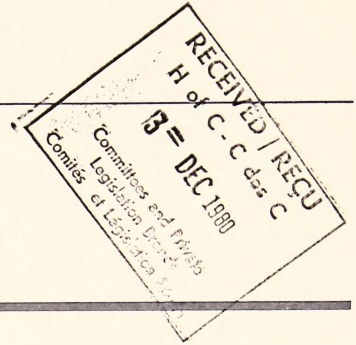


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A Statement Regarding a Part of the
Constitution Act 1980



Special Joint Committee on the Constitution of Canada
Ottawa, Canada

Board of Governors
Atlantic Provinces Economic Council

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The Atlantic Provinces Economic Council (APEC) is a private, non-profit research organization, created in 1954, whose mandate is to promote the economic and social development of the four Atlantic Provinces.

The proposed Constitution Act, 1980, contains a part, Part II, entitled "Equalization and Regional Disparities". This subject, unlike much of the Act, is of special concern to APEC, given its raison d'etre. Not unexpectedly, the provisions of the rest of the Act are subject to much discussion amongst APEC's Board of Governors. Yet, there is agreement that the reduction of regional disparities should be more clearly stated as a fundamental objective of the Canadian Political System.

Part II, relating to Equalization and Regional Disparities, must be seen as the combination of two ideas. First, there is the determination expressed in the provisions of the Part, that disparities in opportunities should be reduced. Secondly, there is the commitment to provide a reasonable level of public services to all Canadians, regardless of the fiscal capacity of the Provinces in which they may reside. We wish to concentrate on the first of these two ideas.

Though the term "Regional" is mentioned in the title of Part II, it is not used in the text of the Part. Far from it. The thrust of the Part centers on the reduction of disparity with respect to personal opportunities, not on the reduction of opportunities as they impinge "regionally" within the nation or "regionally" within each province regardless of its general wealth.

At first, APEC tended to overlook this discrepancy between title and text in Part II. Yet the prominence given to so-called "mobility rights"

in another part of the Act when coupled with Part II, suggest an interpretation of disparities in personal terms only. In effect, what is offered by a juxtaposition of these notions of mobility and the reduction of disparities in personal opportunities is simply the right, if it can be called that, of an unemployed person to leave his or her home in search of a job.

The substance of Part II, insofar as it relates to the regional disparities mentioned in its title, could therefore be met by federal or provincial subsidies to move people to areas where more opportunities prevail.

APEC hopes that this is not the underlying intent of the provisions relating to regional disparities. If it is not, then it appears that the provision labelled 31(1)(b) in Part II should be rewritten to more accurately underline the notion that public efforts at economic development will be especially directed at those areas of the nation as a whole or within individual Provinces where disparities are greatest.

If the intent of the Constitution Act is only to assure the poor and the unemployed the personal and individual right to move to areas where public and private agencies have decided that greatest economic potential exists, then the Act should be altered. It is said that politicians are normally under the spell of long-defunct economists. This is especially so if this interpretation of how the Act would reflect a commitment to eliminate disparities is correct.

The basic language of Part II was first introduced in the negotiations leading to the Victoria Charter in 1971. Without going into technicalities,

the notion of labour mobility as a solution to regional disparities has been discredited since then. It presumes that a labour force is homogeneous; that is, that any individual can take the place of any other in the work force. Migration in this case would relieve local unemployment. However, we now know, as do the federal and provincial governments, that this does not occur. If a medical doctor leaves a community, an unemployed fisherman cannot take his or her place. Nor can the fisherman replace a secretary, a computer programmer, a bank manager or a dairy farmer. In an age of specialization, the labour force is extremely heterogeneous and becoming more so all the time.

Training programs and selective incentives for migration, directed at the unemployed, might make some sense. But to assume that regional disparities might be reduced by migration does not make sense, given Canadian and international evidence of such attempts in the past. Without a distinct commitment to bring opportunities to those who lack them, Canada is committing itself, in its own Constitution, to aggravate the very problem of disparity it claims to want to solve.

Migration, in such numbers as occurred in the 1960's, left the Atlantic Provinces stripped of its youngest and best trained people. The tendency was for the trained and already employed to move. Small communities lost their taxpayers and their already productive people to greater opportunities elsewhere. The result was weaker communities, more unemployment, lessened tax capacity and a lessening of local self-reliance. APEC fears that this state of affairs could become enshrined in a new Constitution unless it is made clear that economic opportunities, like public services, must be fostered where the people who lack them live and search for work.

APEC recommends that provision 31(1)(b) be reworded to state:

"furthering economic development in regions where the disparity in opportunities is greatest; and"....

This, we feel would solidly commit both federal and provincial governments to programs of regional development while leaving the necessary flexibilities in design and operation of these programs intact.

APEC hopes that this change will be given serious consideration by the Joint Committee and by the Government of Canada. If changes are to be made to the BIA Act along with patriation, they should not work to the further detriment of those already suffering the greatest economic disparities.