

Written Submission: For consideration of Bill C-  
*35, An Act respecting early learning and  
childcare in Canada*

For the Senate Standing Committee on Social  
Affairs, Science and Technology (SOCI)

by



October 16, 2023

## *About Us*

Inclusion Canada is a national federation of 13 Provincial/Territorial member organizations, over 300 local associations, and over 40,000 members. For over 60 years, Inclusion Canada has supported children and adults with an intellectual disability and their families while working to advance their human rights and full inclusion in Canadian society.

Inclusion Canada supports Bill C-35 and its principles. However, we are concerned with some important omissions and want to offer recommendations to ensure the full inclusion of children with disabilities, specifically children with intellectual disabilities, is realized. We worry that without clarity, intended outcomes will not be achieved. We raised these issues with the House of Commons when it considered C-35, and our concerns were partially responded to. Some minor amendments were made to the bill to at least include wording with respect to children with disabilities.

The inclusion of children within early learning and childcare must mean all children. We have often seen inclusion defined as cultural diversity, which is vitally important; however, it must be clear that inclusion also means disability inclusion. A truly inclusive environment is accessible and open to all children and, in equitable ways, promotes meaningful participation and a sense of belonging, providing the supports needed for each child to reach their full potential.

This legislation could very positively impact families and children with disabilities across Canada. We recognize implementation happens through provincial and territorial governments, therefore, specific accountabilities must be included for a fully inclusive early learning and childcare system to be created and sustained. The Senate has an opportunity to improve this legislation further for children with intellectual disabilities and their families.

## *The Importance of Inclusive Early Learning and Childcare in Canada*

High-quality, affordable, and inclusive early learning and childcare is critical in the early years as the foundation for lifelong learning is built and fundamental values and attitudes are formed.<sup>1</sup> It is one of the most impactful investments a country can make. It must be a priority to provide our children with the best possible inclusive early learning experiences, so they can reach their full potential. This is especially true for children with intellectual disabilities who are frequently left behind or are overlooked.

Unfortunately, for children with disabilities, segregation is a more likely practice than inclusion. We encounter segregated early learning and childcare programs falsely claiming to be inclusive. Ableism continues to occupy and uphold systems of prejudice and discrimination that often devalue, marginalize, or exclude children with disabilities from early learning and childcare. Only 1 in 5 Canadian childcare centers offer high-quality care for children with disabilities.<sup>2</sup>

Our current early learning and childcare system in Canada lacks:

- the legislation and policies needed to ensure child-care programs get the resources they need to offer inclusive, high-quality experiences for children with disabilities,
- the necessary training and ongoing resource development on disability inclusion for early childhood educators,
- sufficient funding to support inclusion; and
- access to specialists and resources for inclusion.

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<sup>1</sup> [UNESCO,2021, Inclusion in early childhood care and education: Brief on inclusion in education](#)

<sup>2</sup> [University of Guelph, Few Child-Care Centres Meet High-Quality Standards for Children with Disabilities, U of G Study Reveals](#)

## *Benefits of Inclusive Early Learning*

Inclusive early learning and childcare benefits children with disabilities by creating a sense of belonging, improving language and communication skills, fostering meaningful relationships and friendships, strengthening social and emotional development, improving self-esteem, confidence, autonomy, and leadership skills, giving students the opportunity to meaningfully participate, and allowing children the opportunity to learn the value of diversity.<sup>3</sup>

High-quality, affordable, and inclusive early learning and childcare not only have a significant impact on a child's life, future education/employment, and well-being but also have a significant impact on the entire family, as well as society. The cost of exclusion and segregation is high. There is an economic imperative to providing inclusive early learning and childcare. Ableist childcare and early learning systems place the burden of finding inclusive opportunities, supports, and resources on parents, often forcing one parent (usually mothers) to leave their employment to become the full-time supporter for their child(ren). Additionally, children with disabilities who receive high-quality inclusive early learning are more likely to have better health outcomes. Bill C-35 presents an incredible opportunity to maximize financial security for children with disabilities and their families, promoting a healthier economy and reducing poverty.

