

CANADIAN CENSUS POLITICS AND ITS FEDERAL-PROVINCIAL DIMENSION

Hugh Mellon
King's University College, UWO

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INTRODUCTION

The summer of 2010 was marked by an intense national discussion of the unexpected decision of the Harper Government to end the mandatory character of the long form census. Citing privacy considerations and decrying heavy-handed government, Industry Minister Tony Clement, argued that the long form questions were intrusive and the mandatory requirement was inappropriate. A voluntary long form census distributed to more households was proclaimed to be a more suitable option. Widespread debate ensued with a broad range of policy advocates, interest groups, and most provincial governments critical of the federal Government's choice and rationale.

Demographic information is relevant to a multitude of important policy debates and institutional arrangements. Members of the Canadian public policy community mobilized. Much of the resulting debate focused upon, but was not limited to, discussion of relations between the Industry Minister and Statistics Canada, the Harper Government's attitude toward science and data collection, and to the connections between data collection, civil liberties, and enforcement. Yet, as important these matters are, it is time to devote more attention to a less studied aspect of the issue, namely its federal-provincial dimension. Longstanding expectations of Statistics Canada serving governments of all levels through objective data collection were now being scrutinized. Assumptions that its national reach, concentrated resources, and long tradition of expertise would constitute a secure federal government contribution to policy formation and analysis were now up for assessment. Arrangements which had yielded a considerable degree of data sharing and facilitated policy coordination were now seemingly up for grabs. The background for all this re-thinking is encapsulated by the following two quotes; one from the Prime Minister on the nature of his approach to federalism, and the second from a group of senior bureaucrats and policy analysts on the resulting loss of information, the absence of alternative data sources, and the undermining of good government.

There are those who want to turn the clock back - back to polarization, confrontation, corruption.

That's not what open federalism is about.

It is about collaboration – with every level of government – and being clear about who does what and who is accountable for it.

It is about matching resources with responsibilities

It means looking forward to what we can accomplish together.

- Prime Minister Stephen Harper addressing the Montreal Chamber of Commerce on April 20, 2006

With the exception of Quebec (with its Institut de la statistique), no province can assemble the data that, in past censuses, has been efficiently gathered by Statistics Canada. It is not only the provinces that need the long form. Business organizations, non-profits, municipal governments and ethnic and religious groups across the country have stated their need for such data.

- Mel Cappe, Pierre Fortin, Michael Mendelson, and John Richards; “Stand Up for Good Government, MPs”, Globe and Mail (August, 11, 2010)

These two excerpts can serve as a spring-board for further reflection on the Harper Government's decision. A federal government committed to federal-provincial collaboration unexpectedly terminates a census arrangement favoured by the scientific community and defended by a broad range of policy makers and the majority of provincial governments. At the same time, it is widely accepted that if Ottawa does not collect the information in an obligatory manner then no one else has the resources and reach to step in and fill the void.

This paper will consider the concerns of provincial governments and provincially-based policy actors. Central to analysis of this dilemma is the issue of intergovernmental coordination. Herman Bakvis and Douglas Brown have asserted that, “The issue of coordinating policies across governments is one of the major intergovernmental challenges facing modern federations.” (2010; p.464) At issue are a multitude of research questions meriting attention. What questions are raised for provincial governments when talk of matching resources and responsibilities is now accompanied by the arbitrary termination of an arrangement built upon the established expertise of Statistics Canada and the expectation of economies of scale in national data collection and tabulation? What complaints have been raised by the opposing provinces and provincial

policy actors about the federal decision? Are there hints here of impending federal-provincial complications? How do these and other related concerns play into the longstanding debates over federations and their suitability and capability for bringing all governments together to meet national needs?

After reviewing some of the literature dealing with federalism and the coordination challenge relating to public policy making. Division of power and competing governmental agendas make coordination a serious issue of debate. Reference will then be made to the census and its importance as a tool of nation-building. The demographic and social information gathered in the long form has become part of the informational resources used by governments of all levels, not to mention business, social movements, communities of interest, academics, and others. The work of Statistics Canada has become part of the policy making infrastructure in the Canadian federation. This will lead into an overview of the kinds of complaints voiced by provincial governments and others in the event of the termination of the compulsory long form census. Taken together this commentary will lead to several conclusions. First, the Harper government census decision will complicate the coordination of policy making in the Canadian federation. Second, the census decision will contribute to inequality in the resources and information possessed by provinces for purposes of policy-making and coordination. Third, there is widespread belief on the part of many provinces and knowledgeable observers that there are no readily available substitutes for this kind of demographic data.

