

The background of the slide features a dark, moody image of a pair of scales of justice. The scales are positioned in the center, with their pans and a wooden gavel resting on the base. In the background, several stacks of books are visible, some with spines that have numbers like '107', '106', '105', '102', and '103'. The overall lighting is dim, creating a professional and serious atmosphere. The title text is overlaid on this background, with 'LANGUAGE SCHOOLS' in orange and the other words in white.

# **PRIORITIZING LANGUAGE SCHOOLS IN CANADA**

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- Speaker, Languages Canada Conference
- Halifax Nova Scotia
- February 22, 2023 to February 25, 2023



Even Among Non-Humans...  
**EFFECTIVE  
COMMUNICATION  
Matters!**

# About Me



- Represented private post-secondary institutions exclusively for over 20 of my 29 years as a practicing lawyer.
- Headed up higher education law practice at a large Toronto law firm for over a decade.
- Authored two editions (2011 and 2017) of seminal legal text on regulation of private career colleges in Ontario, with Foreword by Right Honourable John N. Turner (2<sup>nd</sup> edition).
- Currently representing investor groups, private career colleges, language schools, private high schools, corporate training institutions.
- Since 2019 I've represented investor groups and large law firms on transactions exceeding \$500M, which have closed.
- Passionate about higher education!



## Government Overreach

“The most terrifying words in the English language are: I’m from the government and I’m here to help”

*Ronald Reagan, 40th President of the United States*



## Literacy

“Literacy is not a luxury. It is a right and a responsibility. If our world is to meet the challenges of the twenty-first century we must harness the energy and creativity of all our citizens.”

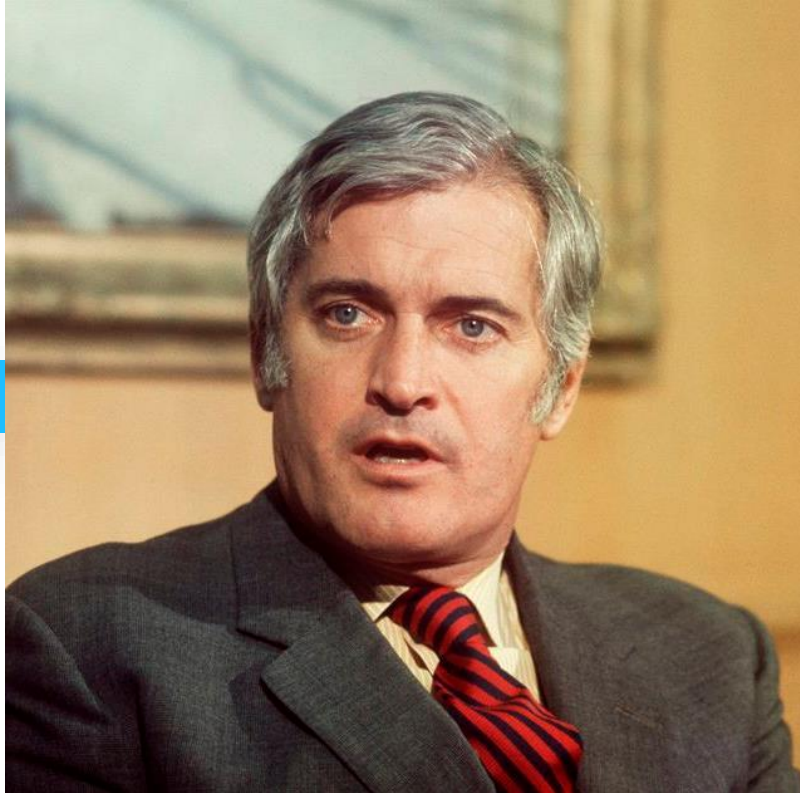
*William Jefferson Clinton, 42nd President of the United States*



## Canada's Perceived Neutrality

"Canada is big enough to make a difference but not big enough to threaten anybody. And that is a huge asset if used properly."

