



Brief to the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities regarding Bill C-35, An Act respecting early learning and child care in Canada

March 17, 2023

Child Care Now (legally known as Child Care Advocacy Association of Canada) serves as Canada's national child care advocacy organization. We are membership-based and 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 who want our country to have high quality, affordable, equitably accessible inclusive, and Indigenous early learning and child care.

Since our establishment 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 so that all in Canada who want early childhood education have access to inclusive high quality programs and services.

We applauded the large federal investment in early learning and child care set out in Budget 2021 and celebrated when it was approved by Parliament. We applauded when the Government of Canada achieved Canada-wide early learning and child care funding agreements with the provinces and territories affirming the vision "that all families in Canada have access to high-quality, affordable, flexible and inclusive ELCC no matter where they live." We were heartened to see in these agreements the call of the Truth and Reconciliation Commission of Canada "to develop culturally appropriate early childhood education programs for Aboriginal families." We were glad to see that these agreements put priority on the expansion of not-for-profit early learning and child care.

We now applaud the introduction of Bill C-35, an Act respecting early learning and child care in Canada, and urge its adoption. At the same time, we ask your Committee to consider ways in which the legislation can be strengthened, particularly with respect to:

- (a) the principles that the Bill sets out to guide federal spending on early learning and child care,
- (b) the functions of the National Advisory Council on Early Learning and Child Care, and
- (c) the reporting obligations of the designated minister.

Below we set out our suggested deletions (shown as crossed-out text), and additions (shown in red). Our proposals were developed through a consultative process involving our Board of Directors, our local chapters, affiliated child care advocacy organizations and some of our key partners including early learning and child care providers, anti-poverty groups, feminist organizations, and labour groups. Our brief is based on knowledge and experience accumulated over the past decades about what governments must pay attention to with respect to system-building and public accountability.

Proposed amendments of Section 7(1), Guiding principles

*7 (1) Federal investments respecting the establishment and maintenance of a Canada-wide early learning and child care system — as well as the efforts to enter into related agreements with the provinces and Indigenous peoples' **organizations**— 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 and must, therefore, aim to*

*(a) **increase the provision of, and facilitate equitable access to, high quality licensed** early learning and child care programs and services—in particular public and not for profit early learning and child care programs and services ~~child care providers~~—that meet standards set by provincial governments or Indigenous governing bodies, **and that meet other evidence-based best practices in high quality service provision, and that** respond to the varying needs of children and families;*

*(b) enable families of **all** incomes, **including low incomes**, to benefit from affordable **licensed** early learning and child care programs and services;*

*(c) support the provision of **licensed** early learning and child care programs and services, **including in rural and remote communities**, that are **inclusive to children from systematically marginalized groups including Indigenous, Black, racialized and migrant children, children with disabilities and children in different regions and territories, and support the provision of programs and services that** respect and value the diversity of all children and families and respond to their varying needs; and*

*(d) support the provision of high-quality **licensed** early learning and child care programs and services that foster the social, emotional, physical and cognitive development of young children, including through the **funding** of a qualified ~~and well-supported~~ **early childhood education workforce that is well supported by policies ensuring decent working conditions, proper compensation commensurate with qualifications, experience and ongoing training, and other measures necessary for recruitment and retention of staff.***

Explanation

The Act should be clear that it is directed at building and sustaining systems of regulated licensed early learning and child care— not unregulated or informal care.

We would like the Act to include the principle of expanding public and not for profit early learning and child care programs and services. The current wording of Bill C-35 says federal investments should be used to facilitate access but not necessarily through the expansion of

the system. Further, our view is that federal investments should be guided by evidence-based practices in addition to being guided by regulations put in place by provincial governments and Indigenous governing bodies.

We agree fully with the intent expressed in Bill C-35 that federal public investments be used to put in place a primarily public and not for profit system of early learning and child care. Our position is that for-profit licensed service providers in existence at the outset of the federal government's major financial investments began should be entitled to receive federal support in accordance with the signed Canada-wide early learning and child care funding agreements. However, federal funds should not be used to expand the provision of the for-profit early learning and child care sector. The main reasons for our position are:

- Directing federal funding to the expansion of only not for profit and public early learning and child care programs and services will move us more quickly to primarily not for profit and public systems everywhere in Canada, as promised in the 2021 federal budget, and consistent with the development of all fully developed, publicly funded early learning and child care systems elsewhere in the world;
- Federal public funds should be directed to expanding the provision of high quality early learning and child care services, not to expanding opportunities for private profit or for the purchase or accumulation of privately held assets such as real estate or infrastructure improvements;
- Evidence in Canada and internationally tells us that not-for-profit and public early learning and child care providers are generally of higher quality and more reliable, and that public and not-for-profit child care systems are better at serving low-income families.

