Trust and Confidence
Post-Election Cooperation in Parliament

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It seems likely that none of the federal parties will win enough seats on October 19 to form a majority government on their own. Broadly speaking, this leaves two possibilities: a minority or coalition government. Both options demand cooperation and compromise among our parliamentarians.

Canada’s parliamentary system can ensure good government even when no party wins an absolute majority of seats. Moreover, a coalition or minority government operating with the support of other parties on budgets and confidence votes, may offer many advantages over the false majority it replaces.

Minority or coalition governments can better represent the interests of the majority of Canadians by emphasizing cooperation between parties instead of polarization. Increased representation of Canadian interests in government yields policies that benefit Canadians broadly. Historically, Canada has benefited from cooperation - minority governments have given Canadians our national health care program, our pension plan.

The effectiveness of a coalition or minority government depends on the leadership of the parties involved. If our leaders act in a spirit of cooperation for the common good, the advantages could include restoring independence and integrity between the government and legislature, introducing policies favoured by broad majorities, and giving greater say to our elected representatives. It could also dampen the hyper-partisanship that has infected our politics.

These advantages stem from the confidence convention, which requires that a leader have the trust and confidence of the majority of MPs to serve as prime minister.

Many Canadians do not fully understand some of our democratic traditions, due to misinformation. First and foremost, we do not directly elect Canada’s prime minister. Rather, we hold our prime minister accountable through our elected representatives, whose confidence the prime minister needs to lead. In minority or coalition government, leaders are highly motivated to build and maintain trust and support across party lines.

This paper aims to combat myths around Canada’s democracy and suggest minority and coalition governments as legitimate and desirable alternatives.
The key to forming government in Canada is securing the cooperation, trust, and confidence (supportive votes) of the majority of elected representatives. This can be accomplished by winning a majority of seats, forming a coalition, or securing a supply and confidence understanding between parties. Parties in Canada do not automatically win the right to govern, even if they secure the largest number of votes or seats.

Although uncommon given the strength of party discipline in Canada, governments can in principle be brought down by votes of non-confidence and replaced by either a minority government or coalition that does command the confidence of the House. This does not amount to an abuse of the system, nor does it constitute a violation of the rules or conventions of parliamentary democracy. To the contrary, this confidence convention is a basic feature of accountability and sovereignty in parliamentary governments (Franks 1989, 10-13).

Moreover, a minority or coalition government may well represent more Canadians than the false majority it replaces. Post-election cooperation among parliamentarians may foster healthy debate across party lines, and may provide opportunities for political parties to advance the interest of a broader spectrum of Canadian voters. It is no surprise that important Canadian policy innovations – our health care system, our pension plan, bilingualism – are outcomes of cooperation across party lines.

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Understanding Our Democracy: A Crash Course

Canada has a mixed constitution. We are a parliamentary democracy with a constitutional monarchy. Our system of government was inherited from the Westminster parliament of the United Kingdom. Like Westminster, Canada’s parliament is composed of two chambers. We have an elected House of Commons and an appointed Senate. We exercise our right to be governed by people of our choosing by electing candidates of political parties to the House of Commons. Only the House of Commons is a democratic representative institution because its members are elected by the people.

What do our elected parliamentarians do? For starters, they select the government of the day.

Canadian voters do not directly choose their prime minister. In our parliamentary system, the government is formed by the leader of the party that can command the confidence of the House of Commons.

Although half of all Canadians think the prime minister is directly elected (Aucoin et al 2011: 189-190), in fact MPs in the House of Commons determine who forms the government. They do this by deciding which political party (or parties, if the government is a coalition) has the support of a majority of MPs. In a majority government, this can be a simple matter of whipped votes. However in a minority or coalition government, parties will need to work together in a spirit of cooperation for the good of all Canadians.

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The Queen, Canada’s head of state, is represented in Canada by the Governor General, who has primarily symbolic powers. However, when no party emerges with a clear majority, or when the governing party does not have the confidence of the House, the Governor General’s powers and prerogatives become critical.

If the prime minister loses the confidence of the majority of MPs, the Governor General may, on the advice of the prime minister, dissolve the parliament and call an election. But he or she also has the prerogative to offer the opposition the chance to form the government, especially if they can make the case that they can command the confidence of the House.

1. The Senate is the rough equivalent of the House of Lords in the UK, but without the hereditary titles and judicial functions.
Power, Accountability and the PMO

At the top of our system is the prime minister. Although the powers of the prime minister are unwritten - many of the most important features of our constitution are based on unwritten conventions (Heard 2014) - they are substantial. Indeed, over our history, the office of the prime minister (or PMO) has accumulated inordinate power at the expense of the House of Commons (Aucoin et al. 2011: 1-4; see also Savoie 2008).

