

# Child Care and Early Years Act, 2014

## ONTARIO REGULATION 137/15

### GENERAL

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*This is the English version of a bilingual regulation.*

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#### **PART I**

#### **INTERPRETATION AND APPLICATION OF ACT**

##### **Definitions**

1. (1) In this Regulation,

“child care centre for children with special needs” means a child care centre that is licensed by the Minister to provide services only for children with special needs; (“centre de garde pour enfants ayant des besoins particuliers”)

“child with medical needs” means a child who has one or more chronic or acute medical conditions such that he or she requires additional supports, accommodation or assistance; (“enfant ayant des besoins médicaux”)

“child with special needs” means a child whose cognitive, physical, social, emotional or communicative needs, or whose needs relating to overall development, are of such a nature that additional supports are required for the child; (“enfant ayant des besoins particuliers”)

“individualized plan” means,

(a) an individualized plan required under section 39 for a child with an anaphylactic allergy,

(a.1) an individualized plan required under section 39.1 for a child with medical needs, and

(b) an individualized support plan required under section 52 for a child with special needs; (“plan individualisé”)

“inspector” means an inspector appointed under section 28 of the Act; (“inspecteur”)

“integrated child care centre” means a child care centre that is licensed by the Minister to provide services for both children with special needs and children who do not have special needs; (“centre de garde intégré”)

“licensed age group” means a group of children at a child care centre, where the group is in a specified age category set out in Schedule 1 or 3 for which a licensee is licensed to provide child care at the child care centre, and the terms “licensed infant group”, “licensed toddler group”, and so on, have corresponding meanings; (“groupe d’âge autorisé”)

“licensed capacity” means the maximum number of children, including the number in each age category, allowed to be receiving child care in the child care centre at one time as set out in the licence of the child care centre; (“capacité autorisée”)

“licensed family age group” is a group of children, whether or not from the same family, for which a licensee is licensed to provide child care at a child care centre in accordance with section 8.1; (“groupe autorisé de regroupement familial”)

“mixed-age grouping” means placing, within a licensed age group, children whose age does not fall within the age range specified for the age category of the licensed age group, as set out in Schedule 1; (“regroupement d’enfants d’âge mixte”)

“program adviser” means a person designated under section 68 of the Act; (“conseiller en programmes”)

“qualified employee” means a person described in section 54; (“employé qualifié”)

“regulated health professional” means a health practitioner whose profession is regulated under the *Regulated Health Professions Act, 1991*; (“professionnel de la santé réglementé”)

“serious occurrence” means,

(a) the death of a child who received child care at a home child care premises or child care centre,

(b) abuse, neglect or an allegation of abuse or neglect of a child while receiving child care at a home child care premises or child care centre,

- (c) a life-threatening injury to or a life-threatening illness of a child who receives child care at a home child care premises or child care centre,
- (d) an incident where a child who is receiving child care at a home child care premises or child care centre goes missing or is temporarily unsupervised, or
- (e) an unplanned disruption of the normal operations of a home child care premises or child care centre that poses a risk to the health, safety or well-being of children receiving child care at the home child care premises or child care centre. (“incident grave”) O. Reg. 137/15, s. 1 (1); O. Reg. 126/16, s. 1; O. Reg. 51/18, s. 1.

(2) Despite the definition of a “child with special needs” in subsection (1), nothing in this Regulation shall be interpreted as prohibiting a person with special needs who is older than 13 years but younger than 18 years from receiving a service set out in subsection 6 (1) of Ontario Regulation 138/15 (Funding, Cost Sharing and Financial Assistance) made under the Act.

