

# Child Care Modernization Act <sup>[1]</sup>

Media Release

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## AVAILABILITY

Full text online <sup>[2]</sup>

Giving children the best possible start in life, and ensuring families have access to safe and modern child care, is a top priority for the Ontario government.

The Child Care Modernization Act, 2014 will repeal and replace the Day Nurseries Act, the legislation that currently governs child care in Ontario. This act originally came into force in 1946 and has not been comprehensively reviewed since 1983. It no longer reflects the child care needs of today's families or the realities of the child care sector.

What will this legislation achieve?

The Child Care Modernization Act, 2014 will improve safety and help foster the learning, development, health and well-being of children through four key changes to the child care system:

1) Provide the government with greater authority and enforcement tools to strengthen oversight and enhance safety

These tools include:

- The authority to issue administrative penalties, which could be up to \$100,000 per infraction.
- The authority to immediately stop a child care provider from operating in circumstances where a child's safety is at risk.
- The ability to issue compliance orders and enforce rules in the unlicensed sector.
- The requirement to publish information when child care providers are found to be violating the act.
- The power to prevent individuals convicted of certain crimes from providing child care.
- An increase in the maximum penalty to \$250,000, if found guilty in court of having committed an offence under the act. The current maximum penalty is \$2,000.
- The ability to better share information with other agencies such as Children's Aid Societies and public health agencies to support a more co-ordinated approach to protecting the well-being of children.

2) Increase access to spaces in licensed home child care settings

The number of children that licensed home child care providers could care for will increase from five to six. For example, if all current licensed home child care providers added one additional space, approximately 6,000 new licensed child care spaces would be created.

Unlicensed child care providers will still be permitted to care for a maximum of five children, but they will have to follow the same rules as licensed providers.

3) Clarify programs that do not require a licence

Certain types of care will be exempt from licensing, including care provided by relatives, child-minding at a mall or gym, babysitting, nannies and camps providing programs for school-age children.

Unlicensed child care providers, who care for no more than five children, will also not require a licence.

4) Improve safety and quality

The legislation and other policy changes reflect a focus on safety and high-quality programs that contribute to healthy child development and well-being.

The legislation also amends the Education Act to require school boards to ensure before- and after-school programs are available to six to 12 year olds, where there is sufficient demand. Programs could be delivered directly by boards, by licensed child care operators or by third-party recreation providers prescribed by regulation.

5) Amendments made to the legislation

As part of the legislative process, a number of amendments were made to further strengthen this legislation and reflect feedback received during committee.

Changes were made to support child care providers in home-based settings, to respond to the recommendations of the Ombudsman and reinforce the enforcement focus of the bill.

For example, amendments were made to:

- Provide flexibility to home child care providers and acknowledge the full implementation of FDK, by excluding a provider's own children who are 4 and 5 years old, and are enrolled in FDK, from the total children that may be cared for -- as long as the provider cares for fewer than 2 children under 2, and meets prescribed criteria.
- Clarify that the total number of children that can be cared for refers to the number of children being cared for at any one time. This allows providers to continue to care for different children, at different times, to support families with varied work arrangements.
- Support a smooth transition, and reduce disruptions for families, by allowing existing, legal unlicensed child care arrangements to continue until January 1, 2016, or another date set out by regulation.

#### Other changes

In addition to these four key areas, the legislation will also amend the Early Childhood Educators Act, based on advice received through the statutory review of the act. This includes the authority to accredit post-secondary early childhood education programs, as well as the mandatory revocation of membership from the College of Early Childhood Educators if a member has been found guilty of sexual abuse or acts relating to child pornography. Anyone working within the scope of practice in early childhood education and who holds the relevant educational qualifications will be required to be registered with the College of Early Childhood Educators, including individuals providing care in unlicensed settings.

**Region:** Ontario <sup>[3]</sup>

**Tags:** legislation and regulation <sup>[4]</sup>

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