Nonetheless, both the prime minister and cabinet are responsible to the House. This is what is meant by “responsible government.” Government serves only as long as it commands the confidence of the House of Commons.

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Notice the elegance of the solution. The power of the prime minister rests on a cooperative relationship with the House. The House is comprised of elected representatives (including ministers) who are accountable to the electorate. Through our elected representatives (both opposition and government backbenchers), the electorate is therefore able to hold the prime minister accountable. At any time, a prime minister who loses the trust and confidence of the House of Commons loses the right to lead our country.

However, under majority governments, the confidence convention can and has been twisted to evade rather than uphold accountability. In recent years governments and opposition alike have relied on the threat of non-confidence to whip votes. This makes a pantomime out of parliament, and costs Canadians because it makes MPs more faithful representatives of their parties than their constituents. A coalition or minority government could make parliament work for all Canadians, and curtail a further concentration of power in the PMO.

2. One of the curiosities of the Canadian constitution—also a British inheritance—is that the office of the prime minister is not formally specified.
Genuine or False Majority: Governing for Your Base

Canada’s electoral system is based on giving seats to whoever wins the most votes in each riding. This is called the first-past-the-post system.

When a political party wins a majority of the seats in the House of Commons, it can form a majority government. This means that the leader of the largest party can command the confidence of the House solely with the support of MPs from his or her own party. The assumption is that a majority government represents the interests of the majority of Canadians.

However, in a first-past-the-post electoral system, it is possible to form what Peter H. Russell (2008: 5) calls “false” majority governments. This is where a majority government is formed by a “party that has won a majority of seats in the House of Commons but has obtained less than 50% of the popular vote.” (also see Cairns 1968, 55, 61-2).

In majority governments leaders and parties have strong incentives to act in the interest of their support base, ignoring Canadians who did not vote for them. In a false majority, the MPs from opposing parties can be completely ignored despite the fact that, taken together, they represent a majority of the electorate.
Genuine majority governments and false majority governments are two possible election outcomes. When no party has a majority, a couple of other possibilities emerge: minority and coalition governments.

Since minority and coalition governments are structurally more sensitive to the broad majority of the electorate, they tend to be more supportive of policies and programs that benefit broad majorities. This is why welfare states are more robust in European countries with parliamentary systems of government and proportional electoral systems (Russell 2008: 93). In the Canadian context, the Pearson minority government created Medicare, the Canada Pension Plan and brought us our flag.

Both coalition and minority governments demand cooperation across party lines. The difference is how formalized the cooperation is:

**Coalition:** A coalition is formed when two or more parties agree to form government and share cabinet or other appointments. Together, or with the support of other parties or MPs, they can command the confidence of the House. In a coalition, parties can agree to work together on certain matters and maintain independent positions on others. International examples (Sweden, Norway, Germany, and Switzerland) have demonstrated that through shared appointments and shared priorities, these are relatively stable governments. Canada has very little experience with coalition government.

**Minority Government:** A minority government occurs when government is formed by a party that does not have a majority of seats in parliament. A minority government must win confidence votes (“yes” votes on budgets and matters of confidence) from other parties to remain in office. Often this is secured through a policy accord, which outlines shared priorities and a time line for working together. In the Canadian context, minority governments have been frequent, often brief (on average less than two years) but highly productive.

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Canada’s parliamentary system requires the branches of government work together cooperatively. Our system upholds the rule of law by embedding the executive (what we normally think of as the “government”) within the legislature. But this arrangement works best when parliament is genuinely capable of holding the prime minister and the government accountable. Majority governments can work against this kind of accountability and become veritable elective dictatorships.

For Canadians, cooperation could mean a productive government engaged in vigorous, but not hyper-partisan debate, implementing well thought out social and economic policies that benefit the country broadly.
Coalition government is commonplace in parliamentary democracies around the world. “In most Western democracies,” writes Gregory Luebbert, “elections do not decide who will govern. Who will govern is instead decided by coalition negotiations among political parties.” (Luebbert 1986: 1). According to one study, no less than 87 percent of the governments formed in western European and Commonwealth parliamentary systems were coalition or minority governments; only 13 percent were single-party majority governments (cited in Russell 2008: 79). Minority and coalition governments around the world are generally quite stable. There is no relationship between the frequency of minority governments and political or regime instability.

