A Long History of Failure: Feeling the Effects of Canada's Childcare Policy

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This paper is intended to contribute to a historical understanding of the notion of the *deserving* poor, as seen in the development of childcare policy in Canada. Social policies that are primarily directed towards women demonstrate that the concept of *deserving* is fundamentally framed by the gendered devaluing of reproductive work within capitalism. Capitalist economies, by definition, give preference to private self-reliance over public responsibility, and this has historically reinforced particular norms and values and traditional gender roles. The history of childcare policy in Canada reflects the gendered nature of the capitalist labour market and how inequalities have prevailed despite attempts to reduce gender disparity through legislation.

This paper examines Canadian discourse on issues of childcare and social policy since the postwar period and demonstrates that neoliberal practices have created an increasing population of *undeserving* and ineligible poor. Looking at the origins of Canada's social policy, the development of childcare policies in the post–World War II period, and subsequent transitional periods will help to develop insights into current childcare policies. The apparent link between neoliberalism, the deserving poor, and the gendered devaluing of reproductive work is demonstrated through policies that deliberately push for an emphasis on individualism and consumption as a source of identity and a vehicle for social participation,[1] while de-emphasizing collective responsibility.

The first section will look at the notion of the deserving poor in the developing stages of institutionalized poor relief and then in the postwar period, when Keynesian ideology was influential in Western economies. Ideas of *deserving* in a welfare state and the concept of childcare as a social service will be explored through the policies that developed in the 1940s, 1950s, and 1960s. The next section will look at the important transitions that took place in the 1970s and 1980s, when supporters of a national childcare initiative developed a voice yet various ideological shifts stifled feminist agendas.[2] The final section will describe the changes that took place in Ontario when the Progressive Conservative Party took power in the 1990s.

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1 Kendra Coulter, "Women, Poverty Policy, and the Production of Neoliberal Politics in Ontario, Canada" (2009) 30 Journal of Women, Politics and Policy 23.

2 James J. Rice and Michael J. Prince, *Changing Politics of Canadian Social Policy* (Toronto: University of Toronto Press, 2000) at 234.

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Focusing this analysis on Ontario's social policy reform from 1995 to 2003 will demonstrate the significance of neoliberal ideology in shaping the notion of *deserving* and the role that the Harris era has played in current childcare subsidy policy. A comparison to the Quebec system will be made to consider the benefits the low-fee childcare policy, which has been implemented and enlarged over the years in Quebec. While the Canadian government takes pride in being committed to gender equality and the advancement of women's rights,[3] women are continually disadvantaged in the productive economy and devalued in the reproductive economy, demonstrating that gendered inequality persists in Canada's capitalist economy.

The term *childcare* is commonly used to refer to any type of arrangement involving the care of children under age 12 by someone other than the primary, unpaid caregiver. For the purpose of this paper, *childcare* refers to childcare centers and school-age childcare programs that are regulated by the federal or provincial government; unregulated, informal childcare will be referred to as *alternative care*, and the reproductive work of parents or legal guardians will be referred to as *primary care*. *Reproductive labour* can be understood as the physical reproduction of society as well as other care work involving feeding, clothing, teaching, and caring for children. *Productive labour* refers to any paid work that is recognized as employment under the *Canada Labour Code* (1985). While the productive market necessarily relies on the reproductive work performed in households, this paper will explore how Canada, as a capitalist society, prioritizes productive economic activity, while continually rejecting the value of reproductive work.

Early History and Social Welfare

The *Elizabethan Poor Law* (1601) first introduced the concept of *deserving* poor in the context of social policy and the administration of relief. The poor laws in England called for a differentiation between categories of poor, a concept that was mirrored in the development of systems of poor relief in Canada.[4] Amendments to the *Poor Law* in 1662 established the *Law of Settlement*,[5] which restricted the mobility of the poor and downloaded, but divided, responsibility, in an attempt to address the fiscal imbalance faced by parishes. Canadian legislation required parish authorities to provide relief for those members who were too old, sick, or disabled to support themselves (the impotent poor), to provide work for the able-bodied unemployed, and to punish those deemed able to work but unwilling to do so.[6] The beginning of standardized procedures for poor relief in Canada also meant the beginning of systemic measures to stigmatize destitution and pauperism. Poor relief became more institutionalized and criminalized than ever before.[7]

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3 *Gender Equality Policy and Tools: CIDA's Policy on Gender Equality*, rev. ed. (Gatineau, QC: Canadian International Development Agency, 2010).

4 Dennis T. Guest, "The Colonial Inheritance," in *The Emergence of Social Security in Canada* (Vancouver: UBC Press, 1980).

5 Karl De Scheweinitz, "The Law of Settlement," chap. VI in *England's Road to Social Security: From the Statute of Laborers in 1349 to the Beveridge Report of 1942* (New York: A. S. Barnes & Co., 1943).

6 *Supra* note 4 at 10.

7 Karl De Scheweinitz, "The Employment of the Unemployed," chap. VI in *England's Road to Social Security, supra* note 5.