FEDERALISM AND THE COORDINATION CHALLENGE

A long recognized, but still unresolved, tension exists between federalism's facilitation of conflict and disruption, with the perceived need for coordination of governmental actions in an era of modern social, economic, and demographic policy. On one hand it is customary to refer in texts to Canadian federalism's unruly legacy. Howlett, Ramesh, and Perl, for example, assert that "Federalism ... makes public policy-making a long, drawn-out, and often rancorous affair" (2009; 60) Disputed jurisdiction, arduous negotiation, and potential litigation contribute to the rancour and add a difficult element to the policy creation mix. Meanwhile, twenty-first century government is occupied with global pressures and worries over global uncertainties related to trade fluctuations, currency flows, security considerations, and the environmental outlook. Domestically Canadians remain concerned over the future of the social safety net. This concern exists across Canada be it about child care spaces, university student debt loads, job futures, or pension security; not to forget worries over health care, housing, homelessness, and environment improvement.

Can federalism and decentralized jurisdiction among the various provinces (not to mention the territories) respond effectively? This calls to mind the arguments made by Harold Laski in the late 1930s when he condemned federalism as 'obsolete'. (1939) Laski condemned it as anachronistic amid a world with changing political and economic challenges demanding uniformity of response on a national basis. More recently, policy observers are discussing the possibility that global

pressures upon provincial governments may lead to a so-called 'race to the bottom' where sub-national governments reduce regulation and activism so as to retain businesses and capital able to move to lower cost jurisdictions. Harrison et al were struck by provincial resilience in face of downward pressures but did caution that "US literature suggests that it is premature to lay to rest the prospect of races to the bottom in the Canadian federation." (2006; 269)

Canadian federation is marked by decentralized and "unlike the United States and most other federations, Canada has few concurrent powers." (Bakvis and Brown, 2010; 491) Public policy is often made with pragmatic accommodation amid the minutiae of complex conditional grants, equalization formulas, and reference to an evolving and multicultural national community. During the Chretien era this evolving community was re-conceptualized through federal-provincial negotiation as a Social Union which "formalized a more collaborative provincial/executive decision-making model that would preclude unilateral federal action in areas of provincial jurisdiction without provincial consent." (Friendly and White, 2008; 187)

Prime Minister Harper subsequently came to office with a pledge of 'Open Federalism' which spoke of collaboration and accountability. These attributes were now to be promoted via heightened federal respect for provincial jurisdiction and a concomitant scaling back of federal government appetites. Federal spending would be reined in. Observers pointed out how this federal strategy seemed to reflect a general preference for smaller and less active government. Adam Harmes contended that Harper's Open Federalism "is consistent with broader neoliberal approach to federalism which, among other aims, seeks to use institutional reforms to lock in more market-oriented public policies." (2007; 418) Plans for federal withdrawal from the federal-provincial policy field were temporarily adjusted by the economic hurricane of 2008-2009. Global economic upset was met by an active response. A federal government stimulus package involving extensive spending for a collection of local projects and cost-sharing was implemented. This was accompanied by the federal and Ontario governments making common cause in the preservation of automobile sectors jobs. (See, for example, Waddell, 2010)

More recently the inclination to work with the provinces seems to be ebbing. The unexpected termination of the mandatory long form census is a clear manifestation of this. Federal decision-making on this was unilateral and unmoving. With a degree of political imagination one might discern an olive branch of sorts in the following passage of federal Finance Minister Flaherty's March 2011 Budget Speech; "Going forward, we will work with provinces, territories, the Federation of Canadian municipalities and other stakeholders to develop a new long-term plan for public infrastructure." Imagination and foresight would be needed to see what this commitment will lead to though, for few details were provided on what might be included under the heading of public infrastructure. Meanwhile, the same Budget expressed support for continued tax reduction addressing the national debt. Plus the May 2011 election ensued leaving Prime Minister Harper with a majority government and a weakened parliamentary opposition. Questions remain about the future of the census and its place amid infrastructure planning, not to mention who will coordinate and set the terms of this infrastructure discussion. There is becomes the latest chapter in the persistent tension within the Canadian federation, and likely within most federal states, between the national and global scale of problems and challenges and federalism's competing agendas and priorities.