The surprising thing is that most Canadians support the idea of a minority or coalition government if no party wins an absolute majority in the 2015 election. An erroneous interpretation of Canadian politics has gained ground. According to this view, which is at odds with our traditions and conventions, “losers don’t get to form coalitions” (Stephen Harper, quoted in Aucoin et al. 2008: 187). This is false and misleading (see Mitchell, 2015).

In the Canadian context, despite minority governments tending to be fairly brief, they have often been quite productive. Medicare, the Canada Pension Plan, and bilingualism were all introduced under Lester B. Pearson’s back-to-back minority Liberal governments in the 1960s. It is not surprising then to learn that the polls suggest most Canadians support the idea of a minority or coalition government if no party wins an absolute majority in the 2015 election.

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This last point, in particular, does not mean that majority governments are better for voters or democracy. The confidence convention – which forces leadership to approach governance in the spirit of cooperation instead of divisiveness – is good for both voters and democracy. Coalition governments are generally associated with policy moderation and inclusiveness. European social democracies have often rested on broad coalitions, which are easier to sustain with proportional representation than under first-past-the-post electoral systems (Schneider and Soskice 2009: 21-23). Scandinavian countries like Sweden and Norway, for example, have had very stable and successful coalition governments. Grand coalitions in Germany including the Green Party helped that country shift from fossil fuels and become a leader in renewable energy.

Politicians can make minority parliaments work well if they approach governing in a spirit of cooperation. Often the success of minority governments depends on the behaviour of politicians.
Cooperation in the 2015 Post-Election Context

Up until election day in Canada, the major national political parties tend to campaign with the goal of winning a majority. Assuming that no coalitions are announced between now and October 19, there are basically three possible election outcomes: a single party wins a majority, a single party forms a minority government, or a coalition is announced. We are familiar with majorities in Canada, so will focus on the alternatives.

If no party wins 170 seats in an election (an absolute majority in a 338 seat legislature) the normal result is a minority government. The governing party has the right to carry on until the prime minister resigns or meets the House and is defeated. As the head of a caretaker government, the prime minister cannot make appointments and, of course, legislation cannot be passed until the House sits.

If the opposition parties cooperate and reach an agreement to form either a minority government with supply and confidence, or a formal coalition, they must wait for the government to meet the House and be defeated before the Governor General may invite them to form government.

Parliament is normally convened shortly after an election. Although there is no time limit on how soon the new parliament must be convened, (except the requirement that it must meet once a year) there would be strong objections if the delay were too long. Until parliament meets and the prime minister’s party wins a vote of confidence in the newly elected House of Commons, the government is in “caretaker mode” and cannot take any new initiatives, including important appointments.

The first occasion to meet the confidence test is normally the Speech from the Throne, which immediately follows the election of a Speaker and inaugurates the new parliament. If a government falls on a Speech from the Throne, it is the prerogative of the Governor General to invite the leader of the opposition party with the most seats to form a new government. The prime minister may advise a dissolution of parliament and a new election, but the Governor General has the prerogative to reject that advice from a prime minister who has lost the confidence of the House, especially if there is a reasonable expectation that there is an alternative government that commands the confidence of the House, and not much time has passed since the election.

Moreover, the Governor General also has the power to dismiss the prime minister in order to allow another party or coalition to form the government—but only if the prime minister has not resigned following a vote of non-confidence and, again, assuming that an opposition party leader can make the case that as prime minister of a minority or coalition government his government can command the confidence of the House for a reasonable period of time. In such a situation, it would be important for the parties to have credible agreement to work together.

Should a government fall on a vote of non-confidence, it is essential that the opposition demonstrate the capacity to form a government. This requires that political parties wishing to form government have already started working cooperatively either on a supply and confidence arrangement or a coalition so that they are ready to indicate their intention to form a government to the Governor General.

A minority government may involve a congenial working relationship without any formal accord between parties. Sometimes these arrangements work for a short period of time, and sometimes they are more long-lasting. They can also involve shifting alliances among various parties. A coalition, on the other hand, could conceivably create a more enduring governing arrangement along the lines of the grand coalitions in Western European democracies.

In either scenario, the party leaders will need to engage thoughtfully in a process of negotiation. If they exercise their leadership wisely, they may reach agreement on a common policy agenda, sustain cooperation and make parliament work for Canadians.
The key to forming government in Canada is securing the cooperation, trust and confidence of the majority of elected representatives. This can be accomplished by winning a majority of seats, forming a coalition, or securing a supply and confidence arrangement. Canadians need to be prepared for the eventuality of coalition or minority government in the event that no party wins an absolute majority of seats on October 19. Parliamentary systems of government are uniquely well suited to ensuring that stable governments are formed even in such circumstances. We have a history in Canada of productive minority governments that work cooperatively in the best interest of Canadians and there are examples around the world of successful coalition governments.

