

Issue

More than a century and a half after Canada's founding, Canadians still cannot buy, sell, or work freely within their own country. In order to protect local special interests, provincial governments have adopted all kinds of measures that erect barriers to trade and labour mobility.

Goods such as alcohol and agricultural products cannot be sold freely across provincial borders because of government monopolies or regulations. Nurses, accountants, or engineers have problems finding work in another province because their skills are not automatically recognized. Safety rules vary from one province to another.

In some cases, it is easier for a Canadian company to sell its product in another country than in another province or territory. This hinders competition and impedes the growth of firms. Canadian consumers are therefore forced to pay more for goods and services.



This is not what the Fathers of Confederation had intended. Section 121 of the Constitution states that goods must be "admitted free into each of the other provinces." However, in the 2018 landmark Comeau case, the Supreme Court ruled that measures which have the effect of limiting trade are unconstitutional only if it can be demonstrated that this is their "primary purpose." This level of proof would be extremely difficult to establish in most cases.