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**COMPARATIVE ANALYSIS OF LEGISLATION PROVISION IN ADULT
EDUCATION IN THE USA AND CANADA
(Case Study: Professional Development of Tourism Employees)**

Abstract. Today Ukraine is in the process of establishing an integral base for adult education and the system of employees' professional development. Hence, the research of the experience of the countries with a fixed, ramified, but integral system of normative and juridical documents in the above-mentioned fields can be of great use. Addressing to the USA and Canada is caused by the fact that in these countries the questions of vocational training and professional development of employees are juridically regulated.

The article represents the results of the comparative analysis of legislation provision in the US and Canada of professional development in general, and tourism employees, in particular. Laws for analysis were taken from official sites of state and federal bodies. All of them have been systemized into 4 categories: laws on employment, on human resources, on vocational training and professional development, adult education. The common and different features of both countries have been defined. It has also been found out that Canada has a unique federal program EMERIT aimed at continuous learning of tourism employees and their professional development.

The study of foreign experience allowed us to distinguish the progressive ideas to be applied to the development of Ukrainian legislation provision.

Key words: legislation provision, comparative analysis, USA, Canada, adult education, employees' professional development, common features, differences.

INTRODUCTION. The 21st century with its innovation information technologies and globalization processes is putting new challenges in the education sphere to all countries in the world, particularly, in adult education. The states do realize the importance of adult education. This realization results in the corresponding legislation which provides all aspects of adult education development including employees' professional development. As for in Ukraine, there has not been any law on adult education yet. But there is a special law "On Professional Development of Employees", which regulates the rights and duties of both employees and employers which concern the employees' training, retraining, upgrading their skills and learning. Ukraine has also developed a number of legislative documents which illustrate the conceptual basis of adult education and different questions of its renovation. Some of them are really worth mentioning in the article: "Conceptual Statements of Adult Education" from March, 3, 2009; National Report on the Status and Development Perspectives of Education in Ukraine in 2011; the draft of the Law of Ukraine "On Postgraduate Education", which was presented in public on the 13th of November 2013; National Pan of Actions for 2013 in implementing Economic Reforms Program for 2010-2014 "Prosperous Society, Competitive Economy, Effective State", which was verified by the Order of the President of Ukraine from the 12th of March 2013 № 128; Plan of Measures in Realizing in 2013 the statements of the Strategy of State Staff Policy for 2012-2020 which was verified by the Order of the President of Ukraine from the 23rd of April 2013 № 229. These documents and a great number of others are available to the public on official government sites in the Internet. All of this proves that the government of Ukraine considers adult education as one of the priorities in education development today. Thus, one can confidently state that Ukraine is currently living at the stage of creating and establishing a complex basement for adult education. In its framework there will be regulated the processes of professional development as well. They are supposed to

support legally not only the professional development of the workforce in industrial branches, but also in other fields of activities along with employees in tourism sphere.

As professional development is an inseparable part of adult education, the absence of the integral system of related normative-juridical documents restrains the adult education system and insufficiently regulates the professional development of modern specialists. In view of this, the analysis of education policy and legislation of the world leading countries like the USA and Canada will enable the research of their progressive ideas. In their turn, they can be used in forming the complex of corresponding Ukrainian legislation.

THE AIM OF THE STUDY. Hence, the aim of the study is to conduct the comparative analysis of American and Canadian normative and juridical documents which control the mechanisms of tourism employees' professional development in the context of adult education.

THEORETICAL FRAMEWORK AND RESEARCH METHODS. To achieve the established goal the crucial research methods were:

- comparative-analytical method, thanks to which the overview of the native and foreign literature has been made;
- general scientific methods such as analysis, synthesis, generalization, systematization of the collected data;
- method of theoretical generalization and prognosis which resulted in the conclusion and the perspectives of further scientific researches.

Theoretical framework of the research consists of the scientific works of the topic in question by native scientists as well as laws, statements, normative acts which serve to regulate the juridical, social, economic relations in adult education sphere and the professional development of employees, in particular.

Our attention has been drawn to the scientific works of the following Ukrainian scientists: O. Zhyzhko, L. Lukianova, O. Ohiyenko, L. Sihaieva, O. Sytnyk. They represent the results of their researches in adult education including some questions of legislative provision in different countries of the

world – Mexico, Venezuela, Scandinavian countries, Ireland and other European countries. Various aspects of regulatory provision in education sphere in the USA and Canada are revealed in other scientific researches by Ukrainian scientists, e.g. N. Bidiuk, I. Lytivchenko, T. Piliuhina, O. Romanovskyi, A. Sushentsev, O. Tarasova and others. However, investigating the problems of professional development, the scientists mainly concentrate their attention on the professional growth of education sphere employees. For instance, N. Mukan conducts the comparative analysis of the professional development of teachers in three countries: the USA, Canada and Great Britain (Mukan, 2011). As a result of scientific literature sources, it turned out that the questions of professional development of employees in other spheres of activity as well as their legal provision have been left out of scientists' attention. That's why they require special consideration.

