simply transferred to a new person.

I can think of at least two crucial policy areas which were largely ignored and did not sufficiently test our future prime minister in ways that would have ensured a more informed leader, and a more informed electorate. One is electoral reform, which Trudeau evaded throughout the leadership race. More thoughtful engagement in 2013 might have prompted greater scrutiny of his sham 2015 campaign promise, which he abruptly but predictably revoked in February 2017.

The second is Canada’s approach to China, which was already looming large as a highly significant challenge for 21st century foreign policy. Maclean’s commentator Paul Wells recently looked back at Trudeau's comments during the Liberal leadership race depicting China as a benign actor on the world stage. Wells wonders whether we might not be in today's disturbing standoff with China had there been more scrutiny of, and challenge to, Trudeau’s naïve views much earlier in his mandate. Some of us tried to initiate debate on this and other critical topics, but the leadership selection process was too carefully controlled—and the media coverage too narrow—for our interventions to be heard.
After the leadership race ended, I tried to secure a nomination one more time. After a futile effort in the infamous riding of Toronto Centre, which was yet again in play with Bob Rae’s retirement, I was blown off quickly by the leader’s office. They had already tagged the riding and obtained Bob Rae’s support for Trudeau’s candidate of choice, Chrystia Freeland. I then settled on my old riding in Ottawa, Ottawa West Nepean, which was then held by retiring Harper cabinet minister John Baird. From February to late October 2014, I worked hard going door-to-door signing up new members. I refused all offers of assistance tied to the unethical practice of buying memberships. My two opponents refused to participate in open public meetings or debates save for one carefully controlled event, which involved each of us speaking to five individual questions (two minutes per question) that we were given in advance. When my team and I uncovered many forged memberships while going door-to-door to meet potential voters, I carefully documented and submitted formal challenges to these memberships. Party officials categorically rejected my challenges on voting day. Once again, my defeat was not unexpected.

Looking back, should I conclude from my experience that continuing to seek out a viable riding was misguided? Should I have given up and accepted long ago that principle and policy were of no real value in politics, that you simply must have and maintain the leader’s support? For better or worse, I was determined to prove that citizens deserved better. So, what have I learned from three decades of political involvement?

For too long, nomination races have formed the ignored, undemocratic underbelly of our political system. Selecting the candidate to represent the party in the next general election is the party’s equivalent of The Hunger Games—an often-amoral competition among insular elites, sustained by ego and personal ambition.

The process of signing up new party members and getting them out to vote is so ethically challenged, and devoid of any genuine attempt to engage the broader electorate, that few Canadians pay any attention. It is particularly frustrating to see the ongoing faux interest in motivating more women to run for elected office. My experience tells me there is no lack of interest in elected office among women. However, once a potential candidate discerns what winning a nomination in a winnable riding actually requires, and the many systemic barriers to their success, many step aside.
A nomination in a winnable riding is still all about your connection with the party leader, the value of your background to the leader, your willingness to recite endless talking points provided to you in the leader’s name, your donations to the party, your ability to fundraise for the party, your ability to hire a leading party insider as campaign manager, and your willingness to overlook memberships or votes obtained in ethically dubious ways during a nomination contest.

The leader and his office maintain such tight control that very few independent-minded people will make it through the nomination gauntlet, men or women. And sadly, elected life is still very much a career-limiting move for the vast majority of us who dare to cross over the divide into partisan politics. The time is overdue for serious reform.

In our social media age of fragmentation and flexibility, it is futile to even try to restore the former role of political parties as a bottom-up channel for policies in between elections. We need to take oversight of the candidate selection process out of political parties’ hands, and give it to Elections Canada. We must amend the *Canada Elections Act* to remove the requirement for an officer of the national party to sign nomination papers for candidates of their respective parties. This does not preclude appropriate vetting of qualifications and appropriate provisions to ensure candidates comply with finance-related aspects of the *Canada Elections Act*. At the same time, we must implement other election-related reforms, for example, to level the playing field for the increasing numbers of independent candidates, as I briefly discuss in the next chapter.

These changes will ensure that nominated candidates are chosen by a representative group of informed voters in their electoral district. No longer will a candidate owe more loyalty to a leader than to their constituents. Elected MPs will have greater autonomy and be much less likely to unthinkingly toe the leader’s line in Parliament. This will complement parliamentary reforms (discussed in Chapter 6), also designed to enhance the power of individual MPs.

Here is a framework for serious reform that will introduce respect for democratic values and high ethical standards into the nomination process for electoral district candidate selection:
• **Authorize Elections Canada**, as a neutral body, to oversee the entire nomination process on behalf of the political parties as well as independent candidates.

• **Encourage the involvement of a much broader base of the riding electorate**. This requires the elimination of unethical vote-buying and the amassing of automaton voters that has become all-too-characteristic of nomination races, especially in so-called winnable ridings.

• **Limit the campaign to a four to six-week period with a public and predictable schedule**. This allows candidates to get into the race and, if they lose, return to their prior occupations as soon as possible.

• **Ensure the primary focus is on many in-person all-candidate exchanges in local establishments.** For example, events could be scheduled for several evenings and afternoons a week throughout the campaign. These exchanges would be (and are) the most effective test of local appeal and eventual competence in Parliament.

• **Implement online voting, subject to a rigorous multi-step system to authenticate voters.** This requires the process of registering to vote in the nomination race to be rigorously administered by a credible arms-length body (mentioned above), and for personal ID that will eventually be presented at the time of a vote to be assessed and determined to be acceptable.

Finally, another important area for reform involves the way party leaders are selected. We should consider allowing members of caucus to select the parliamentary leader and provide for neutral oversight pursuant to Elections Canada, or the *Parliament of Canada Act*. In other Westminster countries, like the UK and Australia, Parliamentary caucuses still play an important role in leadership contests. In Canada, caucuses have ceded that role entirely. Conservative MP Michael Chong recently tried to restore some power to the caucus in a private member’s bill, which allows the caucus to initiate a leadership review, and potentially to vote in a new interim leader. But in the face of opposition from the parties, the bill had to be watered down to pass. Rather than directly empowering the caucuses to exercise that power, the Act requires caucuses to vote on whether or not to adopt the authority at the beginning of each new Parliament. Stunningly, the Liberal Party failed even to hold the required votes.

Re-empowering members of caucus to select the parliamentary leader would hopefully entail more thoughtful choices in terms of serious policy debates and,
by ensuring the leadership process is no longer a purely internal party process, further diminish the excessive power of the leader and ensure much greater accountability.
Chapter 5

Making our vote count: Election-related reforms

The previous chapter laid out the reforms needed to reduce the debilitating influence of established political parties on our democracy, with a particular focus on how the selection of both the candidates that represent us in elections, and our parliamentary leaders, should not be controlled by insular political party cliques. This chapter turns to critical election-related reforms: changing our electoral system, introducing mandatory voting, and changing political financing to accommodate the increasing number of independent candidates who do not belong to established political parties. These reforms, along with others to be discussed in subsequent chapters, are designed to form governments whose members are encouraged to work across partisan lines and make reasonable compromises at all times.

When I ran as a Green Party candidate in the 2015 election, supporters were constantly telling me how much they hated strategic voting but felt compelled to cast a ballot for whichever candidate was most likely to defeat the Conservative in their riding. That’s why it’s so important for Canada to adopt a form of proportional representation, so that our representatives in the House of Commons reflect the popular vote, and we initiate a tradition of coalition building in Parliament. Electoral reform is essential to ensuring a Parliament that is more responsive to Canadians, more collaborative, and more creative. We also need electoral reform to put an end to governments that rule as majorities with a minority of the vote.

Contrary to what its critics claim, introducing some form of proportionality into Canada’s electoral system would not lead to an unruly House of Commons and disruptive extremist groupings. Properly designed, the reform would, in fact, go a long way toward empowering MPs and encouraging collaboration, while curbing executive power. However, care must be taken to ensure political parties do not have excessive influence through the preparation of party lists of candidates, and that independent candidates are accommodated. These concerns might best be addressed by choosing the single transferable vote system combined with mandatory voting, as used by Australia’s House of Representatives.
The Trudeau government’s decision to abruptly withdraw support for any electoral reform to replace our first-past-the-post system is yet more evidence of a government out of touch with Canadians, and more concerned with holding onto majority power than strengthening democracy. The prime minister wrongly assumed that Canadians do not care enough about the issue for it to affect his re-election plans. Trudeau acknowledged this all too clearly when he suggested, in a response to a question at a town hall meeting, that Canadians were far less interested in electoral reform than before, because his government was so much better-liked than the Harper regime. In my view, the decision to abandon electoral reform was a significant betrayal of voters’ trust.

During the 2015 election campaign and shortly after his landslide victory, Trudeau presented himself as a leader interested in changing the way federal elections are run to “make every vote count,” as he often said. At a forum at the University of Ottawa in April 2016, six months after being elected, he said, “I believe fundamentally that we can do better. We can have an electoral system that does a better job of reflecting the concerns, the voices, of Canadians from coast to coast to coast, and give us a better level of governance”.

A House of Commons Special Committee on Electoral Reform was struck to study the issue, together with town hall forums, an online survey, and millions of postcards mailed out to encourage Canadians to participate in the discussion. A lengthy Report was issued in December 2016. Then, in January 2017 Trudeau broke his promise. The gratuitously sudden cancellation of the electoral reform initiative, through a simple rewrite of the mandate letter to a new minister of Democratic Institutions, demonstrates just how top-down Trudeau’s government is. And the prime minister’s outrageous claim that the cancellation somehow resulted from citizens’ failure to come up with a sufficient consensus to replace the existing first-past-the-post, winner-takes-all system was utterly baseless.

Trudeau has since said he could not support proportional representation (PR), the system that would best ensure the popular vote is accurately reflected in the House of Commons. He claims PR would allow extremists to hold the balance of power in Ottawa. That is simply fear-mongering, unworthy of a prime minister. His argument that proportional representation would undermine the brokerage role of mass political parties does not even hold up for his own party. The Liberal Party is no longer a grass-roots brokerage party of diverse ideas—it is just an election machine run by the leader and his office.
The electoral reform charade has made regrettably clear that there is no real commitment to building the “fair and open” government Trudeau promised would engage with Canadians. That’s why so many of us citizens feel sidelined. Regardless of whether electoral reform was a top-of-mind concern for most Canadians, the government’s brusque about-face breached a solemn commitment made to voters during the election campaign. It serves to underline what is already increasingly clear: that copious government surveys and online opportunities to “participate”—whether on the subject of electoral reform or any other campaign promise—do not amount to actual citizen engagement in directing and shaping governance. Such initiatives are more focused on gathering data about voters and manipulating the leader’s message.

So, how to fix things?

Canada is one of the last free and prosperous nations in the world to continue to use the antiquated, first-past-the-post voting system. By allowing a party with a minority of votes to gain majority power, first-past-the-post disadvantages Liberal and NDP voters in the West, Conservative voters in the cities, and Green voters right across Canada. Ultimately, it can neither produce governments that reflect the diversity of people in Canada, nor accurately convey voters’ wishes.

Reforming our electoral system is overdue, and the best solution is some form of proportional representation (PR). But how can we get around established parties’ resistance to the change we need? Pundits often note that political parties will support electoral reform while in opposition, but reverse their position once in power, precisely when they are in a position to take action. It’s easy to see why. Our current system provides greater certainty that one dominant party will either remain in power or regain it. A PR system, which would more accurately reflect the popular will, means the established parties would lose control. No longer will they be able to maintain absolute majority control over the legislature with less than 40 percent of the popular vote. Among other things, PR is more likely to lead to a minority government, requiring politicians to engage in coalition-building and seek compromise with their opponents.

Are minority governments a problem? No. Our national politics would be better served by more civility and collaboration, and less of the conflict that turns
Parliamentary debate into the equivalent of a hockey brawl. In a May 2019 article, political analyst Philippe J. Fournier speculated how the 2015 federal election would have unfolded with proportional representation. Under a proportional system, the Greens would have 34 seats, the NDP 56, the Bloc Québécois 15, Liberals 108, and the Conservatives 125. Arguably, these results would have resulted in a much more innovative and collaborative Parliament than we have endured for the last four years.

As soon as possible after the next election, we should place changing the electoral system on the agenda for an all-party Democratic Voting Commission tasked with reviewing the research on electoral reform options, and conducting a public consultation on the style of proportional representation best suited to Canada. So much work has already been done that choosing a broadly acceptable electoral system for subsequent elections should be relatively easy, particularly if the legislation provides for a mandatory in-depth review of citizens’ experience of the PR system after its first use.

