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Submission on Bill C-35
An Act Respecting Early Learning and Child Care

Prepared for the Standing Senate Committee on Social Affairs, Science and Technology

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As context for my commentary and recommendations: I am a university-based researcher with expertise in child care, and have written widely on historical, contemporary, and comparative policy. I am a former member of the Expert Panel on Early Learning and Child Care Data and Research, have advised Statistics Canada on child care data and analysis, and have extensive involvement in the Canadian ELCC polycscape.

Below, I provide commentary and recommendations on the text of Bill C-35 passed on June 19, 2023, recognizing that the Senate's *Standing Senate Committee on Social Affairs, Science and Technology* specific task is to scrutinize and improve the legislation.

Federal legislation on early learning and child care is an important step for Canada, and I commend the introduction of Bill C-35. Legislation provides protections for national visions, making commitments more stable than those expressed only through bilateral agreements or similar mechanisms. The proposed Bill contains nearly all of the necessary elements to provide a solid national vision and to support provincial/territorial and Indigenous governments on the ELCC file.

Bill C-35 was greatly strengthened through the House of Commons consultation process, and the amended proposal before you is the better for being rooted even more strongly in a rights-based framework. Among multiple objections for supporting high quality early learning and child care, the Preamble laudably cites five UN guiding documents: the Social Development Goals, the UN Declarations on the Rights of Indigenous Peoples, 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. Regrettably, the Purpose and Declaration section remains narrowed to just two: the CRC and UNDRIP. The other international conventions itemized in the Preamble are equally applicable. Thus, Section 5 should be amended to include the “progressive realization of the right to benefit from child care services as recognized” in the two other conventions, CEDAW and UNCRPD.

The Funding section of C-35 7(1)(a) directs federal investments to ELCC programs and services that “meet standards set by provincial governments or Indigenous governing bodies, that are reflective of other evidence-based best practices in high quality service provision and that respond to the varying needs of children and families.” In 7(1)(d) reference is further made to the qualified early childhood education workforce. These are important clarifications for the legislation and should be added to the Interpretation Definitions Section 2, as a definition of “early learning and child care services and programs.” Without such a definition, the legislation will be troublingly imprecise. It will be an Act ‘respecting early learning and child care’ but which does not specify the scope of the service. Relying exclusively on the guiding principles of funding (Section 7) to identify and define ELCC is inadequate.

Finally, I note that Child Care Now (the Child Care Advocacy Association of Canada) has recommended the Standing Senate Committee on Social Affairs, Science and Technology study the building of the Canada-wide system of early learning and child care. This is an inspired recommendation. Given the Senate's mandate to investigate and deliberate, it would be very wise for this body to document and evaluate progress made toward achieving the vision of a Canada-wide early learning and childcare system. Such a report would provide an important complement to the work of the National Advisory Council established by C-35, and would contribute immeasurably to an

evidence-based understanding of progress made – and yet to be made – through the collaborations envisaged by the Government of Canada with provinces, territories, and Indigenous governments.

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Summary of Recommendations

1. Amend Section 5 to include the progressive realization of the right to benefit from child care services as also recognized by CEDAW and UNCRPD.
2. Amend the Definitions section to specify the scope of early learning and child care services and programs.
3. Establish, as a project of the Standing Senate Committee on Social Affairs, Science and Technology, a study of progress toward building of a Canada-wide system of early learning and child care.