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Allan Moscovitch suggests that social welfare in Canada passed through roughly four phases of development, with the first period (1840–1890) being that of the establishment of the legislative and institutional precursors of welfare state policy as charitable organizations gradually began to obtain state funding.[8] The following period (1891–1940) constituted a transitional phase towards a welfare state as other forms of state-aided social welfare—such as health care and pensions—began to emerge.[9] This period also witnessed several significant social movements and certain foundational achievements for women, including the women's suffrage movement, although women's work was still a long way from being recognized or valued.[10] This phase was followed by what Moscovitch calls the interventionist phase (1941–1974), which marked a change in the direction of public welfare policy that would purportedly lead to the development of an actual welfare state in Canada.[11] The final phase (1975–present) has been recognized as the demise of the welfare state and the rise of neoliberalism.

The Postwar Period and Canada's Welfare State

During World War II, federal money was available for daycare centres to enable mothers to work in crucial industries while men were at war.[12] On 20 July 1942, the federal government signed an order-in-council authorizing the Minister of Labour to assist provincial governments with the "cost of organizing and operating where necessary, day nurseries, crèches, recreation centres and like facilities" for the children of "mothers or foster mothers" who were "employed in war time industries in Canada."[13] This service, however, was not accessible to all mothers, and childcare availability was concentrated in urban centres.[14] When the war was over, many women gave up their jobs and went back home to their domestic duties, while others were laid off in order to free up jobs for men returning to the civilian labour market. Those women who wanted to remain in the workforce would struggle to find childcare, despite the rise in "female jobs"[15] that resulted from women's wartime participation and the challenge to prevailing assumptions about gender and work.[16] Access to childcare revealed itself as a temporary wartime service and did not lead to any major debate about equal employment. However, the postwar period did create conditions in which the socially structured behaviour

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8 Allan Moscovitch, *Welfare State in Canada: Selected Bibliography, 1840–1978* (Waterloo, ON: Wilfred Laurier University Press, 1983) at 16.

9 Ibid.

10 Catherine Lyle Cleverdon, *The Woman Suffrage Movement in Canada* (Toronto: University of Toronto Press, 1950).

11 *Supra* note 8 at 17.

12 Shelley A. M. Gavigan and Dorothy Chunn, "From Mothers Allowance to Mothers Need Not Apply: Canadian Welfare Law as Liberal and Neoliberal Reforms" (2007) 45 Osgoode Hall L.J. 733.

13 *Supra* note 10 at 15.

14 Martha Friendly and Trish Hennessy, *The Path to Better Childcare in Ontario* (Ottawa: Canadian Centre for Policy Alternatives, 2012), http://www.policyalternatives.ca/publications/reports/path-better-child-care-ontario.

15 Ibid.

16 Annis May Timpson, *Driven Apart: Women's Employment Equality and Childcare in Canadian Public Policy* (Vancouver: UBC Press, 2001) at 14.

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of men and women with respect to employment began to change.[17] Unevenly, public policy began to reflect a Keynesian vision of the welfare state through active government intervention in the economy.

The *Family Allowance Act* (1945) was representative of the social objectives of the time, which aimed for a redistributive justice that recognized some social responsibility toward reproductive burdens and sought a greater measure of equality of opportunity for all children.[18] In 1946, the *Ontario Day Nursery Act* (*DNA*) proposed new provincial-municipal cost sharing of non-parental childcare. However, half-day kindergarten programs were favoured as an appropriate educational supplement to familial care,[19] and the *DNA* (1946) established that full-day childcare was intended only as a necessary service for the working poor.

The gendered separation of paid labour and domestic labour was shaped by the emergence of the family wage system in the nineteenth century.[20] The family wage system was a reflection of the single-breadwinner nuclear family norm. A postwar subcommittee to the Advisory Committee on Reconstruction, the Post-War Problems of Women, was formed, and it held that women should be allowed to make a clear choice to either return to the domestic sphere or continue in paid employment. Yet it also assumed that "the normal urge towards marriage, home and family life . . . can be relied upon to reduce largely the number of women now listed as gainfully employed."[21] Women who worked outside the home were seen as taking jobs away from men, while women who worked inside the home were not valued as productive workers.[22] The market economy's emphasis on the "productive" value of men's work in the highly visible and salaried labour market obscured the significance of women's work in the home, "work that is not salaried and deemed largely invisible."[23]

By the early 1950s, municipal policies had turned childcare into a targeted program for only those most in need. Need was determined through means testing, casework, and investigation in a climate of restricted eligibility that ran counter to the new national emphasis on Keynesian economics and universal programs.[24] Federal funding for childcare was excluded from public policy as the reassertion of male economic primacy was marked by the dramatic changes in women's employment opportunities immediately after the war.[25] Second-wave feminism focused on women's role in the workforce, which was evidently brought about by women's

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17 Ibid.

18 Joseph W. Willard, "Family Allowances in Canada 1961," in *Children's Allowances and the Economic Welfare of Children: The Report of a Conference*, ed. E. M. Burns (New York: Citizens Committee for Children of New York Inc., 1968).

19 Rianne Mahon, "Child Care As Citizenship Right? Toronto in the 1970s and 1980s" (2005) 86:2 Can. Hist. Rev. at 288.

20 James W. Messerschmidt, *Capitalism, Patriarchy, and Crime: Toward a Socialist Feminist Criminology* (Totowa, NJ: Rowman & Littlefield, 1986).

21 *Supra* note 16 at 16.

22 Gillian Doherty, Martha Friendly, and Mab Oloman, *Women's Support, Women's Work: Child Care in an Era of Deficit Reduction, Devolution, Downsizing and Deregulation* (Ottawa: Status of Women Canada, 1998) at 32.

23 Ibid.

24 *Supra* note 19 at 289.

