



TO: Robert J. Morrissey, MP, Chair
Standing Committee on Human Resources, Skills and
Social Development and the Status of Persons with Disabilities
AND TO: Serge Cormier, MP
House of Commons
Parliament Buildings
Ottawa, Ontario K1A 0A6

May 23, 2024

By email to: HUMA@parl.gc.ca, robert.morrissey@parl.gc.ca, and serge.cormier@parl.gc.ca

Re: Support for and recommendations to amend *Bill C-322, National Framework for a School Food Program Act*

Dear Chair Morrissey,

I am submitting these comments on behalf of the Centre for Health Science and Law (CHSL).¹

The deadline for submission is today, but you announced at this morning's hearing that clause-by-clause consideration would be held on Monday, leaving only one-day for the Committee to translate submissions to the second official language necessary to distribute to the Committee members. Accordingly, I have used DEEPL to translate the English text into French. I apologize to French-reading Members of the Committee for any shortcomings of this approach which, under the circumstances, seems unavoidable.

A. Recommendations for textual amendments to *Bill C-322*

Please consider the following textual amendments (**indicating in red, bold, underscored**) to section 3 of the bill to ensure that public funds are not used to support programs serving unhealthy foods, to establish human rights-based access to school food programs (ultimately, universality), and ensure that the administration and governance of the program is not undermined by commercial conflicts of interest.

Contents

3 (2) The framework must, among other things,

- (a) set out the criteria for determining whether a food is healthy, taking into account Canada's Food Guide **and ensure that public funds are not used to subsidize programs that sell or otherwise distribute food of poor nutritional standards;**
- (b) indicate which meals and snacks, at a minimum, must be offered in schools under the program;
- (c) take into account the different circumstances in which children live, including cultural diversity, and the resulting dietary requirements;
- (d) take into account the rights and priorities of First Nations, Inuit and Métis;

- (e) provide for measures to avoid stigmatizing pupils who use the program;
- (f) provide for measures to foster the use of local and sustainable food systems;
- (f bis) include a time-delimited plan in collaboration with other levels of government to ensure that all Canadian school children have universal access to school food commensurate with Canadian dedication to universal public school education and healthcare without financial impediment;
- (f ter) establish commercial conflict-of-interest safeguards and financial accountability systems to ensure that only the best interests of school children determine the design and operation of federally funded school food programs;
- (g) take into account existing local initiatives and infrastructure, build on existing school food programs across Canada and use best practices from other jurisdictions; and
- (h) promote evidence-based healthy food education in schools across Canada.

B. Rationale and justification

The Coalition for Healthy School Food has long advocated 8 [Guiding Principles](#) for a sound national school food program, three of which warrant special attention for improving *Bill C-322*.

1. Health-Promoting

Serve tasty, nourishing and culturally appropriate foods to all children, focusing on vegetables and fruits. Ensure that programs are in line with the revised [Canada's Food Guide](#), foster a healthy food environment, and promote mental health and wellbeing.

2. Universal

Ensure that ALL children in a school can access the program in a non-stigmatizing manner. Over time, all children in Canada will be able to participate in a school food program...

8. Supported by Guidance and Accountability Measures

Build on provincial and territorial school food funding and policies to ensure that programs have strong public accountability measures in place and are guided by Canada-wide nutritional standards, conflict of interest safeguards that prevent programs from marketing unhealthy food and specific products, as well as a framework for consistent Canada-wide program evaluation. [emphasis added]²

Also recall that, when the United Nations Human Rights Council published its [Concluding Observations on Canada in June 2022](#), it urged that Canadian governments:

“Take immediate measures to remove the need for user fees at the level of compulsory education...”

Given the Committee on the Rights of the Child’s long-time support for rights-based school meal programs,³ it clearly intended that those fees be eliminated, too.

C. International legislative best practice models from Finland and India

Section 31 of **Finland's** [Basic Education Act](#) makes plain the objective of nourishing students enrolled in free, compulsory public education. It states:

Free education

1. *Teaching, the necessary textbooks and other learning materials, and school equipment and materials shall be free of charge for the pupil...*
2. *A pupil attending basic education shall be provided with a balanced and appropriately organised and supervised meal on every school day.*

Likewise, section 5(1) of **India's** *National Food Security Act*, states:

(1)...every child up to the age of fourteen years shall have the following entitlements for his [sic] nutritional needs, namely:—...within the age group of six to fourteen years...one mid-day meal, free of charge, everyday, except on school holidays, in all schools run by local bodies, Government and Government aided schools, so as to meet the nutritional standards specified in Schedule II.

(2) Every school...shall have facilities for cooking meals, drinking water and sanitation..."

