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THE FREEDOM TO LEARN : COMMENTS ON THE
PROPOSED CANADIAN CHARTER OF RIGHTS AND FREEDOMS

PRESENTED TO

THE SPECIAL JOINT COMMITTEE
ON THE CONSTITUTION OF CANADA

BY

THE CANADIAN CONGRESS
FOR LEARNING OPPORTUNITIES FOR WOMEN
WITH THE SUPPORT OF
THE CANADIAN ASSOCIATION FOR ADULT EDUCATION

DECEMBER 11, 1980

R E C O M M E N D A T I O N S

Whereas the Canadian government has fully supported,
at an international level, the basic human
right to learn;

Whereas in Copenhagen, July 1980, in signing the
Convention on the Elimination of all Forms of
Discrimination Against Women, our government
has recognized the potential of learning
opportunities to change the disadvantaged
position of women (Articles 11a and 11c);

Therefore the Canadian Congress for Learning Oppor-
tunities for Women urges the Government of Canada
to ensure the realization of such commitments within
our own nation through the Canadian Charter of Rights
and Freedoms, as follows:

1. ADD A NEW CLAUSE WHICH GUARANTEES THE FREEDOM
TO LEARN, THAT IS, THE RIGHT TO ACCESS TO LEARNING
PROGRAMS AS A MEANS TO PARTICIPATION IN THE DEMOCRATIC
PROCESS, AS A PREPARATION FOR PAID EMPLOYMENT LEADING
TO ECONOMIC INDEPENDENCE, AND FOR MORE EFFECTIVE
INVOLVEMENT IN FAMILY AND COMMUNITY LIFE.
2. AMEND SECTION 15 (2) SO THAT WOMEN ARE NAMED
AS A DISADVANTAGED SECTOR OF OUR SOCIETY.

"The objectives and goals of adult education policy should be incorporated in national development plans; they should be defined in relation to the overall objectives of education policy and of social cultural and economic development policies.

With regard to women, adult education activities should be integrated as far as possible with the whole contemporary social movement directed towards achieving self-determination for women and enabling them to contribute to the life of society as a collective force". (UNESCO, Recommendation on the Development of Adult Education, November 1976. Part 11, article 7, and Part 111, article 14, signed by Canada as a member state of UNESCO.)

INTRODUCTION: THE ISSUE OF CONCERN

The Canadian Congress for Learning Opportunities for Women (C.C.L.O.W.) approves the concept of a Canadian Charter of Rights and Freedoms as part of the proposed Canada Act. This brief, which has the full support and endorsement of the Canadian Association for Adult Education, addresses a fundamental human right, which is

guaranteed neither by our present Constitution nor by the proposed Charter: the right of adults to learning programs as a means to economic independence, meaningful work, and democratic participation in society. This omission contradicts the commitment of our government as a signator to the United Nations International Bill of Human Rights, to the right to universal access to learning including basic or "fundamental stages", technical and professional education and higher education. (Article 26, International Bill of Human Rights).

C.C.L.O.W. is a national voluntary organization which promotes learning opportunities for women. Our organization represents the concerns of adult educators and administrators, community workers, policy makers, union representatives and those women who want and need to use learning opportunities. Our members are anglophone and francophone and live in every province and territory.

C.C.L.O.W. has chosen to focus on the learning needs of women because our organization is itself a response to the urgent needs of Canadian women as an educationally, economically, and socially disadvantaged

sector of our society. The National Council of Welfare in its Women and Poverty report states that 16% of all adult Canadian women, or one woman out of every six, live on an income below Statistics Canada's poverty line. (Women and Poverty, Ottawa, 1979, P7). In the context of women's "second class citizenship", C.C.L.O.W. considers learning a vital and essential route to social change.

C.C.L.O.W. RESPONSE TO THE PROPOSED CHARTER OF RIGHTS AND FREEDOMS.

The proposed Charter guarantees for all Canadians democratic rights and freedoms and mobility rights. These rights, and freedoms are meaningless to the 24% of all Canadians who lack the fundamental skills needed to exercise them. (1979 Stats. Canada #71-001)

Part 1 section 2(b) and (c): The proposed Charter guarantees freedom of expression, particularly through the media, and freedom of peaceful assembly and association. Yet we are not guaranteed the basic adult learning (functional literacy) which would ensure that we are able to be articulate, engaged participants in the activities which are fundamental to Canadian society.

Part 1 section 3, and Part 1 sections 19, 20.

The Charter purports to enshrine the right of every citizen to vote, and the right to communicate with any court established by parliament, or with central offices of the Canadian government, in either of Canada's official languages. It is a great irony that this Charter does not consider the reality of the hundreds of thousands of Canadian women and men who can neither read or write at a level which would make such a right relevant.

Part 1 section 6(2):The Charter guarantees the right of every adult to move to another province in order to seek a job. Yet the Charter does not guarantee to every citizen the skill training, academic upgrading or other learning programs they require in order to qualify for a job in the current job market.

Part 1 section 15(2):The historically disadvantaged position of women in Canada can be redressed only by provisions for a program of affirmative action which specifically name women as a target group.