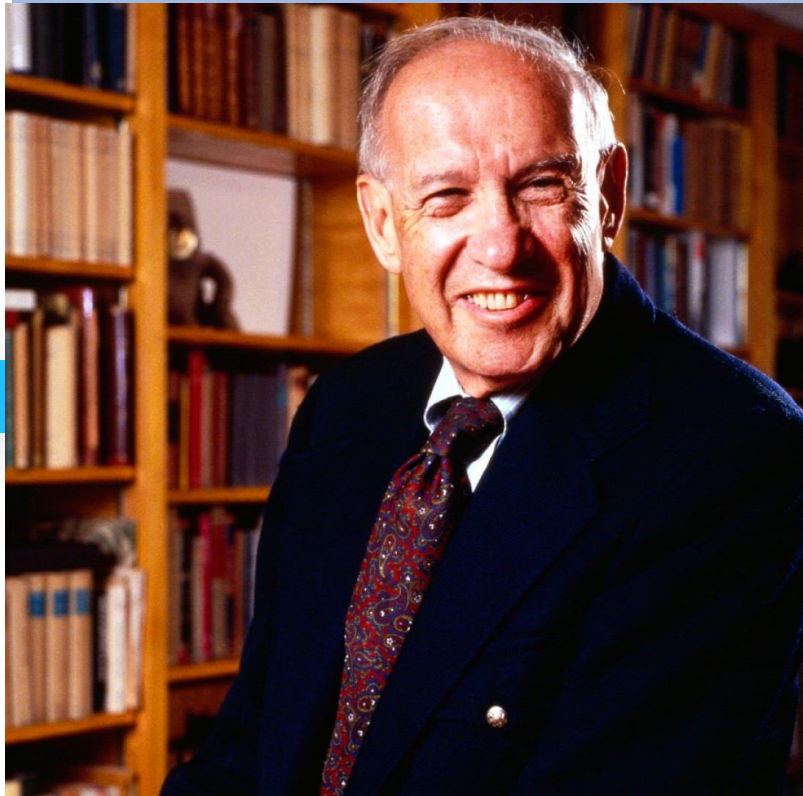
*Rt. Honourable Stephen Harper, Canada's 22nd Prime Minister*



## Democracy and Language

“In any democracy, there is always a tug-of-war between policies to achieve equality and policies to promote excellence. I am certain that Canada can achieve both equality and excellence.”

*Rt. Honourable John N. Turner, Canada's 17th Prime Minister*



## Measure to Improve

"You can't Improve what you don't measure"

*Peter Drucker, Management Guru*



# Why Language Schools Are Vital To Canada

1. Proficiency in either of the official languages in Canada is a necessary but not sufficient condition to

Success for newcomers

Creating a future tax base

Meeting Canada's labour market demand

Supporting Innovation

Expanding Canada's cultural mosaic



2. Bridging the language gap and not just the skills gap, is an underreported or understated problem.

# I. Success for Newcomers

- Just over 1.3 million newcomers settled permanently in **Canada** between 2016 to 2021, the highest number ever recorded in a Canadian census
- **Canada** has one of the highest naturalization rates in the world
- **Canada** has recovered relatively quickly from COVID relative to other advanced economies
- Immigrants have played a significant role in shaping **Canada's** agricultural history
- There is considerable intergenerational mobility for immigrants:  
<https://www.fraserinstitute.org/article/social-mobility-alive-and-well-canada>





## II. Creating a Future Tax Base

- By 2022 1 in 5 **Canadians** were over the age of 65
- **Canada** has an aging workforce
- **Canada** has a low birth rate
- Immigration counts for virtually all of **Canada's** labour force growth (BBC: <https://www.bbc.com/news/world-us-canada-63643912>)
- One in four Canadians came to **Canada** as an immigrant: highest of any G7 nation (in US, that number is 14%)
- **Canada** has large land mass, resources, and promise

# III. Meeting Canada's Labour Market Demand

- **Canada** should be a global leader
- **Canada** has favourable gini-coefficient indicia, a measure of equality
- **Canada** has a problematic skills gap
- Skills gap exacerbated by pace of technology
- Skills gap compromised by age demographics
- Bridging the skills gap requires bridging the language gap



# IV. Supporting Innovation



**Support  
innovation,  
not  
patronage!**

Canada:	<a href="https://www.canada.ca/en/services/science/innovation/funding.html">https://www.canada.ca/en/services/science/innovation/funding.html</a>
British Columbia:	<a href="https://www.innovatebc.ca/programs/">https://www.innovatebc.ca/programs/</a>
Alberta Settlement, Integration, and Language Project:	<a href="https://www.alberta.ca/settlement-integration-language-projects-grants.aspx">https://www.alberta.ca/settlement-integration-language-projects-grants.aspx</a>
Ontario:	<a href="http://www.costi.org/whoweare/funders.php">http://www.costi.org/whoweare/funders.php</a>
Quebec:	<a href="https://www.quebec.ca/en/government/ministere/economie/publications/2022-2027-quebec-strategy-to-support-research-and-investment-in-innovation#:~:text=More%20than%20%247.5%20billion%20will,under%20the%20Qu%C3%A9bec%20Infrastructure%20Plan.">https://www.quebec.ca/en/government/ministere/economie/publications/2022-2027-quebec-strategy-to-support-research-and-investment-in-innovation#:~:text=More%20than%20%247.5%20billion%20will,under%20the%20Qu%C3%A9bec%20Infrastructure%20Plan.</a>