If needed, the decision to introduce a new electoral voting process lends itself particularly well to a consultative referendum, as recommended in the 2016 report of the House of Commons Special Committee on Electoral Reform. Lessons should be drawn, however, from British Columbia’s unfortunate experience with an overly complex, multiple-question format in their latest referendum on electoral reform. (There were two questions with four options relating to three new systems of proportional representation—dual member, mixed member, and rural-urban—with many details to be determined further down the line.) Any future referendum question should present a straightforward choice between a single reform option and our existing system.

What about voter apathy? Electoral reform would help, but we could also make voting a legal obligation for all citizens, as in Australia, where turnout exceeds 90 percent. Anyone who chooses not to vote for reasons of conscience is able to spoil their ballot. Mandatory voting would eliminate the need to rally supporters to the polls by pandering to divisive prejudices, and hopefully encourage more meaningful election debates on substantive public policies. A Green Party proposal to lower the voting age to 16 also merits close consideration.

Some think easier online voting will overcome elector apathy. Certainly it may help, and the technology may soon advance to the point where a digital vote is
secure and viable and subjected to a rigorous multi-step system to authenticate voters. Even so, we still need to invest much more effort in voter registration and increasing citizen engagement. As noted in Chapter 3, this starts in schools with formal civics and media training every year. We must be constantly vigilant against attempts at voter suppression, such as those implemented under Stephen Harper and fortunately rescinded by the Liberal government. Elections Canada must always have a vigorous, independent, fully funded mandate to increase voter registration, remove barriers to voting, and enable much greater citizen engagement.

Political financing, both during and between elections, must also be adjusted to reflect the diminished role of established political parties and higher profile of more independently elected representatives. It is true that Canada’s political financing rules, which eliminate corporate and union contributions, place us in a much better position than the United States. Yet we still have some way to go to achieve a better balance that reflects the equal value of every citizen.

Current political financing rules still favour established parties and their proxies, so they feel compelled to spend (translation: waste) enormous amounts of money on attack ads, push polls, robocalls etc. Third parties aligned with the established parties still spend inordinate amounts of money in the pre-writ period—witness the laughable ads, both for and against Andrew Scheer, that irritantly popped up during the NBA finals in June 2019. A new compliance regime is needed that applies to all individuals and parties. One approach is to establish a maximum total annual contribution for all citizens—a cap that applies to a citizen’s total contribution to candidates or parties. The tax deduction for such contributions, which simply benefits better-off Canadians, should be eliminated. And we could reconsider a per-vote subsidy, but one that goes directly to individual candidates, not their parties. When the per vote subsidy was in place from 2004 to 2011, it went only to political parties to enable them to fund policy development between elections, among other things. As demonstrated above, the established political parties have proven unable or unwilling to innovate policy beyond that dictated by the leader’s office. Providing a modest subsidy to election candidates receiving a minimum number of votes would be a more productive way of strengthening the influence of individual citizens vis-a-vis the insular political parties.

One final point: Paul Thomas, a senior researcher at The Samara Centre for Democracy, notes that there is far too much executive discretion in the calling
of by-elections after an MP resigns. The average Canadian vacancy is 115 days, compared to 53 days in the U.K. *The Parliament of Canada Act* requires a by-election to be called between 11 and 180 days after vacancy, which is a huge range. Once a by-election is called, the campaign must last at least 36 days, and at most 50 days. This means a minimum 47-day campaign.

Clearly, there is a need to fill vacancies between elections much more expeditiously, and minimize the length time during which electors are left without representatives. This is yet another area for change if we are to diminish self-interested party control of public processes.
Chapter 6
Compromise, not polarize: Parliamentary reforms

In this chapter I turn to a wide range of parliamentary reforms designed to encourage elected representatives to pursue reasonable compromises and principled cooperation across party lines. As with the recommended political party and electoral reforms outlined in previous chapters, these will facilitate implementing meaningful and durable changes that benefit citizens and survive beyond the inevitable reconstitution of government with each new election. Few support the current system, which increasingly produces disruptive and discouraging whiplashes: Wynne to Ford in Ontario, Notley to Kenney in Alberta, and Harper to Trudeau in Ottawa.

Our established political parties have lost their vibrant grass roots community bases and, along with them, any meaningful outlet for public participation and its mediating role in building consensus around long-term political action. Instead, party leaders have centralized power and created top-down organizations that serve primarily as 24/7 election machines. During elections, citizens are sold on personalities and “good intentions,” rather than policies and “good governance.” When voting is over, policies are shunted to the sidelines.

Executive-controlled parties lead to top-heavy governments guided by electoral cycles and special interests rather than the public interest. In most established democracies today, executive rule has never been so strong and responsible governance never so weak. In Canada, this affects both federal and provincial levels of government. The tragedy is that we’ve reached this nadir of representative democracy just as we are experiencing peak economic insecurity and anxiety. Despite relatively good employment indicators, too much work is considered to be precarious by Canadians.

This insecurity affects all generations, from the 50-year-old factory worker to the 30-year-old millennial. The frontiers of biological, physical, and digital systems are expanding at unprecedented speeds. Disruptive technological advances—from artificial intelligence and the Internet of Things (IOT) to self-driving vehicles and 3-D printing—have a huge impact on the labour market and our ability to hold down decent jobs with adequate pay.
And yet just when we most need creative and responsive governance to manage these multiple challenges, we have leaders reducing complex issues to catchy slogans and tweets. Too many citizens see a frustratingly persistent gap, across a wide range of issues, between our aspirations and the capacity of our governments to respond. At best, we have governments settling for half-measures carefully curated and disseminated through fragmented social media channels, all with an eye to the next election.

Power remains extraordinarily concentrated in the executive branch of the Government of Canada, namely the Prime Minister’s Office (PMO). The majority Trudeau government is proving itself just as top-heavy as Stephen Harper’s previous government, perhaps even more so given its strong focus on protecting the Trudeau brand. A government so focused on protecting the personal brand of a charismatic leader inevitably finds it difficult to avoid slipping out of touch with the citizens they represent. As Alex Marland, author of *Brand Command: Canadian Politics and Democracy in the Age of Message Control*, wrote: “Branding is addictive, it is circular, and it is a seemingly unstoppable force... Branding requires message control and simplicity, and political power centralizes when communications converge.” With executive power even more unchecked in Canada than in the U.S., we are by no means immune to backlash by alienated or forgotten voters if disillusionment with the leader snowballs, as it did in the winter of 2018–19.

The MPs elected under the Trudeau banner in 2015 knew all too well that they owed their positions and power to a fluke of our first-past-the-post electoral system, which delivered a surprising majority government despite having the support of only the minority (40 percent) of the mere 68 percent of the population who bothered to vote. Within the PMO-dominated House of Commons, we already see widespread sycophancy, together with the same recitation of mindless PMO-drafted talking points that characterized the Harper era. This deplorable development is perhaps most obvious in the conduct of both the former and current Ministers of Democratic Institutions, in the cash-for-access controversy, and in the readiness of Liberal members of parliament to rally around Trudeau during the dramatic Jody Wilson-Raybould/SNC-Lavalin affair of 2018–19.

In 2015, Canadians voted for significant change. We were not just settling for switching leaders, or even for “sunny ways.” We expected serious reforms to our representative institutions, and to the role and conduct of government.
would ensure responsive and responsible governance between elections. We expected an ambitious long-term agenda aimed at relieving the stress of precarious work, strengthening social security and building a vibrant economy for all Canadians, not just the lucky few.

Of course, we expect our government to be assertive on the global stage, working vigorously with our allies to bolster—morally and financially—all the multilateral international organizations and conventions so critical to international security, trade, and individual and collective rights. We also support maintaining our open immigration and refugee policies as well as resisting the bullying “America First” tactics in trade negotiations.

But we need an ambitious domestic agenda aimed at securing measurable improvements for struggling Canadians.

This never materialized.

So, what can we do?

Our representative institutions and practices, which used to serve as checks on unfettered executive power, continue to atrophy. Neither the House of Commons nor the still-hapless Senate provide meaningful legislative oversight of the Trudeau PMO on any issue of the day. Our political parties—formerly broad-based grass-roots organizations—have been reduced to election automatons at the beck and call of party leaders who tightly control the nomination process that determines who we can elect to Parliament.

Extensive parliamentary reforms are crucial if we are to truly constrain prime ministerial authority, curtail the executive branch, and re-engage Canadians with our government. These reforms should relax party discipline, loosen the leader’s grip on power, and allow MPs much more autonomy in developing responsive policies and programs across partisan lines. In turn, this will open Parliament to better engage with and remedy citizens’ concerns.

During the 2015 election campaign, the prime minister promised more openness and transparency in governance, and more freedom for MPs. Some meagre progress has been made, but much, much more remains to be done.
To begin with, the federal government has not undertaken the overdue overhaul of our out-dated legislative frameworks for ethics, privacy, and freedom of information. Early on, the prime minister tripped up defending the indefensible cash-for-access controversy. He was eventually reduced to claiming that *we should just trust him not to have behaved unethically*. This is dangerous territory. Leaders may well consider themselves personally incorruptible, and believe they personally know what is best for their citizens. But this is inadequate in a vibrant democracy which depends on the rule of law, not a leader’s personality.

Urgent legislative action is required. For example, the *Accountability Act* still does not provide for the enforcement of senior public servants and cabinet ministers’ “duty to act honestly” by the independent Conflict of Interest and Ethics Commissioner reporting to Parliament. This “duty to act honestly” is referenced only in a set of accountability guidelines—“Accountable Government: A Guide for Ministers and Ministers of State”—the enforceability of which is in the prime minister’s hands.

We need to strengthen the powers and independence of the Conflict of Interest and Ethics Commissioner to investigate government officials and lobbyists, and ensure the selection of the Commissioner is made by Parliament through a merit-based process, not cabinet. Retiring NDP MP David Christopherson’s 2019 Private Members Bill made a useful suggestion: that all officers of Parliament should be selected by a special parliamentary committee. Sadly, it was defeated. Add to this effective whistleblower protection for public- and private-sector employees.

We must strengthen the rules of conduct for lobbying. All lobbyists’ contacts with politicians and government bureaucrats, both formal and informal, must be reported and made public. And as the SNC Lavalin scandal illustrated, oversight of lobbying efforts must go beyond registration.

Within months of the 2015 election, SNC-Lavalin mounted a multi-year lobbying campaign focused not just on the PMO, but also on other government bodies, including Global Affairs Canada, Export Development Canada, Public Services and Procurement Canada, the Treasury Board, and the Privy Council Office. All this to convince the Liberal government to introduce “deferred prosecution agreements” (DPAs), which would allow the company to pay fines
and restitution, escaping criminal prosecution and certain restrictions on its ability to contract with federal departments and agencies.

Similarly, the *Access to Information Act* and the *Privacy Act*, which both date back to 1983—i.e. before the Internet—require comprehensive overhauls to bring them into the digital age. Reforms must ensure greater transparency of, and accountability for, government activities, and a more equitable balance between Canadians’ right to know and the legitimate protection of information. The federal government’s 2019 amendments to our access to information regime fall far short of the Liberals promise to make government “open by default”, with outgoing Information Commissioner Suzanne Legault writing in February 2018 that the amendments would result in a “regression” rather than improve access rights. As discussed in Chapter 3, the Privacy Commissioner has indicated that modern tools are urgently needed to deal with privacy concerns arising from the operations of social media and the tech giants, as well as political parties.

In addition to the foregoing reforms of important frameworks for legislation, we need to explicitly reduce the sweeping powers of the PMO. A range of changes to the standing orders and internal regulations would support greater independence for elected representatives in the overall legislative process. These reforms include stricter limits on the PMO budget and dismantling the all-powerful command-and-control network currently sustained by the PMO through a thick network of political staffers and communications officers.