- We vote to choose an elected member, not the prime minister. It's our elected representatives who form the government of Canada.

- A party leader must have the confidence of the majority of MPs to earn the right to be prime minister, and this demands cooperation if there is no majority.

- Canada's parliamentary system and its achievements are built on cooperation. Minority government with cooperation between parties has given Canada our health care plan and pension plan.

- The benefits of minority governments have stood the test of time. In Canada, such governments are relatively commonplace, and they have been brief but productive. Coalitions are uncommon in our history, but the experience of other democracies suggests they can be inclusive, and effective.

- The effectiveness of a coalition or minority governments, however, rests on the leadership of the parties involved, and their spirit of cooperation and negotiation.

- Many Canadians' understanding of coalition governments comes from the prorogation of parliament in 2008-2009. This generated a negative and misinformed view of our democratic traditions. Coalition governments do not represent a hijacking of our democracy federal parties.

As Canadians consider how to vote on October 19, they should consider the advantages of parliament that is not dominated by a single party with a false majority. Cooperation—whether in the shape of a short-term arrangement to support a minority government or a more enduring coalition—is part of the very design of our democracy.
Want to Read More?


**Why is there talk of coalitions during this election?**

If no party wins 170 seats (an absolute majority in a 338 seat legislature), the tradition in Westminster parliamentary democracies is to allow minority governments or coalitions to govern.

**Doesn’t this mean instability?**

Minority governments can be quite stable, although in Canada they have tended to be brief (on average under two years). Coalitions at the federal level are rare in Canada but are commonplace in many parliamentary democracies around the world and they can be very stable.

**But are there precedents for this in Canada?**

There are precedents for coalition and minority governments in Canada, both federally and provincially. Liberal Party leader Mackenzie King governed with the support of the Progressive Party after losing his plurality of seats to Arthur Meighen in the 1925 election. When his government fell the Conservative Party formed a short-lived government with the support of the Progressives in 1926. King won re-election later that fall. David Peterson’s Liberal Party in Ontario formed government in 1985-1990, even though it had the second largest number of seats, thanks to an accord with the NDP. The NDP government of Roy Romanow formed a coalition with the Saskatchewan Liberal Party in 1999. BC Liberals and Conservatives worked in coalition between 1941-1951. Two Lester Pearson back-to-back minority governments created Medicare, the Canada Pension Plan, multiculturalism policies, and introduced a new flag. They did this with NDP support.

**But if the losers gang up on the party that won the most votes or seats, isn’t that undemocratic?**

No. A party or coalition only has the right to govern if it commands the confidence of the House of Commons. Polls suggest most Canadians support the idea of a coalition if no party wins an absolute majority in the 2015 election.

**Is there a precedent in Canada for the Governor General to refuse to dissolve parliament and ask the opposition to form government?**

Yes, this occurred in the famous King–Byng affair. In 1926 Prime Minister Mackenzie King asked Governor General Lord Byng to dissolve Parliament and call an election. Byng refused and invited the Conservative Party leader to form a government, which he attempted—but the new government was short lived.

**Why are there so few coalitions in Canada’s history?**

Under our first-past-the-post system, artificial or “false” majorities are easily constructed through the alchemy of the electoral system. In a competitive three-party system, coalitions and minority governments are the norm.

**Why is our system not well understood?**

Half of all Canadians, according to one poll, think the prime minister is directly elected (Aucoin et al 2011: 189-190). Even our politicians do not understand the rules of the game well. David Mitchell (2015) laments the absence of “a simple, publicly accessible description of the conventions related to government formation, unlike Britain, Australia and New Zealand.”
Glossary of Key Terms

**Coalition**
Two or more parties, agree to form government and share cabinet or other appointments. The parties that form the coalition government may have enough seats to form a majority government, or a coalition government may need the support of other parties or independent MPs to have majority support in the House.

**Confidence convention**
Government must have the confidence of the House of Commons.

**Elected dictatorship**
(Hyperbole) A parliamentary system in which too much power has been concentrated in the prime minister and PMO.

**First-past-the-post**
An electoral system based on constituency-level competitions among candidates from different parties. Each riding is carried by the candidate who wins a plurality of votes.

**Minority government**
A minority government occurs when government is formed by a party that does not have a majority of seats in parliament. A minority government must win confidence votes (“yes” votes on budgets and matters of confidence) from other parties to remain in office.

**Parliamentarism**
A constitutional system in which the government (or executive branch) is selected by the legislature.

**Supply and confidence**
Votes of confidence and support for budgets to ensure a minority government survives.