That Indian federal law followed a 2004 ruling of the Supreme Court of India that the constitutional right to life obliged the federal government to provide school meals where sub-national states (like our provinces) failed to do so.⁴ [Article 21 of the Constitution of India](#) (nearly identical to Canada's section 7 of the *Charter of Rights and Freedoms*) states:

*21. No person shall be deprived of his life or personal liberty except according to procedure established by law.*⁵

Furthermore, section 16(9)(d) of India's legislation established a 7-person State Food Commission to oversee implementation of food security measures that includes a conflict-of-interest safeguard to ensure that any member may be removed if that person:

"has acquired such financial or other interest as is likely to affect prejudicially his functions as a member;"

Canadian Parliament should also be mindful of such risks, especially considering that two of the largest school food charities in Canada are governed by the CEO of McDonald's Canada and an executive from Loblaw Companies,⁶ neither charity of which is a member of the 450-group Coalition for Healthy School Food. While the entirety of the food supplied to school food programs will come from products produced and manufactured by the private sector, the objective of school food programs should be to protect and further the interests of students. In my view, and I suspect in the view of a reasonable Canadian, assigning responsibility to food companies to steer federal school food funding and program design toward their marketing objectives is unacceptably self-serving.

The **United States'** national means-tested school meal programs that were established by its federal government shortly after World War II have a storied history of red-tape, exclusion, and social stigma. However, recent state-level reforms and federal proposals are well under way to convert the entire system to a fully universal school food offering.⁷

D. Fact-Checking Deliberations

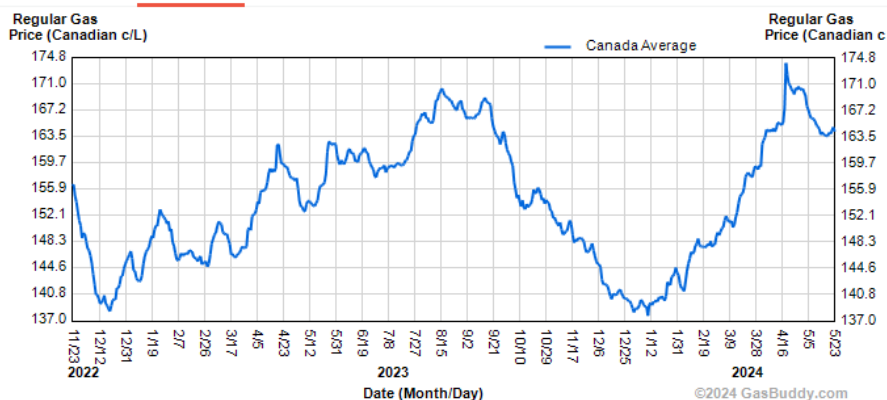
1. **Funding food is not conceivably bloating bureaucracies.** Some members of this Committee during the May 23, 2024 hearing and other MPs during the debates in the House of Commons on November 1 and 29, 2023 asserted that *Bill C-322* would bloat bureaucracies, not feed children. This seems implausible gross exaggeration. The proposed [National Framework for a School Food Program Act](#) is analogous to the *Canada Health Act*, which has facilitated national standards and federal funding for provincial health care in Canada since 1984, including conditions of public administration and universality that also make sense for school food offerings. While federal health transfers to provinces are orders of magnitude higher than the proposed school food funding, the *Canada Health Act* is administered by a tiny cadre of federal public servants and, presumably, proportionately small numbers of provincial public servants.

It is terribly misleading to imply that the federal government's budget commitment to help support generally underfunded provincial school food programs with \$200 million per year for five years would be used largely or exclusively hire approximately 2,000 federal public servants. If such misleading claims were made in the marketplace, they would be legally actionable. If such unsubstantiated claims were made in submissions to properly functioning scientific or legal journals, they would not be published.

Surely provincial governments led by political parties of all political stripes that have long provided school food funding—usually relayed through non-governmental organizations—have never had enormous school food administration workforces and provinces would not “bloat” their ranks to receive and locally relay new federal funding.

2. **Eliminating the carbon tax would be an environmentally damaging and pitifully low-yield method for reducing food prices.** Since the fall of 2020, grocery prices rose approximately 30%. In September 2023, the [Governor of the Bank of Canada repeated the bank's estimate that the carbon tax inflated food prices by no more than 0.15% \(1/7th of 1%\)](#), a puny amount that is consistent with Statistics Canada's estimate, and with CHSL's April [2023 brief to the House Standing Committee on Agriculture and Agri-food](#).

Likewise, some MPs have repeatedly implied that the recent carbon tax increase has raised the price of fuel by 23%age points. That is mathematically incorrect and grossly misleading. In fact, it is a 23% annual rise on a relatively small existing tax that, for instance, equated to a 3% rise in the price of gasoline that is smaller than the amount of rebates that most Canadians receive and smaller than many of the daily accumulating rises (and falls) in commercially motivated price changes at the pump which led to two rises and one fall of more than 35 cents per litre in the past two years alone.



In any case, the objective of the carbon tax (and rebates) is to incentivize fuel conservation and switching to non-fossil-fueled machines. Canada has long had among the lowest gasoline prices in OECD countries, which is part of the problem;⁸ the social, environmental, and ultimately public expense of continuing to burn fossil fuels are not yet reflected in the price of oil and gas.