Equally essential is strengthening the operations of parliamentary committees and reducing party leaders’ and whips’ control of Parliament, which would enhance the autonomy of individual MPs. Indeed, House of Commons committees have a vital role to play in examining our government’s policies, programs, and actions. Committees need to have adequate budgets—controlled not by the Board of Internal Economy, but rather through the Library of Parliament—to function vigorously and independently. Committee members should follow a clear set of rules and check their partisanship at the committee door, and committee chairs should be elected by secret ballot by the whole of the House of Commons. This latter suggestion is to prevent the ruling party from gaming the current system by putting forward only one candidate for chair who inevitably wins the most votes within the committee.
The House of Commons Standing Committee on Justice and Human Rights that examined the SNC-Lavalin scandal exemplified what is wrong with a system essentially controlled by the PMO. The committee was dominated by Liberal MPs. Despite ongoing and widespread concerns over the federal government’s attempt to undermine the independence of the Attorney General of Canada, the committee prematurely shut down its investigation. The situation had become intolerably uncomfortable for the prime minister, who refused to acknowledge any wrongdoing on his part.

Parliamentary committees should be productive consensus-building forums in which elected representatives are encouraged to find common ground on crucial citizen concerns. In the United Kingdom, some all-party committees are obliged to scrutinize particular legislative matters until a consensus is achieved. Imagine what a difference this would make in formulating sensible gun control legislation that would really stem the illicit arms trade, and impose reasonable regulations consistent with a citizen’s privilege, not a right, to own a gun. And what about developing a consensus on building what will be our last oil pipelines, consistent with the goal of phasing out fossil fuels by 2050, and displacing imports of foreign oil?

Another area for reform is the prime minister’s power to appoint deputy ministers, associate deputy ministers, members of boards and commissions, and ambassadors. This power should be removed and replaced by an impartial and objective Public Appointments Commission. Similarly, the prime minister’s power to make judicial and quasi-judicial appointments should be replaced by a fully independent and transparent appointments process, involving meaningful parliamentary confirmation. This appointments process would also apply to the membership of a new arm’s-length Criminal Justice Council that would oversee changes to and insulate the Criminal Code from capricious partisan amendments, from Harper’s mandatory minimum sentences to the Deferred Prosecution Agreement (DPA) the Liberals buried in a 2018 budget bill.

Which brings us to yet another urgent reform: outlawing the undemocratic practice of omnibus bills. Ironically, this was yet another campaign promise Trudeau abandoned. In a 2013 interview with The National Post he stated: “Omnibus bills, I’d like to say I wouldn’t use them, period. There will always be big bills, but they need to be thematically and substantively linked in all their
different pieces so that they form a piece of legislation. The kitchen-sink approach here is a real worry to me.”

Yet despite superficial changes to the Standing Orders to prevent the practice, omnibus bills just keep coming with one Budget Implementation Act after another. And there it was: a change to the Criminal Code to allow for remediation agreements instead of prosecutions for companies accused of corruption. This DPA amendment was easy to miss in the outrageous 556-page Budget Implementation Act of 2018.

The 2019 Budget Implementation Act, which weighed in at 392 pages, enacted or amended more than 60 different pieces of legislation. Among many other things, controversial and hastily drafted amendments to the Immigration and Refugee Protection Act affecting asylum seekers were stealthily slipped in on one line. Such omnibus budget legislation is prohibited in Australia and the United Kingdom, and severely restricted in New Zealand. The fact that Canadian governments persist in this anti-democratic practice without compunction is further testimony to the abysmal state of our political system, and the arrogance of our political leadership.

One final point: the House of Commons Board of Internal Economy (BOIE), and the Procedure and House Affairs Committee (PROC) would be well-advised to ensure MPs benefits are comparable to those of the ordinary Canadians who pay their substantial salaries (baseline $178,900), expense accounts, and extended benefits. For example, MPs’ extended health benefits and pensions well exceed those of most Canadians, even as Parliament meanders its way towards an uncertain Pharmacare plan, and childcare yet again is on the back burner. Most recently, in the dying days of this Parliament, BOIE and PROC approved a parental leave plan permitting new parent MPs (and their staffers) to be absent from House sittings for up to a year with a penalty equivalent to only 8 percent of the MPs salaries. Most ordinary Canadians eligible for parental leave through employment insurance face a 45 percent salary penalty! And given the level of popular cynicism about politicians today, no citizen would consider their life on maternity leave so pressure-free from employment concerns as to justify the 36 percent differential in salary penalty.

Our elected representatives must do better.
Chapter 7
Stepping up: Citizen initiatives and referenda

Taking back our democracy must include new measures to inspire and facilitate all sidelined citizens who deserve better, and who together have the power to make change, to step up. If we are to make our governments responsive and responsible, Canadians must be encouraged to mobilize whenever necessary to translate principles and ideas into positive, concrete action, and build genuinely democratic institutions. In doing so, we can learn from the sound practices of previous popular movements.

In the past, mobilization has occurred primarily through community-based groups, local councils, labour unions, and civil liberties organizations. As we seek innovative ways to mobilize today, we must recognize the benefits and pitfalls of instantaneous social networking. Social media is great for organizing meetings and marches, and elevating voices that previously lacked a platform. But they will never substitute for the hard work of building a clear consensus around complex issues. We have all witnessed how easily social media can be exploited to amplify polarization and propagate of hate speech, rumours, and misinformation (a.k.a. fake news). To counter such efforts to constrict constructive conversation, we need to find ways of getting involved on an ongoing, rather than intermittent, basis.

Various mechanisms could make our representative democracy more responsive to the demands around which we mobilize. In California, ‘citizens’ initiatives’—petitions that can become ballot propositions, and tangibly influence the legislative agenda—have led to the passage of landmark legislation on issues from minimum wage to, most recently, digital privacy protection (based on the well-respected European model). In a column published in The Los Angeles Times in January 2019, Nathan Gardels, executive advisor to the Think Long Committee for California, wrote that in California, “most consequential decisions are made not by the governor and legislature, but by the citizens directly at the ballot box on taxes, budget, the environment, etc.” Observers conclude that coherent governance is facilitated by greater participation, despite the deluge of contested information and divisive interests that characterizes our digital age.
California adopted this form of direct democracy 40 years ago. Under Governor Jerry Brown, the state took positive steps to make citizens’ initiatives more workable and effective at facilitating consensus across partisan lines. In 2014, the state passed a law that was collaboratively drafted by 30 groups, including labour unions and civil liberties organizations. If a citizens’ initiative collects at least 25 percent of the signatures required to qualify as a ballot measure, it goes directly to legislative hearings. The legislature and governor can then negotiate with the initiative’s sponsors, hold hearings, and “fix unintended consequences or collateral impact.” If an agreement is reached, either the ballot measure is amended, or legislation can be introduced without a separate public vote—provided the process is completed no less than 131 days before the coming election.

Canada would certainly benefit from adopting the citizen initiative process. In 2014, the Canadian House of Commons voted to partially adopt a United Kingdom procedure to accept e-petitions. Regrettably, MPs rejected a mechanism that would have allowed these petitions to trigger debates in the House of Commons, so this minimal initiative had little, if any, impact. This was a huge lost opportunity to give the Canadian people agenda-setting power, and strengthen the relationship between citizens and Parliament. In the United Kingdom, debates triggered by petitions feature among the most-watched parliamentary broadcasts.

In May 2019, in the dying days of Canada’s latest Parliament, Liberal backbencher Frank Baylis proposed a motion that would allow MPs presenting petitions with more than 70,000 signatures to request a take-note debate on the issue at hand, to be reviewed by an all-party subcommittee. Baylis’ motion would have essentially given citizens the power to trigger parliamentary debates via petition. Needless to say, this belated attempt to address our lamentable lack of direct democracy ultimately failed.

We could also focus on opportunities for one particular avenue of direct democracy: a consultative referendum. Properly designed and executed, consultative referenda are highly effective gauges of public opinion, and an important tool for strengthening our representative democracy and enhancing meaningful citizen participation, even when complex issues are involved. Unfortunately, our political leaders would likely feel threatened by the freewheeling public debate that accompanies referenda, and close ranks to protect their executive powers and political bases.
As noted in Chapter 2, since 1992 a knee-jerk distrust of referenda (and indeed all constitutional change) has emerged among Canadian establishment figures who supported the Meech and Charlottetown Accords. Bruised by what they considered an unsatisfactory outcome, they condemn the referendum as an overly simplistic mechanism. They claim this instance of direct democracy prevented Canadians from understanding the complexity and value of the Charlottetown Accord—that those who voted No were ill informed, and simply made the wrong choice.

This account of the Charlottetown Referendum is misleading. Canadians had a very good understanding of the Accord and seriously debated both its general impact as well as its detailed legal provisions. On October 26, 1992, an impressive 72 percent of eligible voters turned out to participate in the referendum. The Charlottetown Accord was rejected unambiguously in Quebec, by a majority of voters in most other provinces, and by a majority of First Nations voters living on reserves. The overall vote was 44.8 percent in favour and 54.2 percent against.

By calling a consultative referendum, Prime Minister Brian Mulroney set in motion the most expeditious and democratic mechanism available, which effectively enabled citizens, on both the ‘Yes’ and ‘No’ sides, to mobilize in a condensed time frame and definitively express their views. After the referendum, Mulroney wisely withdrew the constitutional initiative that the people had rejected. The Charlottetown experience demonstrates how consultative referenda can strengthen our representative democracy and enhance citizen participation in Canada.

Of course, we must learn from recent ill-thought-out and poorly executed referenda around the world. The 2016 Brexit referendum—recklessly called by British Prime Minister David Cameron to fend off pressure from within his own party—is a case in point. The question put to voters was deceptively simple: “Should the United Kingdom remain a member of the European Union or leave the European Union?” The UK government miserably failed to specify what consequences would flow from the requisite majority (a minimal 50 percent plus one) voting either ‘Remain’ or ‘Leave’.

Cameron’s government never undertook the critical step of holding a clear debate, in advance of the referendum, to determine whether a ‘Leave’ vote
would categorically bind the government to politically or legally proceed with Brexit. In retrospect, many agree that the government should first have initiated a consultative referendum, to ascertain the general direction of public opinion. The result would then have been weighed in the balance, alongside other political and constitutional considerations (such as minority rights, devolution, and the demographic and regional distribution of referendum votes), before deciding on a course of action.

The Brexit debacle directly ensued from the government’s failure to think carefully about how to frame the referendum question, and how to organize the referendum process. Exploiters of populist backlash against years of national austerity measures were able to divert attention to dysfunction in Brussels, play on deep-rooted racism, xenophobia and socioeconomic divisions, and ultimately tip the scales against the EU.

Many critics argue that controversial referendums in Colombia and Greece, alongside the Brexit vote, prove that referendums are too unpredictable and hazardous. But they condemn direct democracy too quickly.

In 2016, an agreement was reached to end over five decades of conflict between the Colombian government and the Revolutionary Armed Forces of Colombia, a guerilla movement. However, a referendum to ratify the deal was unsuccessful by a razor-thin margin of 50.2 percent to 49.8 percent. In the case of Greece, in 2015 the government rushed a referendum to decide whether to accept debt bailout conditions proposed by the EU and the International Monetary Fund (IMF). The results: a majority of more than 61 percent of Greek citizens rejected the bailout, triggering several senior political leaders’ resignations. Days later, Prime Minister Alexis Tsipras—whose Syriza party had run on a distinctly anti-austerity platform—accepted a three-year EU bailout package that imposed even more severe austerity conditions than those voters had rejected in the referendum.

Most problems that arose in Colombia and Greece could have been averted by framing the questions put to voters and organizing the referendum process more carefully, as well as by establishing some flexibility in the government response to referendum results. The real problem in Colombia was a failure both to build broader public support for ratifying the 2016 peace agreement signed by the FARC and the government, and to acknowledge the country’s history of failed peace plans. In Greece, the referendum took place after less
than a week of campaigning, giving citizens little time to consider and debate the consequences of their vote. A successful referendum—that is, one that effectively expresses the will of citizens—must give voters enough time to consider the issues at stake, and to educate themselves about the pros and cons of their vote. Democracy of any kind—including direct democracy—is all about discussion and debate.

Here are some points to guide the use of consultative referenda in Canada:

- First, we need an independent referendum commission to establish and administer rules fairly. Referenda are not partisan tools to be manipulated by the government. Indeed, the opposite is true: they are appropriate when a government needs to consult the public to assist the executive and legislative branches in formulating policy and action on a particularly difficult or controversial issue.

- Referenda should not be rushed. The referendum commission must determine the length of the official campaign after considering how thoroughly the issue has been subjected to previous public debate. Citizens need time to be well informed.

- The independent commission should be responsible for the final draft of the question or questions put to voters. As the Charlottetown Accord definitively demonstrated, it is confusing to undertake multiple constitutional reforms at the same time, in a single document. Combining too many different reforms can deprive citizens of the opportunity to consider each on its own merits.

