



LEGAL COOPERATIVE FRAMEWORK ANALYSIS

Within the ICA-EU Alliance

KEY HIGHLIGHTS FOR CANADA

This one-pager aims to provide a brief overview of the most notable features of Canada's national cooperative legal framework, based on the work of the national legal expert.

Canada is a 'federation' with a federal government (the 'Canadian' government), provincial governments and territorial governments. The powers available to each level of government are divided in the Canadian Constitution between the Federal Government and the governments of each province (each province basically having the same powers). At this point in time the three territories effectively have powers derived from the Federal government. Each province and territory have their own specific cooperative legislation separate from the Canada Cooperatives Act ("CCA") at the federal level.

Cooperative Friendliness: The corporate laws per se (i.e. the CCA and others) are quite favorable for the establishment of co-operatives and increasingly both the Federal Government and the provincial governments have worked to ensure that the co-operative form of enterprise gets equal billing in government offices focused on business and enterprise development. Having said that, much of this increased focus by government on the co-operative model has come after intensive lobbying in Canada and in the various provinces for these changes.

Key Recommendations for Improvement: Consistent with the priorities of Cooperatives and Mutuels Canada, initiate a full review of the Canada Cooperatives Act and in future statutory reform, include the recognition and support of the cooperative movement and the cooperative form of enterprise, where appropriate, as a way to accomplish public policies in certain sectors or for joint co-operative/public enterprises.

Conclusions: Cooperative legislation in Canada both at the national and the provincial level is generally more positive for the development of cooperatives than not. In fact, from a modernity point of view, the legislation is generally very modern and very forward looking. It is comparable in this regard to other corporate legislation, including legislation applicable to for-profit corporations.