**Exemptions: recreational and academic activities**

2. (1) The following factors shall be considered, as may be relevant, when ascertaining the primary purpose of a program or service described in paragraph 7 or 8 of subsection 4 (1) of the Act for the purpose of determining whether the program or service is provided in exempt circumstances:

- 1. The schedule of operation for the program or service, including the time of the year, the days of the week, the times of the day and the number of hours each day that the program is operated.
- 2. The ages of the children in the program or service.
- 3. Whether the program or service provides or organizes transportation for children to or from the program.
- 4. Whether the type of facility in which the program or service is held and the furnishings and equipment used for the program or service are suitable and intended for the purpose described in the paragraph.
- 5. The content of the program or service and the portion of time dedicated to the purpose described in the paragraph.
- 6. Whether the registration and administration for the program or service is coordinated with the registration and administration for one or more other programs or services offered by the same provider.

(1.1) A program or service described in paragraph 7 of subsection 4 (1) of the Act is not provided in exempt circumstances for the purposes of subsection 4 (1) of the Act if it is provided,

- (a) by a private school (within the meaning of the *Education Act*); or
- (b) as part of a camp that,
  - (i) is not operated for more than 13 weeks in a calendar year,
  - (ii) is not operated on days on which instruction is typically provided for pupils enrolled in schools, and
  - (iii) provides care or supervision every weekday for at least two hours each day. O. Reg. 126/16, s. 2 (1).

(2) A program or service described in paragraph 8 of subsection 4 (1) of the Act is provided in exempt circumstances for the purposes of subsection 4 (1) of the Act only if,

- (a) the program or service is operated for children who are four years old or older or, if the care or supervision is provided on or after the first day of school in a calendar year, will attain the age of four in that year;
- (b) the program or service is not operated on the days and during the times when school is typically operated by a school board; and
- (c) the primary purpose of the program or service, as ascertained in accordance with subsection (1), is not to provide temporary care for or supervision of children but rather to assist children with academic studies and skills. O. Reg. 137/15, s. 2 (2); O. Reg. 126/16, s. 2 (2).

**Other exemptions**

3. (1) Care or supervision that is provided as follows is prescribed, for the purposes of paragraph 11 of subsection 4 (1) of the Act, as an activity that is provided in exempt circumstances:

**preparation for JK**

- 1. Care or supervision that is provided as part of,
  - i. a program or service operated by a school board, a person with the written approval of a school board or by a child and family program, or
  - ii. a program administered by a First Nation, by the Government of Canada for First Nation children or by a person with the written approval of a First Nation or the Government of Canada,
 and the program or service,

- iii. prepares children for entry into junior kindergarten,
- iv. is provided only for pupils who are enrolled, or eligible to be enrolled, to begin junior kindergarten in a school within 12 months after the day the program or service starts, and
- v. is operated for no more than 7.5 hours per week or 72 hours in total.

**nutrition program**

- 2. Care or supervision that is provided as part of a program or service where,
  - i. the purpose of the program or service is to provide children with a nutritious meal or snack to help ensure that the children will be well-nourished and ready to learn, and
  - ii. the program or service is operated for children in partnership with the children’s school, a child and family program or an entity that is funded publicly or by a community organization.

**service provided by regulated health professionals**

- 3. Care or supervision that is part of a service for children with special needs that is provided by, or under the supervision of, a regulated health professional who is acting within the scope of his or her practice.
- 4. REVOKED: O. Reg. 137/15, s. 92 (1).

**Protecting Child Performers Act, 2015**

- 5. Care or supervision that is provided as part of a program or service for child performers when the child is at the workplace in accordance with the *Protecting Child Performers Act, 2015*.

**Social services or health-related services**

- 6. Care or supervision that is provided as part of a program or service where,
  - i. the purpose of the program or service is to permit a parent of a child to have access to training, education, social or health services delivered by a community or health-related organization, and such services are provided on the same premises where the care or supervision is provided to the child,
  - ii. a parent of the child receiving the care or supervision remains on the premises throughout the time the care or supervision is provided, and
  - iii. a parent of a child receiving the care or supervision is readily available to attend to the child if required. O. Reg. 137/15, s. 3 (1), 92 (1). O. Reg. 126/16, s. 3; O. Reg. 51/18, s. 2 (1, 2).