- Careful thought must go into the size of majority vote required for an option or question to be approved or rejected. Serious consideration should be given to incorporating a compulsory voting requirement, since low voter turnout can have grave repercussions.

- The referendum commission must establish strict controls on spending by the Yes and No sides. It is arguable that a certain amount of public funds should be allocated for administration by the independent referendum commission, according to objective criteria.
Chapter 8
From the Senate to the notwithstanding clause, constitutional reform is overdue

Today, most Canadians have been convinced that constitutional change is impossible. At least this is what our political establishment repeats ad nauseam.

Of course, constitutions are enormously important documents and certainly not to be amended lightly. But constitutions are also “living trees,” as described in a leading court case that ruled that the word “persons”, as used in the 1867 British North America Act, also included women.

Currently, several areas of outstanding constitutional business require attention, some more urgently than others. Key reforms should concern the Senate, repealing the notwithstanding clause, adding a new preamble to the constitution, and establishing a new Canadian head of state. Yet rarely do any of our politicians, media personalities or academics support even a discussion of constitutional change. In a June 11 2019 Globe and Mail commentary on the Senate, journalist John Ibbitson (who should know better) wrote: “The Constitution and recent Supreme Court rulings have rendered it impossible to reconstruct or abolish the Senate. Ignore all arguments to the contrary; they are not grounded in fact.”

With all due respect to Mr. Ibbitson, his is the position ungrounded in fact. So how did this stalemate arise?

Almost 40 years ago, Canada almost finally broke off the last vestiges of our colonial ties to Great Britain (the British Crown remains an integral part of our constitutional structure) by patriating and updating the 1867 British North America Act. To the 1867 document was added the 1982 Constitution Act, which included the Canadian Charter of Rights and Freedoms, as well as a made-in-Canada amending formula codifying our ability to enact constitutional amendments independent of the British parliament.

As discussed in Chapter 2, Prime Minister Brian Mulroney and the provincial premiers made the first attempt to amend our constitution in 1987. Behind closed doors, the initial signatories of the Meech Lake Accord negotiated a
complex agreement that amended our foundational document in a serious way. These men felt no need to consult with either their caucuses or the people of Canada in a meaningful way, which was a huge mistake. The Accord’s painful trajectory exposed political parties as tools of domineering leaders, a predicament true to this day. And it exposed the flaws in the constitutional amending procedure introduced in 1982, which entrusted too much control to the executive-dominated legislatures. With a majority of seats in the legislatures, leaders can have their way.

Canadians were determined not to let this happen. In October 1992, Mulroney agreed to consult the people by calling a consultative referendum on the Meech Lake Accord’s successor, the Charlottetown Accord. But rather than encourage informed, polite dialogue, Mulroney persisted with the ill-advised strategy he had practiced during the Meech period. He deliberately polarized the constitutional debates by demonizing his opposition, something we sadly see happening more and more today. He labeled his opponents “dissidents,” accusing us of being anti-Quebec and destroying Canada. Throughout the referendum period, he continually argued that the country and its economy would collapse because of our irresponsible actions.

Finding economists and historians to publicly counter Mulroney’s bogus claims became a daily chore for our ‘No’ Committee. When the Blue Jays won their first MLB World Series championship in the final few days of the referendum campaign, Mulroney rushed out to congratulate the team. He then declared it a great day for Canada, just as it would be when we all voted, as we should, in favour of the Charlottetown Accord. Our ‘No’ Committee immediately responded with congratulations to the Blue Jays, of course, specifying that the World Series results had nothing to do with our constitutional future, and that all Canadians would be building a stronger Canada by voting No to the Accord.

More personally, shortly before voting day, I came home to find a menacing death threat on my message machine warning me to stop opposing the Accord. The local police could do nothing to trace the call. They simply warned me to keep my doors locked and watch out for anything suspicious—small comfort for a single mother living alone with a small child.

Fortunately, Canadians ignored the rhetoric and threats, and turned out in huge numbers (72 percent) to participate in the referendum. How extraordinary to see citizens voting against an agreement endorsed by the prime minister, all the
premiers, and most establishment political groups and media outlets. Despite a massive imbalance in financing, the ‘Yes’ and ‘No’ sides were equitably represented in public debates. There was a sense of citizens openly vetting their concerns, and a genuine opportunity to accept or reject the complex legal document in question. I emphasized to all my fellow travelers on the ‘No’ side that, while I most certainly intended to defeat the Accord, we had to be prepared to accept any outcome, so long as it emerged from a fair and open debate.

The Charlottetown Referendum should have established a clear convention that any significant constitutional reform requires a public, consultative referendum; and paved the way for future, broad-based debates. Instead, the political establishment closed ranks and concluded that any further constitutional reform was impossible. For highly centralized party organizations aiming to maximize their control over events, constitutional reform involved too much unpredictable interaction with the public.

Hence, we are told that it is impossible to undertake serious Senate reform, consider abolishing the notwithstanding clause, amend our amending formula, or undertake any other significant constitutional change. This fallacy reflects the extent to which our political process is dominated by party leaders who are determined to micromanage the political process, and avoid open public consultation outside of election campaigns.

In these conditions, any proposal requiring constitutional reform is immediately snuffed out. Justin Trudeau has gone so far as to argue that opening debate on the Constitution in any way would be just too difficult and distracting for Canadians, and that referenda are generally "bad things to happen" that “give people a chance to lash out at institutions…”

In fact, nothing could be further from the truth. Constitutional debate and reform, however “difficult” this may seem, comprise an absolutely essential and ongoing component of a well-functioning representative democracy. The Constitution is a “living tree” that belongs to the people of Canada. Our elected leaders cannot shrink from their profoundly serious obligation to serve the people and to facilitate, whenever need be and with clear popular consent, changes to the fundamental law of the land for the benefit of present and future generations of Canadians.
Senate reform, repealing the notwithstanding clause, drafting a new constitutional preamble, and even instituting a new Canadian head of state are all eminently debatable constitutional topics that should be put to the people. After all, the Constitution belongs to the people of Canada, who must be consulted directly with respect to all significant reforms, by way of consultative referendum.

Moving forward, we should apply a crucial lesson from the Charlottetown referendum: it is confusing to undertake multiple constitutional reforms at the same time. Combining different reforms can be unprincipled, depriving citizens of the chance to evaluate each on its own merits. Bundling multiple propositions together allows provincial premiers, for example, to trade off one reform against another, however unrelated they may be.

Discussions could proceed simultaneously on different issues, but there should be separate referendum questions to resolve each. So, we could have concurrent debates on both Senate reform, and the momentous step of drafting a modern and inclusive preamble to our Constitution. But the proposals to reform the Senate and the preamble that emerged from these discussions would have to be put to Canadians in separate referendum questions.

**Senate reform**

The Trudeau government’s 2015 changes to the Senate appointment process succeeded in pausing the embarrassing soap opera that played out under the Harper administration. However, these reforms are unlikely to survive much beyond the current prime minister’s tenure. The new Independent Advisory Board sources applicants (through outreach to some 200 select non-governmental organizations and related groups, as well as through media advertisements), examines online applications, and prepares a short list of “merit-based” appointments for the prime minister’s consideration.

Despite the government’s rhetoric about respecting an arm’s-length process and appointing only “independent” senators, new appointees remain wholly dependent on the prime minister’s approval, and entirely unaccountable to Canadians. The leader can still easily guide new appointments through the new channels and onto the shortlist. And a new game is bound to be developing, involving behind-the-scenes campaigns to patronize NGOs and groups on the Advisory Board’s outreach list, in exchange for endorsement and inclusion on Senate candidate shortlists.
The creation of “independent appointments” has unintentionally resulted in appointees exercising their independence to inappropriately advocate for particular causes. We have seen this a number of times, most recently with respect to the proposed oil tanker moratorium on the West Coast. As commentator Andrew Coyne noted in a May 2019 column in The National Post, “Today’s independent “non-partisan” Senate has a mandate of its own—a mandate of virtue... But the Commons has a larger mandate to pass legislation in the people’s name and be accountable for it”.

Even if appointees don’t actually vote down government bills, an unduly activist unelected Senate raises a whole range of democratic problems. For instance, the Senate has significantly slowed down the legislative process. Among other things, at the end of the 2019 Parliament, the Senate failed to pass a significant number of private members’ bills that the House of Commons had already passed.

Constitutional reform is urgently required to either abolish the Senate or design a new, elected Senate with a seat distribution and powers appropriate to the 21st century. Continuing with the status quo is not an option, but until we can implement reform, the appointment process must be completely independent from the executive branch. We cannot settle for the sham independence of current arrangements.

Yet today, our prime minister (backed by many in the media and academia) still resists any engagement with the Canadian people in an open constitutional reform process, even one focused on a single issue like Senate reform. They continue to argue that constitutional reform is unnecessary and to be avoided—a dangerous attitude. The prime minister and premiers must stop shrinking from their democratic obligation to consult with citizens in a meaningful way about proposals to update the basic rules and structure of our democracy.

**Repeal the notwithstanding clause**

Ontario premier Doug Ford’s controversial use of the notwithstanding clause (section 33 of the *Constitution Act 1982*) to override the judicial application of the rule of law has prompted an avalanche of commentary, not all of it coherent, and very little that facilitates constructive debate over next steps.
On September 19, 2018, the Ontario Court of Appeal stayed the lower court’s decision that the Ford government’s legislation to reduce the size of Toronto’s City Council was unconstitutional, pending appeal. The Government of Ontario government then indicated it was no longer necessary to invoke the notwithstanding clause.

This latter development should not prevent a long-overdue discussion of the merits of repealing the notwithstanding clause, especially in light of its invocation in 2019 by Premier Francois Legault of Quebec. The Legault government tabled a bill that would bar public servants—including police officers, judges, prosecutors, elementary and high school teachers, and others—from wearing religious apparel such as the Jewish kippah or Muslim hijab. To avoid legal challenges that could have delayed the bill’s implementation for years, Legault invoked the notwithstanding clause to override religious freedoms guaranteed in Canada’s Charter of Rights and Freedoms, as well as Quebec’s Charter of Human Rights and Freedoms.

It is not sufficient to simply rebuke Ford or Legault, and express “disappointment” with their use of the notwithstanding clause. To do so is to reduce the debate to how a deeply flawed provision in the Charter could somehow be restrained by defining the impossible: the “exceptional circumstances” under which the clause might legitimately be used.

In 1982, our then-prime minister only reluctantly accepted the notwithstanding clause. Section 33 was a political compromise to bring a few recalcitrant provincial premiers onside to entrench the Charter of Rights and Freedoms. The federal cabinet debated, but ultimately rejected, another option: going over the premiers’ heads to obtain popular assent through a referendum on the entire constitutional amendment package, without the notwithstanding clause.

The regrettable decision to both include the notwithstanding clause in the Constitution and avoid a referendum was considered the best option at the time. Many expressed hope that the notwithstanding clause would never be used, and eventually be repealed. Unfortunately, the government also adopted an amending formula that requires only legislative votes in the federal and provincial legislatures, making the possibility of repeal much less probable, and effectively placing constitutional change in the hands of the very governments
whose actions are subject to the Charter, and who benefit from the notwithstanding clause.

With no referendum mechanism, we failed to ensure that the people of Canada were adequately respected in our constitutional reform process. The danger that arises from governments—as opposed to the people—dominating our constitutional process was all-too-evident during the debates over the Meech Lake and Charlottetown Accords that spanned 1987 to 1992.

It is interesting to note that many opponents of Meech Lake criticized Brian Mulroney, who was, and still is, on record as opposing the notwithstanding clause, for not taking any steps to incorporate a repeal of the notwithstanding clause into his negotiations of the Accord with the premiers. Ironically but not unexpectedly, amid the Meech Lake ratification process of 1988, Premier Bourassa inserted the notwithstanding clause into the Quebec government’s Bill 178 to uphold a ban on English-language signs. This further inflamed debate over the proposed ‘distinct society clause’ for Quebec. The Quebec National Assembly lifted the ban in 1993.

In my view, the notwithstanding clause is not required and should be repealed. Section 33 was never anything but a political compromise to secure what was then the novelty of entrenched rights and freedoms. It is no longer needed. The Charter is now almost universally accepted as fundamental to Canadian citizenship. Leaving the notwithstanding clause in our constitution is simply a temptation for other impetuous, unprincipled politicians, and an unnecessary source of political conflict.