25 *Supra* note 16 at 16.

essential labour during the Second World War but did not translate into a recognition of reproductive or female productive labour.[26] Gender inequalities in the labour market continued to disadvantage women, who were subjected to lower wages for equal work, discriminatory hiring practices, and differential treatment in the workplace.[27]

Some laws were implemented in an attempt to counter direct, indirect, and systemic discrimination against women. However, they achieved limited success in rectifying occupational and professional segregation and the devaluation of women's work. The *Female Employees Fair Remuneration Act* (1952), intended to protect women's rights to equal pay for equal work, was passed in Ontario,[28] and in 1954, the *Fair Accommodation Practices Act* was enacted to prevent discrimination in services, facilities, and accommodations in Ontario's public spaces.[29] However, anti-discrimination legislation was ineffective without mechanisms to ensure its implementation. The enforcement of the acts was said to be constrained by their conciliatory framework, and provincial officials reportedly interpreted the equal pay legislation quite narrowly.[30]

Social policy in the 1950s and 1960s continued to reflect the nuclear family norm, and access to childcare was limited to cases of "family failure"—"when the male breadwinner was absent or could not provide or when the mother was an inadequate caregiver."[31] Childcare remained a residual service for those women who had to work, and, showing little progression from the 1601 model of poor relief, it was often organized by charities operating on a local scale.[32] Government aid remained available only for those who were deemed *deserving*. While sole-support mothers were often considered to be among the most deserving,[33] meagre public benefits did not significantly ameliorate their ongoing economic hardships, which included low earning capacity and sparse job opportunities. During this period, the conceptualization of *deserving*, and the resulting hardships faced by women, was preconditioned by the nuclear family norm and the devaluing of women's reproductive and productive contributions.

This system of relief for sole-support mothers also worked as a form of double shaming, as women were told that they should engage in paid labour either to stay off the dole or to demonstrate that they were not idle and lazy; ironically, however, those who engaged in paid labour were criticized for doing so.[34] The existing legislation placed the onus on women to conform to the criteria of *deserving*, and

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26 Ruth Roach Pierson, *They're Still Women After All: The Second World War and Canadian Womanhood* (Toronto: McClelland and Stewart, 1986).

27 Stephanie Bernstein, Marie-Josée Dupuis, and Guylaine Vallée, "Beyond Formal Equality: Closing the Gender Gap in a Changing Labour Market—A Study of Legislative Solutions Adopted in Canada" (2009) 15:4 J. Legis. Stud. 481.

28 Shirley Tillotson, "Human Rights Law as a Prism: Women's Organizations, Unions, and Ontario's Female Employees Fair Remuneration Act, 1951" (1991) 72:4 Can. Hist. Rev. 532.

29 Ruth A. Frager and Carmela Patrias, "Human Rights Activists and the Question of Sex Discrimination in Postwar Ontario" (2012) 93:4 Can. Hist. Rev. 583.

30 *Supra* note 16 at 35.

31 *Supra* note 19 at 286.

32 Ibid.

33 *Supra* note 12 at 734.

34 *Supra* note 16.

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it put primary responsibility for family maintenance on the individual rather than the state. Social assistance policies demonstrated explicit gender-role expectations in eligibility criteria, requiring a wife to be "abandoned and not responsible for the separation, to be morally impeccable as a mother, and to have made every effort to locate her absconding spouse prior to seeking help from the courts."[35] Stigma also served as a form of social control, keeping recipients of social assistance subordinate.[36]

The *CAP* (1966) and the Erosion of the Welfare State

In 1966, the *Canadian Assistance Plan Act* (*CAP*) was introduced as a federal cost-sharing plan, which established general criteria for social assistance programs across Canada that were designed to remove "arbitrary eligibility restrictions."[37] The *CAP* used federal funds to support and deliver provincial programs, and its passage was a defining moment in the history of the Canadian welfare state. The 1960s also witnessed the establishment of a national scheme of health insurance and several major studies on the marginalization of certain groups, including women. This new approach to social welfare and family well-being, however, would soon face tremendous challenges, and liberalization began before a national childcare initiative had a chance to emerge. The Keynesian economic model that had been adopted by many leading Western economies during the World War II era—and that informed social policy through this period—soon eroded, and preference was given to individualism, consumption, and minimal government intervention.[38] The postwar economic prosperity and expansion that had been the foundation for an active, redistributive, regulatory state began to fail, creating a fertile political economic climate within which liberal capitalism could gain popularity.[39] The Canadian welfare state was thus short-lived, as governments began to abandon the Keynesian objective of full employment in favour of an economic focus on balanced budgets and low interest rates.[40]

The assumption remained that most women were willing and able to care for their children at home, but many of these norms had begun to erode, and in any case, many families found they needed two salaries to make ends meet. The shift from a male-breadwinner to a dual-earner family began in the 1960s and accelerated through the 1970s and 1980s.[41] Feminist movements and liberal politics encouraged an emphasis on human rights and equality, while the high cost of living in urban areas increased the need for a secondary family income. Thus, the "mother outside the home was becoming more commonplace every day and women's right to be recognized as equals was receiving more and more support."[42]

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35 *Supra* note 12 at 749.
36 Ernie Lightman, *Social Policy in Canada* (New York: Oxford University Press, 2003) at 119.
37 Judy Lamarsh, Minister of Health and Welfare, quoted in James Struthers, *The Limits of Affluence: Welfare in Ontario 1920–1970* (Toronto: Toronto University Press, 1994) at 233.
38 *Supra* note 12.
39 Ibid. at 27.
40 *Supra* note 36.
41 *Supra* note 19 at 287.
42 Ibid. at 291.