Results of the study. Legislative provision is traditionally understood as a collection of laws, normative acts, policy statements which are established by the state to support and regulate juridical, social, economic relations in the society (Wikipedia, 2014). Thus, our analysis involves laws, normative acts, policy statements, government programs which ensure the rights of adults to education and regulate the mechanisms of professional development of working people. The documents for our analysis were taken from the governmental and educational official sites of the USA and Canada.

The comparative analysis of legislative means of the USA and Canada has shown that in both countries the system of legislative documents is rather complicated and ramified which results in duplication of some of them. The study of active laws and legal documents in both countries allowed us to systemize them into 4 categories:

- laws on labor and employment;
- laws on human resources;
- laws on vocational training and professional development;

- laws on adult education.

At the same time, we have defined one more additional category in Canadian legislative provision. It is a Federal government program – EMERIT – which was designed by Canadian Tourism Resource Council – CTRC. The program operates not only on the inner educational market, but also it has appeared on the international market and has gained the success there (emerit.ca, 2014). Though the program is not a law to the full extent, but this category is worth being analyzed for some reasons. Firstly, it enforces and supports the training of tourism employees which leads to their professional development. And this is one of the tasks of our scientific study. Secondly, it is counted not only on individuals wishing to develop professionally, to upgrade their skills and to make a career in tourism. The program also offers various educational services to corporate clients. Thirdly, the program takes into account the specific character of tourism and its jobs because it was created by tourism professionals who know all the needs and requirements from inside the industry. Finally, the program can be easily modified and adjusted to the demands of other industries. So, Canada has a unique federal program characteristic only to this country which should be studied with the aim to learn the positive experience and use it in the Ukrainian practice considering the national specificity, requirements and interests.

At first, we study the laws on labor and employment. At a first glance, the laws in question seem similar in both countries. They regulate the important questions of employment, relations between employers and employees. They contain the statement about the obligatory duty of employers to provide their staff with training on safety and health care rules. However, in the USA it is one law which is called Employment Law. But at the same time, it consists of numerous subdivisions which are considered and act like separate laws. Due to this fact, they have separate names. As for Canada, it is a collection of laws – Canada Labour Code (HG Legal Resources, 2014; Justice Laws Website, 2014). The distinguishing feature can also be considered the interpretation of employees' training in American legislation as the

right of the employee and an advantage of the job place. An American employer is to provide every member of his/her staff appropriate training and supervise their professional development in the future. Canadian Labour Code does not directly demand from employers to provide their staff with proper training. Though, a great many of its statements are indirectly related to staff training as an employer's duty.

The important item in receiving adequate training by employees is a financial support. Both countries have some points which regulate financing this training. In the USA it is the Workforce Investment Act of 1998 – WIA, in Canada – Workers' Compensation Board – WCB (HG Legal Resources, 2014; Department of Employment and Social Development Act, 2005). According to these laws, employers must ensure the on-the job training to their employees to get necessary knowledge and skills for high performance. The differences are seen in state grants and subsidies for on-the-job training which Canada provides on the federal level. But it should be mentioned that they are given only to certain categories of employees: those who have not been working for a long time, who have recently changed the job, injured in the job place. There is no such financial provision of employers in the USA. However, in spite of the absence of the direct state investments into on-the job training, there is the indirect support of the organizational training of employees. The costs employers invest in the young employees are not taxed. According to the Workforce Infrastructure for Skilled Employees Investment Act – WISE Investment Act, financing is performed in the form of grants which are given not to employers, but to accredited local bodies, public colleges, vocational post-school educational establishments, society organizations on the basis of the competition.

Groups of laws on human resources in both countries are similar, as they legally regulate the same items of human resources policy, including the provision of employees with the required knowledge and skills. Both governments acknowledge the dependence of their countries' prosperity on the level of their workforce education and learning, on their upskilling, their professional and personal development. One more common thing in these groups of laws is that they both have

the proper juridical documents on the training of those categories of population who were often left without proper attention in the past. These categories are people who are the least competitive in the labour market: immigrants, representatives of the native people, disabled and elderly people wishing to work.

