



**Proposed changes to child care regulations – Ontario 2020
Submission by the Childcare Resource and Research Unit
Martha Friendly, Executive Director
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Access without quality is of little merit...
Adam Pokorny, Head of Directorate of education, European
Commission

Background, summary and recommendation

This represents the Childcare Resource and Research Unit’s consultation response to the Ministry of Education’s proposed regulatory changes under the *Child Care and Early Years Act, 2014*(CCEYA) posted online for consultation 10/2/2020, as per a required five year review.

The [Childcare Resource and Research Unit](#) (CRRU) is a non-profit, non-partisan policy research institute with a mandate to work towards an equitable, high quality, publicly funded, inclusive ECEC system for all Canadians. CRRU works with other researchers, NGOs, advocacy groups, government policy makers across multiple levels of government and the early childhood education community Canada-wide.

Thus, CRRU appreciates the opportunity to respond to the proposed regulatory changes. We view our response as consistent with our mandate to “work towards a universal, high quality, publicly funded, inclusive child care system in Canada”. This mandate has remained essentially the same since CRRU’s beginnings at the University of Toronto thirty years ago.

In summary, we do not support the proposed regulatory changes for four reasons:

- a) We argue that the proposed changes are not in the best interests of children or parents, which should be a “given” main goal for the review and Ontario ELCC policy;
- b) We are concerned that the processes of developing the proposals – both development of evidence-based rationales and the consultation process including

reporting on it—prior to posting them lack a solid evidence-base as well as transparency about who was consulted and what they said.

c) We are also concerned about the limitations of the province’s review process more broadly, specifically that it did not address existing structural issues in the child care system, particularly those related to affordability, supply and distribution of services, and the workforce, which remain unaddressed by the proposals and thus the five year review.

d) Finally, we believe that the review comes at very much the wrong time. First, the timing and potential impact of the changes at a time that the child care community has been so affected by coping with the severe and shifting effects of the pandemic is most unfair; the child care community needs the provincial government’s support to continue to do our best to support families’ and children’s needs during this seismic public health crisis rather than being undermined. Secondly, introducing these negative measure to cut costs just at the time that the federal government has committed to “**make a significant, long-term, sustained investment to create a Canada-wide early learning and child care system**” will put Ontario—long a leader in Canadian early learning and child care – very much on the wrong side of history.

Thus, the Childcare Resource and Research Unit suggests that the Ontario government **withdraw the proposed regulatory changes**, returning to the drawing board until full justice can be done to conduct a “beyond COVID-19” review of the *Act* and Regulations. This should be done in the context of a post-pandemic Ontario; in the context of federal-provincial collaboration in moving towards a child care system that better meets children’s, families and Ontario’s needs; and that more appropriately recognizes a very significant, wide-spread learning from pandemic: **reliable, affordable, quality child care is central to our economy. Without operationalizing this recognition, Ontario, and the rest of Canada, will be hampered in achieving the full recovery we all desire.**

Proposed changes to the regulations: Staff: child ratios and group sizes

This submission updates CRRU’s previous responses to changes to the child care regulations in 2016, 2014 (in consultation processes) and in 2010 (at an invited consultation. Of note is that although there is considerable overlap in the multi-years of proposed changes to age groupings, which this submission focuses on, the 2020 version goes further than previous proposals in also proposing reductions in staff ECE qualifications and in blurring the lines between regulated and unregulated child care through a new registry of unregulated care providers.

Specifically regarding the proposed changes to age groupings, it is also of note that the previous three times similar regulation changes were proposed, a main rationale for the change was that new federal and provincial parental leave and benefit policy in the early

2000s meant that there were few infants under a year in child care centres, hence the pressure to change the age groupings. This was demonstrably not so —evidence showed although there were fewer very young babies, there was still considerable unmet demand for child care for children under age 1 (perhaps because many families are ineligible for parental leave). It is of note that this rationale has been dropped but not the proposal.

A third difference between the previous attempts and the 2020 is the proposal to make “Schedule 2” (the proposal of concern) optional. This is an extremely poor policy route, particularly as the cost-cutting possibilities of Schedule 2 would inevitably encourage a drift to the poorer option. Parenthetically, I recall a previous provincial proposal to mount a “pilot project” to “pilot” a similar Schedule 2, also making it optional, in 2017. CRRU, together with other experts and community members objected to this idea and to the optionality in 2017 as well (see our communication to the Regulation Feedback Registry of November 21 2017).