The case for repeal of the notwithstanding clause is grounded on the fact that section 1 of the Charter—the reasonable limits clause—provides legislators with enough flexibility to pursue legislative goals that may incur “reasonable limits” on guaranteed rights and freedoms “prescribed by law as can be demonstrably justified in a free and democratic society.” Moreover, the notwithstanding clause applies to fundamental democratic rights, legal rights, and equality rights, but not to other Charter provisions, such as mobility and language rights. This creates an illogical and unacceptable hierarchy of rights.

I believe there is strong popular support for repealing the notwithstanding clause. If the federal government wanted to do more than merely lament Premier Ford and Premier Legault’s actions, the prime minister could initiate
the repeal process. At the same time, he could offer to formally abolish the historical constitutional powers of disallowance and reservation enshrined in sections 55 and 56 of the Constitution Act, 1867. These British imperial mechanisms—initially designed to veto legislation enacted by colonial governments—technically remain operative despite over 50 years of disuse.

As part of the repeal process, the federal government would hold a consultative national referendum as in 1992. If a majority of voters in all provinces supported repeal, the premiers and prime minister would be morally compelled to pass the resolutions required to amend our constitution. Even in the unlikely event that the referendum proposal were defeated, the opportunity for vigorous, open democratic debate would revitalize our civic space; promote free, informed, and respectful discussion; and strengthened our bonds of common citizenship.

**A new preamble to the constitution**

In June 2017, former Quebec premier Philippe Couillard’s constitutional discussion paper, titled "Quebecers: Our Way of Being Canadian. Policy on Québec Affirmation and Canadian Relations", was a surprising addition to the busy news cycle. Over four years had passed with little comment since Premier Couillard first expressed his openness to reopen constitutional discussions, initially slated to move Quebec’s National Assembly to endorse the 1982 Constitution Act before Canada’s 150th birthday (July 1, 2017). Most had assumed the window of opportunity had expired.

Whatever the motivation behind the Quebec premier’s proposal to engage in constitutional debate, the most troubling reaction was the prime minister’s now all-too-familiar, nuance-free refusal to consider any reform whatsoever. He had employed the same categorical response to timidly sidestep other inconvenient debates and overdue constitutional initiatives essential to strengthening our democracy, including electoral reform, serious Senate reform, and consultative referenda.

As noted earlier, constitutional debate and reform is absolutely essential to building a healthy and genuinely representative democracy, however inconvenient politicians may find this fact.
In my view, drafting a new preamble to the Constitution could be an acceptable mechanism for the recognition of Quebec’s distinctiveness that would constructively engage all Canadians. Although this is now academic with the election of Premier Legault, it would be a credible approach if a future Quebec premier were serious about pursuing constitutional reforms that would strengthen both Canada and Quebec.

Here, we must remember that Quebec was not excluded from the Constitution of 1982. The Constitution of 1982 is the fundamental law of the land throughout Canada, including Quebec, notwithstanding then-Premier René Lévesque’s refusal to sign the final document. Seventy-two of seventy-five Quebec MPs in Parliament voted in favour of the Act, and Quebeckers have never since hesitated to rely on the Constitution and its Charter of Rights and Freedoms, in the courts and beyond.

If not legally necessary, it nonetheless remains politically desirable that the National Assembly of Quebec formally endorse the 1982 constitutional changes. To this end, most Québécois federalists point to the need to somehow enshrine Quebec’s distinctiveness in the Constitution. Certainly, an inspiring constitutional preamble that accurately describes the great diversity of our nation is long overdue. Our current, outdated preamble states only that Canada is founded on “principles that recognize the supremacy of God and the rule of law.”

Quebec could, for instance, be recognized as a distinct, free and democratic society in accordance with the principles of both the Canadian and the Quebec Charters, and a unique contributor to Canada’s constitutional identity. We could accomplish this while engaging all Canadians in drafting a new preamble, which would accurately reflect how all parts of Canada contribute to a country much bigger than the sum of its parts. This approach would make the process of constitutional change a unifying force, not a divisive one.

Finally, any new preamble to our Constitution should be submitted to a national consultative referendum, following the constitutional convention that the Canadian people must be directly consulted on all serious constitutional reforms, established by the Charlottetown Referendum. As in 1992, Quebec and other provinces could conduct the referendum under provincial legislation.
A Canadian head of state

One final detail relating to constitutional reforms is worth considering. Despite its historical role in our history, a monarchy linked to Britain is no longer relevant to Canada as a modern nation. We need a made-in-Canada alternative to defend our institutions of parliamentary democracy, a Canadian head of state with democratic legitimacy.

However, constitutional change of this magnitude can only be accomplished after a consultative referendum. It also requires a renewed treaty process with First Nations, to ensure the move is not unilateral, and that treaty and Indigenous rights are protected and promoted. Crucially, the impetus for change must come from the Canadian people, and we currently have little appetite for this particular initiative.

It is noteworthy that Australia held a referendum to abolish the monarch in November 1999. The referendum question asked whether Australia should become a republic with a President appointed by a two-thirds majority of Commonwealth Parliament members. The referendum was defeated, but the general consensus is that the issue will resurface following the death of Queen Elizabeth II.

I'm confident that as the Canadian population expands, we will inevitably abandon antiquated ties to the House of Windsor.
Chapter 9

Getting governments working together: Reform of intergovernmental institutions and practices, and harmonizing fiscal responsibility

Canada is a complex federation with multiple levels of government—provincial, territorial, Indigenous, municipal. It is a huge challenge to demand greater accountability, transparency, and responsive policies and programs when several layers of government are concerned. The traditional approach of relying on *ad hoc* first ministers’ meetings or bilateral federal-provincial agreements to achieve an intergovernmental consensus no longer works. Too often, we end up with either the lowest common denominator of agreement, or no multilateral agreement at all, and a potentially inequitable patchwork of standards and services across the country.

Canadians are worn out by intergovernmental dysfunction. We desperately need a fresh, effective, institutional structure to guarantee the completion of so many urgent initiatives. As noted in Chapter 8, the Senate in its current form is no place for forging durable, multilateral compromises and collaborations. Nor is the generally dysfunctional Council of the Federation, which consists of provinces and territories only, and which does little more than provide for an annual get-together where premiers whine about Ottawa and the federal government.

We know all too well that many critical challenges we face involve every level of government. The responsibility for action cannot be neatly allocated to one jurisdiction or another. Rather, coordinated governance is needed to ensure all our representative institutions work together to help Canadians find and keep decent jobs with decent pay, raise children in a safe and clean environment, care for elderly parents and disabled relatives, and make sure enough food is on the table.

Canadians are fed up with one level of government passing off responsibility to another, and with one level suddenly vetoing another’s action on a purely electoral calculus. The examples are endless. Time and time again, the federal government sets new goals for immigration, yet fails to assure sufficient settlement funding for the provinces that are primarily responsible for integrating the new Canadians. Municipalities try to increase public transit,
only to find funding opportunities unexpectedly cut by the province. Former Ontario premier Kathleen Wynne’s surprise veto of Toronto Mayor John Tory’s proposal for toll roads comes to mind, as does current Ontario premier Doug Ford’s abrupt municipal budget reductions.

This chapter will examine how to initiate reform to our intergovernmental structures and practices, as well as to how we raise revenues to fund our public programs. The time is overdue for structural change to modernize our federal system, and facilitate cooperation between all levels of government to achieve common goals for all Canadians. To this end, I propose a Council of Canadian Governments, which would be carefully structured to design and implement programs and initiatives needed nationally but delivered locally.

Too often, progress is impeded by our elected representatives’ failure to secure adequate revenues to build and sustain the programs and initiatives we need. So, we also have to focus on revenue generation, and demand maximum accountability and efficiency from our collective public expenditures across all levels of government. I describe below how a neutral Commission on Fiscal Transfers could facilitate consensus on intergovernmental funding. At the same time, both federally and provincially, we need comprehensive root-and-branch tax reform. To chart a clear course of action, we should mandate a dedicated independent commission to review the vast quantity of studies and analyses published by government finance departments and the private sector, and itemize coherent broad-ranging changes.

**Council of Canadian Governments**

Australia has a model that Canada could follow to create a more collegial and collaborative federalism, even in the absence of constitutional change. The ten-member Council of Australian Governments consists of the prime minister, state and territorial leaders, and the head of the Australian Local Government Association. Established in 1992, the Council fosters co-operation on policies and programs of national importance. It is generally well-accepted by Australians, having eliminated much of the inter-jurisdictional wrangling with which Canadians are so familiar. Australia has now succeeded in harmonizing policies across the country in areas including a national disability insurance plan, skills training, business regulations, transportation, infrastructure, and health care.
A **Council of Canadian Governments**, chaired by the prime minister, would include provincial premiers, territorial leaders, representatives of municipal governments, and representatives of Indigenous people. It would neither be a formal part of our legislative process, nor have any governmental powers or constitutional status; rather, it would supplement First Ministers’ conferences. The Council’s role would be to initiate, develop, and monitor the implementation of policy reforms of national significance that require action by all Canadian governments. This focus on collaboration would bring more direction and coherence to national governance.

The Council would be thoroughly transparent: full details of its meetings, agendas, proposed initiatives, agreements, and so forth would be available online. Ideally, council meetings would be open to the public, giving citizens access to the experts invited to consult on policy developments. This high degree of transparency would facilitate constructive citizen mobilization around issues of national concern, and permit Canadians to demand much greater accountability from our leaders on matters requiring co-ordinated action at different levels of government. (We would equally need to hold provincial and federal legislatures accountable for any laws or regulations they passed to follow through with the Council’s work.)

Strengthening our social safety net and our economic fundamentals in a meaningful way requires all levels of government to take collaborative, constructive action. Citizens should not have to put up with one level of government avoiding an issue by blaming another, or see their benefits arbitrarily cancelled because federal action is uncoordinated with a related provincial program. Finding that our training certificates are not recognized throughout Canada, or that our businesses must comply with different regulations in order to operate across more than one province, is absurdly frustrating.

A Council of Canadian Governments would prevent Canadians from falling between the cracks because of complex, uncoordinated federal-provincial-municipal-Indigenous initiatives. The Council would also be mandated to strengthen our internal Canadian economy, and eliminate the regulatory labyrinth that makes it easier to conduct business outside our borders than across Canadian jurisdictions. Greater national continuity would bolster all citizens’ economic and social security, and increase investment and jobs across the country.
Finally, a transparent Council of Canadian Governments would allow for much-needed reporting on our massive $70-plus-billion federal-provincial fiscal transfer program, which accounts for over a quarter of all federal spending. It would be invaluable to have a forum in which much-misunderstood topics such as federal-provincial “fiscal balance” could be examined. (“Fiscal balance” debates are triggered by the frequent claims of provinces facing large deficits that Ottawa should be increasing transfers to the provinces, and shouldering more of their expenditure load).

**Commission on Fiscal Transfers**

Every year, Ottawa channels billions of dollars to the provinces and territories to reduce inequities among Canadians. This goal of economic and social justice is so fundamental to our way of life that it is entrenched in the *Constitution*. Section 36(1) *commits* our governments to: “(a) promoting equal opportunities for the well-being of Canadians, (b) furthering economic development to reduce disparity in opportunity, and (c) providing essential levels of public services of reasonable quality to all Canadians.” Most federal contributions to provinces take the form of transfer payments earmarked for health care, post-secondary education, social assistance, and social services—arrangements jointly referred to as “fiscal federalism.” Section 36(2) of the Constitution *commits* our governments to providing “reasonably comparable levels of public services at reasonably comparable levels of taxation.” This specific form of financial redistribution of our national wealth is what we call “equalization.”

Transfers from federal to provincial and territorial governments are an integral component of a well-functioning, modern federation. In a federation such as ours, the so-called ‘vertical balance’ between federal and provincial levels of government is just as important as the ‘horizontal balance’ that implies correcting disparities across provinces. Too much provincial self-sufficiency can increase interprovincial disparities, which in turn puts pressure on equalization. Indeed, we should be concerned that in Canada, federal transfers account for a lower percentage of provincial revenues than any other federation in the developed world. Canada is considered the most decentralized federation in the world, with Ottawa’s share of total revenues the smallest of any other central government.
It has become very difficult to measure whether fiscal federalism, as currently structured, allows us to share our financial burdens fairly and promote national objectives to all citizens’ benefit. Different levels of government increasingly strike ad hoc deals, which make calculating the real impact of transfer payments next to impossible. Recent bilateral, federal-provincial deals on healthcare funding are just the latest case in point. The House of Commons’ lack of meaningful scrutiny of intergovernmental transfers is an alarming failure of transparency and accountability to the Canadian people, who don’t need statistical evidence to know that the collective impact of public spending falls well short of its intended goals. To achieve greater openness, we must change how Parliament handles fiscal redistribution.

