

# Balancing Governmental Jurisdiction: The History of the Division of Legislative Powers and its Impact on Canadian Unemployment Insurance

## Findings

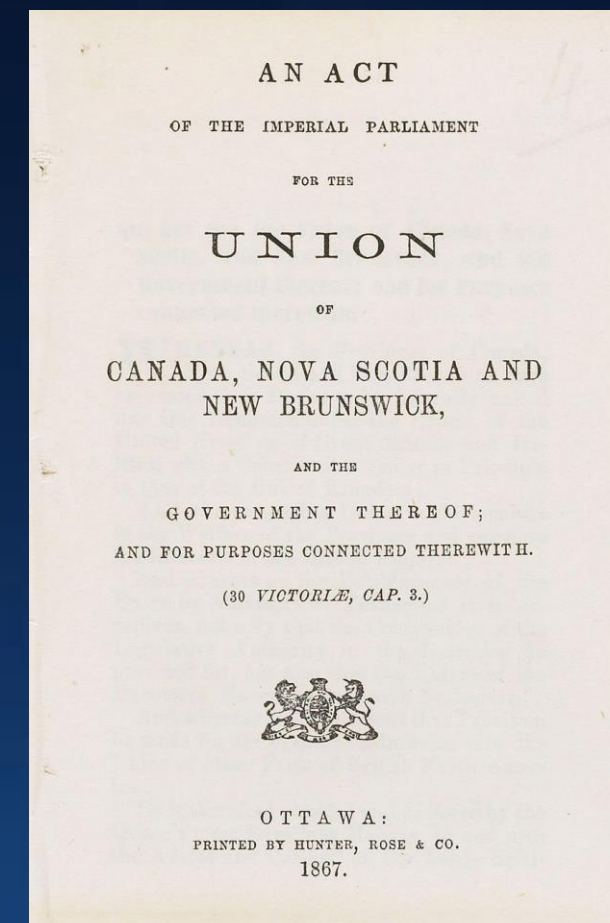
The history of unemployment insurance demonstrates the legal and political problems in the Constitution that prevent governments from taking any significant action.

## Findings

The Canadian governments had physical means of addressing unemployment since Confederation, but hesitated from taking any actions to prevent infringing on jurisdictions.

## Research Question

What prevented the implementation of a national unemployment insurance policy?



## Findings

Instead of addressing unemployment insurance as a single issue and instead addressing it separately through “unemployment” and “insurance”, Canadian governments created extraneous difficulties in establishing a policy that would not infringe either governments’ jurisdiction.

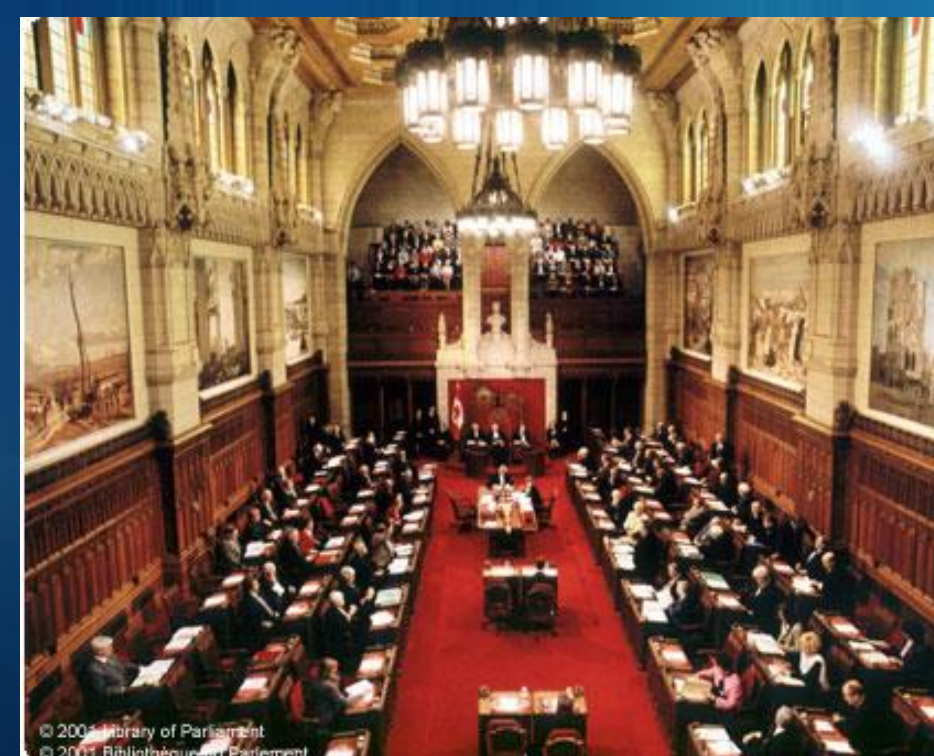
## Research Method

For my Research Methods I did the following:

- Reading through history books from the 1867-1940 period
- Analyzing Senate minutes
- Consulting with Professor over topics
- Finding Journal articles through HeinOnline
- Analyzing Case Law through QuickLaw

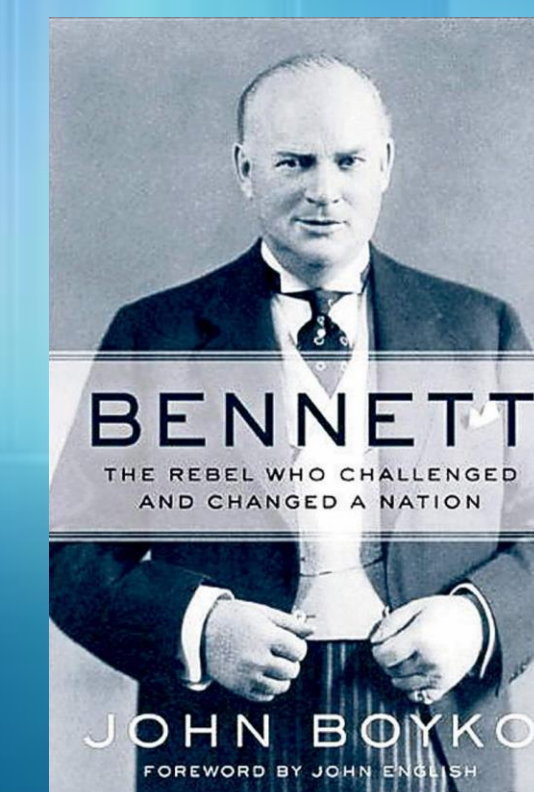
## Findings

The fact that unemployment insurance was only implemented after constitutional amendment serves to demonstrate the importance of recognizing the division of powers. Once the division of powers was altered, all jurisdictional conflict pertaining to the matter ceased to exist between the two levels of government.



## Findings

By assigning unemployment to the Provinces and insurances to the Dominion, the division of powers itself prevented any impactful decision-making in aiding citizens suffering unemployment.



Section 91: Federal Powers

Section 92: Provincial Powers

## Conclusion

The history of establishing unemployment insurance demonstrates the dichotomous relation between the Federal government forcing sovereignty and Provincial resistance in securing autonomy. It became understandable then that state actors on both levels consider dealing with real issues as a “game” that is controlled by the rules of jurisdictions and formal processes, instead of prioritizing reparation of the social issue.