

May 17, 2019

Regulatory Registry Feedback  
c/o Early Years & Child Care Division, Ministry of Education  
315 Front Street West, 11<sup>th</sup> Floor  
Toronto, Ontario M7A 0B8

To Whom It May Concern,

Please accept our submission in response to the Regulatory Registry Consultation Document regarding Proposed Regulatory Amendments under the *Child Care and Early Years Act, 2014* and the *Education Act*.

**The Association of Early Childhood Educators Ontario (AECEO) is the professional association for Registered Early Childhood Educators (RECEs) in Ontario.**

*The Association of Early Childhood Educators Ontario (AECEO) is the professional association for Early Childhood Educators (ECEs) in Ontario. We support ECEs in their professional practice and advocate for recognition and appropriate compensation for early childhood professionals, so they can provide high quality programs for children and families. Well educated, well paid and competent Early Childhood Educators are fundamental to high quality early years and child care programs that support children and families across the province. Our members work throughout Ontario in programs for young children and their families, including home based and centre based child care, full-day kindergarten, EarlyON programs and as Resource Consultants who provide services and support for children and families with disabilities.*

*The AECEO also advocates for a high quality, publicly funded Early Childhood Education and Care (ECEC) system that serves children from 0 – 12 years old, one that provides professional wages and working conditions for the ECE workforce. We believe the Ontario government has a critical role to play in funding and planning the ECEC system, and a responsibility to ensure that Ontario's children and families have access to quality services and that ECEs are well-compensated for the socially valuable work they do.*

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**Regulatory Registry Consultation: Proposed Regulatory Amendments under the  
*Child Care & Early Years Act, 2014 & Education Act***

The AECEO appreciates the need for on-going stakeholder collaboration and the opportunity to be included in this consultation. We also appreciate the Ministry of Education's consideration of our recommendations.

**A. Reducing Red Tape & Administrative Burden**

***A1. Serious Occurrences – Annual Analysis***

The regulatory change proposed to subsection 38(2) of O. Reg. 137/15 (General) of the *Child Care and Early Years Act, 2014* would remove the requirement of a licensee of a child care premises to 'conduct an annual analysis of all serious occurrences (e.g. abuse, neglect, life threatening illnesses, etc.) that occurred in the previous year at each child care centre and home child care overseen by the licensee and the retention of records of the actions taken in response to the analysis'. Currently, reporting of a serious occurrence must be made to the Ministry of Education within 24 hours of the licensee becoming aware of the occurrence. Ministry program

advisors follow up and a digital record of the occurrence is kept in the electronic Child Care Licensing System; both the licensee and the Ministry program advisor have access.

This change threatens the short- and long-term safety of children. Conducting an annual analysis of all serious occurrences in the previous year and keeping records of the actions taken in response to that annual analysis is *not* duplicate work. An annual analysis is vital as it provides the licensee with the opportunity to review centre policies and procedures to ensure that they are adequate in addressing occurrences so that changes can be made if necessary. A record of those changes (or no changes) as well as the reasons for the changes and who was involved is also key. An annual analysis and record keeping of the actions resulting from that analysis are in no way administratively burdensome. *This is not the same work as reporting the occurrence within 24 hours, follow-up by a Ministry advisor, and the keeping digital records.*

Additionally, Registered Early Childhood Educators are bound by their professional Code of Ethics and Standards of Practice which obligates them to report occurrences that may indicate that a child is in need of protection<sup>1</sup>. Some serious occurrences may give rise to a duty to report. Therefore, the annual analysis of occurrences and record of actions taken is imperative for the overall health and safety of children in care as well as prevention of future occurrences.

## **B. Increasing Choice & Availability for Families**

### ***B1. Family Age Groupings – Staff-to-Child Ratios***

The regulatory change proposed to section 8.1 of O. Reg. 137/15 (General) of the *Child Care and Early Years Act, 2014* would allow one staff member, in a licensed family age group in a child care centre, to care for three children under two years of age, as well as the additional allowable children over the age of two (for a total group size of six children per educator). This change would align with the Bill 66 legislative amendments to the CCEYA for home care providers (licensed and unlicensed).

The AECEO's position, as with the Bill 66 amendments, is that this change to ratios of allowable children under two years of age threatens the safety of the entire group of children. The educator's time and attention will be compromised, therefore significantly reducing safety as well as the quality of engagements, interactions, and responsive relationships between the educator and individual children. This is crucial not only to a young child's emotional and social well being, but also to the emotional well being of a parent who feels they have no alternative to this type of care arrangement.