In essence, CRRU is concerned because the proposals for changes to age groupings have the effect of reducing staff: child ratios and increasing group sizes. The below table shows each of the proposals and the current regulations, together with several expert views of acceptable ratios and group sizes. As you can see, these have shifted somewhat among the four proposals but all have the effect of locating young children in larger groups with fewer staff. This proposal now impacts all three young children –the 12 month old would be in a larger group, perhaps with a poorer ratio; the 13 month old would now to be a poorer situation vis-à-vis both ratio and group size; and the 25 month old toddler now to be extremely impacted both by the ratio and the group size.

For young children, these things matter.

**How would proposals for changes in ratios, group sizes in Ontario child care affect children?
Current, 2010, 2014, 2016, 2020 and recommended**



	11 month old – now infant, proposed infant/toddler	13 month old – now infant, proposed infant/toddler	25 month old – now toddler, proposed preschooler
Proposed 2020	1:3 or 1:4 12	1:4 12	1:8 24
Current	1:3 10	1:3 10	1:5 15
Proposed 2016	1:3 9	1:4 12	1:8 24
Proposed 2014	1:3 10	1:5 15	1:8 24
Proposed 2010	1:3 10	1:5 15	1:8 16
US Dept of Health and Human Services– Recommendation	1:3 6	1:3 6	1:4 or 1:5 8 or 10
Canadian Pediatric Society - Recommendation	1:3 6	1:4 8	1:4 or 1:5 8 or 10

Why does this matter, and what makes a difference?

We have reviewed the research regarding the importance of staff: child ratios and group sizes (together with other important structural features of ELCC programs, especially staff education for the work in post-secondary ECE programs) that back our firm opposition to these changes in detail in our online BRIEFing NOTE at <http://childcarecanada.org/publications/briefing-notes/16/03/proposed-changes-child-care-regulations-ontario-2016>.

To summarize the main points:

- a) It is quality that determines whether child care is beneficial or negative for young children. That is, high quality is what makes child care “educational” (in the broad sense) rather than “institutional” or negative.
- b) Both ratios and group sizes are of key importance in quality, especially for younger, preschool-age groups.
- c) Staff training in ECE at PSE level is also key but is not a trade-off for ratios and group sizes.
- d) Ratios and group sizes also have an impact on children through their impact on staff—on working conditions and key human resource factors such as staff morale, recruitment, retention and turnover—which all, in turn, are shown to influence quality as experienced by children.
- e) The ratio and group size regulations proposed would make Ontario one of the worst jurisdictions in Canada on these characteristics.

- f) They proposed regulations exceed recommended ratios and group sizes considerably, even those proposed for new infant rooms (up to 12 months).
- g) Context is important, so making direct general comparisons with European child care, with their less privatized, better funded, better trained and supported environment, is not generally appropriate. For example, in many European countries, the staff working with the children are not expected to be cooking and serving meals and providing general cleaning, as they are in many Ontario child care centres.

Other changes to the regulations

The review has generated a number of other proposed changes to the regulations and processes, also with limited rationales and evidence. At this time, CRRU would like to recommend that all of these deserve more serious treatment than they have had the benefit of receiving: the four concerns we state at the beginning apply to the list, to which we do not have the time to do justice. We are also confident that others in the community will have addressed these. In particular, CRRU would like to especially object to a) the list of proposed Qualification Requirements and b) the Registry of Unregulated Providers (identified as “Novel Policy Approaches and Concepts”).

The latter is not novel: registries of unregulated child care providers have been proposed in Ontario since the first Ontario child care policy paper: *Day care policy: Background paper* (1981) included them in “initiatives to improve informal child care”. These have rejected again and again, based on concerns about legal liability and concerns about blurring the lines between regulated child care, where parents can be assured of public oversight, and unregulated child care, where they cannot be. Relevant research on parents’ knowledge of child care’s regulatory status identifies parents’ confusion about regulated and unregulated child care already, thus, CRRU objects to adding to this lack of clarity with a “registry”.

Surely in 2020, regulation should be a starting place for quality child care in Ontario, not something we have to fight for.

In summary

The Childcare Resource and Research Unit urges the Ontario government to understand the importance of these points. We call on the Ontario government to abandon these changes. The five year review of Ontario’s child care should be part of putting in place an evidence-based, consultative, transparent policy process with the explicit aim of developing a strategy for putting in place an accessible, affordable, high quality system of early learning and child care for all.

