

Province seeks updated childcare law, stiffer penalties for rule-breakers ^[1]

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EXCERPTS

The Ontario government wants to overhaul the province's childcare legislation and introduce stiff penalties for unlicensed providers who break the rules.

Although the new law comes on the heels of the tragic deaths of several children in unlicensed home daycares, including one in Orléans in July 2010, the government has been working on the update for more than a year.

The Child Care Modernization Act, which Education Minister Liz Sandals tabled Tuesday, will repeal and replace the Day Nurseries Act, which hasn't been reviewed since 1983.

"Obviously, the world around us has changed," Sandals said, adding the current law doesn't reflect the realities of the modern childcare system, which has changed dramatically since the introduction of the province's full-day kindergarten program in 2010.

The new legislation would empower the Education Ministry to impose an administrative fine on childcare providers of as much as \$100,000 per infraction without having to go through the court system, something it can't do now.

"We think that's going to enable us to really crack down on those situations where people are deliberately working outside the law," Sandals said.

The new bill would also increase the maximum penalty for successful prosecution in the courts to \$250,000 from \$2,000.

Under the changes, licensed home childcare centres would be able to accommodate six children, instead of the current maximum of five. That alone could create approximately 6,000 new licensed spaces across Ontario if all current licensed home care providers took advantage of the new rule, Sandals said.

The new bill would clarify which childcare activities require a licence and which do not. Relatives, babysitters, nannies and camps that provide programs for school-age children would be exempt.

Private schools that care for more than five children under the age of four would need to obtain a licence, which they don't have to do today.

The new bill would also amend the Education Act to force school boards to offer before- and after-school programs for six- to 12-year-old children where there is sufficient demand.

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The new legislation was welcomed by Ottawa childcare advocate Kim Hiscott, the executive director of Andrew Fleck Child Care Services.

"It tips the financial motivation to providers to be affiliated with a licensed agency, and just doing that is going to increase the number of spaces and increase the supervision, support and quality of home child care," she said.

Currently, an unlicensed provider with three children - ages one, two and three - could legally accept five other children of any age, while a home daycare affiliated with a licensed agency could only accept two additional children, Hiscott said.

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- reprinted from the Ottawa Citizen

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