

Written Submission: For consideration of Bill C-35, *An Act respecting early learning and childcare in Canada*

For the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities (HUMA)

by



March 6, 2023

About Us

Inclusion Canada is a national federation of 13 Provincial/Territorial member organizations, over 300 local associations and over 40,000 members. For over 60 years Inclusion Canada has supported children and adults with an intellectual disability and their families, while working to advance their human rights and full inclusion in Canadian society. Inclusion Canada leads the way in building an inclusive Canada by strengthening families, defending rights, and transforming communities into places where everyone belongs. Inclusive learning has been a priority for decades.

We are at the forefront of a national movement that believes in an inclusive Canada, where children and adults with an intellectual disability and their families are equally valued and fully included in every aspect of community life. We are a grassroots family-based association with representation from across Canada working collaboratively with other national partners who share our vision of a Canada where everyone belongs.

Inclusion Canada supports Bill C-35 and its principles. However, we are concerned with some important omissions and want to offer recommendations to ensure the full inclusion of children with disabilities and specifically children with intellectual disabilities are realized. We worry that in the absence of clarity, intended outcomes will not be achieved.

The inclusion of children within early learning and childcare must mean all children. We have often seen inclusion defined as cultural diversity, which is vitally important, however it must be clear that inclusion also means disability inclusion. A truly inclusive environment is one that is accessible and open to all children and in equitable ways promotes meaningful participation and a sense of belonging, providing the supports needed for each child to reach their full potential.

This legislation could very positively impact the families and children with disabilities across Canada. We recognize implementation happens through provincial and territorial governments, therefore specific accountabilities need to be included in order for a fully inclusive early learning and childcare system to be created and sustained.

As authors Ruth Bancroft and Kathryn Underwood have noted:

Inclusion values require the necessary conditions of leadership, philosophy, supports, resources, and quality teaching to be in place. These include funding, training, sufficient staffing, programming that is responsive to all children as unique individuals, and equipment and physical modifications in response to the children who are in the program.¹

The Importance of Inclusive Early Learning and Child Care in Canada

High-quality, affordable, and inclusive early learning and childcare is an essential and important resource for our children's future. It is one of the most impactful investments a country can make. Access to early learning and childcare creates the foundation for lifelong learning, well-being, and participation in society. This is equally true for children with intellectual disabilities who are frequently left behind or are overlooked.

Unfortunately, for children with disabilities, segregation is a more likely practice than inclusion. We encounter segregated early learning and childcare programs that falsely claim to be inclusive. Ableism continues to occupy and uphold systems of prejudice and discrimination that often devalues, marginalizes, or excludes children with disabilities from early learning and childcare. Only 1 in 5 Canadian childcare centres offer high-quality care for children with disabilities.²

¹ Ruth Bancroft and Kathryn Underwood, A Vision for Inclusive Childcare: From Principles to Policy, 2015

² [University of Guelph, Few Child-Care Centres Meet High-Quality Standards for Children with Disabilities, U of G Study Reveals](#)

Our current early learning and childcare system in Canada lacks:

- the legislation (and policies) needed to ensure child-care programs get the resources they need to offer inclusive, high-quality experiences for children with disabilities,
- the necessary training and ongoing resource development on disability inclusion for early childhood educators,
- sufficient funding to support inclusion; and
- access to specialists and resources for inclusion.

Inclusion is critical in the early years as the foundation for lifelong learning is built and fundamental values and attitudes are formed.³ High-quality early child development is a key determinant of health and quality of life with lifelong impacts. It must be a priority to provide our children with the best possible inclusive early learning experiences, so they can reach their full potential. This is especially true for children with intellectual disabilities. High-quality and inclusive early child development can positively influence outcomes across the rest of a child's life.