(2) In this section,

“child and family program” means a program or service funded by the Ministry that promotes early learning and child development and supports parents and other individuals in their caregiving role. O. Reg. 51/18, s. 2 (3)

**Authorized recreational and skill building programs**

**3.1** Subsection 6 (1) of the Act does not apply in respect of the provision of child care if the child care is provided as part of a program that meets the criteria set out in paragraphs 1 to 4 of subsection 6 (4) of the Act and the following criteria:

- 1. The program operates on weekdays for no more than one period of three or fewer consecutive hours each day.
- 2. The program is,
  - i. operated by the local service system manager, a municipality, a school board, a First Nation or the Métis Nation of Ontario,
  - ii. part of Ontario’s After School Program funded by the Ministry of Tourism, Culture and Sport,
  - iii. operated by a member of YMCA Canada or by a member of Boys and Girls Clubs of Canada,
  - iii.1 operated by a member of a provincial sport organization or multi-sport organization recognized by the Ministry of Tourism, Culture and Sport, where the program’s activities are related to the sport or sports promoted by the organization,
  - iv. operated by an agency or attraction of the Ministry of Tourism, Culture and Sport,
  - v. authorized by the local service system manager to offer child care in their service area provided that the program can demonstrate to the local service system manager that it offers programming that supports the health, safety, and well-being of children, or
  - vi. authorized by a First Nation to offer child care on their territory provided that the program can demonstrate to the First Nation that it offers programming that supports the health, safety and well-being of children. O. Reg. 126/16, s. 4 (2); O. Reg. 274/16, s. 1 (2); O. Reg. 51/18, s. 3.

**Counting children for home child care and unlicensed child care**

4. (1) The following is prescribed for the purposes of paragraph 2 of subsection 6 (5) of the Act as a criterion that must be met by the child care provider in order for the provider's own children not to be counted under that paragraph:

1. The child care provider has not been convicted of any offence under the *Child Care and Early Years Act, 2014* or the *Day Nurseries Act*.

(2) For the purposes of subparagraphs 2 i and ii of subsection 6 (5) of the Act, the children described in those provisions shall be counted on weekends and for any part of a weekday that is before 6 a.m. or after 7 p.m.

(3), (4) REVOKED: O. Reg. 137/15, s. 92 (2).

(5) For the purposes of subparagraphs 1 i and 2 i of subsection 6 (3) of the Act, children shall not be counted as follows:

1. A child who is 8 or 9 years old on August 31, 2015, shall not be counted on and after the day he or she turns 10 years old.

2. A child who is 10, 11 or 12 years old on August 31, 2015, shall not be counted at any time.

5. REVOKED: O. Reg. 137/15, s. 92 (3).

**PART II  
OPERATION OF CHILD CARE CENTRES AND HOME CHILD CARE**

**GENERAL**

**Licensee responsible**

6. (1) Subject to subsections (2) and (3), every licensee shall be responsible for the operation and management of each child care centre or home child care agency it operates, including the program, financial and personnel administration of each such child care centre or home child care agency.

(2) A licensee may appoint a person who shall be responsible to the licensee for the day-to-day operation and management of each child care centre or home child care agency in accordance with subsection (1).

(3) Where a licensee or a person appointed under subsection (2) is absent, the powers and duties of the licensee or the person appointed under subsection (2) shall be exercised and performed by such person as the licensee designates.

(4) Every licensee of a child care centre shall employ a supervisor, who shall be a person described in section 53, who shall plan and direct the program of the child care centre, be in charge of the children, oversee the staff and who shall be responsible to the licensee.

(5) Every licensee of a home child care agency shall employ at least one home child care visitor, who shall be a person described in section 56, who shall provide support at and monitor each premises where the licensee oversees the provision of home child care, and who shall be responsible to the licensee. O. Reg. 126/16, s. 5.

**Implementation and review of policies, procedures and individualized plans**

6.1 (1) Every licensee shall ensure that the policies, procedures and individualized plans it is required to have under this Regulation are implemented at each child care centre it operates and at each premises where it oversees the provision of home child care. O. Reg. 126/16, s. 6.