Bill C-35 also presents an opportunity to advance gender equality in Canada. A lack of affordable, high-quality, and inclusive childcare disproportionality affects mothers and perpetuates gender binaries, gender wealth disparities, and the assumption that caring for a child is the primary responsibility of mothers.<sup>4</sup> For mothers of children with

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<sup>3</sup> [The Government of BC, Inclusive Child Care Toolkit: Supporting Children of All Abilities](#)

<sup>4</sup> [Newbury J., & Gerlach A., University of Victoria, 2022. Parents pushing for equity and inclusion in the child care system in BC: a summary of research with BC parents of young children with support needs](#)

disabilities, this is especially true. It is often mothers who end up leaving the workforce to support their children or spend extensive amounts of time and emotional labour on system navigation to find inclusive childcare spaces and supports<sup>5</sup>. Bill C-35 could give mothers more freedom to choose when/how they want to re-enter the workforce after having a child.

Bill C-35 must take an equity-based approach that recognizes that not all families or children in Canada are the same. Offering truly inclusive early childhood learning and childcare requires more than increased access to childcare spaces; it requires inclusion within those spaces and the fundamental resources to enable and support full inclusion.

### *Opportunities for Bill C-35 to Advance Inclusive Childcare*

Bill C-35 offers an opportunity to advance inclusive early learning and childcare in Canada, however it must be specific in its commitments to inclusive childcare and definition of inclusion. Currently, the Bill uses the word “**inclusive**”, however, the legislation leaves out the definition of the word.

Access to early learning and childcare for all children is a fundamental human right and needs to be true for children with disabilities as well. The preamble of Bill C-35 states that the Government of Canada is committed to meeting Canada’s international human rights obligations under the Convention on the Rights of the Child, the Convention on the Elimination of all Forms of Discrimination Against Women and the **Convention on the Rights of Persons with Disabilities (UNCRPD)**.

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<sup>5</sup> [Newbury J., & Gerlach A., University of Victoria, 2022. Parents pushing for equity and inclusion in the child care system in BC: a summary of research with BC parents of young children with support needs](#)

It is important to highlight the differences between exclusion, segregation, integration, and inclusion, as even well-intended systems get it wrong.

- Exclusion occurs when children are directly or indirectly prevented from or denied access to education in any form.
- Segregation occurs when children with disabilities are grouped together, often in separate environments, in isolation from their peers without disabilities.
- Integration is a process of placing children with disabilities in mainstream settings for limited periods of time.
- Inclusion happens when children with disabilities are learning, developing, and playing together with their non-disabled peers in the same spaces and environments, with appropriate supports, and where relationships and participation are facilitated.

Inclusion involves a process of systemic reform embodying changes and modifications in content, teaching methods, approaches, physical environments, structures, and strategies to enable learning and belonging for all. This is the meaning of inclusion as per Article 24 of the UNCRPD and as defined by General Comment No.4, to which Canada is a signatory.

Some opportunities to strengthen Bill C-35 to advance inclusive early learning and childcare are:

- Strengthen references to Canada's commitment and obligations to the UNCRPD in the Purpose of the proposed legislation, not just the preamble.
- Include a definition of inclusion in the preamble to ensure it is clear and fundamentally more than 'access,' is inclusive of children with

disabilities, and meets the full intent as contained in Article 24 of UNCRP and is not misinterpreted.

- Have the UNCRPD inform the interpretation and administration of the legislation in its entirety and subsequent regulations.
- Strengthen the guiding principles, particularly 7(1) (c), to ensure inclusion also means children with disabilities, which requires providing the supports needed to ensure equal opportunity and equitable access.

### *Recommended Amendments to Strengthen Bill C-35:*

**Recommendation:** for ease of reference, our recommended amendments are noted in square brackets and ***bolded and italicized*** below in the current text of the bill:

#### 1. Preamble:

##### Paragraph One (1):

- Whereas the Government of Canada, recognizing the beneficial impact of early learning and child care on child development, on the well-being of children and of families, on gender equality, [***on the rights of persons with disabilities***], on the rights of women and their economic participation and prosperity and on Canada's economy and social infrastructure, is committed to supporting the establishment and maintenance of a Canada-wide early learning and child care system, including before- and after-school care;

##### Paragraph Four (4):

- Whereas the Multilateral Early Learning and Child Care Framework sets out principles to guide the Government of Canada and the governments of the provinces [**and territories**] in achieving the vision

of all children in Canada having [equitable] access to quality [*and inclusive*] early learning and child care programs and [*associated*] services that [*provide*] the support [*needed to ensure each child's meaningful participation and*] ~~their~~ development ~~and~~ enabl[ing] them to reach their full potential;

New Paragraph Nine (9) – insert new paragraph following current paragraph eight (8):