# V. Expanding Canada's Cultural Mosaic

## International Students

- Buy Food
- Pay Rent
- Pay Tuition
- Contribute to Linguistic and Cultural Enrichment of Canada
- Introduce Novel Methods, Ideas, Customs, and Cuisine



# Trade Shortages in Canada



1. Are real!
2. Are also based on stigma attached to the trades
3. Are exacerbated by age demographics
4. Are exacerbated by technology: a blessing and a curse
5. Are based in part on linguistic gaps and not just skills gaps



# Canada as Destination for Newcomers



4th most popular destination for English language learners and second for French language students, according to Languages Canada.



There is room for improvement! Canada should capitalize on the success of its cultural mosaic and perceived neutrality in the world.



Canada should focus on addressing some constitutional bottlenecks, which have impeded Canada's ability to export its "brand" of education to the world.

But we are still doing very well. Let's raise the flag proudly.



# CANADA'S CONSTITUTIONAL STRUCTURE

## – ss.91 and 92 Powers

**1** Federally, Canada is limited in shaping education policy (even though it provides financial support for postsecondary programs, through the Canada student loan program, and other programs).

**2** Each of the ten provinces and three territories has authority over its education structure.

**3** Education programs delivered in Ontario, can appear to be quite different to what is offered in BC, Quebec, or Alberta, even in 2023.

**4** Practical Example of Bottleneck: Interprovincial (versus intraprovincial) public-private partnerships are limited by politics.

# The “Fix”

**Non-Partisan Efforts to Attract Newcomers.** Despite the laudable effort to create non-partisan organizations committed to exporting Canada’s education produce, we need to have political parties and politicians on the same page.

**Federal Education Agency.** We need the equivalent of a Department of Education to sell a united message. Not to encroach on provincial powers per se.

**ISP Designation and Post-Graduate Work Permits.** Canada needs to grow the “pie” and not relegate private institutions as second-class citizens when it comes to post-graduate work permits.

**Don’t Penalize Vocation-Specific ESL Programs.** Vocation-specific programs and teacher training (TESOL) programs have been subject to regulation by the Superintendent of Private Career Colleges in Ontario. Why?! Especially given the ESL teacher shortage as highlighted in LC’s recent report, this is not right. Excerpt from Languages Canada 2022 Annual Report:

“The biggest shortage lay with language teachers. As many as 32% of new positions were filled by academic staff, followed by administrative staff, who accounted for 21% of the new workforce in 2021.”

# Regulating by NOC Code

1. Tens of Thousands of National Occupational Classification (NOC) Codes.
2. Each Represents Specific Occupation.
3. Many Regulators Across Canada want to Assert Jurisdiction Over identifiable NOC's through provincial legislation:
  - a. Private Career Colleges Act, 2005 (PCCA): Ontario
  - b. Private Training Act (PTA): B.C.
  - c. Education Quality Assurance (EQA): B.C.
  - d. Private Vocational Training Act (PVTa): Alberta
  - e. Maritime Provincial Higher Education Commission (MPHEC): Maritimes
4. Is this the right approach? Regulators should focus on "standards" and pedagogy (quality), not bringing more registrants into their "net".



# How Are Language Schools Different?

1. Importance of language: ubiquitous to all NOC's, but language training itself is not an identifiable "occupation".
2. Medium of language at the base of the metaphorical pyramid, i.e. supports all other learning.
3. Nuance-specific language skills are becoming increasingly important as newcomers replace Canada's workforce, and its tax base.
4. Intuitively, varying degree and duration of language training is required depending on vocation or profession:
  - a. Emergency Room Physician, Nurse, or Paramedic: must communicate with patients as a matter of life or death;
  - b. Pilots: do we assume that the control tower can clearly communicate with the pilot?!
  - c. Personal Service Workers: need to communicate effectively whether with elderly or children.
  - d. Transport Training (Truck Drivers): Admittedly less interpersonal, but still requires language skills.
  - e. Building Trades: Require communications skills sufficient to communicate with General Contractor, Foreperson, etc.



# Rise of Micro-credential Programs

- Five main features distinguish a micro-credential from other types of courses:
  - a. Short in duration (eight to 200 hours) and easy to complete
  - b. Competency-based and focused on specific skills
  - c. They are like Lego, stackable in combination with other micro-credentials
  - d. Aligned with industry need.
  - e. Verifiable and digitally sharable.
- Course content should align with employer-driven competencies. Without proper assessment, skills-badging is useless.
- Some provinces need to get up to speed with the regulation of micro-credential programs: Ontario is far ahead of B.C. on this front when it comes to private institutions.