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The federal government began to retreat from cost-sharing initiatives beginning in 1977, with the block-funded Established Programs Financing (EPF).[43] The *CAP* was later replaced by the Canada Health and Social Transfer (CHST), introduced in 1996 and combined with EPF, which would further exacerbate the precarious situation for federal funding of childcare.[44] Liberal capitalism began to dominate political agendas, favouring autonomy and market reliance over notions of redistributive social justice.[45] This resistance by policy-making elites to any further major reforms such as childcare extended to other social programs.[46]

After the Royal Commission on the Status of Women first recommended the introduction of the *National Daycare Act* in 1970, the availability of affordable, high-quality childcare became a primary concern for the organized women's movement.[47] In Toronto during the 1970s and 1980s, feminist activists moved to establish the foundations to address the rapidly growing need for universally accessible childcare.[48] The provision of childcare was highlighted in the televised party leaders' debate on women's issues during the 1984 federal election, when all three national political parties promised to improve childcare if their party formed the next government.[49] For a short period, increased political interest suggested that the lack of funding for childcare might be addressed in a cooperative and comprehensive manner. No new program materialized, however, as fiscal issues continued to take precedence over social services.

Although there is a perception of continuous growth in women's labour force participation, it has been shown that the actual number of women in the labour force with children under the age of six has declined since 1971, and that women may well be responding to childcare problems by not having children.[50] While some progress has been made since the postwar era towards achieving gender equality, traditional gender roles continue to reinforce gender gaps in the labour force and to devalue reproductive work. Women remain the primary caregivers for their children and are primarily responsible for arranging alternative care;[51] thus, they are primarily affected by the lack of accessible childcare in Canada. While childcare should be considered a parental responsibility and not just a maternal one, the historical construction of gender roles has meant that women in particular have borne this burden, while the high value placed on productive work has reinforced the gendered devaluing of the reproductive economy.

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43 *Supra* note 22 at 3.
44 Ibid.
45 *Supra* note 2.
46 Ibid.
47 *Supra* note 16 at 35.
48 *Supra* note 19 at 291.
49 Martha Friendly, *Child Care Policy in Canada: Putting the Pieces Together* (Don Mills, Ontario: Addison-Wesley, 1994) at 143.
50 Susan B. Boyd, "Looking Beyond Tyabji: Employed Mothers, Lifestyles, and Child Custody Law," in *Race Space and the Law*, ed. Sherene H. Razack (Toronto: Between the Lines Press, 2002) at 272.
51 Ibid.

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Neoliberalism in Ontario and Low-Fee Childcare Policy in Quebec

The mid-1990s brought about a crucial change in social policy and welfare reform in Ontario under Premier Mike Harris's Common Sense Revolution platform, which represented a dramatic shift towards a neoliberal justification and restructuring of welfare law.[52] Harris formed a majority government in 1995 and was re-elected in 1999, and he promoted a neoliberal ideology that focused on reducing the deficit by cutting spending and lowering income taxes. This inevitably included cuts to social services that were previously available. Between 1990 and 1993 under the New Democratic Party government, reliance on social assistance in Ontario had more than doubled,[53] which created further anxiety about government over-spending on social assistance and paved the way for the Harris cuts. With rising anxiety over the deficit, Ontario and other governments began to blame "welfare moms," as social reproduction was no longer considered to be a public service. An emphasis was placed on creating "choices" to work and become self-sufficient,[54] without consideration of the childcare needs of women.

Ontario's welfare replacement program, Ontario Works (OW), implemented by the Harris government, is a compulsory, work-first program that focuses on rapidly matching participants to available local jobs.[55] The Harris government's welfare reform created a powerful shift in the public conception of *undeserving*, virtually eliminating any notion of *deserving* poor. This was achieved, in part, by a dramatic increase in state-implemented programs aimed at "ferreting out and punishing the *undeserving* poor."[56] While welfare dependency became a form of "personality disorder, diagnosed more frequently in females,"[57] current subsidization policy for childcare was influenced by the suspicion attached to anyone needing public support.

Simultaneously, federal spending cuts made between 1989 and 1997 disproportionately affected the status of women, as billions of dollars in reduced funding translated into significantly less support for women. Many women were undertaking more unpaid care of the young, old, ill, and disabled,[58] and the availability of childcare to enable mothers to engage in paid work became increasingly precarious as social spending decreased. Between 1989 and 1993, the annual growth rate in the number of regulated spaces across Canada dropped from 13% to 3.5%.[59] Between 1990 and 1996, the federal government introduced a series of freezes and cuts to cash transfers to the provinces.[60] The restructuring of fiscal arrangements between federal and provincial governments, and the billions of dollars cut from

