

# 10<sup>TH</sup> SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING EDUCATION, TRAINING, LIFE-LONG LEARNING AND CAPACITY BUILDING

## *Response by Canada*

### **1. In your country/region, how is the right to education, training, life-long learning and capacity building in older age guaranteed in legal and policy frameworks?**

Section 15 of the *Canadian Charter of Rights and Freedoms* (Charter) guarantees the right to equality under the law, and to equal protection and benefit of the law without discrimination on the basis of various grounds including age, sex and mental or physical disability. The Charter applies to Parliament and to the Government of Canada as well as to the legislatures and government of each province. While universities are not generally considered to be part of “government”, the Charter applies to colleges where the statute that creates them gives the government the power to conduct the activities of the college. The Charter has also been found to apply to the decisions of school boards.

In addition, federal, provincial and territorial human rights legislation prohibit discrimination on the basis of age and other grounds in access to services, in both public and private sectors. These non-discrimination protections apply in the context of education.

### **2. What are the key issues and challenges faced by older persons in your country/region with regard to the enjoyment of all levels of quality education, training, life-long learning, and capacity building services?**

Generally speaking, the participation rate of older persons in education and training tends to be lower in comparison to younger people.

Older persons contribute a wealth of experience/competencies and represent an important segment of the Canadian labour market. Research shows that older workers have a strong desire to remain relevant through continuous learning and making use of their abilities, even as they approach retirement.<sup>1</sup>

### **3. What steps have been taken to ensure that education, training, life-long learning, and capacity building services are available and accessible to all older persons, adapted to their needs, suited to their preferences and motivations, and of high quality?**

In Canada, the provinces and territories are constitutionally responsible for the creation of laws in relation to education as outlined under section 93 of the *Constitution Act*. Provinces and territories are predominantly responsible for the governance, funding and management of formal education and institutions.

The federal government plays a funding role for post-secondary education through a few major streams including: student financial assistance directly to individuals; tax measures; research; and the Canada Social Transfer (e.g., an allocation provided to provinces and territories that is notionally earmarked for post-secondary education and other social initiatives).

To make post-secondary education more affordable and accessible, programs such as the Canada Student Loans Program provide needs-based student financial assistance in the form of loans and grants to individuals with unmet financial needs. It is available to eligible part-time and full-time post-secondary students, regardless of age.

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<sup>1</sup> <https://www.canada.ca/en/employment-social-development/corporate/seniors/forum/older-worker-participation.html>

In 2017, Canada announced the creation of the new Workforce Development Agreements, which consolidate and replace the Canada Job Fund Agreements, the Labour Market Agreements for Persons with Disabilities and the Targeted Initiative for Older Workers. The Workforce Development Agreements enable provinces and territories to provide employment assistance and skills training with the flexibility to respond to the diverse needs of their respective clients, including older workers.

As technology advances and transforms the economy, programs delivered under the Workforce Development Agreements seek to help individuals who are unemployed, underemployed, seeking to upskill to either find or maintain good jobs or reorient their career. These agreements include specific funding targeted for persons with disabilities, and are also used to support members of underrepresented groups such as Indigenous persons, youth, older workers, and newcomers to Canada. The Workforce Development Agreements also support employers seeking to hire or train current or future employees.

**4. In your country/region, are there studies and/or data available on the access of older persons to the right to education, training, life-long learning and capacity building in older age?**

Under the Workforce Development Agreements and Labour Market Development Agreements, provinces and territories share with Canada the results of the investments made each fiscal year, including detailed information about clients, including employers, and their participation. It will also include demographic information such as age and will measure outcomes such as the participation in programs and services.

Furthermore, the annual Employment Insurance Monitoring and Assessment Report, tabled in Canada's Parliament, examines the impacts and effectiveness of Employment Insurance-funded skills training and employment assistance through various lenses, including age.

**5. In your country, is age one of the prohibited grounds for discrimination in relation to education in older age?**

Yes, age is a prohibited ground of discrimination both in the Canadian Constitution and in human rights legislation in each jurisdiction (see question 1).

**6. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to education, training, lifelong learning and capacity building?**

Mechanisms to lodge complaints and seek redress for age-based discrimination are in place at the federal, provincial and territorial levels. Older persons who believe that they have been discriminated against in education or training can make a complaint to a human rights commission or tribunal in their respective jurisdiction. Tribunals can order appropriate remedies and their decisions are reviewable by courts. In certain cases, it may also be possible to launch a court challenge under section 15 of the Charter.