Benefits to Inclusive Early Learning

Inclusive early learning and childcare benefits children with disabilities by creating a sense of belonging, improving language and communication skills, fostering meaningful relationships and friendships, strengthening social and emotional development, improving self-esteem, confidence, autonomy, and leadership skills, giving students the opportunity to meaningfully participate, and allowing children the opportunity to learn the value of diversity.⁴

³ [UNESCO, 2021, Inclusion in early childhood care and education: Brief on inclusion in education](#)

⁴ [The Government of BC, Inclusive Child Care Toolkit: Supporting Children of All Abilities](#)

High-quality, affordable, and inclusive early learning and childcare not only has a significant impact on a child's life, future education/employment, and well-being, but has a significant impact on the entire family, as well as society. The cost of exclusion and segregation is high. There is an economic imperative to providing inclusive early learning and childcare. Ableist childcare and early learning systems place the burden of finding inclusive opportunities, supports and resources on parents, many times forcing one parent (often mothers) to leave their employment to become the fulltime carer for their child(ren). Additionally, children with disabilities who receive high-quality inclusive early learning are more likely to have better health outcomes. Bill C-35 presents an incredible opportunity to maximize financial security for children with disabilities and their families, promoting a healthier economy and reducing poverty.

Further, Bill C-35 also presents an opportunity to advance gender equality in Canada. A lack of affordable, high-quality and inclusive childcare disproportionality affects mothers and perpetuates gender binaries, gender wealth disparities, and the assumption that caring for a child is the primary responsibility of mothers.⁵ For mothers of children with disabilities, this is especially true. It is often mothers who end up leaving the workforce to care for their children or spend extensive amounts of time and emotional labour on system navigation to seek out inclusive childcare spaces and supports⁶. Bill C-35, through its permanent commitment and funding, could enable mothers to have more freedom to choose when and how they want to re-enter the workforce after having a child.

Access to inclusive early learning and childcare for all children is a fundamental human right. The United Nations (UN) Convention on the Rights of Persons with Disabilities (UNCPRD) and the UN Convention on the Rights of the Child (UNCRC), both of which Canada has ratified, recognize the right of all children, including

⁵ [Newbury J., & Gerlach A., University of Victoria, 2022. Parents pushing for equity and inclusion in the child care system in BC: a summary of research with BC parents of young children with support needs](#)

⁶ [Newbury J., & Gerlach A., University of Victoria, 2022. Parents pushing for equity and inclusion in the child care system in BC: a summary of research with BC parents of young children with support needs](#)

children with disabilities, to access inclusive education and learning without discrimination.

Bill C-35 is an important opportunity to give Canadian families access to affordable, inclusive, and high-quality early learning and childcare; however, an equity-based approach must be taken that recognizes that not all families or children in Canada are the same. Offering truly inclusive early childhood learning and childcare requires more than increased access to childcare spaces, it requires inclusion within those spaces as well as the fundamental resources to enable and support full inclusion.

Opportunities for Bill C-35 to Advance Inclusive Child Care

Bill C-35 offers an opportunity to advance inclusive early learning and childcare in Canada. Bill C-35 must be specific in its commitments to inclusive childcare and definition of inclusion.

The preamble of Bill C-35 states that the Government of Canada is committed to meeting Canada's international human rights obligations under 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 (UNCRPD)**.

Currently, Bill C-35, uses the word “**inclusive**” is repeatedly, however the legislation leaves out the intent or definition of the word.

It is important to point out the differences between exclusion, segregation, integration and inclusion, as even well intended systems get it wrong.

- Exclusion occurs when children are directly or indirectly prevented from or denied access to education in any form.

- Segregation occurs when children with disabilities are grouped together, often in separate environments, in isolation from their peers without disabilities.
- Integration is a process of placing children with disabilities in mainstream settings for limited periods of time.
- Inclusion happens when children with disabilities are learning, developing and playing together with their non-disabled peers in the same spaces and environments, with appropriate supports and where relationships and participation are facilitated

Inclusion involves a process of systemic reform embodying changes and modifications in content, teaching methods, approaches, physical environments, structures and strategies to enable learning and belonging for all. This is the meaning of inclusion as per Article 24 of the UNCRPD and as defined by General Comment No.4 to which Canada is a signatory.

