



child care

BRIEFing NOTES

CHARACTERISTICS OF UNREGULATED CHILD CARE BY PROVINCE/TERRITORY

Regulated child care

In Canada, child care is regulated through licensing, so regulated child care is often called “licensed child care”. All Canadian provinces/territories regulate child care centres, most regulate nursery schools/preschools and all provide regulated family/home child care. There are two ways home child care is regulated: either the caregiver in her own home is licensed or a number of caregivers in their own homes are supervised by an agency that is licensed or provincially approved and is responsible for ensuring that the regulations are met. All provinces/territories also regulate child care for school-aged children.

The regulations, or requirements, for these forms of child care are quite extensive, covering health, safety, nutrition, often caregiver training, behaviour management, and program planning. In addition to setting requirements, all provinces/territories monitor compliance with the regulations on a regular basis on a schedule set out in the legislation or regulations.

None of the provinces/territories permit the operation of full-day centres without a license except in very limited circumstances.

Unregulated child care

All provinces/territories also permit unregulated child care outside the child’s home up to a maximum number of children; unregulated care arrangements are legal and permitted so long as they don’t exceed the maximum number of children. The legal number of children allowed in unregulated child care is specified in provincial/territorial legislation, regulation or guidelines. Some jurisdictions have additional age specifications and several allow some unregulated group (centre) programs under some circumstances, for example for a limited number of hours a day.

There are no health, safety or training requirements or provision for public oversight in unregulated care; any attention by local or provincial public officials is on a complaint basis. That is, even if unregulated child care is legal, there are neither requirements for even basic health and safety nor any public monitoring unless a complaint is made. Unregulated child care may or may not be in a family child care provider’s home but there are no specifications for facility or buildings. As well, there are no provincial/territorial specifications or guidelines for unregulated child care provided in a child’s own home by a nanny or sitter.

Current research or data on unregulated child care is not available but as 2012 data show that there are regulated spaces for only 22.5% of Canadian children 0-5 years, it is assumed that many or most young children in Canada with working mothers are in some form of unregulated child care.

The following table provides an overview of some key characteristics of unregulated child care in each province/territory.

Every effort has been made to ensure the accuracy of the information provided in this publication; the authors would appreciate being contacted if any errors are noted and will be happy to correct them. The Childcare Resource and Research Unit would like to acknowledge the contribution of Carmen Chan, Ryerson University practicum student, to this publication.

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Characteristics of unregulated child care by province/territory

Province/territory; Legislative/regulatory authority for unregulated	Maximum number of children	Does maximum number include caregiver's own children?	Additional age limitations	Any requirements re: facility or building?	Circumstances under which unregulated group care for 0- 5 is allowed	Also of interest
Newfoundland <u>Child Care Services Act</u> <u>Section 3(1) e</u>	4	Including caregiver's own children <13	If all <24 months – maximum 3 children	NO	YES – License not required for up to 6 children <9 hrs/wk or any number to 6 hrs/day for <8 wks in any 12 wk period.	
PEI <u>Child Care Facilities Act</u> <u>Sections 1 (e) and 10</u>	5	Including caregiver's own preschool-age children	If all are <2, max 3; 5 if no more than 2 are <2. 6 allowed in group up to 10 years if no more than 2 are <2	NO	NO	
Nova Scotia <u>Regs. to Day Care Act</u> <u>Section 3 (2) a and b</u>	6 8 if all are school-aged	Including caregiver's own preschoolers	NONE	NO	NO	The Act prohibits advertising or holding out an unlicensed place to be a facility, or implying or leading the public to believe that an unlicensed place is a facility. The presence of more than 1 person providing care does not permit an increase in the maximum number of children allowed for a service to be exempted.
New Brunswick <u>Family Services Act and</u> <u>Day Care Regulations</u>	5 ages 0-12	Including caregiver's own children 0-12	No more than 2 may be infants	NO	NO	
Quebec <u>Educational Childcare</u> <u>Act</u>	6	Including caregiver's own children (ages unspecified)	NONE	NO	YES – Jardins d'enfants - Minimum 7 children 2-5 years up to 4 hours/day	Only the holder of a permit issued by the Minister may use a name that includes the term "childcare centre" or "day care centre".
Ontario <u>Sec. 11, Day Nurseries</u> <u>Act</u> See Internal Directives and Guidelines # A4, June, 1993 re: day nurseries that are part of private schools	5 <10 years	NOT including caregiver's children (ages unspecified)	NONE	NO	YES - Day nurseries that were part of private schools before June 30, 1993 remain license exempt; those established or in private schools est. after this date must be licensed.	

Province/territory; Legislative/regulatory authority for unregulated	Maximum number of children	Does maximum number include caregiver's own children?	Additional age limitations	Any requirements re: facility or building?	Circumstances under which unregulated group care for 0- 5 is allowed	Also of interest
Manitoba <u>Community Childcare Standards Act</u>	4	Including caregiver's own children 0-12	No more than 2 <2	NO	NO	
Saskatchewan <u>Childcare Act</u>	8	Including caregiver's own children <13	No more than 5 may be <6; of the 5, no more than 2 may be <30 months	NO	YES – Preschools operating <3 hrs/day or 3 days/week	
Alberta <u>Child Care Licensing Act</u>	6 under age 13	NOT including caregiver's own children <12	No more than 3 may be <2 years	NO	NO	
British Columbia <u>Community Care and Assisted Living Act</u>	2 (or 1 sibling group of any age)	NOT including children related to the caregiver	NONE	NO	YES - A program operated (for each group of children), for 2 hours or less each day, AND directly operated and funded by a municipality	There are two categories of legal unregulated home child care in BC: "license-not- required" and "registered license- not- required", which are registered with a Child Care Resource and Referral program. Children attending unregulated home child care may receive fee subsidies.
Northwest Territories <u>Child Daycare Act</u>	4	Including caregiver's own children <12	NONE	NO	NO	No person shall advertise or lead the public to believe that he or she is operating a child day care facility unless he or she is licensed.
Nunavut <u>Child Daycare Act</u>	4	Including caregiver's own children <12	NONE	NO	NO	
Yukon <u>Childcare Act</u>	3	NOT including caregiver's own children <6		NO	YES- Preschools for 3-6 year olds operating <3 consecutive hrs are exempt.	