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52 *Supra* note 12 at 735.
53 *Supra* note 22 at 10.
54 Dorothy E. Chunn and Shelley A. M. Gavigan, "Welfare Law, Welfare Fraud and the Moral Regulation of the 'Never Deserving Poor'" (2004) 13:2 Soc. & Legal Stud. at 233.
55 Dean Herd, "Rhetoric and Retrenchment: 'Common Sense' Welfare Reform in Ontario" (2002) 34:10 Benefits at 106.
56 *Supra* note 54 at 232 (italics added).
57 Ibid. at 233.
58 Armine Yalnizyan, *Canada's Commitment to Equality: A Gender Analysis of the Last Ten Federal Budgets (1995–2004)* (Ottawa: Canadian Feminist Alliance for International Action FAFIA, 2005) at 6.
59 Human Resources Development Canada, *Status of Day Care in Canada, 1993* (Ottawa: Minister of Supply and Services Canada, 1994).
60 Thomas J. Courchene, *Accountability and Federalism in the Era of Federal Surpluses: The Paul Martin Legacy Part II* (Montreal: Institute for Research on Public Policy, 2006) at 16.

transfer payments between 1995 and 1998, destabilized programs and services at the provincial and territorial levels, further eroding community programs, income supports, and public goods that women in Canada relied on.[61]

Consistent with this approach, most provincial governments were inclined to move toward a market-driven agenda in the provision of childcare, as seen in Ontario's proposal for reducing the requirements for regulation.[62] At this time, all provinces and both territories, with the exception of Quebec, had subsidies for childcare fees for low-income parents who met the specified criteria.[63] The Quebec provincial government implemented a universal low-fee childcare policy, which was enlarged over the years to become a truly universal childcare program. In contrast to the Quebec system, fee subsidization in Ontario was limited by budget constraints that did not meet the childcare needs of local families. While funding and subsidies were being reduced or frozen in Ontario, infant daycare fees were rising from an average of $599 per month in 1989 to $1109 per month in 1993.[64] During this period, fees increased, average family incomes decreased, fee subsidies became harder to obtain, and subsidies failed to keep pace with fee increases.[65] The obvious result was a decrease in the affordability of regulated childcare.

Quebec is, in some ways, an outlier among Canada's ten provinces and three territories, in that it provides substantially more funding for childcare than the rest of Canada.[66] In 1997, the Quebec government announced a number of family policy measures as part of the government's "fight against poverty, [and to support] equal opportunity, the development of the social market economy, transition from welfare to the workforce and increased support to working parents."[67] When the provincial Parti québecois (PQ) government initially introduced the $5 per day childcare program (increased to $7 by the provincial Liberal government that followed), it intended to expand non-profit centers and family childcare homes while phasing out for-profit providers.[68] However, pushback from for-profit operators led to the PQ government lifting the moratorium on for-profit providers in 2002 to expand supply, and the Liberal government, once elected in 2003, continued to allow the expansion of for-profits.[69] However, the percentage of non-profit childcare in Quebec (86%) remains high compared with other provinces and territories as well as with the national average (75%).[70]

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61 *Supra* note 58.

62 Ontario Ministry of Community and Social Services, *Improving Ontario's Child Care System: Ontario's child Care Review* (Toronto: Queen's Printer for Ontario, 1996).

63 *Supra* note 22 at 9.

64 Ibid.

65 Ibid.

66 Jane Beach, Martha Friendly, Carolyn Ferns, Nina Prabhu, and Barry Forer, *Early Childhood Education and Care in Canada*, 8th ed. (Toronto: CRRU, 2009).

67 Jocelyn Tougas, *Reforming Quebec's Early Childhood Care and Education: The First Five Years* (Toronto: Childcare Resource and Research Unit, 2002).

68 Linda A. White and Martha Friendly, "Public Funding, Private Delivery: States, Markets and Early Childhood Education and Care in Liberal Welfare States—A Comparison of Australia, the UK, Quebec and New Zealand" (2012) 14:4 J. Comp. Pol'y Analysis at 303.

69 Jane Jenson, "Rolling Out or Backtracking on Quebec's Childcare System? Ideology Matters," in *Public Policy for Women in Canada: The State, Income Security and Labour Market Issues*, eds. Marjorie Griffin Cohen and Jane Pulkingham (Toronto: University of Toronto Press, 2009) 50–70.

70 *Supra* note 66 at 184.

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The Quebec government's decision to fund full-day kindergarten for children aged five and to provide fixed-fee childcare for all children up to age four (regardless of maternal labour force participation)[71] went against the trend in the rest of Canada, which preferred the intrusive micromanagement of poor families through subsidization. Rationales for Early Childhood Education (ECE) programs in social democratic and continental European welfare regimes are shaped at least partly by considerations of children's rights, women's equality, and social inclusion.[72] A neoliberal conception of early learning tends to treat it as a social investment intended to generate economic returns and human capital benefits.[73] The effects of the Quebec policy are interpreted in one study as largely beneficial in terms of labour force participation of mothers with young children.[74] A lack of strong governance or regulation, however, has yielded childcare of mixed quality in Quebec.[75] Economic evaluations of ECE programs have shown that the benefits of public spending exceed the costs; however, gains are not realized or not as great if the ECE is of poor quality.[76] While the Quebec childcare system does not provide a flawless example of universal childcare, it demonstrates a stark contrast in political ideology when compared with the social policy reform measures implemented in Ontario during the same time period.

The promotion of individual responsibility and private self-reliance that underpins Ontario's reformed welfare system is typical of neoliberal policy initiatives. A report to taxpayers on welfare reform stated that "doing nothing on welfare is no longer an option . . . Participation [in Ontario Works] is mandatory for all able-bodied people, including sole-support parents with school-aged children."[77] Defining work as paid employment means that women who do unpaid work can no longer be dependent on the state. *Work* is strictly confined to the private market, and *mother work* no longer receives "even the tacit recognition that it was once accorded by Keynesian states."[78] Ontario Works explicitly reinforced this gendered devaluing of women's work by encouraging the idea that even sole-support mothers are not worthy of social assistance, the underlying assumption being that reproductive work is not economically valuable.

