

## Feedback on ELCC Legislation submitted to the Federal Secretariat on ELCC

March 14, 2022

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The Atkinson Centre at OISE/University of Toronto and Institute for Change Leaders hosted a **Virtual Roundtable - Have your say about Canada's new Early Learning and Child Care Legislation**, on March 9, 2022. The event was in response to February 11 correspondence from the Federal Secretariat on Early Learning and Child Care seeking feedback on legislation to enshrine the principles of a Canada-wide child care system in law and support a lasting federal commitment over time. The following is a summary from the roundtable.

Thirty-eight participants from seven provinces including ELCC providers, representatives of Indigenous, advocacy and professional organizations, as well as academics, researchers and industry consultants took part.

Discussions were led by Olivia Chow, who sponsored child care legislation as a Member of Parliament in 2009, and Steven Shrybman, a lawyer involved in drafting the bill, and who continues to advise stakeholders on child care legislation.

The discussants stressed that the content of any child care act was a political, as much as a legislative exercise. Legislation is intended to provide a framework for existing ELCC agreements negotiated with provinces and territories. Whether there is legislation, and if it reflects the best of the agreements, or the worse, will depend on the political environment. There is an expectation that the Government will hold firm to its commitments for more affordable spaces developed through non-profit providers.

Comments were delivered verbally or through the chat function. There were also written comments.

Participants were asked to identify the top elements they wanted to see reflected in legislation. Some common themes arose:

Reserve expansion funding for non-profit providers:

- Funding for not-for-profit or municipal operators and only to those who are already unionized or who inform their staff about the benefits of unionization.
- Multinational corporations are exploring expansion in Canada. Non-profit is key for affordable and high quality child care.
- Federal legislation should limit expansion funding to licensed and monitored non-profit / public / Indigenous providers.

Equitable access:

- Equitable inclusion of children with disabilities.
- Include official languages in the legislation to assure these rights are protected.
- Canada-wide ELCC should be about early learning as a public good offered to all preschool-aged children regardless of who their parents are or what they do – much like the right to public education, but not mandatory.

#### Affordability:

There was agreement that the \$10 day goal, depending on its interpretation, may not promote equitable access. Concerns were also raised that quality could be sacrificed in the quest to lower fees.

- \$10 per day is not affordable for many. Language needs to recognize low income and gig workers and encourage mechanisms that recognize ability to pay without relying on current subsidy systems which props up a market driven model.
- \$10/day is an admirable goal and slogan, but affordability is different for different families.
- Hate that affordability has become the major retail politics for the federal and incumbent governments (outside QC and ON) because the legislation should be about care.
- Cannot forget about care in the quest for affordability.

#### Quality:

- Legislation needs to define what quality looks like. About ensuring we have qualified staff, treated with the same care we expect them to provide to our most vulnerable citizens.
- Legislation needs to promote similar standards across provinces and territories i.e. staffing ratios, ECE education requirements, quality measurements.

#### Monitoring and reporting:

- Requiring consistent data collection, quality monitoring, and public reporting will be important to building and sustaining a system.
- Common accountability mechanisms would help unify the reporting.

A caution was raised about how specific federal legislation can be with respect to defining principles or objectives without intruding so much into provincial jurisdiction that the Act could be subject to successful legal challenge.

#### Legislative timetable:

Timing was a lively debate with some feeling a minority government and the potential of a spring election in 2023 required quick action to get legislation passed to protect the agreements. Others pointed to a problematic consultation processes that needs rectification before reasoned input can be provided.

#### Challenges within the process:

- ESDC wants input into legislation by March 14<sup>th</sup> when there has been nothing publicly said about legislation.
- The consultation isn't announced anywhere—not on the website. The media don't know about it. There have been no media releases.
- The call out for input is too limited; not able to gather meaningful input particularly from Aboriginal communities and marginalized groups.
- It is unlikely there will be substantial civic engagement by March 14<sup>th</sup>.
- Legislation will be based on the agreements but we don't know what all the agreements say and don't have a timeline for when the full text of all the signed agreements will be publicly available.
- Hard to propose what we want to see in the legislation until we know what has been agreed to, in black and white, in each jurisdiction.
- There is a risk that bringing in legislation quickly will distract P/T attention from achieving the 50% fee reduction by Dec/22.

Timing and the political environment:

- We are not in a strong political position to advance the federal role. Once the new child care system rolls out and parents experience its benefits, they will be very anxious to have more support and a stronger federal role.
- There will be legislation, but it will only slightly reinforce federal principles and establish a National Advisory Council. It will not grapple with the bigger question of whether future federal funding will place conditions on the ELCC system in each P/T.
- Child care is now a voter issue - regardless of who is in power – it will not go away. If it is rushed and weak, it will be more of a political nightmare.
- The Minister's mandate letter is tied to this Parliamentary session. She doesn't need to deliver by the end of 2022. We could use the full open window to get as strong legislation as possible and push for more as we get stronger politically.

Others felt that waiting to table legislation is risky given a minority government.

- Legislation takes a long time. Something tabled in spring 2022 will take until 2023 to make it through the legislative process and proclamation and then in all likelihood we will be into an election.
- Recalling the development of the Canada Health Act, it went through several reviews and amendments to emerge as what we have today. But it needed to start someplace.
- Is there a role for 'scaffolding legislation' -- Legislation with a timetable for review? That could be a good starting point.

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