- [*Whereas early learning and childcare is fundamental in laying the foundation for formative social and human development and relationships and whereas the Government of Canada is a signatory and is committed to the full implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and specifically Article 24 respecting the right to inclusive education and realization without discrimination and on the basis of equal opportunity, and whereas the Government of Canada is committed to ensuring early learning and childcare programs and services are inclusive and accessible for children with disabilities*]

## 2. Interpretation section:

**Recommendation:** We recommend adding a 5<sup>th</sup> definition for the word 'inclusion' to Bill C-35.

[Inclusion

5 [*For the purposes of this Act, Inclusion is defined as not discriminating based on location, gender, race, sex or ability and means a responsive environment where all children have equitable access from a whole system approach including the timely provision of needed supports to meaningfully and equally participate in the regular routines of the learning environment and are immersed with their peers regardless of abilities, diversity, identities or characteristics, enabling equal access for all.*]



### 3. Purpose and Declaration section:

**Recommendation:** We recommend adding a new section: 5 (g) to Bill C-35.

#### Purpose

5 The purpose of this Act is to

*(g) contribute to the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and specifically Article 24 recognizing the rights of persons with disabilities to education with a view to realizing this right without discrimination and on the basis of equal opportunity, ensuring an inclusive education system at all levels and lifelong learning in the terms established by the Convention.*

### 4. Funding:

**Recommendation:** Our recommended amendments are *bolded and italicized in square brackets* below in the current text of the bill:

7 (1)

(c) support the provision, including in rural and remote communities, of early learning and childcare programs and services that are inclusive, of children from systematically marginalized groups, including children with disabilities and of children from English and French linguistic minority communities, and that respect and value the diversity [***and ability***] of all children and families and respond to their varying needs [***by providing the necessary support to ensure equal opportunity and equitable access***]; and

8, insert new paragraph 8(2) and 8(3) \*New

8 (2)

*[As a condition in funding agreements, provincial governments, Indigenous governing bodies and other Indigenous entities will be required to make public an annual report containing key metrics and indicators measuring the progress being made under the terms of their Canada-Wide Early Learning and Child Care Agreements and Action Plans, including investments made in respect of that system and in establishing: (1) accessible, (2) affordable and (3) fully inclusive early learning and child care, including the impact on children with disabilities.]*

8 (3)

*[As a condition in funding agreements, provincial governments, Indigenous governing bodies and other Indigenous entities will be required to ensure funding is made available to provide for adequate training and support to early learning and childcare providers to accommodate and meet the needs of children with disabilities in fully inclusive learning environments.]*

5. Annual Report section:

**Recommendation:** Our recommended amendments are *bolded and italicized* below in the current text of the bill:

Annual Report

Report

16 (1) (b) a summary of the progress being made respecting that system, including information [*containing key metrics and indicators measuring progress*] relating to the quality, availability, affordability, accessibility, and inclusiveness of early learning and

child care programs and services and to the access to those programs and services; and

### *Other areas: Provincial and Territorial Agreements:*

Other areas of concern may not be addressed through legislation but are important considerations for the government to hold provincial and territorial governments accountable for ensuring a fully inclusive early learning experience for all. These areas should be considered by the government as part of the multilateral framework and bilateral agreements with provinces and territories and be requirements for funding. The principles of inclusion, as outlined above, must also be included in these agreements.

Community collaboration is essential. There must be expectations that provinces and territories will collaborate and consult with communities and families in providing inclusion within their childcare systems.

Additional or expanded funding to support inclusion through separate specific programs or funding agreements should be identified separately in agreements, action plans and progress reports. Valid and reliable methods should be used to collect and analyze national and provincial/territorial data on children with disabilities (by age) on their inclusion on a regular basis. Statistics Canada should ensure this is part of its ongoing survey research, including data on whether children and families can access inclusive childcare and other services and supports. In addition, comparable administration data should be collected and made publicly available by the provinces and territories on the number of young children with disabilities and their inclusion and participation in early learning and childcare programs.

### *Conclusion*

We urge the members of SOCI and the Senate to consider our recommendations to strengthen Bill C-35 to advance the early learning

and childcare sector in Canada towards a fully inclusive one. Our inclusive policy choices now will prevent our children with disabilities from losing out on critical early childhood development that will help them thrive in the future. High-quality, affordable, equitable, and fully inclusive early learning and childcare is not an option, but a necessity. All our children are counting on us.