

# From Just a Title to Minister of Everything: The Deputy Prime Minister of Canada

Deputy Prime Minister (DPM) Chrystia Freeland is a familiar face at daily press conferences in her role as chair of the Cabinet Committee on COVID-19.<sup>[1]</sup> Since her appointment as DPM in 2019, Freeland has been perceived as wielding a tremendous amount of power, earning her the nickname “minister of everything.”<sup>[2]</sup> At present, Freeland is responsible for a range of files, including finance (in her concurrent role as minister of finance), Canada-US relations, and the country’s COVID-19 response. This has led some to suggest that the current DPM is actually “running things in Ottawa.”<sup>[3]</sup> But just how powerful is the Office of the DPM, and where does its power come from?

## Source of the DPM’s Powers: Unwritten Conventions & the Prime Minister

[The prime minister has broad powers that flow from unwritten constitutional conventions.](#)<sup>[4]</sup> Constitutional conventions are an important component of [Canada’s Constitution](#) that can be characterized as accepted customs.<sup>[5]</sup> Although they are not legally enforceable, constitutional conventions are nonetheless supposed to bind political actors in order to promote the stable operation of democratic governance.<sup>[6]</sup> For example, the powers of the prime minister (PM) are enumerated nowhere in the legal texts that make up the Constitution of Canada.<sup>[7]</sup> However, by constitutional convention, the PM can create, merge, and abolish ministry roles and government departments (including the Office of the DPM),<sup>[8]</sup> and may unilaterally change the name, scope, and authority of departments at any time.<sup>[9]</sup> For example, in 1991, Prime Minister Brian Mulroney created the role of Minister responsible for Constitutional Affairs.<sup>[10]</sup> He appointed Joe Clark to the role to manage the negotiations that produced the [Charlottetown Accord](#), and the role was dissolved shortly after the Accord was rejected in October 1992. Likewise, Justin Trudeau created the Ministry of Border Security and Organized Crime Reduction to address the illegal border crossings at Roxham Road in 2018.<sup>[11]</sup> The department and its powers were later combined with the Ministry of Public Safety in 2019.

## Background History: The Creation of the Office of the Deputy Prime Minister

The Office of the Deputy Prime Minister of Canada is a relatively recent creation. It was established in 1977 by Prime Minister Pierre Trudeau, who wished to recognize the service of one of his longtime cabinet ministers, Allan MacEachen.<sup>[12]</sup> Trudeau borrowed the title from the United Kingdom, where it was first recognized in 1942.<sup>[13]</sup> During the WWII coalition government in the UK, Clement Attlee answered House of Commons questions on behalf of PM Winston Churchill during the latter's absences. As the designated alternate to answer questions, Attlee was recognized as “Deputy Prime Minister,” though there were no

other duties attached to the title.

## **The Fluctuating Role of the Deputy Prime Minister in Canada**

Given their broad powers, the incumbent prime minister's discretion determines the scope of the deputy prime minister's powers.<sup>[14]</sup> Each PM will have different preferences on this, and the DPM's role will accordingly fluctuate from one officeholder to the next.

### 1) When the Office is Unoccupied: No Deputy Prime Minister

Since unwritten conventions allow the prime minister to create and abolish cabinet positions based on the needs of the government, the deputy prime minister's role may not always be occupied. The PM is not required to appoint a DPM, and may instead choose to retain the powers that may otherwise have been delegated to a DPM. For example, from 2006-2015, Stephen Harper did not appoint a DPM.<sup>[15]</sup> During this period, power that could have been delegated to a DPM remained centralized in the Prime Minister's Office. As an example of this, Harper himself chose to chair the cabinet committee formed to respond to the 2008 Financial Crisis. Alternatively, Harper could have appointed a dedicated DPM to play the type of crisis response role that Chrystia Freeland has played during the COVID-19 pandemic.

Throughout the Harper years, some commentators suggested that Finance Minister Jim Flaherty and Industry Minister Jim Prentice wielded so much influence and power that either or both of them could be considered the unofficial DPM.<sup>[16]</sup> However, this is a misnomer. While Flaherty and Prentice may have been the second most powerful figures in the Harper government, that alone would not automatically make them DPMs, even unofficially. In fact, as the following section will make clear, a high level of political power and influence has rarely been a feature of the DPM's Office, historically.

### 2) When the Office is Occupied: Fluid Role of the Deputy Prime Minister

When prime ministers have filled the role of deputy prime minister, the powers of the DPM have varied considerably, within and between governments. In this sense, the office has ranged from a purely honorary role to one that conveys emphasis on a specific ministry and, more recently, a role that can be arguably be viewed as the second most powerful in Canada's government.