ALTERING THE CENSUS

The census is an ancient practice of governments. Evidence suggests that they were being conducted thousands of years ago in Babylon and China. The first census on Canadian soil was overseen by Jean Talon in 1666. Carrying out a census involves large scale mobilization in the pursuit of several fundamental information needs of governments. (Trovato, 2009; especially chapter 2; pp.29-49) Over time they have served as a primary means of gathering demographic information involving pertaining to households, family formation, social identity, and geographic distribution of population. Other information objectives can include use of the population and household data for purposes of checking tax submissions or numbers eligible for conscription. Census information helps clarify patterns of identity and community membership. Data can be collected which illustrates the size and distribution of a diversity of communities – ethnic, religious, gender, aboriginal, linguistic etc. The assembled information can then be put to such diverse uses as adjusting electoral boundaries, assessing the distribution of minority language services, transportation planning, and checking rationales for school or hospital creation or closure.

At issue in 2010 was the long form census. The long form census goes back to the early 1970s. In the words of Munir Sheikh, the former head of Statistics Canada; “The distinction between the population short and long forms began with the 1971 census, as before that there was just a single questionnaire.” (Sheikh before the Standing Committee on Industry, Science and Technology, July 27, 2010) The long form was from then on sent to a portion of the Canadian households to be completed on a mandatory basis. According to Mr. Sheikh, “... those working at Statistics Canada on the 1971 census determined that for reasonably comparable levels of quality, some questions must be asked of the entire population. These ended up in the short form. For other questions, the required quality of information would be achieved by scientifically selecting a representative sample and making it mandatory for the sample to respond; this became the long-form questionnaire.” (Sheikh before the Standing Committee on Industry, Science and Technology, July 27, 2010)

Late in the process leading up to the 2011 census the Harper Government opted out of the mandatory character of the long form. The rationale for this related to libertarian concerns and to the threat of penalties for non-compliance. Industry Minister Clement expressed this clearly when he appeared before the Standing Committee on Industry, Science and Technology. “We recognize that the information gathered in the long-form census is valuable. However, we also recognize that a balance must be drawn when the government is collecting data under the threat of fines, jail, or both.” (Clement before the Committee, July 27, 2010) Allegations were made of large numbers of citizen complaints about the census questions and penalties. Media inquiries found relatively little evidence of past or current outcry on the part of the general public. In fact, there were some voices calling for Statistics Canada to collect more information.

Minister Clement would not return to the status quo and instead argued for broader distribution of a voluntary short form and increased advertising expenditures

to promote voluntary compliance. Doubts were instantly raised over the bias built into a voluntary approach and the lack of comparability of results with past censuses. The unknown extent of the bias troubled data users and statistical experts. Questions along this line were put by parliamentarians and the answers confirmed the statistical uncertainty. In the words of Don McLeish, the President of the Statistical Society of Canada, “the presence of bias in voluntary surveys is well known and well documented. ... The real question is how much bias is present and in each of the responses. It can be quite pernicious in some cases; it can be less severe in others. So the correct answer to the question is that it’s a complete unknown.” (McLeish before the Standing Committee on Industry, Science and Technology; July 27, 2010)

Amid the myriad of ensuing debates over voluntary or mandatory compliance, suitable penalties, relationships between Minister Clement and Statistics Canada, and over the wisdom of altering the census late in the process, there are questions and concerns related to federalism and policy coordination. Statistics Canada’s longstanding role as national data collection agent had served governments of all levels. National demographic data in a country where people have constitutional mobility rights and commitments to equalization, bilingualism, aboriginal rights, and multiculturalism, would seem a natural fit for a national government. The ease with which provincial and territorial boundaries may be crossed would seem to rule out sub-national governments for this collection responsibility. Whatever the case, Harper, Clement and company had made their mind up. It is time now to turn our attention to the issues of concern to the provincial governments and to a sampling of policy actors with a clear stake in the provincial response. For much of the information to be gleaned from a mandatory long form census would relate to matters under provincial jurisdiction.