# Micro- credential Language Programs



- We can and should respect and even embrace linguistic diversity within the Canadian Mosaic; however ...
- We cannot pretend that language proficiency is not a major determinant in employability for newcomers.
- Language programs, including micro-credential programs, will be among the tipping points for people to fill needed jobs.

# One Size Does Not Fit All



1. Different vocations require different, and varying degrees of language skills.



2. However, all vocations and professions require some degree of language proficiency.



3. Some vocations have their own unique language:

Example: I sat on the Board of and was counsel to a large US college which trained court reporters. Failure rate was insanely high because if you couldn't learn the language, you might put someone in prison!

# Current Demand for Language Programs



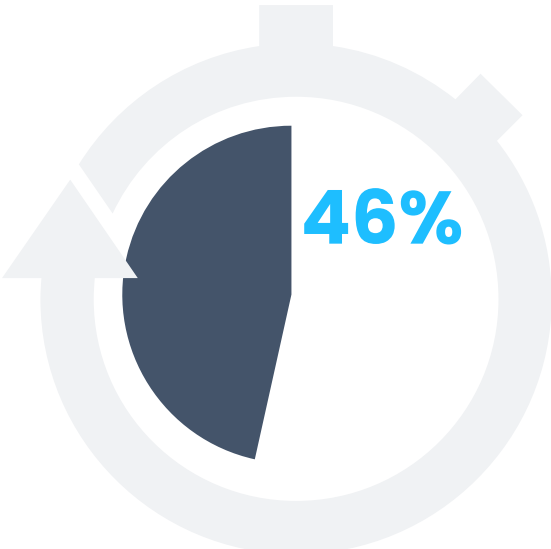
1. The most popular course in 2021 remained General English or French.
2. English or French for Academic Purposes was the second most popular course type.
3. Under-18 learners represented approximately 3% of the whole student population of the Languages Canada membership in 2021 (compared to 5% in 2020 and 13% in 2019)? Why? ...

(source: Languages Canada Annual Report)

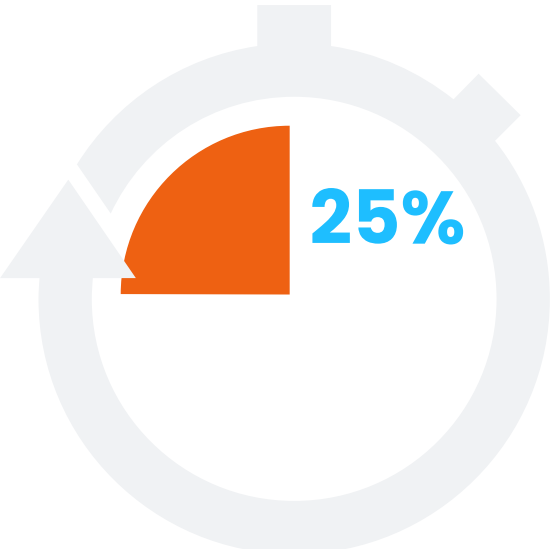
But... the true demand for languages programs may be understated because many industries don't recognize the language gap versus just a skills gap.