#### 1. Symbolism: Honorific Title

The assignment of the DPM title to a minister can be done for symbolic purposes with no powers attached to it. As noted above, when Pierre Trudeau created the office in 1977, he appointed longtime cabinet minister Allan MacEachen to the role. MacEachen was previously in charge of labour, external affairs, immigration, and finance. Trudeau wanted to recognize his contributions in these important roles over the years, giving him the title of DPM.<sup>[17]</sup> As DPM, MacEachen had no formal duties and responsibilities; instead, all his formal powers were exercised through his position as government house leader.<sup>[18]</sup>

Similarly, Jean Chretien served briefly as DPM in the John Turner government in 1984.<sup>[19]</sup> Turner appointed Chretien to the post after defeating him in the Liberal leadership race. Like MacEachen, Chretien had no formal powers, and wore the DPM label as a purely symbolic title. Thirteen years later, in 1997, Chretien (then prime minister) appointed the longest-serving Member of Parliament in the House of Commons, Herb Gray, to the role of DPM.<sup>[20]</sup> Gray, a senior cabinet minister with decades of experience, had no specific responsibilities as DPM.<sup>[21]</sup> Thus, these examples demonstrate that at its core, the office of DPM is an empty box: a symbolic title that doesn't necessarily hold any real significance or specific powers.

### Semi-Symbolism: A Title to Emphasize Concurrent Roles

While deputy prime minister has often been a purely symbolic title, it can also be assigned to a minister to emphasize the importance of their role in cabinet.<sup>[22]</sup> By adding the title of DPM, the PM attempts to convey that the government is prioritizing a particular issue. The title itself remains symbolic, but the political power of the officeholder increases insofar as they wield powers stemming from other key cabinet roles.

For example, from 2003-2006 Prime Minister Paul Martin assigned Anne McLellan the title of DPM, in addition to her existing role as public safety minister.<sup>[23]</sup> In doing so, Martin attempted to demonstrate that his Liberal government prioritized public safety. Martin became PM shortly after 9/11, when the world was grappling with tough questions about balancing national security and civil liberties.<sup>[24]</sup> Having the public safety minister concurrently serve as DPM implied that the government was focused on keeping Canadians safe and prioritizing national security.<sup>[25]</sup>

Anne McLellan's tenure accordingly shows that the DPM role may be used to symbolically convey additional importance to other high-profile political roles.<sup>[26]</sup> While having a DPM serve concurrently as a minister does emphasize government priorities, those priorities would likely have been on the government's agenda regardless of whether the deputy prime minister role was filled.<sup>[27]</sup> In McLellan's case, the title of DPM remained a largely symbolic one, where powers are exercised via concurrent cabinet roles and not via her role as DPM.

#### ▪ A Departure from the Past: The Beginning of a Second in Command?

Although deputy prime minister has often been little more than a symbolic title, the prime minister's breadth of discretion means that a DPM may exercise broad powers through that office alone. Is this now the case with Chrystia Freeland?

While Freeland is one of the most prominent cabinet ministers in the Trudeau government, her status as DPM can still be interpreted simply as a title that adds emphasis to her other ministerial roles. Indeed, much of Freeland's power since 2019 has stemmed from her concurrent roles in other ministries.<sup>[28]</sup> When Freeland was moved from foreign affairs to her current role as DPM, she was also assigned the key cabinet post of Minister for Intergovernmental Affairs. Then, in August 2020, Freeland took over the Ministry of Finance portfolio,<sup>[29]</sup> laying the groundwork for the eventual 2021 budget and the COVID-19

economic recovery. While Freeland has wielded tremendous power in these roles, one may argue that this did not make her a powerful DPM, since she would have addressed the same critical issues if her DPM title were removed. In this sense, Freeland's position is arguably similar to McLellan's: maintaining her title as DPM with her appointment as Finance Minister may have been intended to show the government's seriousness about supporting Canadians through the pandemic and the prioritization of a successful economic recovery.

However, it has also been suggested that Freeland's role has expanded her powers beyond those of her other ministerial roles.<sup>[30]</sup> Alongside her concurrent role as minister of finance, Freeland supervises Canada-US relations and North American trade, negotiates with provincial leaders, and continues to lead the response to COVID-19. She also works collaboratively with all the other ministers in setting the agenda for their departments.<sup>[31]</sup> The breadth and diversity of these roles suggests that she is perhaps closer than any of her DPM predecessors to being Canada's de facto second in command.<sup>[32]</sup>