Each year, the Canada Health Transfer allocates over $30 billion to the provinces, while the Canada Social Transfer distributes another $13 billion-plus for services including post-secondary education and childcare. All provinces now receive both these transfers on an equal per-capita basis (for every citizen). Equalization payments, which are made only to provinces with a ‘fiscal capacity’ below the national average, total over $17-billion. Over half of this amount goes to Quebec; the rest is divided between Ontario, Manitoba, Nova Scotia, New Brunswick, and Prince Edward Island. Many other federal programs and initiatives incorporate equalizing elements. One example is Employment Insurance, currently structured to benefit unemployed citizens in areas of the country with fewer job opportunities. Other federal transfers are distributed to provinces according to different per capita measures, on no clear principle.

Equalization is undoubtedly a valuable program. Some observers argue it could help Canada to quell the kind of citizen backlash that tipped the vote to Trump in certain hard-hit geographic areas. Yet this aspect of financial redistribution is long overdue for substantive and procedural reform. The formula used to calculate equalization payments—by adding up various tax bases and subtracting others to somehow measure fiscal capacity across provinces—is so complex that few experts can explain it in intelligible terms.

Too often, equalization has become a political football. At the time of writing, Alberta’s new government is dramatically threatening a very impractical referendum on the issue. Among other things, Albertan politicians question why Quebec receives enormous equalization payments and yet funds services other provinces cannot afford, such as subsidized electricity, very affordable
child care, and the lowest post-secondary tuition fees in the country. In 2008, Premier Danny Williams of Newfoundland ran a successful protest campaign against the Harper administration’s reneging of a promise to change the equalization formula.

We urgently need to bring coherence, consistency, and accountability to the perverse jumble of federal contributions to provinces, to stop this issue dividing governments and eroding Canadians' ties to one another. A permanent, non-partisan, and independent advisory commission, similar to Australia’s Commonwealth Grants Commission, could scrutinize and manage fiscal federalism. This Commission on Fiscal Transfers would examine economic conditions in every province by drawing up a giant balance sheet of GDP in each jurisdiction, taking all revenue sources into account, measuring the effectiveness of government programs, and charting improvements in equity. Among other improvements, the current equalization formula would be replaced.

The Commission—made up of experienced experts appointed by Ottawa through a new, transparent and arm’s-length Public Appointments Board—would then submit an annual proposal to the federal government for adjusted equalization and fiscal transfers that better promote our national goals of equity and equality of opportunity for all Canadians, regardless of residence. It would work in conjunction with the Council of Canadian Governments to resolve such difficult questions as whether specific transfers should be made on a per-capita basis, or according to “fiscal need”, taking disparities among provinces into account. The Commission’s reports to Parliament and recommendations to the Minister of Finance would make federal transfers to other levels of government more transparent, and much less political. Detailed findings would inform broad-based debate on longer-term national objectives, strengthening ties among Canadians and increasing our confidence in the fairness of the system.

**Raising adequate revenues: comprehensive tax reform**

The subject of taxation is usually a guaranteed conversation-stopper. Many of us citizens are quick to complain we are overtaxed, though we know our taxes fund a wide range of essential services that individual Canadians and the private sector cannot, or will not, provide efficiently. Taxes pay for our roads
and sewers, health care and education, police and military, and many other public.

We are also thoroughly disillusioned with our politicians’ easy promises, so often abandoned due to their failure to consider how to raise sufficient revenues for implementation. Governments’ ability to act on behalf of citizens is critically dependent on their ability to raise revenues. Citizens deserve straight talk from representatives, who must fully inform us of the realistic costs of any action, provide short- and long-term funding options, and take action accordingly.

Taxation in Canada is progressive, meaning that those earning higher incomes are expected to contribute more to public services. In a progressive system, tax revenue should directly or indirectly help lower-income citizens and provide equal opportunity for social advancement. Yet our current income tax system is riddled with exceptions, special cases, and limited exemptions that are at best inconsistent, and at worst profoundly unfair. Some wealthy individuals and many businesses get breaks they don’t need, while average and low-income wage earners are held back by counterproductive rules and regulations. The cost of these (largely politically inspired) tax adjustments in terms of foregone government earnings is estimated at between $80 and $100-billion.

Reforming our tax system will improve our collective ability to raise revenues efficiently and fairly and enable us to fund urgent policies and initiatives without resorting to unsustainable debt financing. Restoring fair and progressive taxation will help us sustain a productive, prosperous economy, while genuinely helping mitigate Canada’s widening income gap. We need much more than the current federal government’s much touted but minimal middle-class tax cut, which does nothing for Canadians earning less than $45,000.

How bad is our income tax system, really? When the right-leaning Fraser Institute and seven out of 10 business leaders agree it’s a mess, it’s safe to say there is a problem. Accessing the system is so baffling and frustrating that citizens struggle to access tax credits they deserve. A 2017 study by the University of Calgary’s School of Public Policy found that only 40 percent of more than 1.8-million Canadians living with a severe disability take advantage of the federal disability tax credit (DTC). The mind-numbing complexity of the
system was thought to be a major obstacle to access, and this is bound to be affecting other population groups, too.

In a January 2019 column in *The Globe and Mail*, Ian McGugan aptly described our income tax system as “a labyrinth of rules that appears to have been cobbled together during a midnight rave-up of politicians, Sudoku aficionados, and people new to the English language.” McGugan then asks how we might reform a system that has sprawled in every direction. The following comments elucidate some of the challenges we face:

"Making matters even more difficult is the growing trend toward income inequality. An increasing proportion of society's earnings now flow to the top tier of earners. This poses a knotty dilemma. On one hand, any attempt to impose hefty levies on society's wealthiest and most productive members simply prods people of high ability to decamp to other countries. On the other, it's hard to ethically or politically justify a system that goes easy on the well-to-do simply because they're mobile.

Economists and other theorists who study optimal approaches to taxation generally agree on a few notions. They're for reducing special exemptions and flattening tax rates. They also find merit in distinguishing between income from employment and income from stocks, bonds and other investments.

For example, Kevin Milligan of the University of British Columbia has argued persuasively for a system that combines strongly progressive tax rates on employment income with a relatively low flat rate on investment income. The goal would be to tamp down the inequality in people's paycheques while encouraging individuals to invest in activities that can grow the economic pie for everyone.

One modest first step would be to follow the lead of the United Kingdom and set up an Office of Tax Simplification. More ambitiously, the time is ripe for a broad rethinking of Canada's tax system. Our last such effort, the Carter Commission in the 1960s, took 10 years to move from initiation to very piecemeal implementation. The sooner we get started on a new effort for the 21st century, the better."

We should establish a national, independent committee of experts to conduct a thorough review and propose steps to overhaul our unfair, inefficient, and exemption-riddled tax system. This committee's mandate should extend beyond personal and capital income taxes to encompass all existing and
potential sources of tax revenue, including sales, consumption, estate, and financial transaction taxes. It would also take up the very useful work done by the expert panel established by the Department of Finance Canada in 2016 to review tax expenditures. Encouragingly, several panel members (most notably economist Robin Boadway and political scientist Jennifer Robson) have a clear-eyed understanding of the inequities overwhelming our tax system. But they appear to have had little concrete impact, as the Department of Finance continues to publish excruciatingly detailed and unreadable annual reports on federal tax expenditures, most recently in April 2019.

Comprehensive, root-and-branch tax reform is not just the piecemeal elimination of a few tax credits here and there. If we broaden the field of action, calculating winners and losers becomes more fluid and less divisive. For example, it would make sense to replace the workplace health and dental coverage taxable benefit—which currently costs the government almost $3 billion in foregone revenue—with a refundable tax credit that would extend the benefit to all Canadians. But the federal government withdrew this initiative following pushback from vocal, well-funded organizations representing the narrower interests of a fortunate 13.5 million Canadians with employer-sponsored plans.

The same thing happened when the government clumsily attempted targeted reforms to prevent the misuse of private corporations to reduce tax bills. These reforms were sensible, but because they were presented in isolation, small business owners and professionals were able to overwhelm and embarrass the government with well-crafted messaging, representing themselves as innocent victims of an unjustified government vendetta. Had these changes formed part of a much broader tax reform initiative, the government would not have been so easily pressured to abandon them.

Any comprehensive review and reform must involve in-depth scrutiny of corporate tax structures with a view to systemic reform. Some European countries have successfully implemented a reform that converts corporate income tax into “rent” tax. Unlike income tax, this cannot be said to act as a disincentive to investment and innovation. Allowance for Corporate Equity (ACE) tax systems allow a firm to deduct borrowing and equity costs related to investment in its business, among other advantages.
Indeed, a tax system such as ours, written for the analog era using statistical methods that fail to capture real wealth, is ineffective in today's financialized, digital economy. Standard measures of GDP fail to reflect a whole panoply of intangible assets, from digital music and mobile apps, to Google and Twitter. Digital assets undeniably influence profitability, but businesses can book them as intermediate goods as opposed to output, reducing their tax bills. Similarly, affluent earners can opt to receive income in the form of stock options, on which they pay much less tax than on regular income, if any. Tech giants routinely book their profits in low-tax jurisdictions, although countries like Canada are attempting to coordinate international action to prevent this. One example of such efforts is the European Union proposal for a Digital Services Tax.

As we seek out new sources of revenue for our collective priorities, we should join European nations like France and Germany in promoting and enforcing an international financial transactions tax (popularly known as the “Tobin tax”). Bill Gates put forward a related proposal for increasing tax revenues in G-20: a 0.01 percent tax on the sale of equities, and a 0.05 percent tax on bond transactions. This could raise approximately $48-billion among G-20 member states.

We must also review the balance of income tax and sales tax revenues. If we determine that additional sales tax revenue is needed, we already have mechanisms in place to provide lower-income Canadians with exemptions and refundable tax credits to make the impact as equitable as possible.

Take, for example, one of our biggest consistently underfunded areas: guaranteeing basic rights, equity and justice for Indigenous Canadians. Despite the Trudeau government’s stated intentions, the impact of additional federal expenditures on Indigenous education and health care remains unclear. Housing conditions have worsened; incarceration and suicide rates remain tragically high. On First Nations reserves, a significant percentage of water systems are substandard. If we are serious about finally moving beyond empty rhetoric, why not dedicate an immediate 1 or 2 percent of GST to Indigenous people? This could secure resources for accelerating the repeal of the Indian Act, and building Indigenous-led governing structures and services with sufficient resources to begin addressing the effects of intergenerational trauma. Only dramatic budgetary and legislative initiatives can succeed in reminding Canadians of the need to turn things around on a daily basis, whatever the cost.
Additional revenues should also be channeled toward settlement funding for new Canadians. It is important to get this right, as Canada will absorb many more millions of immigrants over this century. With our expansive geography, and provided we adequately invest in initiatives to tackle climate change, we could be uniquely positioned to show the world that a progressive, vigorous, multi-ethnic democracy can thrive in the twenty-first century. But we need structural change to make sure no one is confined to the sidelines. All of our voices must be heard.
Chapter 10
The benefits of intergovernmental harmonization

This book has addressed our need for more responsive government, more responsible long-term planning and policies, and fewer useless, polarized debates. The key to these reforms is bringing sidelined citizens back into the political process.

I’ve mapped out how we can completely rethink and overhaul our democratic structures to improve representation, encourage compromise and collaboration, eliminate stifling, top-down leadership, increase citizen engagement, and bring about much better outcomes. As discussed in Chapter 9, we must initiate comparable reforms to our intergovernmental structures and practices, as well as to how we raise revenues to fund our public programs. Here are five examples of the critical work ahead that calls for serious and sustained intergovernmental collaboration and harmonization: climate change mitigation; improved income security; eliminating interprovincial barriers to trade, employment and carrying on business; coordinated training and support for workers; and improved access to healthcare.

Climate change mitigation

Climate change is not just an ecological question. It is also an energy issue, an infrastructural issue, a jobs issue, a migration issue, a health issue, and a foreign policy issue. Yet our public response has been underwhelming and uninspiring, characterized by intergovernmental incoherence and a general lack of committed leadership. The federal government’s carbon-pricing initiative, now headed towards a weak provincial-territorial patchwork of pricing and cap-and-trade systems, makes this all too clear. Bilateral deals made with individual provinces unravel with each new election. What we need is systematic collaboration and multilateral co-ordination between the federal and provincial governments in a harmonized, long-term framework.