We are deeply concerned that one of the government's answers to creating child care capacity is to increase the burden of responsibility on an already unsustainable, overburdened and devalued Early Childhood Education workforce. Registered Early Childhood Educators deserve and have the right to decent working conditions; changing age ratios does not support the principles of decent work<sup>2</sup>.

The AECEO believes that it is the government's responsibility to build child care capacity ("availability") and that it can be achieved through proper system planning and public funding. This is in the best interest of Ontario's children and families.

### ***B3. Third Party Programs Providing Before & After School Care***

The regulatory change proposed to subsection 27(3) of O. Reg. 221/11 (Extended Day and Third Party Programs) of the *Education Act* would allow the removal of ‘the requirement for school boards to prioritize agreements with third party programs that are not-for-profit or a municipality’.

Removing this restriction will allow authorized recreational and skill building programs, who are for-profit and do not necessarily employ Registered Early Childhood Educators, the same opportunity to provide before and after school programs in schools to children as young as four years of age, as not-for-profit programs who employ RECEs.

The AECEO’s vision is for all of Ontario’s children and families to have access to universal, high quality early learning and care programs. This vision is founded on the assumption that early learning and care is a public good and a human right, not a market commodity or business opportunity. Leaving the education and care of young children up to market competition in this way - by promoting fee competition for before and after school program operators and permitting individuals without Early Childhood Education credentials (or other child related pre-service training) - does not align with what the AECEO believes is in the best interest of Ontario’s children and families.

We know from academic research and empirical evidence that this regulatory change will negatively impact quality and standards of learning and care. Ontario RECEs have specialized knowledge of child development and pedagogy in the early years; they create rich, inclusive, learning and care environments that emphasize inquiry based experiences. Before and after school programs should be led by well-educated and well-compensated RECEs<sup>2</sup>.

In fact, recreational and skill-building programs are not, according to the CCEYA definition, child care. We are disappointed that this is one of the government’s answers to the shortage of child care spaces and lack of viable care options for parents.

The AECEO recommends that the Ministry of Education consider methods that lead to the creation of children’s before and after school programs that provide high quality care and education as well as positions for RECEs with professional pay in a workplace that promotes decent work principles<sup>2</sup>.

### ***B5. Authorized Recreational & Skill-Building Programs – Extended Day & Third Party Programs***

As above (see B3. Third Party Programs Providing Before and After School Care), young children, including kindergarten children, require the specialized early years learning and care that Registered Early Childhood Educators provide.

Authorized recreational and skill-building third party programs are not designed to provide the on-going, inclusive, high standard of care that kindergarten aged children require, and receive, from licensed child care centres or school boards that employ RECEs. This is because, as noted above, recreational and skill-building programs are not, according to the CCEYA definition, child care.

The AECEO acknowledges that improvements are always possible in the education system - and we emphasize that governmental changes to policy and process should be based on the highest quality research evidence, careful analyses of empirical data, and thorough comprehensive consultation. We appreciate the need for on-going stakeholder collaboration and the opportunity to be included in the Regulatory Registry Consultation regarding Proposed Regulatory Amendments under the *Child Care and Early Years Act, 2014* and the *Education Act*.

We urgently call on the government to reconsider the regulatory changes to the *Child Care & Early Years Act, 2014* and the *Education Act* as proposed above. It is imperative that early learning and care be viewed as a human right, as upheld by the UN Convention on the Rights of the Child, not a market commodity or business opportunity. Ontario's children should have access to publicly funded, universally accessible learning and care programs led by well-compensated and supported Registered Early Childhood Educators<sup>2</sup>.

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<sup>1</sup>College of Early Childhood Educators (2017). Code of ethics and standards of practice: For Registered Early Childhood Educators in Ontario. Retrieved from [https://www.college-ece.ca/en/Documents/Code\\_and\\_Standards\\_2017.pdf](https://www.college-ece.ca/en/Documents/Code_and_Standards_2017.pdf)

<sup>2</sup>Association of Early Childhood Educators Ontario (2017). Transforming work in Ontario's early years and child care sector: workforce strategy recommendations prepared by the decent work task force. Retrieved from: [http://www.aeceo.ca/transforming\\_work\\_in\\_ontario\\_s\\_early\\_years\\_and\\_child\\_care\\_sector](http://www.aeceo.ca/transforming_work_in_ontario_s_early_years_and_child_care_sector)