



Backgrounder

Child Care Modernization Act

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The Day Nurseries Act is 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 reality of child care or the needs of families today.

Legislation

If passed, the Child Care Modernization Act would 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 would 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.
- Preventing individuals convicted of certain crimes from providing child care.
- Better information sharing 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.

- Increasing the maximum penalties for successful prosecution of offences in the court system from \$2,000 up to a maximum of \$250,000.

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

Under the act, the number of children that licensed home child care providers could care for would increase from five to six. If all current licensed home child care providers took on one additional space, they would create approximately 6,000 new child care spaces.

Unlicensed child care providers would still be permitted to care for a maximum of five children, but they would have to follow the same rules as licensed providers for relevant age groupings and count their own children under the age of six toward the maximum number of children permitted in care.

3) Clarify programs that do not require a license

Certain types of care would 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. Authorized recreation programs caring for children six years of age and older would also be exempt from licensing.

Informal child care providers who care for no more than five children would also not require a licence.

4) Quality

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

If passed, the proposed legislation would also amend the Education Act to ensure school boards offer before- and after-school programs for 6 to 12 year olds where there is sufficient demand. Programs could be delivered directly by boards, by third party delivery child care providers, or by authorized recreation providers.

Amendments to the Early Childhood Educators Act are also proposed based on advice received through the statutory review of the act and to

align with recent amendments to the Ontario College of Teachers Act as part of Bill 103, the Protecting Students Act. This includes the authority to accredit 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.

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