# Duration of Program



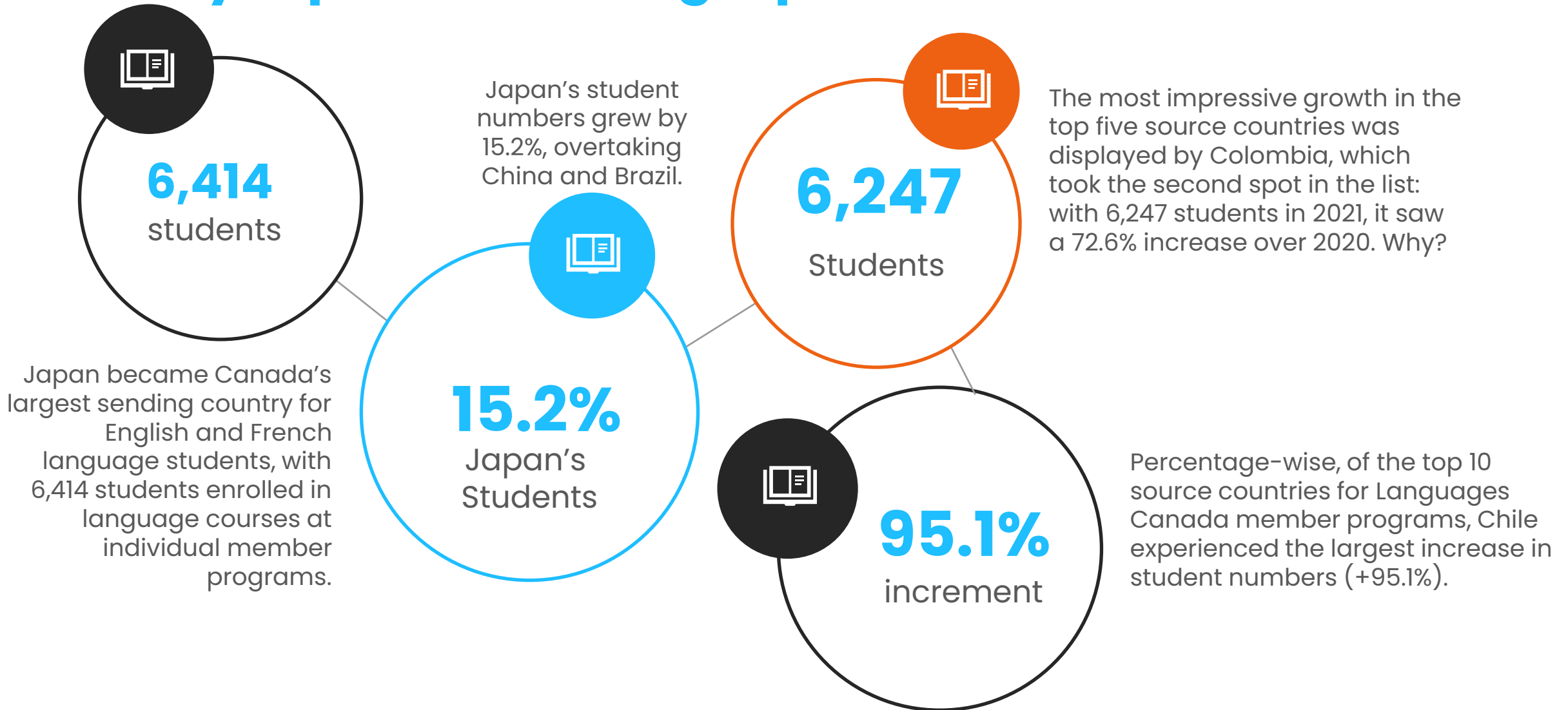
Students Enrolled  
4-12 weeks



Students Enrolled  
13-24 weeks

Source: Languages Canada Executive Summary at <https://www.languescanada.ca/web/default/files/research/annual-survey/2021/2021-executive-summary-annual-report-on-language-education-in-canada.pdf>

# Country-Specific Demographics



Source: Languages Canada Executive Summary at <https://www.languescanada.ca/web/default/files/research/annual-survey/2021/2021-executive-summary-annual-report-on-language-education-in-canada.pdf>

# Online and Hybrid Learning



1. In 2021, most student weeks (51%) were still delivered online only, in (27%) or outside (24%) Canada.



2. The share of student weeks delivered in person continued to decrease (to 29%, compared to 33% in 2020),



3. while hybrid and blended model delivery increased from 8% in 2020 to account for 20% of student weeks in 2021.

Source: Languages Canada Executive Summary at <https://www.languescanada.ca/web/default/files/research/annual-survey/2021/2021-executive-summary-annual-report-on-language-education-in-canada.pdf>

# Border Closures

While border closures and travel restrictions were major concerns for Languages Canada members in 2020, in 2021 the biggest challenge for the language education sector in Canada was visa processing times and difficulties experienced by students when applying for visas (58% of member programs).



The second and third biggest challenges were local (49%) and international (46%) disruptions.

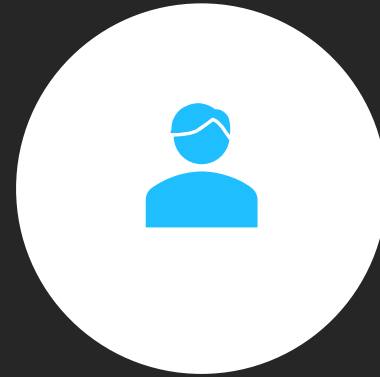
# Destigmatize Vocational Training



1. There is a perception by many parents raising kids that vocational training or the “trades” are inferior to a university education.



2. Let’s not forget that a tool and dye-maker named Frank Stronach turned a garage-based tool and dye shop into one the world’s largest automotive businesses!



3. Mr. Stronach was also an immigrant from Austria. Hold that thought.



4. Generation Jobless ([https://www.cbc.ca/programguide/program/generation\\_jobless](https://www.cbc.ca/programguide/program/generation_jobless)) : Stigma is the enemy.



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