The Harris government underscored this point by refining and expanding the "spouse in the house" rule so that welfare recipients would lose their benefits as

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71 *Supra* note 69.

72 Susan Prentice, "High Stakes: The 'Investable' Child and the Economic Reframing of Childcare" (2009) 34:3 Journal of Women in Culture and Society 687.

73 Ibid.

74 Pierre Levebvre, Philip Merrigan, and Matthieu Verstraete, "Dynamic Labour Supply Effects of Childcare Subsidies: Evidence from a Canadian Natural Experiment on Low-Fee Universal Childcare" (2009) 16 Lab. Econ. 490.

75 Christa Japel, Richard E. Tremblay, and Sylvana Cote, "Quality Counts! Assessing the Quality of Daycare Services Based on the Quebec Longitudinal Study of Child Development" (2005) 11:5 Institute for Research on Public Policy 1.

76 Linda Mitchell, Cathy Wylie, and Margaret Carr, *Outcomes of Early Childhood Education: Literature Review*, Report to the Ministry of Education of the Government of New Zealand (Wellington: Ministry of Education, 2008) at 7.

77 Ontario Ministry of Community and Social Services, *Making Welfare Work: Report to Taxpayers on Welfare Reform* (Toronto: M.C.S.S., 2000), http://www.gov.on.ca/css/page/brochure/making-welfarework.html.

78 *Supra* note 54 at 233.

soon as they started living with someone of the opposite sex who earned an income. Despite the apparent contradiction with family law, which requires three years of cohabitation before recognizing a common-law relationship, this policy was maintained on the grounds that "no one deserves higher benefits just because they are not married."[79] The redefinition of *spouse* was intended not to promote equality among diverse types of families but, rather, to expand individual responsibility and ration the provision of social assistance in order to avoid social responsibility for the reproductive work of women.

The Surplus Era

The erosion of social responsibility and the "institutional attack on the social"[80] has fundamentally changed the acceptance of the *deserving* mother on welfare, who was once considered a public servant of sorts. Neoliberal social policy has reshaped this understanding so that those who receive social assistance are stigmatized for doing so. A review of federal budgets and public accounts reveals that the deep cuts to spending between 1995 and 1998 balanced the books years ahead of schedule,[81] raising doubts as to whether the severity of the cuts was necessary.[82] Despite the subsequent surplus era, the federal government did not attempt to redress the damage done during the deficit era, nor did it advance the promised agenda for action to improve the status of women in 1995.[83]

Instead of addressing the repercussions that resulted from cuts to social spending, the federal government focused surplus spending on providing additional tax breaks (most of which went to higher-income earners and large corporations), [84] and minimal resources were transferred to the provinces for social services such as childcare. The single largest initiative to alleviate the effects of poverty during this period was the increase in the Canada Child Tax Benefit, which represented only 10% of the total cost of the federal tax reform agenda. Despite this infusion of funds, Canada's poorest families did not benefit, because "the program permits provinces and territories to 'claw back' funds from those on social assistance."[85] Following the Harris cuts, both federal and Ontario investment in social programs that could advance the economic security of women and their families was deliberately shrunk to levels not seen in half a century.[86] The neoliberal agenda to "right-size" government, which shrank federal program spending by 4% of the GDP in three short years and now holds constant this transformation, is unprecedented among advanced industrialized nations.[87]

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79 Linda Lalonde, "Tory Welfare Policies: A View from the Inside," in *Open for Business, Closed for People: Mike Harris's Ontario*, eds. Diana Ralph et al. (Halifax, NS: Fernwood, 1997) at 92–102.
80 *Supra* note 54 at 233.
81 Niels Veldhuis, Jason Clemens, and Milagros Palacios, *Budget Blueprint: How Lessons from Canada's 1995 Budget Can Be Applied Today* (Vancouver: The Fraser Institute, 2011) at 6.
82 *Supra* note 58.
83 Ibid.
84 *Supra* note 60.
85 *Supra* note 58.
86 Ibid.
87 *Supra* note 81.

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The Neoliberal Present Moment

A small number of tax measures have been introduced since 1998 to address parenting issues, such as tax credits for caregivers and increased tax deductions for expenses on child care. Unfortunately, these measures have not helped women who have no taxable income, or who cannot afford to pay for childcare and in turn receive a tax deduction. Further, while tax measures do little to promote the development of regulated childcare services—a factor that is essential for affordable accessible childcare—they allow the government to maintain its commitment to "small government."

In the 2006 budget, the newly elected Conservative federal government introduced a new "choice in child care" allowance that gives parents with children under the age of six a benefit of $1200 per year. All parents with children under the age of six are entitled to this $100-per-month allowance, whether or not they use childcare services. This plan replaced the Liberal finance minister Paul Martin's 2005 budget plan, which committed $5 billion over five years to enhancing and expanding early learning and childcare in collaboration with provinces and territories, and which was never implemented because the Liberals lost the 2006 election.