RATIONALE: THE IMPLICATIONS OF NOT ENSHRINING THE RIGHT TO LEARN.

This section is a description of the enormous gap between employment related training, generally accepted as a federal responsibility, and education at the primary and secondary, and in some cases, post-secondary levels. Our request is not for any change of federal/provincial jurisdictions but for constitutional recognition of the right of adults to learn.

At this time, public policy statements and formal legislation do not explicitly provide for learning as the right of every adult living in Canada. As a result, adult education services are generally provided as voluntary services, as social welfare services, or as remedial services. (Dorothy MacKeracher, Adult Basic Education for Women, C.C.L.O.W., Toronto, 1980). The current lack of delineation of federal and provincial responsibilities has created a haphazard, unco-ordinated, and from a citizen's point of view, inadequate and inefficiently funded patchwork of learning programs for women.

Provincial Responsibility

Education as a provincial responsibility is effectively, though not necessarily in principle, defined as

primary and secondary education and those post-secondary credit programs offered by colleges and universities. Credit and non-credit programs offered by community college programs are normally on a cost-recovery basis which of course excludes many of the women and men who most need them.

Federal Responsibility

Training for employment is a federal responsibility, and funds are provided through the Canada Employment and Immigration Commission (CEIC) as designated by the Adult Occupational Training Act (1967). The federal government is committed at this time to economic planning which includes training geared to the most productive possible use of labour.

CEIC, each year, purchases places in courses at community colleges, technical and vocational institutions and trade schools. These courses include not only skill development, but also the academic upgrading, life skills, and language training which are necessary for the more severely disadvantaged students, if they are to benefit from occupational training.

Community Involvement

Finally, and least predictably, local and municipal boards of education may provide a variety of courses

ranging from such skills as typing and cooking to regular secondary level subjects and, very rarely, academic upgrading.

The Unmet Needs

Our experience as women is that our learning needs are guaranteed nowhere. We are lost in the chasm between the federal responsibility for training for economic development and the provincial responsibility for education.

What learning programs do women need and want? We need adult programs which will give us academic upgrading, skill training, second language training, and career/life planning. We need comprehensive programs which bridge the gap between "education" and "training", because they contain elements of both.

We need programs which are co-ordinated with financial assistance and child care, so that we are actually able to attend. We need access to information about learning opportunities and career options of all sorts.

APPENDIX I

A MORE PERSONAL EXAMPLE

Janet K., single parent with grade nine education, who has worked at home for the past 12 years raising her two children decides to seek paid employment. Janet lives in Toronto, and she has been surviving on welfare payments which are \$3,174.00 per year less than the Statistics Canada poverty line. (Women and Poverty, National Council of Welfare, Ottawa 1979).

Poverty and the stress of day-to-day living have drastically lowered Janet's self-confidence and hope for the future. The needs of her family and her consequent isolation at home have absorbed her attention to the extent that she does not know what services are available in her community, if any. Janet needs help to assess her potential and to make a plan for gaining skills she will need to compete in the job market.

In order to manage the additional costs of working, i.e., clothes, transportation, day care (if available), materials, Janet will need a job which pays well. The route to a living wage for Janet will include at least career counselling, academic upgrading and skill training, a total learning program which must exceed the 52 week

Appendix 1 continued:

limit on CEIC sponsored training. She must check her local church basements, high schools and community agencies for upgrading programs which will not use up her 52 week limit of federally sponsored training.

A CEIC training allowance, at the current rate of \$105 per week for a person with two dependents, will not cover her living expenses. Financial crises will lead to many frustrating encounters with social agencies. She will most likely ask for help from the welfare office in the form of bus tickets and "emergency" money.

Janet's plan to reach economic independence through a paid job is fraught with barriers and difficulties. Success is to be hoped for, but not expected.

APPENDIX 11

OECD EXTERNAL EXAMINERS REPORT ON EDUCATIONAL POLICY
IN CANADA. Paris, November 1975.

Clearly, some basic elements of national responsibility arise because, in Canada today, as in all modern states:

- (Article 281)
- education is a right of each citizen, due to each citizen irrespective of his place of residence;
 - the standards maintained by schools and universities are of national interest, because a large part of scientific-technical achievement and, hence, economic and social well-being may depend on them;
 - unity of the educational system is a national interest, in order to maintain and guard the freedom of choice (via mobility) of citizens;
 - the educational philosophy of an educational system and the principles underlying its operation are matters

Appendix 11 continued:

of national interest, because cultural and national consciousness depend on it.

- (Article 290) ● The application of the so-called "active manpower policy" through Federal inputs to manpower training seems primarily oriented towards adapting existing manpower resources to whatever needs the economy might have at the moment.... The social elements involved in the principles advocated by the OECD, both in terms of reaching severely underprivileged persons, and as a direct attack on unemployment, do not appear to be the prime motives of Federal efforts in this field. Concern for increasing the GNP takes precedence over socially oriented employment policies.

- (Article 295) ● The need now is to put in place greatly improved mechanisms for inter-Provincial co-operation, and for Federal-Provincial discussion and co-operation on a multi-lateral basis.

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN.

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women.

Article 11

- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training.