Some opportunities to strengthen Bill C-35 to advance inclusive early learning and childcare are:

- Strengthen references to Canada's commitment and obligations to the UNCRPD in the Purpose of the proposed legislation, not just the preamble.
- Include a definition of inclusion in the preamble to ensure it is clear and fundamentally more than 'access', is inclusive of children with disabilities and meets the full intent as contained in Article 24 of UNCRP and not misinterpreted.
- Have the UNCRPD inform the interpretation and administration of the legislation in its entirety and subsequent regulations.
- Strengthen the guiding principles, particularly 7(1) (c), to ensure inclusion also means children with disabilities, which requires providing the supports needed to ensure equal opportunity and equitable access.

Recommended Amendments to Strengthen Bill C-35:

Inclusion Canada's Recommendation: for ease of reference, our detailed recommended amendments are contained in **Appendix A** on page 11 of this brief. A summary of our proposed amendments are as follows:

1. In the **Preamble** section:
 - i. proposed several edits to include the **rights of people with disabilities**, adding in the notion of **equitable** and **inclusive** learning and ensuring each learners **meaningful participation**, and fully outline **Canada's commitment under the UNCRPD** to inclusive early learning and education
2. In the **Interpretation** section adding a full definition and meaning to the word *Inclusion*
3. In the **Purpose** section, add in a new section outlining Canada's commitments to the UNCRPD, Article 24
4. In the **Funding** section,
 - i. add wording on ensuring the provision of the necessary support to ensure equal opportunity and equitable access
 - ii. require provinces and territories to make public an annual report containing key metrics and indicators measuring the progress being made to (1) accessible, (2) affordable and (3) fully inclusive early learning and child care
 - iii. ensure funding is made available to provide for adequate training and support to early learning and child care providers to accommodate and meet the needs of children with disabilities in fully inclusive learning environments
5. In the **Annual Report** section,
 - i. Specific wording added to call upon the Minister, on the first anniversary of the Act coming into force and every subsequent year, and make public an annual report containing key metrics and indicators measuring the progress being made on 1) accessible, (2) affordable and (3) inclusive early learning and child care.

Other areas: Provincial and Territorial Agreements:

There are other areas of concerns which may not be readily addressed through legislation but are important considerations for parliamentarians and the government in relation to holding provincial and territorial governments accountable for ensuring a fully inclusive early learning experience for all. These areas should be considered by government as part of the multilateral framework and bilateral agreements with provinces and territories and be requirements for the funding. The principles of inclusion as outlined in the above recommended changes to the legislation must also be included in these agreements.

Community collaboration is an essential component of providing inclusive early learning and child care, especially when it comes to supporting the needs of children with disabilities. There must be expectations that provinces and territories will collaborate and consult with communities and families in providing inclusion within their childcare systems.

Additional or expanded funding to support inclusion through separate specific programs or funding agreements should be identified separately in agreements, action plans and progress reports. Valid and reliable methods should be used to collect and analyze national and provincial/ territorial data on children with disabilities (by age) on their inclusion on a regular basis. Statistics Canada should ensure this is part of its ongoing survey research, including data on whether children and families are able to access inclusive childcare and other services and supports. In addition, comparable administration data should be collected and made publicly available by the provinces and territories on the number of young children with disabilities and their inclusion and participation in early learning and childcare programs.

Conclusion

We urge the HUMA Committee and Parliament to consider our recommendations to strengthen Bill C-35 to advance the early learning and childcare sector in Canada towards a fully inclusive one. Our inclusive policy choices now will

prevent our children with disabilities from losing out on critical early childhood development that will help them thrive in the future. High-quality, equitable, fully inclusive early learning and childcare is not an option, but a necessity. All our children are counting on us.