PROVINCIAL GOVERNMENT REACTIONS

Indications of provincial upset soon appeared. The Globe and Mail of July 21, 2010, carried the article, “Provinces Rally against Ottawa as Anger over Census Mounts.” (Chase et al., July 21, 2010) Ontario’s Chief Statistician warned of a “lasting negative impact” and Finance Minister Duncan decried the absence of consultation; “There was, as I understand it, no consultation in advance of this.” (Campion-Smith, July 20, 2010). Quebec also weighed in. The Institut de la statistique du Quebec declared that the long form census must remain mandatory and complained about the federal inattention to the resultant statistical problems. On their website they bluntly asserted; “The federal government’s decision ... to replace the mandatory long-form 2011 census with a voluntary survey does not take the advice of the key relevant authorities in the field or users’ needs into account.” (Institute Website under the heading “2011 Long-Form Census Questionnaire Should Be Mandatory” September 16, 2010) Manitoba was also vocal and the Winnipeg Free Press headline conveys the provincial government message. Under the headline “Fill out Census Forms or Face ‘Statistical Catastrophe’ there was word of the upset of Manitoba’s Chief Statistician and announcement that in early 2011 Manitoba “plans to spend up to \$400, 000 over the next five months to persuade

Manitobans” to complete their census forms so that the province would not lose out on fiscal transfers and program spending. (McNeil; February 16, 2011) New Brunswick’s then Premier, Shawn Graham, characterized the federal decision as “attacking the provinces.” He went on to say that he was upset “to see the federal government out criticizing the premiers on this saying that it’s a free ride for the provinces.” (Fekete; August 6, 2010)

Seven of the provinces expressed dissatisfaction. The premiers were not unanimous though. Alberta, Saskatchewan and British Columbia remained generally unperturbed over the federal census decision. Rumours were widespread that the governments’ of these three provinces worked to prevent the premiers from passing a motion of condemnation at their annual conference in the summer of 2010. Manitoba Premier Greg Selinger, the conference host, simply reported that the premier had reached ‘no consensus on the census.’ (Fekete)

Territorial governments were also troubled. A major concern for them was tracking Canada’s aboriginal peoples, way of life, and demographic characteristics. Information on housing quality was an important related concern. There was little reason to be optimistic that the federal government who had removed the mandatory character of the long form would provide funds to a territorial administration seeking to replace it.

No one was challenging the assessment of provincial data collection ability offered by Cappe et al. There was no gainsaying that the provinces and territories need and rely upon Statistics Canada census material. If Ottawa was not to collect it on the compulsory basis there were limited resources at the provincial or territorial levels to step in. It bears noting that there is an established Federal-Provincial-Territorial Consultative Council on Statistical Policy. This is primarily a vehicle for sharing of information among expert bureaucrats rather than a public forum for provincial statements of grievance. Little is actually released concerning the Council’s deliberations. Work is being done under the Council aegis on special initiatives related to health, education, and justice. The Statistics Canada website provides little information on this Consultative Council’s proceedings. For example, there is a heading for provinces and territories within the relevant section of the Council’s entry on the Statistics Canada website but the attendant prompts generally lead to provincial government websites and not to provincial reactions to federal proposals, provincial statements of policy, or even to minutes of Council proceedings.

Identifying the range of provincial government responses is only part of the story. Many of the policy actors and analysts who are most affected by the census decision, work on policy matters largely or totally within provincial jurisdiction. It is worthwhile recalling their complaints to get a more complete sense of the federal-provincial impact. In his classic work, *The Semisovereign People*, E.E. Schattschneider argued that the salient point about any political dispute was the way in which it divided groups into competing sides. The lines of cleavage tell us much about the nature of the dispute, its associated politics, and likely winners and losers. In the case of the loss of the mandatory long-form the fault line left Canada without data about community definitions, patterns of existence, and health at the sub-national level.

Without continuing data on living conditions, lifestyle experiences, and associated variables, it is difficult for the needs of marginalized groups to gain serious recognition, or a sense of their overall situation. Groups as diverse as aboriginal peoples, disability advocates, education planners, public health advocates, social workers, churches, refugee, and multicultural advocates are also disturbed about the diminished ability to track the conditions of their members. Common to many of their difficulties is a strong connection between them and provincial and territorial governments.

CONCLUSIONS

The Harper government decision to end the mandatory status of the long-form census will mean less information for policy makers interested in matters relevant to provincial governments and to communities of interest relevant to provincial jurisdiction. Given this reduced informational resource, provincial policy-making and federal-provincial coordination will likely suffer. The lack of federal consultation before the decision lays stark the inability of poorer provinces to collect pertinent policy data. Social unity will as consequence of all this suffer as well. Inequality in demographic data resources will intensify across the country. While there are sophisticated students of demographic trends and variables at the provincial level, there is not, outside of Quebec particularly, the kind of statistical collection capability sufficient to fill in the gaps of the lost information. Policy coordination problems will likely become far more marked in the future.

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