Robert Lyman, author of “Carbon Taxation – the Canadian Experience” published by the Global Warming Policy Foundation, succinctly notes that “carbon dioxide pricing has simply been added to the over 600 existing federal, provincial and territorial programs and regulations. There is no inventory of these programs and no way to assess their effectiveness or cost-effectiveness.”
While putting a price on carbon is the most economically efficient way to tackle climate change, it has arguably been the focus of too much attention. Political opponents have polarized debate around, and exaggerated, the financial sacrifice a carbon tax would represent for voters. Moreover, revenues from current carbon levies on consumers and businesses do not actually offset the social costs of carbon emissions, which include environmental devastation, health risks, and extreme weather events. The Parliamentary Budget Officer (PBO) has demonstrated that the federal government’s plan to raise the current $20-a-tonne levy on fuels to $50 in 2022 falls far short of our Paris Agreement target. To reduce greenhouse gas emissions by 30 percent below 2005 levels by 2030 and honour our international commitment, the PBO estimates the fuel levy must gradually increase to about $102-a-tonne by 2030. But before anyone moans, the impact on GDP will be negligible (less than one percentage point), and the national average price of gas at the pumps will rise by only 1.3 percent a year—a small price to pay for significant climate change mitigation.

In fact, the Trudeau government’s ‘Pan-Canadian Framework’—with federal “benchmarks” for provincial and territorial carbon pricing systems, and a “backstop” plan for jurisdictions that do not comply—is flawed in more ways than pricing. For example, the federal goal is to encourage the transition from high-emitting to low-emitting forms of electricity generation. But the government has designed the federal tax to kick in at different emissions levels for different types of fuel, with higher tax-free allocations for coal-fired plants than natural gas, and none at all for hydro and wind. This will discourage the shift to low-emitting forms of electricity generation. Ironically, Alberta’s Carbon Competitiveness Incentive Regulations adopt the better approach of a uniform benchmark for all fuels used to generate electricity.

Concurrently with introducing an effective carbon pricing plan for fuels and beyond, that is supported by all levels of government, coordinated intergovernmental effort is required on a wider range of action that includes designing clean energy mandates and subsidies, and tax reforms that eliminate fossil fuel subsidies. Although less efficient economically, this approach can also make a real difference.

In June 2019, Conservative leader Andrew Scheer announced a climate change plan relying on “green technology, not taxes.” It would set strict emission limits on major greenhouse gas emitters that, if exceeded, would require the
companies to pay into a fund tied to government-certified clean tech companies. The Liberals predictably trashed Scheer’s approach, which he called “a real plan to protect the environment”. However, it has some elements that could complement a more vigorous carbon pricing approach. There’s room here for compromise, if only compromise was on the agenda. Even better if Elizabeth May and the Greens were more influential and MPs generally had more independence.

The key is to encourage a national consensus and sustained collaboration across provinces and territories within the proposed Council of Canadian Governments, as well as in Parliament. Mitigating climate change is undoubtedly the existential challenge we all face in the 21st century. By failing to take innovative steps—both on structure and policy—to build a durable national consensus for coordinated intergovernmental action, the Trudeau government is failing all Canadians and jeopardizing the well-being of future generations.

**Improved income security**

The child benefit introduced by Trudeau government to replace Stephen Harper’s regressive Universal Child Care Benefit, as well as the old Canadian Child Tax Benefit and the National Child Benefit Supplement, is a strongly progressive initiative. It provides significant relief to lower-income families, and could further advance social equity if phased out at a more realistic income level (the benefit is currently offered to families earning up to $188,000).

But the government should not stop here. An ambitious political agenda must extend to additional tax reform, and some form of guaranteed basic income for working-age adults to complement what is now effectively a basic income guarantee for children, and the basic income elderly Canadians receive via Old Age Security and the Guaranteed Income Supplement.

We are all deeply concerned about the widening income gap and steadily increasing numbers of people trapped in the low-wage economy—workers, especially younger generations, struggling with part-time, precarious employment. Despite relatively rosy employment statistics, part-time jobs still account for a large percentage of net job creation.
The 2018 Canada Workers Benefit (CWB), an update of the original Working Income Tax Benefit (WITB) introduced by the Harper government in 2007, is a small step forward. This refundable tax credit initially supplemented low-income workers’ earnings by a maximum of $1000 for families. As originally structured, the WITB operated as a disincentive to work when combined with provincial benefits. A person was required to make at least $3,000 to be eligible for the benefit. A single person working at a fast-food outlet for minimum wage and making $343 a week, or less than $18,000 a year, earned too much to be eligible. If she reduced her hours by half, however, she could not only receive the WITB, but also retain provincial benefits for the working poor, such as prescription drug coverage. Clearly, she was better off working fewer hours. The Trudeau government changes—including increased benefits for individuals and families and lower clawback rates—are modest, but remove some disincentives to employment from our tax system.

But the federal government has yet to effectively collaborate with the provinces to scrap social assistance rules that interact negatively with federal programs like the CWB, and discourage recipients from making the transition to full-time employment. For example, significant discrepancies in minimum wage and social assistance policies across provinces and territories make it difficult to formulate a uniform federal benefit that fairly addresses the varied needs of low-income workers across Canada. Effective income security policies require serious efforts by the federal government to collaborate multilaterally with the provinces and territories. Regrettably, collaboration has been the exception, not the rule, although Quebec, Alberta, British Columbia, and Nunavut have now bilaterally changed the parameters of the federal CWB to better meet local needs.

A basic income guarantee is certainly an idea whose time has come. It has been proposed for many years by conservatives and liberals alike. An enormous quantity of persuasive research demonstrates that today’s multiplicity of income support programs—overlapping, confusing, and riddled with contradictory incentives—is a huge problem. A “big bang” version of an income guarantee would replace separate federal and provincial programs with a single, universal, unconditional cash benefit delivered through the tax system. (This would not include EI or pensions). The general principle would be to establish an income floor below which no Canadian could fall, but with incentives for recipients to continue working and to earn more. However, a basic income guarantee can only improve equity among Canadians in
conjunction with continued support for essential social services like affordable childcare, housing and transit.

Federal-provincial spending on income security in Canada is significant, totalling over $170 billion, or almost 10 percent of our GDP. The biggest challenge in implementing a user-friendly and efficient basic income guarantee will be getting all levels of government to work together on any particular initiative and establish a collaborative road map across jurisdictions. The introduction of a universal basic income would provide a regular payment to every Canadian without requiring a needs test. The payment would be designed to be “clawed back” only as a recipient earned additional income, in such a way as to be phased out completely once an income of, say, $60,000 was achieved. The overall cost of the program would depend on the claw-back rate.

The simplest way for the federal government to begin the transition to a basic income guarantee, and get more funds into the hands of Canadians most in need, would be to make most existing tax credits refundable. Our current maze of nonrefundable tax credits (NRTCs) —worth over $80-billion—is largely politically inspired and only accessed by a subsection of Canadians whose tax bills are sizeable enough to benefit. In contrast, refundable tax credits (RTCs), like the CWB and GST credit, are carefully designed to provide a benefit to low-income Canadians, including those who pay little or no taxes. A 2015 research paper by Wayne Simpson and Harvey Stevens analyses various alternatives for converting NRTCs to RTCs at a modest additional cost. Implementing one of these options would be a positive initial step towards increasing the fairness of our tax system and mitigating income inequality. Furthermore, this federal tax reform initiative would enable Ottawa to spur provinces and territories into taking comparable action, and snowball improvements to low-income Canadians’ income security.

This is where my proposed Council of Canadian Governments would come in handy. In recent years, we have seen some limited federal-provincial coordination spark progress in select areas. One example is the consolidation of a hodge-podge of tax credits—sales, property, energy—into a streamlined monthly payment delivered quarterly through Ontario’s Trillium Benefit and Québec’s Solidarity Tax Credit. British Columbia has similarly consolidated its Climate Action Tax Credit with both the federal GST credit and provincial PST credit. Still, so much more action is needed, and a dedicated forum for intergovernmental collaboration would undoubtedly expedite change.
In 2017, the province of Ontario commenced its own pilot project for working-age adults based on a report by former Conservative senator Hugh Segal. The federal government was not involved; the project was limited to replacing the current Ontario welfare and disability benefits with a basic income, and assessing whether this provided individuals with better support. If the project had been judged a success, Ottawa would likely have been asked to add federal income supports into the mix. Sadly, this prospect was precluded by Doug Ford’s abrupt cancellation of Ontario’s basic income experiment in 2018.

In April 2018, the PBO published a report on Costing a National Guaranteed Basic Income Using the Ontario Basic Income Model. The report concludes such an initiative would be feasible “as a combined federal-provincial basic income system that could be managed by intergovernmental fiscal arrangement. This would replace some provincial transfers for low-income individuals and families including many non-refundable and refundable tax credits thereby reducing its net cost.” The stage is set for a meaningful federal-provincial initiative combining a basic income guarantee with enhanced accessibility to affordable services—housing, transit, child care—so as to better respond to the varied needs of struggling individuals and families.

More active federal government participation, and closer collaboration with provinces, would be enormously helpful in advancing such an initiative. A first area for federal-provincial efforts could initially focus on the relatively straightforward creation of a basic income guarantee for persons with disabilities. This would be a huge improvement, replacing the mess of no fewer than nine different federal and provincial income streams currently available: Social Assistance, Workers’ Compensation, the Disability Tax Credit, veterans’ programs, private programs, Canada Pension Plan Disability (CPPD), EI Sickness Benefit, Registered Disability Savings Plan, and CWB disability supplement. The kind of multilateral forum and framework provided by a Council of Canadian Governments and Commission on Fiscal Transfers (described in Chapter 9) would prove invaluable in facilitating the intergovernmental collaboration necessary to achieve this goal, and significantly enhance transparency, accountability, and vital citizen engagement.
Eliminating interprovincial barriers to trade, employment and carrying on business: A strong internal economic union

A productive, prosperous economy depends on expanding our internal market and improving regulatory harmonization so that businesses and individuals can easily work across provincial borders. This requires dismantling the numerous trade barriers imposed by provinces, which make Canada a generally more fragmented and fractious place to do business than even the now-stumbling 28-member European Union. A strong internal economic union is all the more essential if we are to stand up forcefully to Donald Trump's America First tactics.

The Trudeau government announced with much fanfare a new “Canada Free Trade Agreement” to replace the anemic Agreement on Internal Trade (AIT), which dates back to 1993. Officials made extravagant claims that the myriad of provincial rules and regulations impeding both trade and individuals’ ability to work across internal borders would soon be terminated. But this blanket elimination was subject to a “secret list” of many provincial exceptions, and the legislation that ultimately took effect in July 2018 fell far short of the government’s rhetoric. Regrettably, provisions that permit provincial governments to limit market access in areas such as forestry, fisheries, energy production, and gambling remain intact. Only “some progress” was made on that perennial favourite: beer and wine sales. And “unfinished business” includes “aspects of financial services.” The prognosis for real progress remains poor.

Ironically, there was much gnashing of Canadian teeth over the absurdity of dairy farmers in Wallonia slowing up the Canada-European Union Comprehensive Economic and Trade Agreement (CETA) back in October 2016. In fact, our own governments have created an absurdity by failing to devise an enforceable internal Canadian agreement over provincial procurement. Now that CETA is ratified, a French or German firm bidding on a contract in a particular province may have an advantage over a company from another Canadian province.

True Canadian economic union requires focused and firm action in a multilateral forum like the proposed Council of Canadian Governments. It is most certainly not enough for the federal government to settle, as apparently it has, for a largely ceremonious new co-chair position on a sub-committee on
internal trade, within the all-provincial organization exaggeratedly called the Council of the Federation. As noted above, the Council of the Federation was created by disgruntled provinces in 2004 and still functions generally as a talking shop for provinces to air grievances about the federal government. The time is overdue to implement a functional, clearly-mandated federal-provincial forum: a Council of Canadian Governments.