Proposed Amendments

1. Preamble:

Paragraph One (1):

- Whereas the Government of Canada, recognizing the beneficial impact of early learning and child care on child development, on the well-being of children and of families, on gender equality, **[on the rights of persons with disabilities]**, on the rights of women and their economic participation and prosperity and on Canada’s economy and social infrastructure, is committed to supporting the establishment and maintenance of a Canada-wide early learning and child care system, including before- and after-school care;

Paragraph Four (4):

- Whereas the Multilateral Early Learning and Child Care Framework sets out principles to guide the Government of Canada and the governments of the provinces **[and territories]** in achieving the vision of all children in Canada having **[equitable]** access to quality **[and inclusive]** early learning and child care programs and **[associated]** services that **[provide]** the support **[needed to ensure each child’s meaningful participation and] their** development ~~and~~ enabl**[ing]** them to reach their full potential;

New Paragraph Nine (9) – insert new paragraph following current paragraph eight (8):

- ***[Whereas early learning and childcare is fundamental in laying the foundation for formative social and human development and relationships and whereas the Government of Canada is a signatory and is committed to the full implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and specifically Article 24 respecting the right to inclusive education and realization without discrimination and on the basis of equal opportunity, and whereas the Government of Canada is***

committed to ensuring early learning and childcare programs and services are inclusive and accessible for children with disabilities]

2. Interpretation section:

Inclusion Canada's Recommendation: We recommend adding a 5th definition for the word 'inclusion' to Bill C-35.

[Inclusion

5 [For the purposes of this Act, Inclusion is defined as not discriminating based on location, gender, race, sex or ability and means a responsive environment where all children have equitable access from a whole system approach including the timely provision of needed supports to meaningfully and equally participate in the regular routines of the learning environment and are immersed with their peers regardless of abilities, diversity, identities or characteristics, enabling equal access for all.]

3. Purpose and Declaration section:

Inclusion Canada's Recommendation: For the ease of referencing, our recommended amendments to the **Purpose and Declaration** section of Bill C-35 are ***bolded and italicized*** below in the current text of the bill:

Adding a new section: 5 (g):

Purpose

5 The purpose of this Act is to

(g) contribute to the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and specifically Article 24 recognizing the rights of persons with disabilities to education with a view to realizing this right without discrimination and on the basis of equal

opportunity, ensuring an inclusive education system at all levels and lifelong learning in the terms established by the Convention.

4. Funding:

Inclusion Canada's Recommendation: For the ease of referencing, our recommended amendments to the funding and guiding section of Bill C-35 are ***bolded and italicized in square brackets*** below in the current text of the bill:

7 (1)

(c) support the provision of early learning and child care programs and services that are inclusive and that respect and value the diversity [***and ability***] of all children and families and respond to their varying needs [***by providing the necessary support to ensure equal opportunity and equitable access***]; and

8, insert new paragraph 8(2) and 8(3) *New

8 (2)

[As a condition in funding agreements, provincial governments, Indigenous governing bodies and other Indigenous entities will be required to make public an annual report containing key metrics and indicators measuring the progress being made under the terms of their Canada-Wide Early Learning and Child Care Agreements and Action Plans, including investments made in respect of that system and in establishing: (1) accessible, (2) affordable and (3) fully inclusive early learning and child care, including the impact on children with disabilities.]

8 (3)

[As a condition in funding agreements, provincial governments, Indigenous governing bodies and other Indigenous entities will be required to ensure funding is made available to provide for adequate training and support to early learning and child care providers to

accommodate and meet the needs of children with disabilities in fully inclusive learning environments.]

5. Annual Report section:

Inclusion Canada's Recommendation: For the ease of referencing, our recommended amendments to the **Annual Report** section of bill C-35 are ***bolded and italicized*** below in the current text of the bill:

Annual Report

Report

16 The Minister must prepare, ***upon the first anniversary of the Act coming into force and every subsequent year***, and make public an annual report ***containing key metrics and indicators measuring*** the progress being made respecting the Canada-wide early learning and child care system, including the federal investments made in respect of that system and ***in establishing: (1) accessible, (2) affordable and (3) inclusive early learning and child care.***