However, while Freeland may function politically as Justin Trudeau's second in command, her position is starkly different from that of a *legal* second in command, such as the Vice President of the United States. The US Vice Presidency is a constitutionally entrenched role and is first in the line of presidential succession.<sup>[33]</sup> Canada's DPM role is neither. The DPM exists only at the PM's discretion, and does not automatically assume the role of PM in the event of his/her death or incapacitation. In fact, there is no formal order of succession in Canada. If the PM is killed or incapacitated, the Governor General appoints whichever cabinet minister can maintain the confidence of the House of Commons, which may or may not be the DPM.<sup>[34]</sup>

In conclusion, Freeland's current duties and powers suggest that the DPM position can expand beyond a mere honorary title. However, the role of the DPM is not, constitutionally, that of the PM's official second in command, and does not come with fixed, clearly defined powers. Even in Freeland's case, the DPM's powers could be revoked by the Prime Minister at any moment, and much of her political power today derives from her concurrent role as minister of finance.

### **The Road Ahead: The Future of the Office of the Deputy Prime Minister**

Overall, the deputy prime minister's role is governed by the prime minister's powers to create ministries and appoint ministers, which arise from unwritten constitutional conventions. Since these conventions give the PM broad discretion, the role of the DPM varies considerably at any given time, ranging from a symbolic title to the PM's de facto second in command. It is, in other words, a role that fluctuates as governments and their priorities change. Unless there is a constitutional amendment on this issue at some point, the scope and powers of the DPM will most likely continue to fluctuate for the foreseeable future.

<sup>[1]</sup>Prime Minister of Canada, News Release, "Prime Minister Creates Committee on COVID-19" (4 March 2020), online: *PMO News Releases* <<https://pm.gc.ca/en/news/news-releases/2020/03/04/prime-minister-creates-committee-covi>

[d-19](#)>.

<sup>[2]</sup>Anne-Sylvaine Chassany, “The ‘Minister of Everything’ Pins Her Hopes on a Consumer Led Rebound from Covid-19 Setbacks” *Financial Times* (12 May 2021), online: <<https://financialpost.com/financial-times/the-minister-of-everything-pins-her-hopes-on-a-consumer-led-rebound-from-covid-19-setbacks>>.

<sup>[3]</sup> Eugene Lang & Greg Schmidt, “The Role of Deputy Prime Minister is not as Powerful as Most Think” *Policy Options* (6 August 2020), online: <<https://policyoptions.irpp.org/magazines/august-2020/the-role-of-deputy-prime-minister-is-not-as-powerful-as-most-think/>> [Lang & Schmidt].

<sup>[4]</sup> Peter W Hogg, *Constitutional Law of Canada*, 5th ed (Toronto: Thomson Reuters, 2007) at Part 1, Section 9.4 (c) [Hogg].

<sup>[5]</sup> Patrick Malcolmson & Richard Myers, *The Canadian Regime: An Introduction to Parliamentary Government in Canada*, 5th ed (North York: University of Toronto Press, 2012) at 16-18.

<sup>[6]</sup> *Ibid* at 40.

<sup>[7]</sup> Hogg, *supra* note 4.

<sup>[8]</sup> Peter Aucoin, “Organizational Change in the Machinery of Canadian Government: From Rational Management to Brokerage Politics” (1986) 19:1 *Canadian Journal of Political Science* 3 at 4 [Aucoin].

<sup>[9]</sup> Jodie Sinnema, “Cabinet Appointment For Edmonton’s Sohi huge win for cities” *Edmonton Journal* (4 November 2015), online: <<https://edmontonjournal.com/news/politics/edmonton-mp-amarjeet-sohi-scores-a-seat-in-federal-cabinet>>.

<sup>[10]</sup> “Joe Clark, Constitutional Yes Man” (23 October 1992) at 00h:03:20a, online (radio podcast): *CBC Archives* <<https://www.cbc.ca/archives/entry/the-yes-man>>.

<sup>[11]</sup> Douglas Quan, “Appointment of New Border Security Minister Meant to Shore Up Liberal Vulnerability- Political Observers” *The National Post* (18 July 2018), online: <<https://nationalpost.com/news/politics/appointment-of-new-border-security-minister-meant-to-shore-up-liberal-vulnerability-political-observers>> [Quan].

<sup>[12]</sup> Mark Gollom, “So What Does a Deputy PM Do? It All Depends on the Boss” *CBC News* (21 November 2019), online: <<https://www.cbc.ca/news/politics/deputy-pm-chrystia-freeland-1.5366602>>.

<sup>[13]</sup> Oonah Gay, “The Office of the Deputy Prime Minister” (2 July 2013), online: *UK Parliament House of Commons Library*, online: <<https://commonslibrary.parliament.uk/research-briefings/sn04023/>>.

[14] Aucoin, *supra* note 8 at 12.