Among the defined categories of the laws the most representative and numerous is the group of laws concerning vocational training and professional development. It is they that are considered by us as the fundamental laws in the sphere of the employees' professional development, because they define the priority directions of the country policy as for the problem in question. Moreover, this group of laws is very flexible and it is constantly upgraded in both countries. The modifications in the laws are caused by the new challenges and new requirements. So, upgrading of laws is another common thing characteristic of both countries. And the reasons for the modifications are the same. Mainly, the upgrading of vocational training and professional development laws is due to the market demand in highly skilled workers capable to learn lifelong and continuously develop professionally and personally. Then, there is a great availability of vacant job places, and at the same time, a huge number of the unemployed. This situation can be explained by the employers' search for qualified and skilled employees who can learn on their own if it's necessary and who continue developing themselves. As for the unskilled and semiskilled, employers have to invest much money in their training before they correspond to the job requirements and show good performance. That is why employers are not eager to hire such people. To overcome this gap between the expected and available levels of knowledge and skills, the USA and Canada create and finance various programs within the laws on vocational training and professional development. In the USA, it is a new system of workforce development. It is to be friendly to an employee that is he/she is expected to easily choose what they need top. One of the prerequisites of friendliness is the formation of the national network of one stop educational centers. It means that adults, either employed or unemployed can receive those educational services they require.

Similar centres are available in Canada as well. Their activity is coordinated by the Centre for Workplace Skills. But, in this respect, the legislative basis in Canada is different from the American one, mainly because Canada has a special law – Law on “On-the Job-Training”. While the USA is only going to introduce the system of deductions from the employers’ income to support on-the job staff training, in Canada, particularly in the province of Quebec, this mechanism has been in action for nearly 10 years already. It is the first law of regulating this item in North America. Its importance is proved by statistical data. Employers deduct 1% of their income to the fund which then finances the employees’ training both on-the-job place in this company or outside the company. This policy resulted in 12% increase of skilled workers in the province of Quebec for the last 10 years (Justice Law Website, 2014).

One more distinguishing feature which makes the legislative basis of Canada different from the American one is the introduction of federal program “Workplace Skills Program”. According to it, Canadian employees are to have Union Learning Representatives which means that any worker from the company who has enough experience and good qualifications can become a trainer and can train his/her peers on having received the proper training. Unlike Canada, in the USA the Workforce and Professional Development Committee included in their activity the vocational training only for directors of the companies and HR managers. And it happened only in 2013 (Education and Workforce Committee, 2014).

A lot of common features for both countries are observed in the normative and juridical documents in continuous learning and adult education, as they are considered the prioritized direction of educational system development (US Department of Education, Justice Law Website). Both countries have the corresponding federal laws within which every state in the US and every province in Canada develop their own legislative documents, taking into account the regional requirements. The common thing for them, in this respect, is legislative support of programs on post-school education savings. In Canada it is even called so – Canada Education Savings Program. In the USA it is the Lifelong Learning Accounts –

LiLAs. In their content, they are oriented towards gaining by employees more independence from their employer, that is providing employees the opportunity to continue their training and learning, regardless if the employer is interested or not in his/her staff professional development. Accounts are the own investments of the employees in their professional development and, hence, in their future. Yet, there is a difference. In the US an adult saves money for his/her own lifelong education. In Canada the money on the accounts comes from special educational grants or credit. One more difference is the addressee of this money. Unlike the USA, where employees are saving money and depositing it for themselves, Canadian employees are doing it for the sake of their children's post school education. And one more difference lies in the type of workers. In the US all employees can do it, in Canada federal government allocates funds in the form of grants only to low-income employees.

CONCLUSIONS. Thus, having compared the legislative bases of the USA and Canada, the author comes to the conclusion that in both countries these bases are ramified and diverse, but at the same time they are integral and coherent. The analysis has shown that they have a lot of common features. The similarity of normative and juridical documents is caused, mainly, by the geographical location of these countries, by the market economy which they both have, by similar social problems and common development trends. Undoubtedly, every country has its own unique features which draw scientists' attention. The research of peculiarities, the generalization of results of analyzing legislation provision in the sphere of vocational training and professional development in these two countries can facilitate and support the development of corresponding legislative documents and state programs in the Ukrainian adult education field.

Further researches can be done in comparing the available Ukrainian legislative documents in the topic in question. The aim of such analysis will be to define the things which should be altered and upgraded in the active mechanisms of employees' professional development in Ukraine.

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