Despite popular opposition to the neoliberal approach, conservative governments have continued to supersede proposals for universal childcare services with tax breaks for parents, grants to for-profit centres, and business incentives to create workplace childcare. When the Liberals lost the election in January 2006, the Harper government, despite protests from the provinces and from childcare advocates, eliminated the bilateral agreements on February 6, 2006 in its first act of power.[88] The foundations program became just another not-quite successful attempt in a long history of similar failed childcare initiatives.

In Canada, the male breadwinner family norm that underpinned the postwar regime is no longer operative, as is evident in the rising incidence of single parenthood and the dramatic increase in women's rates of participation in the labour force.[89] Yet the national need for childcare services continues to be met with calls for family and market reliance, and policy makers continue to take "an ostrich-like approach, burying their heads in the sand while ignoring the developing crisis around us."[90] Unfortunately, the neoliberal commitment to small government may be antithetical to the interests of women, particularly mothers, who are primarily responsible for the social reproduction of society. The neoliberal agenda necessarily devalues and disadvantages women through its narrowing conception of *deserving*, and this despite the social need for the economic security of mothers.

Conclusions

This history of Canadian social policy and the literature that criticizes it demonstrates that social welfare in Canada has always been and continues to be premised

[88] Julie Cool, *Child Care in Canada: The Federal Role*, Political and Social Affairs Division (Ottawa: Parliamentary Information and Research Services, 2007).
[89] *Supra* note 19.
[90] Katie Cooke et al., *Report of the Task Force on Child Care* (Ottawa: Minister of Supply and Services Canada, 1986) at 21.

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on the separation of the *deserving* from the *undeserving* poor.[91] Previously, those who were deemed *deserving* were at constant risk of falling into the ranks of the *undeserving,* based on their ability to pass the intrusive, "moral" surveillance of their homes, their cleanliness, their childrearing abilities, their personal lives, and so on.[92] With the development of the neoliberal ideology of minimal government intervention, there has been a return to pre-welfare state ideas about the immorality and unworthiness of those requiring social services.

The dissipating notion of *deserving*—with regards to the provisioning of childcare—has particularly disadvantaged women in their ability to access the work force. As noted by the 1984 Royal Commission on Equality of Employment, "[C]hild care is the ramp that provides equal access to the work force for mothers."[93] The shift from the nuclear family norm to greater human rights and equality has been accompanied by neoliberalism, which has compressed the notion of *deserving* into non-existence. According to an analysis of federal budgets from 1995 to 2004, the economic strength that Canada has demonstrated, and the fiscal capacity that flows from it, shows that there are more than enough resources for the federal government to honour the commitments it has made to women's equality;[94] it is simply a question of priorities.

Focusing on the affordability of childcare in Ontario and the neoliberal reforms of the 1990s demonstrates how the micromanagement of poor parents under current subsidy policy enacts a modern day system of stigmatization not unlike methods used for poor relief in the nineteenth century. Low-income families that do not fall below the poverty thresholds set for subsidy qualification or do not meet other eligibility restrictions struggle to afford the quality care they need. The rising costs of regulated centres and long waiting lists for spaces has made childcare inaccessible for not only lower-income families but also many middle-income families and families with multiple children. Subsidization policies highlight gendered inequalities in the labour market that are reinforced and maintained through neoliberal capitalist ideologies, which value the salaried productive economy that is inaccessible to women without the provisioning of childcare. The assumption that families are able to rely on the private market to meet their childcare needs is increasingly erroneous. The ideal of a nuclear family norm prevails in political thought despite evidence that the image of the homemaker—a woman wholly dependent on the male wage and exclusively dedicated to housework and childcare—represents a virtually unattainable ideal for the majority of poor, working-class households.[95]

Long waiting lists for care affect families of all income levels, especially those who are unable to navigate the system.[96] Waiting lists in Ontario have wait times

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91 *Supra* note 54 at 231.
92 Ibid.
93 Rosalie S. Abella, *Equality in Employment: A Royal Commission Report* (Ottawa: Royal Commission on Equality and Employment, 1984) at 178.
94 *Supra* note 58.
95 Denyse Baillargeon, "Indispensable But Not a Citizen: The Housewife in the Great Depression," in *Contesting Canadian Citizenship: Historical Readings*, eds. R. Adamoski, D. E. Chunn, and R. Menzies (Peterborough, ON: Broadview Press, 2002) 179.
96 *Supra* note 14.

of up to 7 years for school-age programs and up to 1.5 to 2 years for infant spaces.[97] While many parents seek private home care that is more flexible and often convenient, such care does not require ECE training, standards are privately arranged, and providers have little to no accountability as they are the sole caretaker. Other parents may hire live-in nannies through temporary migrant worker programs that the Canadian government has developed as a neoliberal alternative to regulated care. The exploitation and human rights abuses associated with these alternatives are an issue that is beyond the scope of this analysis, but they are deserving of much attention.[98]

Childcare subsidies that are designed to enable parents to leave social assistance for a more economically productive role represent a narrow interpretation of the social benefits that can be achieved through the provisioning of childcare. One study suggests that childcare subsidies encourage single mothers to engage in activities involving human capital investment,[99] highlighting just one of the benefits of having universally accessible childcare for all mothers. It has been argued that the employment focus of the current childcare subsidy system is based on the assumption that the path to success in the labour market begins with accepting any job.[100] However, the empirical evidence suggests that low-skilled workers do not enjoy large wage gains from direct work experience.[101] Other evidence shows that investment in post-secondary education increases economic self-sufficiency among low-skilled individuals, yet the emphasis of state welfare and childcare programs continues to be on immediate job placement with little attention given to the quality of jobs or career advancement.[102]

Despite the goal of the *CAP* (1966) to remove "arbitrary eligibility restrictions," municipalities are responsible for managing welfare and childcare subsidy budget constraints, and eligibility requirements may therefore differ from one region to the next. Residents in the Ottawa area were recently subjected to an exclusionary clause, which stated: "[A] parent who demonstrates progression through a full time academic, language or training program excluding Master's and Doctorate level programs, meets the criteria for a recognized need for child care fee subsidy."[103] While empirical studies indicate that educational attainment, especially at the

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97 Centralized waiting list for licensed childcare services (expected wait times, City of Ottawa, November 27, 2012).

