



Brief on Bill C-35
An Act respecting early learning and child care
Prepared for the Standing Senate Committee on Social Affairs, Science and
Technology

Submitted by
Child Care Now (Child Care Advocacy Association of Canada)
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Child Care Now (legally known as Child Care Advocacy Association of Canada) serves as Canada's membership-based national child care advocacy organization. We bring together parents, grandparents, early childhood educators, other workers, and other individuals from across Canada, as well as a multitude of diverse local, provincial, and national organizations. Our mission is to advocate for high quality, affordable, equitably accessible, inclusive, early learning and child care for all, and to support the implementation of the Indigenous Early Learning and Child Care Framework co-developed and supported by Indigenous Peoples.

Since our organization's founding forty years ago, we have called on all levels of government to recognize the value of early childhood education and treat it as a public good. Specifically, we have called on governments to allocate sufficient public funding and put in place appropriate public management and service delivery systems to ensure that all in Canada who want early childhood education and care have access to inclusive, high quality programs and services.

In our written and oral submissions to the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities (HUMA) regarding Bill C-35, we applauded the introduction of early learning and child care (ELCC) federal legislation. We did this because it enshrines in law a commitment to maintain federal funding for ELCC programs and services, and to build a system of high quality, affordable, inclusive, accessible system of ELCC in cooperation with the provinces, territories and Indigenous peoples organizations and governments. Further, the Bill sets out evidence-based principles to guide federal ELCC funding.

In our representations to HUMA, we suggested ways in which the Bill could be strengthened through amendments to the Guiding Principles set out in Section 7, the sections related to the National Advisory Council on Early Learning and Child Care, and the reporting requirements in

Section 16. We are very pleased that the House of Commons Committee incorporated many of our proposals in its report.

Recommendation 1: Amend the Bill to define early learning and child care

There remains, however, one aspect of the Bill that causes us concern. During the Committee's deliberations of the Bill, it was clear that early learning and child care is interpreted by some to include a variety of caring activity. Unless the Bill properly defines the type of early learning and child care, it might at some future time be interpreted to provide legislative permission to publicly finance, with federal funds, unregulated and even informal early learning and child care programs. Dr. Susan Prentice addressed this issue in her HUMA testimony as follows:

"Yesterday in committee, a member read from a brief that suggests "child care is the care of a child, regardless of who provides the care", and I urge you to see the folly in this kind of definition for the purposes of legislation. Let me explain why.

In my house, when my spouse and kids are sick, I get out the thermometer, I make them hot lemon with ginger and I provide over-the-counter pain medication. I am of course providing health care, but you would in no way reasonably want to include what I do under health care legislation or funding. In our Winnipeg home, we have smoke and carbon monoxide detectors, and we keep our fire extinguishers fully charged. We're practising fire hygiene, but we in no way belong to public firefighting.

Similarly, early learning and child care does not mean and cannot mean care of a child wherever it occurs. It means instead a very particular kind of out-of-home early learning and child care service, one that is regulated, licensed and provided by qualified early childhood education professionals."

In our written submission to HUMA, we had proposed that the word, "licensed," be inserted before "early learning and child care programs and services" in the Guiding Principles section. However, not all Indigenous and other regulated early learning and child care programs that should benefit from federal funding support are licensed by government authorities. A better approach would be to add a definition of early learning and child care to Section 2 of the Bill, and we propose the following language for consideration:

Early learning and child care means programs or services that are licensed or regulated by provincial, territorial, Indigenous governments or organizations. For the purposes of this legislation, early learning and child care does not include kindergarten or pre-kindergarten delivered by school authorities.

Recommendation #2: A Standing Senate Committee on Social Affairs, Science and Technology study the building of the Canada-wide system of early learning and child care

Bill C-35 arises from, and supports the implementation of, the federal government's commitment to build a primarily not-for-profit high-quality Canada-wide system of early learning and child care affordable and accessible to all.

However, the Bill provides only broad principles to guide federal spending in support of this major national project. Also, work on the construction of the Canada-wide system had already begun, fueled significantly by the 2021 federal budget. While Child Care Now urges swift adoption of Bill C-35, we think it would also be beneficial for legislators to take some time to consider what progress has been made since 2021 with respect to system-building, and to learn ways to improve on the experience so that the goals of Bill C-35, set out in Section 6 (Declaration) are achieved within reasonable time. We believe the Standing Senate Committee on Social Affairs, Science and Technology is well positioned to undertake such a study and urge that you do so.