

Social Union

Social union is the dimension of the Canadian federation that emphasizes the social community shared by Canadians, focusing on such things as social justice, interregional and interpersonal equity, role of government in society, and the relationship between governmental provision of social services and programmes and Canadian identity. Reflective of more than simply a political union, Canadian citizenship is assumed to entail certain social rights and to imply core social policy entitlements. The collective provision of these social entitlements is commonly felt to be best achieved through national standards and principles, resulting from such mechanisms as federal unilateralism, federal-provincial cooperation, interprovincial agreement, or some combination thereof. A significant challenge for the Canadian social union lies in the federal nature of the Canadian state with its division of responsibility for social policies between federal and provincial governments.

Section 36 of the Constitution Act, 1982 provides some, arguably directive rather than-justiciable, constitutional recognition of government's role in securing social and economic aspects of the Canadian union. Federal and provincial governments commit to the promotion of equal opportunities for the well-being of Canadians, the furtherance of economic development to reduce disparity in opportunities, and the provision of essential public services of reasonable quality to all Canadians. The section also expresses the federal government's commitment to the principle of equalization payments to provincial governments to ensure reasonably comparable levels of public services across Canada. The Draft Legal Text of the Charlottetown Accord of August 28, 1992, had it been adopted, would have expanded this section to include, under the heading of The Social and Economic Union, a series of non-justiciable policy objectives for health care, social services and benefits, education, the rights of workers to organize and to bargain collectively, the goal of full employment, and a reasonable standard of living.

More recent federal/provincial negotiations have resulted in the February 4, 1999 document, "A Framework to Improve the Social Union for Canadians -- An Agreement between the Government of Canada and the Governments of the Provinces and Territories", issued by the provincial governments (with the sole exception of Quebec) and the federal government. The Agreement, while of limited legal status, expresses common political understandings and commitments respecting such matters as the values fundamental to the Canadian social union, the impact of provincial social programmes on citizen mobility, public accountability and procedural transparency of governmental social programmes, joint planning and consultation for social policy initiatives, the federal spending power, and intergovernmental dispute resolution and avoidance in the area of social policy.

Sources:

- A Framework to Improve the Social Union for Canadians --An Agreement Between the Government of Canada and the Governments of the Provinces and Territories (February 4, 1999), (1999) 10 Constitutional

Forum Constitutionnel 133

- Margot Young, "The Social Union Framework Agreement: Hollowing Out the State", (1999) 10 Constitutional Forum Constitutionnel 120
- (November 1998) 19 Policy Options