**Coordinated training and support for workers**

Intergovernmental collaboration is desperately needed to provide more relevant and practical workforce development and improve Canada’s poor record of on-the-job training. The federal government has focused only on minor tinkering with the Employment Insurance program, for which less than half of today’s workers are eligible, and has made little or no effort in the intergovernmental arena to bring coherence and cohesion to the fragmented and poorly coordinated transfers of over $3-billion each year to the provinces and territories for labour market development. There are almost 50 assorted bilateral federal-provincial-territorial agreements currently grouped under four federal-provincial labour market programs broadly devoted to helping various categories of unemployed people get back to work. Measuring accountability, equity, and effectiveness is challenging for officials, let alone the citizens who desperately need to use the programs.

Serious consideration could be given to innovative suggestions such as collapsing these federal programs into a single transfer system to the provinces, territories, and Indigenous governments—a system funded from general revenues and allocated according to the provincial or territorial share of unemployed workers in Canada, with a single set of administrative requirements. Provinces and territories would not be allowed to impose residency requirements for individual eligibility for training and they would have to report publicly on program results. Under this type of system, workers would not have to qualify for EI to use the programs, and EI premiums for both workers and businesses would be lowered.

But even more importantly, we must move beyond the narrow focus on the deficiencies of the unemployed or people requiring training. Almost all programs and policies only target individuals and what they need. Yet the evidence is clear that the companies that invest in their workers and in productivity improvements are also the most successful.
We need programs and policies that focus equally on employers. But in the very few instances, where there are incentives provided to employers, such as the Canada Jobs Grant program, this money is used in an entirely transactional way, a one-off bribe to get a worker trained. Indeed one program evaluation finds that CJC, among other things, serves only current employees, overwhelmingly men, and almost no new employees or the unemployed. This means it shares the same problem with other transfers administered under EI of providing the least help to workers most disengaged from the labour force.

The 2018 Future Skills initiative is designed without collaboration with other levels of government and there is much room for skepticism about whether this initiative will ever provide meaningful help to Canadians. The creation of a Future Skills Council as “an independent research centre that develops, tests, and measures new approaches to skills assessment and development”, sounds very nice but is still on the drawing board. It is all too likely that it could end up functioning more to camouflage a reluctance to undertake the urgent task of coordinating and ensuring the effectiveness of the over $3-billion a year in federal transfers to the provinces for training. Similarly, another federal initiative—the 2019 Canada Training Benefit in Budget 2019—is well-intentioned but a far too limited step comprising yet another tweak to EI for a modest Employment Insurance Training Support Benefit (EITSB) and an equally modest annual Canada Training Credit (CTC) up to a lifetime limit of $5000.

Interestingly, the federal government has failed to follow up on a much more meaningful proposal of its Advisory Council on Economic Growth in its report entitled Tapping Economic Potential through Broader Workforce Participation (February 6, 2017) that included the Future Skills initiative: “The entire EI system could be reviewed and recalibrated to eliminate labour market distortions.” And, in the same report, the Council also suggested that the government consider both a national child care program based on the Quebec subsidy model, and the Norwegian system of giving parents with children under 12 the right to work part-time or with flexible hours, as a way to boost labour-force participation. This is, of course, a welcome acknowledgment that affordable childcare is essential to stabilizing the lives of parents, particularly in precarious or low-wage jobs. Yet the topic continues to be absent from public debate to date. Until the federal government is able to get serious about engaging with the provinces in an intergovernmental forum to create a coherent national framework for action, we will not see any real progress in these areas.
The federal government must abandon EI tinkering and take the lead in spurring other levels of government to bring about systemic change in the workplace and among employers using EI funding in a transformative way. This would be an ideal area to be addressed by the proposed Council of Canadian governments.

We must urgently overcome the unwillingness of many Canadian employers to invest in long-term internships and apprenticeships. These companies fear that they will lack the ability to protect themselves against attempts by their competitors to poach their interns and apprentices. Meanwhile Canada’s productivity growth rate, our ability to “work smart”, and our level of innovation in the workplace is persistently below those of our competitors, while we face frequent shortages of trained workers. We need to provide incentives for employers to train workers and to invest in productivity improvements for the long term to improve our overall competitiveness.

We need to consider encouraging investment in workers through the Workplace Development Board system used in the US. These regional boards lead sector-by-sector collaboration across businesses, industry, labour unions, educational institutions (usually community colleges because of the emphasis on vocational skills), community and residents’ organizations, community-based employment services, and governments. They can vastly expand on-the-job training by achieving economies of scale. Such co-ordination is a very labour-intensive process that involves consultation, deliberation, and alignment of various individual interests, but it can also deliver great results, especially in identifying employers who are committed to investing in their workers and those who need support for ongoing training and career advancement.

It would help if Canada could encourage the kind of social solidarity that exists in many European countries, where strong tradition of workers’ mobilizations has led to more collaborative relations between employers and workers (in many cases workers sit on company boards), and a strong consensus in favour of government participation in apprenticeship and training. Citizens in these countries agree on the value of paid apprenticeships and internships, and remain committed to avoiding the outrageous disparities between the pay levels of CEOs and those on the shop floor that afflict the US, the UK, and, increasingly, Canada.
And we can learn from how Germany's extensive apprenticeship system and similar initiatives in the Nordic countries, Austria, Italy, the Netherlands, France, and Switzerland helped to shield these nations from the job shortages associated with the European economic crisis. Apprenticeships are integrated into formal education and students receive a wide range of vocational training in high school. On-the-job training is blended with classroom training. These countries all provide tax credits for enterprises that increase training year-over-year. For example, France has added a payback clause that requires employees to reimburse the employer for the cost of their training if they leave the employer within a certain time period after the training is complete. This was done to offset employers’ fear of losing their investment in their employees.

**Improved access to health care**

The Trudeau government’s attempt at more effective federal-provincial collaboration—by means of the same old *ad hoc* first ministers’ meetings—quickly ran aground in late 2016 when healthcare negotiations faltered. In the absence of a constructive, stable national framework for intergovernmental negotiations, little progress could be made towards either building a consensus on policy and innovation, or improving accountability for the federal government’s enormous fiscal transfers to the provinces. Despite her good intentions, then federal Minister of Health Jane Philpott was *hamstrung when an all-provincial consensus was not forthcoming*, and reduced to striking a string of bilateral federal-provincial deals.

This approach risks producing an inequitable patchwork of services across the country, and relegating the federal government to the now-familiar role of headwaiter to the provinces. Instead of taking the lead in forging intergovernmental consensus on subjects of concern, so as to enhance national governance, Ottawa settles for minimal effort and lowest-common-denominator outcomes to satisfy provinces’ disparate demands.

In March 2019, the federal government announced an ambitious proposal to implement national pharmacare. Though laudable, this initiative will likewise founder on the shoals of inadequate intergovernmental collaboration to define appropriate federal-provincial-territorial roles and contributions. The federal government must come to grips with complex variations between provincial
and territorial pharmacare plans in order to promote more cost-effective coverage and reach a national, universal standard. Dr. Hoskins (current chair of the Advisory Council on the Implementation of National Pharmacare) proposes that pharmacare payments be distributed on a different basis from current per-capita healthcare transfers, and calculated to subsidize provinces with below-average fiscal capacity, much in the same way as equalization. This approach would satisfy provincial concerns that pharmacare transfers should reflect particular demographic challenges. For example, Newfoundland and Labrador has Canada’s oldest population, and higher rates of chronic diseases when compared with other provinces.

Health care, including pharmacare, is another crucial area of essential public services that would benefit from a new intergovernmental forum like the Council of Canadian Governments.

It is these kinds of intergovernmental initiatives, combined with what, up until now, has been rare examples of reasonable compromise and principled cooperation among our elected representatives, that will take us into a stronger future.
Epilogue

The essential message in this book is that our democracy is in trouble, under pressure from three directions. First: autocratic, self-absorbed political parties are treating politics as an elite sport instead of a serious, citizen-powered democratic exercise. Second: ever-accelerating information and communications technology. Third: too many sidelined citizens who at best feel helpless, and at worst do not vote.

The situation is critical, but not yet desperate. We can rescue our democracy if citizens seize the day by getting off the sidelines. We must reclaim control of the selection of candidates we vote for, the agenda, and the conduct of politics from the withering political parties.

We need to elect independent-minded candidates, demand more compromise among all elected representatives, and insist on long-term initiatives that inspire us to look over the horizon to an enormously bright future ahead. Above all, we need to exercise constant vigilance and monitor our democratic health at all times, not just at election time, as we build a uniquely fascinating, just, and inclusive society with citizens from all corners of the world.

I hope my experiences will help individual citizens understand why our established political parties, with their all-powerful leaders, are part of the problem and not the solution. Politics is not a game. Democracy is not an elite sport.

There are no quick fixes to changing the toxic, polarizing culture in Parliament and provincial legislatures that too often stymies constructive progress, both within and between governments. There are, however, crucial and manageable reforms that, if implemented, will modernize and strengthen our democratic institutions and practices. These reforms will eliminate top-down political party control, encourage more collaboration and reasonable compromise among elected representatives, expand direct citizen input between elections, and facilitate harmonized action across all levels of government: federal, provincial, territorial, municipal, and Indigenous.

If we can methodically fix the fundamental weaknesses in our democratic structure—the full web of institutions and practices—we will have a much
better chance of achieving policy outcomes that respond to citizens’ concerns and the critical challenges ahead.

I hope citizens will be persuaded that strengthening our democracy is a goal worth fighting for, candidate by candidate, issue by issue, for as long as it takes. Citizen engagement can play out in many different forums and many different ways, during and in-between elections. What must unify us is our shared determination to work outside political parties, take control of the political agenda, and demand much more from our elected representatives.

To get started, I leave you with six questions to ask individual candidates during an election period:

1. Are you prepared to act and vote independently of your party position and your party leader for the good of the country?

2. Will you refuse to use talking points issued by the leader’s office?

3. Do you support electoral reform that will end the existing first-past-the-post system?

4. Will you collaborate with your colleagues and members of other parties to help find common ground for conflicting opinions on difficult issues?

5. Will you help expand direct citizen engagement during, and between, elections, for example through referenda and direct citizen initiatives?

6. I’m fed up with different levels of government not co-operating on crucial policies like climate change. How will you fix that?
Mind Map

Where we are now...

Political Power in Canada
- Prime Minister and PMO
  - Controls political agenda.
  - Effectively controls the passing and implementation of legislation and regulations in a majority government
  - Deputy Ministers
  - Assistant Deputy Ministers
  - Senators
  - Judicial and quasi-judicial appointees
  - Governor-General
  - Ambassadors
  - Cabinet
  - Chiefs of Staff
  - Effectively appoints Chairs of House of Commons committees.
  - Issues talking points to MPs to control communications, e.g., during Question Period.
  - Determines frequency and focus of First Ministers’ meetings.

Party Leader
- Controls party structure.
- Controls party operations.
- Exempt from privacy legislation.
- Controls nominations of electoral candidates.
- Elected as leader by fewer than 1% of Canadians. (Less than 2% of Canadians join political parties.)

Citizens
- Vote every four years.
- Resort to costly court challenges and civil society protests between elections.
Where we should be...

Citizens
- Civics and media training every year, at every level of school.
- Power to choose electoral district candidates.
- Candidate selection process overseen by Elections Canada.
- Power to initiate legislation through Citizens' Initiatives.
- Power to voice approval/disapproval of political action through consultative referendum.
- Improved representation through electoral reform.
- Power to elect independent candidates.
- Power to elect a more representative legislature.

Elected Representatives
- Able to vote independently in legislature and committees.
- Free to build consensus and collaborate across party lines.
- Reasonable compromise; principled cooperation.
- Power to select and remove parliamentary leader.
- All appointments made by neutral, arms-length Public Commission.
- Fully accountable senior public servants & cabinet ministers; thorough application of the "duty to act honestly."

Political Power in Canada
- Electoral reform to incorporate proportional voting.
- Council of Canadian Governments.
- Harmonized intergovernmental action and national frameworks, e.g. for climate change mitigation.
- Commission on Fiscal Transfers.
- Comprehensive tax reform.
- Omnibus legislation prohibited.
- Privacy, freedom of information and conflict of interest legislation overhauled.
- Constitutional reforms, e.g. Senate.
- No interprovincial barriers to trade, employment, training, and carrying on business.

Prime Minister
- Selects and convenes cabinet.
- Complies with privacy and freedom of information legislation, providing fair and open access to data.
- Transparent, accountable governance.
- Complied with conflict of interest/lobbying legislation.
- Legal constraints on PMO operations.

Structural Reforms
- No interprovincial barriers to trade, employment, training, and carrying on business.