Please give the above-noted textual amendments to *Bill C-322* every consideration.

Respectfully submitted,

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ENDNOTES

¹ CHSL is an Ottawa-based health advocacy organization focussed on food issues. Bill Jeffery, BA, LLB, is its Executive Director and General Legal Counsel. Since 2002, he has advocated the creation of a national, universal, publicly funded school food program with strong nutrition standards and conflict-of-interest safeguards to prevent food companies from steering spending, program, and policy decisions to favour their commercial ambitions. CHSL is a founding member of the Coalition for Healthy School Food and a member of its Steering Committee since its inception. CHSL is also one of more than 100 partner organization of the World Food Program's global School Meal Coalition and World Vision's new effort to further advocacy globally. He also served on a Justice Canada external advisory committee on the development of [its Child Rights Impact Assessment](#) tool and on-line course that was announced in July 2023. CHSL [contributed to the 2018-2022 child rights review of Canada](#) by the UN Human Rights Council's Committee on the Rights of the Child. He has served as technical advisory on nutrition law and policy to 10 governments and intergovernmental organization in Sub-Saharan African through UNICEF, two expert advisory committees to the World Health Organization on nutrition guideline work, and is a member of a WHO roster of legal experts on regulatory approaches to address non-communicable diseases.

² Other principles of the Coalition for Healthy School Food are:

3. Cost-shared

Use federal funding to both expand on current provincial, city, parental and community funding and to initiate new programs in a cost-shared model.

4. Flexible and locally adapted

Successful school food programs reflect the local context of the school and region and are connected to and informed by students and their parents or caregivers. Ensure that funding builds on existing programs, local knowledge, skills and relationships and that it supports different food service models, from breakfast to lunch to snacks.

5. Committed to Indigenous Control over Programs for Indigenous Students

Embed Indigenous Food Sovereignty in a School Food Program for Canada and negotiate funding for school food programs with First Nation, Métis and Inuit leaders.

6. A Driver of Community Economic Development

Encourage school food programs to set local and sustainably produced food purchasing targets, which would create jobs for Canadian farmers and local food producers.

7. Promoting of Food Literacy

Support the conditions for school food programs to be integrated into the curriculum and enable food literacy and experiential food skills education.

³ In 2013, the Committee issued [General Comment No. 15](#) to all governments stressing that:

“School feeding is desirable to ensure all pupils have access to a full meal every day, which can also enhance children’s attention for learning and increase school enrolment. The Committee recommends that this be combined with nutrition and health education, including setting up school gardens and training teachers to improve children’s nutrition and healthy eating habits.”

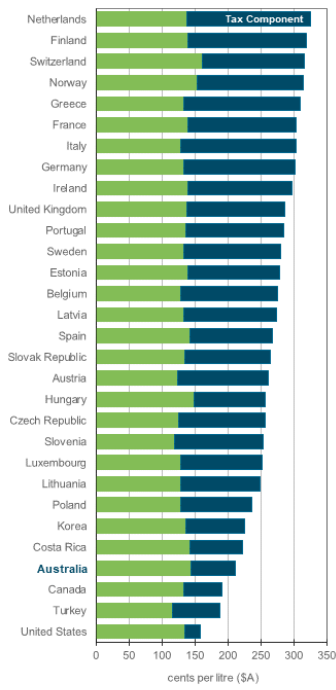
⁴ Birchfield, Lauren, and Jessica Corsi. "The Right to Life Is the Right to Food: People’s Union for Civil Liberties v. Union of India & Others." Human Rights Brief 17, no. 3 (2010): 15-18. Available at: <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1128&context=hrbrief>

⁵ Section 7 of the Canadian *Charter of Rights and Freedoms* states:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

⁶ One of the original champions of a national school meal program, [Breakfast for Learning, a project of the women’s magazine, Canadian Living](#), was later taken over by and renamed the [Loblaw grocer’s subsidiary, Presidents Choice Children’s Charity](#). Likewise, [Breakfast Club of Canada Board of Directors has been chaired by the CEO of McDonald’s Canada](#) for several years.

⁷ Kalyn Belsha. More students eating for free as growing number of states offer universal school meals. *Chalkbeat*. August 10, 2023. Available at: <https://www.chalkbeat.org/2023/8/10/23827877/free-school-meals-lunch-breakfast-universal-programs-states-students/>; Alexis Bylander, Senior Child Nutrition Policy Analyst. [States Show Us What Is Possible With Free Healthy School Meals for All Policies](#). FRAC Issue Brief. September 6, 2023. Available at: <https://frac.org/blog/free-healthy-school-meals-for-all-policies> Food Research and Action Center. Support the Universal School Meals Program Act of 2021. FRAC Issue Brief. May 2021. Available at: <https://frac.org/wp-content/uploads/cnr-support-the-universal-school-meals-program-act-2019-1.pdf>



Fuel Component
 Tax

8 **Source:** Australian Petroleum Statistics, Office of the Chief Economist.