

THE RIGHT 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

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"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.

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 uncluding basic or "fundamental stages", technical and professional education and higher education. (Article 26, Internationl 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 concerned women who want and need to use learning opportunities for women. 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 itself is 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.

The proposed Charter guarantees for all Canadians democratic rights and freedoms and mobility rights which are meaningless to those Canadians who are unable to use such freedoms because they lack the fundamental skills needed to exercise such rights.

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 active, engaged participants in 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 the greatest irony that this Charter does not consider the reality of the thousands of Canadian women and men who can neither read or write at a level which would make such a right meaningful.

Part 6 section 2: The Charter guarantees the right of every adult to move to another province in order to take 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 15 section 1: This section of the Charter guarantees equality before the law, in the face of existing laws which discriminate against women either directly or indirectly in terms of their interpretation and implications for the status of women. The historically disadvantaged position of women in Canada can be redressed only by the clearest commitment to equality in the law, and provisions for a program of affirmative action which specifically name women as a target group.

Part III.

THE CURRENT PREDICAMENT: THE IMPLICATIONS OF NOT ENSHRINING THE RIGHT TO LEARN.

This section is a description of the enormous gap between the currently accepted federal responsibility for employment related training and the provincial responsibility for primary and secondary, and in some cases post-secondary.

education, of our youth. 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 delineation of federal and provincial responsibilities has created a haphazard, uncoordinated, and from a citizen's point of view, ineffective 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 programs offered by colleges and universities. Credit and non-credit programs are offered by community college programs, 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 manpower.

CEIC, each year, purchases seats in courses at community colleges, technical and vocational institutions and trade schools. These courses include skill development as well as: academic upgrading, life skills, or 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 provide a variety of courses from useful skills such as typing and cooking to regular secondary level subjects and, very rarely, academic upgrading.

THE UNMET NEEDS

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 are both.

We need programs which are co-ordinated with financial assistance and child care so that we can get there. We need access to information about learning opportunities and career

opportunities of all sorts.

Our experience as women is that our learning needs are no where guaranteed. We are lost in the chasm between the federal responsibility for training for economic development and provincial responsibility for education.

Part IV: CONCLUSION

In proposing constitutional changes which will open the door for effective learning programs for women, C.C.L.O.W. affirms the right of every woman to learning programs which will enable her to participate in the democratic process, to find paid employment, to achieve economic independence, and to contribute to the development of her family and her community.

The Canadian government has recognized the basic human right to learn and its significance for women, and most recently, by signing in Copenhagen July 1980 the Convention on the Elimination of All Forms of Discrimination Against Women. (Article 11(a) and 11(c).

Part V: RECOMMENDATIONS

The Canadian Congress for Learning Opportunities for Women urges the Government of Canada to amend the proposed Canadian Charter of Rights and Freedoms as follows:

1. ADD A NEW CLAUSE UNDER THE HEADING OF "DEMOCRATIC RIGHTS" WHICH GUARANTEES THE BASIC HUMAN RIGHT OF EVERY CITIZEN OF CANADA, AND EVERY PERSON WHO HAS THE STATUS OF A PERMANENT RESIDENT OF CANADA, 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(1) TO READ "EQUALITY IN THE LAW" RATHER THAN "BEFORE" THE LAW.
B) ADD TO SECTION 15(2) THE WORDS "INCLUDING WOMEN".

3. C.C.L.O.W. ENDORSES ALL OTHER RECOMMENDATIONS MADE BY THE NATIONAL ACTION COMMITTEE OF WHICH C.C.L.O.W. IS A MEMBER ORGANIZATION.

APPENDIX 1

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 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. Her isolation at home and the needs of her family 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), books, 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 limit on CEIC sponsored training. She must check her local church basements, high schools and community agencies for upgrading programs which will not use her 52 week limit of federally sponsored training.

Appendix 1 continued:

A CEIC training allowance, at the current rate of \$105 per week for a person with two dependants, will not cover her living expenses so 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.

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 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..... Concern for increasing the GNP takes precedence over socially oriented employment policies.

Appendix 11 continued:

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 multilateral basis.