[15] Geoff Nixon, "What Powers Do Deputy PM's Hold? And Where is Harper's?" *CTV News* (4 July 2010), online: <<https://www.ctvnews.ca/what-powers-do-deputy-pms-hold-and-where-is-harper-s-1.528136>>.

[16] Aaron Wherry, "Room at the Top: Is Harper's Legacy a Conservative Leadership Vacuum?" *CBC News* (24 January 2020), online: <<https://www.cbc.ca/news/politics/stephen-harper-conservative-leadership-1.5437504>>.

[17] Lang & Schmidt, *supra* note 3.

[18] Elizabeth McMillan, "Allan J. MacEachen, Canadian Politician Behind Landmark Social Programs, Dead at 96" *CBC* (13 September 2017), online: <<https://www.cbc.ca/news/canada/nova-scotia/allan-maceachen-former-federal-liberal-cabinet-minister-dies-1.4286949>>.

[19] "The Right Hon. Joseph Jacques Jean Chretien, PC, QC, CC, OM, MP" (last modified 12 November 2003), online: *Library of Parliament* <[https://lop.parl.ca/sites/ParlInfo/default/en\\_CA/profiles/person/profile306](https://lop.parl.ca/sites/ParlInfo/default/en_CA/profiles/person/profile306)>.

[20] Herb Gray, "Proceedings of the Canada-United States Law Institute Conference on Understanding Each Other Across the Largest Undefended Border in History" (2005) 21 *Can-US LJ* 287 at 287.

[21] "The Right Honorable Herb Gray" (last modified 20 June 2004), online: *OurCommons* <[https://www.ourcommons.ca/Members/en/herb-gray\(1096\)](https://www.ourcommons.ca/Members/en/herb-gray(1096))>.

[22] Mario D Bellissimo, "Who is That Minister in the Courtroom" (2004) 31 *IMMLR-ART* 260 at 260 [Bellissimo].

[23] Emerald Bensadoun, "There is No Job Description: What Exactly Does a Deputy Prime Minister Do?" *Global News* (21 November 2019), online: <<https://globalnews.ca/news/6201033/deputy-prime-minister-freeland/>>.

[24] Alissa Malkin, "Government Reorganization and the Transfer of Powers" (2008) 39 *Ottawa L Rev* 537 at 545.

[25] Quan, *supra* note 11.

[26] "The Hon Anne McLellan" (last modified 5 February 2006), online: *OurCommons* <[https://www.ourcommons.ca/Members/en/anne-mclellan\(1355\)/roles](https://www.ourcommons.ca/Members/en/anne-mclellan(1355)/roles)>.

[27] Bellissimo, *supra* note 22 at 260.

[28] Office of the Prime Minister, "Deputy Prime Minister and Minister of Intergovernmental Affairs Mandate Letter *Prime Minister of Canada*" (18 August 2020), online: *Prime Minister*



<<https://pm.gc.ca/en/mandate-letters/2019/12/13/deputy-prime-minister-and-minister-intergovernmental-affairs-mandate>> [Mandate Letter].

<sup>[29]</sup> David Cochrane, “Freeland Replaces Morneau as Trudeau’s Finance Minister” *CBC News* (18 August 2020), online: <<https://www.cbc.ca/news/politics/trudeau-cabinet-finance-minister-1.5690404>>.

<sup>[30]</sup> Nick Taylor-Vaisey, “The Minister of Everything, Chrystia Freeland Takes On the Coronavirus” (5 March 2020), online: *MacLeans* <<https://www.macleans.ca/politics/ottawa/the-minister-of-everything-chrystia-freeland-takes-on-the-coronavirus/>; Andy Blatchford & Rachel Browne, “Minister of Everything is Tasked With Canada’s Comeback”, *Politico* (25 November 2020), online: <<https://www.politico.com/news/2020/11/25/trudeau-tasks-chrystia-freeland-with-canadas-comeback-440512>>.

<sup>[31]</sup> Mandate Letter, *supra* note 28.

<sup>[32]</sup> Andy Blatchford & Rachel Browne, “Minister of Everything is Tasked With Canada’s Comeback” (25 November 2020), online: *Politico* <<https://www.politico.com/news/2020/11/25/trudeau-tasks-chrystia-freeland-with-canadas-comeback-440512>>.

<sup>[33]</sup> “Vice President of the United States” (20 January 2021), online: *Senate.gov* <[https://www.senate.gov/artandhistory/history/common/briefing/Vice\\_President.htm#2](https://www.senate.gov/artandhistory/history/common/briefing/Vice_President.htm#2)>.

<sup>[34]</sup> Adam M Dodek, “Rediscovering Constitutional Law: Succession Upon the Death of the Prime Minister” (2000) 49 UNB LJ 22 at 35.