

Written submission for the Committee on
Social Affairs, Science and Technology, Senate of Canada

Review of Bill C-35
“An Act respecting early learning and child care in Canada”

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Recommendations

1. Retain all amendments and changes made thus far to Bill C-35 in the final legislation.
2. Add a definition of early learning and child care – based on UNESCO’s ISCED education system classification scheme as adapted to Canada – to the Definitions section of Bill C-35.

Introduction

The Childcare Resource and Research Unit (CRRU), a small non-partisan policy research institute, began as part of the University of Toronto's Centre for Urban and Community Studies. Founded in the early 1980s, it became an independent non-profit organization in 2007. Its original, and continuing, mandate has been to work towards an equitable, high quality, publicly funded, inclusive early learning and child care (ELCC) system for all Canadians.

To carry out this mandate, CRRU has long been engaged in supporting positive ELCC policy and developments through research, knowledge production and dissemination. The organization develops and carries out its own research and also collaborates with partners including other researchers, child care organizations, social justice groups and think tanks. One of our other main activities is to gather, organize and disseminate relevant research, policy and practice knowledge and materials on early learning and child care and related topics through publications, public presentations, writing and our database/website designed to be a broad source of information on ELCC and related issues. CRRU's scope is Canada-wide.

“A half century of struggle”

When the Canada-wide Early Learning and Child Care plan (CWELCC) was announced in the April 2021 federal budget, Finance Minister Freeland positioned it as “the culmination of a “half-century of struggle” that began in 1970 with the Royal Commission on the Status of Women’s call for a national day-care program including a national *Act*¹. As a 50-year advocate, with the rest of the child care movement I applauded the government for committing to building the universal, publicly funded child care system so long envisioned. This task, we recognize, has multiple pieces, considerable work and will be accomplished over time.

Since the time of the Royal Commission on the Status of Women, part of the long-term vision has been federal Canada-wide legislation. Thus, as one who has long fought for universal child care, I firmly support the speedy passage of Bill C-35 to support and strengthen solid implementation of CWELCC Canada-wide.

Bill C-35

“An *Act* respecting early learning and child care in Canada” is one of the key tools for supporting the transformation and building of ELCC provision Canada-wide, so it needs to be strong enough to support, strengthen and protect the new system. The current form of the legislation includes a number of constructive and useful elements, some of which were included in the legislation when it was tabled, with others introduced as amendments by the HUMA committee in response to recommendations.

These include:

¹ See Lisa Pasolli, [This half-century of struggle](#), 2021.

- A Preamble that sets out the intentions, purposes, roles, principles, commitments to Indigenous peoples (which were strengthened through amendments) and signals a rights-based approach, specifying a list of relevant international agreements to which Canada is a signatory;
- A Definitions section;
- A Declaration section strengthened by the addition of more specific language regarding “the right of Indigenous peoples to free, prior and informed consent in matters relating to children”.
- Guiding Principles for funding (funding “must be guided by the principles by which early learning and child care programs and services should be accessible, affordable, inclusive and of high quality”);
- Section a) was improved considerably via an amendment. It now specifies funds will “support the provision of, and facilitate equitable access to, high-quality early learning and child care programs and services”. It links this to “in particular, those that are provided by public and not for profit child care providers “and further links this to being “reflective of other evidence-based best practices in high-quality service provision”.
- Section c) was strengthened by an amendment specifying inclusion of systematically marginalized groups: “support the provision, including in rural and remote communities, of early learning and child care 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, that respect and value the diversity of all children and families and that respond to their varying needs”;
- Section d), on the child care workforce, was also strengthened significantly by adding language about recruitment, retention and working conditions (“including through the recruitment and retention of a qualified and well-supported early childhood education workforce, recognizing that working conditions affect the provision of those programs and services”).
- The section titled Annual Report also was made considerably stronger by adding subsections 1. a), b) and c) which detail what the reporting must contain, and a Tabling section outlining that the report must be tabled in Parliament. These are very key points for transparency and public accountability.

These are all important and useful changes and should remain in the final legislation.

A definition of early learning and child care

A remaining gap in the legislation is that it does not include a definition of early learning and child care. As a definition could play an important role in supporting and protecting the ELCC program going forward, I recommend adding a definition of ELCC.

The term early learning and child care, child care, or “care” may mean different things to different people at different times, such as *all* care of a child by its parents or immediate family; informal child care not under public oversight (such as unregulated/unlicensed care in a

caregiver's home or the child's own home). Child care is also used to mean care in a child protection sense.

[UNESCO's International Standard Classification of Education](#) (ISCED) (2011) would be an appropriate basis for an ELCC definition. This system was developed to "compare national education systems with those of other countries"; it "provides a comprehensive framework for organising education programmes and qualification by applying uniform and internationally agreed definitions to facilitate comparisons of education systems across countries". ISCED's Level 0 is "early childhood education" and includes programs for children 0 – 2 years and 3 years – primary school age. It includes centre-based and home-based ELCC provided it meets the criteria but not unregulated/unlicensed or parental care.

Main criteria

- a) Educational properties of the programme;
- b) Institutional context;
- c) Typical target age of children for whom the programme is designed;
- d) Programme intensity/duration

Subsidiary criteria

- a) Staff qualifications;
- b) Existence of a regulatory framework;
- c) Typically not part of compulsory education.

Based on this international standard adapted to reflect Canada, a suggested definition:

Early learning and child care is characterised by its provision of stimulating, organized and purposeful learning activities in a safe, healthy, caring environment where children learn through interaction with other children under the guidance of staff/educators through play-based activities. A regulatory framework is issued by relevant provincial or territorial authorities, specifying pedagogical qualifications for educators, pedagogical framework for learning, health, safety, well-being and nutrition considerations, physical environment, support and monitoring. Early learning and child care can include centre-based and home-based settings but does not include care arrangements not organized under public supervision, such as individual caregivers or children's informal learning from their parents, other relatives or friends. For the purposes of this legislation, early learning and child care does not include kindergarten or pre-kindergarten delivered by school authorities.

Respectfully submitted,

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