98 Patti T. Lenard and Christine Straehle, "Temporary Labour Migration: Exploitation, Tool of Development, or Both?" (2010) 29:4 Policy and Society 283; Ping-Chun Hsiung and Catherine Nichol, "Policies on and Experiences of Foreign Domestic Workers in Canada" (2010) 4:9 Sociology Compass 766.

99 Kendra Coulter, "Women, Poverty Policy, and the Production of Neoliberal Politics in Ontario, Canada" (2009) 30 Journal of Women, Politics and Policy 23.

100 Amy Brown, *Work First: How to Implement an Employment-Focused Approach to Welfare Reform*, ReWORKing Welfare (New York: Manpower Demonstration Research Corporation, 1997).

101 LaDonna Pavetti and Gregory Acs, "Moving Up, Moving Out, or Going Nowhere? A Study of the Employment Patterns of Young Women and the Implications for Welfare Mothers" (2001) 20:4 Journal of Policy Analysis and Management 721.

102 Chris M. Herbst and Erdal Tekin, "Do Child Care Subsidies Influence Mothers' Decision to Invest in Human Capital?" (2011) 30 Economics of Education Review at 911.

103 Email response from subsidy application support specialist Jocelyn des Riviers, Children's Services Unit, Child Care Subsidy Section, Ottawa, 2012; Jessica Eritou, "Graduate Students Denied Childcare Assistance," *Leveller*, January 25, 2013.

post-secondary level, positively affects the economic standing of mothers,[104] this point was not considered prior to the implementation of the new policy. A longitudinal study further demonstrated that young single mothers' education predicted their self-sufficiency and increased the possibility that they would get married in later years,[105] essentially addressing multiple neoliberal goals of private self-reliance. This arbitrary exclusion of graduate-level programs, which applied only to Ottawa residents, was an attempt to ration subsidies in response to fiscal constraints and failed to consider the long-term economic benefits of supporting the educational attainment of mothers.

What is evident in the history of Canadian social policy is the perpetual tension between women's work in the home and their participation in the productive market, a tension that is manifested in the devaluing of the reproductive economy. Women in Canada, particularly sole-support mothers, are devalued as reproductive workers (as reproductive work is not granted an economic value), and they are marginalized in the productive economy, where they are not afforded equal access to the work force. A mother's ability to enter the productive economy is wholly dependent on her ability to access childcare, a condition that has been inadequately addressed by the federal government. Quebec's low-fee childcare system continues to be an exception among Canadian provinces. In order for a national childcare policy to promote the social value of reproductive work and women's equality, a comprehensive, federal-provincial cost-sharing initiative needs to be put in place to meet the childcare needs of all parents, regardless of maternal participation in the productive market.

The availability of affordable, non-parental childcare may make the difference between financial independence and subsistence on minimal social assistance payments for single or low-income mothers, and for all mothers, the lack of affordable non-parental care may mean having to be out of the paid work force for several years or to participate on a part-time basis only.[106] The provision of universal childcare that would simultaneously support women's equality and safeguard children's healthy development is no longer on the political radar, having been replaced with tax breaks for parents and private business incentives. As these benefits are only afforded to working parents, they uphold neoliberal priorities and the value of productive work. The stigmatization attached to social assistance is a prevailing tool used by legislators to ration benefits, deter applicants, and maintain dominance. Universal, publicly funded childcare policy is essential in order to address the inequalities that exist in the productive economy and the gendered devaluing of the reproductive economy.

This analysis has examined the discourse on childcare policies in Canadian history and the dominant ideologies behind them. Over the past several decades, it has become increasingly evident that the availability of affordable, high-quality childcare is a crucial component in strategies to address broad national objectives,

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104 *Supra* note 102.

105 Min Zhan, "Economic Mobility of Single Mothers: The Role of Asset and Human Capital Development" (2006) 33 J. Soc. & Soc. Welfare 127.

106 *Supra* note 22.

including the promotion of optimal development of all children, the reduction of child poverty, the development of a healthy economy, and the promotion of women's economic and social equality.[107] High-quality childcare provides collective as well as individual benefits. Public provisioning of regulated childcare enables equal access to the work force for mothers, promotes investment in human capital, creates jobs for trained ECE workers, and helps to ensure that children are school-ready at an early age. These benefits simultaneously provide multiple economic benefits in congruence with neoliberal ideology. While this analysis has challenged the importance assigned to neoliberal ideals and the valuing of productive work over reproductive work, it has also demonstrated that the implementation of a publicly funded, universal childcare policy can coexist alongside a dominant neoliberal agenda. Affordable, publicly supported childcare is an essential social service, one that requires increased political will.

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[107] *Supra* note 24.

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