Section 7 (1) (b) and Section (1) (c) should emphasize the goal of including all families, particularly those who have been left out of licensed early learning and child care. Also, these sections should emphasize the need to increase the availability of early learning and child care where it is now less available. This is consistent with the vision of an inclusive and universally accessible system of early learning and child care.

It will be impossible for the Government of Canada to achieve its “goal to support the establishment and maintenance of a Canada-wide early learning and child care system where families have access to affordable, inclusive and high quality early learning and child care programs and services regardless of where they live” (as set out in Section 5 of the Act), if federal government investments are not guided by more specific principles related to the early learning and child care workforce. We propose that Section 7(1) (d) be expanded to incorporate the factors identified through extensive research as necessary to support the development of a highly qualified workforce and to retain qualified educators, including decent working conditions and proper compensation tied to qualifications, experience, and ongoing training.

Proposed amendments of Section 14, Functions of the National Advisory Council on Early Learning and Child Care, and the addition of a section on funding of the Advisory Council

Functions

14 The Council must

(a) provide advice to the Minister respecting early learning and child care, including with respect to programs and services, funding and activities that support early learning and child care **and with respect to the implementation of this Act**;

(b) receive from the department for which the Minister is responsible, disaggregated data and research related to the Canada-wide early learning and child care system that the Council considers necessary to fulfil its functions, including data disaggregated by socio-economic, cultural, and geographic factors and research related to the implementation of any of the agreements with the provinces and Indigenous peoples' organizations referenced in Section 7(1);

(c) ~~conduct engagement activities~~ consult broadly with others who have an interest in early learning and child care including but not limited to parents, the early childhood education workforce, service providers, advocates, and policy and research specialists on matters relating to the Canada-wide early learning and child care system; and

(d) submit a report to the Minister within six months after the end of each fiscal year,
i. on the Council's assessment of the progress being made in meeting the purpose, declaration, principles, and commitments of this Act, and
ii. on the advice that the Council provided to the Minister under paragraph (a) during the fiscal year; and

(e) The Minister must cause the report referred to in 14(c) to be tabled in each House of Parliament on any of the first 15 days on which that House is sitting after the Minister receives the report.

(f) testify, on request, to any standing committee of either House of Parliament, in respect of any matter that relates to the administration, operation and effectiveness of this Act, including the extent to which the purpose, declaration, principles and commitments of this Act are being achieved.

(eg) undertake any other activity related to its functions under paragraph (a) or (b) that is specified by the Minister.

Funding of the Council

The Council shall be funded sufficiently to carry out its functions as set out in this Section.

Explanation

We support the establishment of a National Advisory Council on Early Learning and Child Care as a legislated requirement, but it is our view that the Act should be much clearer and specific

with respect to the Council's functions, its obligations to be available to Parliament, as well as its obligations to the Minister, and in turn the Minister's obligations to report on the Council's recommendations to Parliament. Finally, we believe that the Act should require that the Council be funded to carry out its functions and obligations.

In developing our suggested amendments with respect to the Council, we were guided by language in the Poverty Reduction Act which also establishes an advisory council. This National Advisory Council on Poverty is required to undertake broad consultations including with named groups or communities; it is required to submit a report to the Minister with respect to specified issues; and the Minister is required to table the report in Parliament.

One of the functions of the Council that we believe essential to providing expert advice is to receive and analyze data and research that is available to the federal government or collected by the federal government using public funds and resources. Also, we believe the Council should be required to be available to appear before any standing committee of either House of Parliament.

Proposed amendment of Section 16, Annual Report

Annual Report

~~16 The Minister must prepare and make public an annual report on the progress being made respecting the Canada-wide early learning and child care system, including the federal investments made in respect of that system.~~

16 At the end of each fiscal year, the Minister shall prepare a report examining the provision of child care services in each province and territory during that fiscal year in relation to the purpose, declaration, principles and commitments of this Act and shall cause the report to be laid before each House of Parliament within 60 days after the end of the fiscal year or, if that House is not then sitting, on any of the first 15 days next thereafter that that House is sitting.

Explanation

Very simply, it is our view that the Act should require the Minister to table a report with each House of Parliament so that Parliamentarians may have an opportunity to consider the extent to which progress has been made in relation to the subject matter set out in the Act and including in relation to federal investment in early learning and child care. Such a report from the Minister should be in addition to the reports of the Council which we believe the Minister should be required to share with the Houses of Parliament as previously stated above.

Submitted by the Board of Directors,
Child Care Now, Child Care Advocacy Association of Canada