(2)-(6) REVOKED: O. Reg. 51/18, s. 4 (1).

(7) Every licensee of a child care centre or home child care agency shall have written policies and procedures that set out,

(a) how compliance with the policies, procedures and individualized plans will be monitored on an ongoing basis, recorded and addressed; and

(b) how contraventions of the policies, procedures and individualized plans will be monitored on an ongoing basis, recorded and addressed. O. Reg. 126/16, s. 6; O. Reg. 51/18, s. 4 (2).

(8) Every licensee shall ensure that records of compliance or contraventions are kept in accordance with section 82. O. Reg. 126/16, s. 6.

**RATIOS OF EMPLOYEES TO CHILDREN AND GROUP SIZE**

**Age categories**

7. (1) In this Part, a reference to a child by an age category name, such as "infant", "toddler" and so on, means a child whose age is within the age range set out in Schedule 1 for that age category. O. Reg. 126/16, s. 7 (2); O. Reg. 51/18, s. 5.

(2) Where this Part sets out different rules based on a child's age category or the age category of a licensed age group, the following applies in respect of children in a group in which mixed-age grouping is used:

1. If a rule is stated as applying to a licensed age group, or to a child in a licensed age group, the rule applies to each child in the group as if each child's age fell within the age range of the licensed age group.
2. If a rule is stated as applying to a child of a specific age or to a specific age category, the rule applies to a child in the group according to whether his or her actual age is the specified age or is within the age range for the age category. O. Reg. 126/16, s. 7 (1).

**7.1 REVOKED:** O. Reg. 51/18, s. 6.

**Ratios and maximum group sizes, child care centre**

**8.** (1) Every licensee shall ensure that in each child care centre it operates,

- (a) the children are placed in groups according to the age categories set out in Schedule 1 or 3;
- (b) every licensed age group includes only children whose age falls within the age category of the group, subject to subsection (2);
- (c) for every licensed age group, the requirements set out in Schedule 1 or 3 that are applicable for the age group respecting,
  - (i) the ratio of employees to children,
  - (ii) the maximum number of children in the group, and
  - (iii) the proportion of employees that must be qualified employees,

are satisfied, whether children are on the premises or during activities off the premises, unless otherwise approved by a director. O. Reg. 126/16, s. 9 (3); O. Reg. 51/18, s. 7 (1, 2).

(1.1) REVOKED: O. Reg. 51/18, s. 7 (3).

(2) A director may give approval for a child care centre to use mixed-age grouping for any licensed age group set out in Schedule 1. O. Reg. 126/16, s. 9 (3); O. Reg. 51/18, s. 7 (4).

(3) Despite clause (1) (c), where a director has approved the use of mixed-age grouping for a licensed age group, the requirements applicable to the group in the following situations respecting the matters mentioned in subclauses (1) (c) (i), (ii) and (iii) shall be determined as follows:

1. If a licensed toddler or preschool group,
  - i. includes no more than 20 per cent children from a younger age category, the requirements set out in Schedule 1 for toddlers or preschool children apply, and
  - ii. includes more than 20 per cent children from a younger age category, the requirements set out in Schedule 1 for the youngest child in the group apply.

2. REVOKED: O. Reg. 51/18, s. 7 (6).

3. If, in a licensed kindergarten group, no more than 25 per cent of the children are three years old, or if the child care is provided on or after the first day of school in a calendar year, will attain the age of three in that year, and all other children are kindergarten children, then the requirements set out in Schedule 1 for kindergarten children apply.

4. If, in a licensed primary/junior school age group, no more than 25 per cent of the children are kindergarten children, and all other children are primary/junior school age children, the requirements set out in Schedule 1 for primary/junior school age children apply.

5. If, in a licensed junior school age group, no more than 25 per cent of the children are 68 months or older but younger than nine years, and all other children are junior school age children, the requirements set out in Schedule 1 for junior school age children apply.

6. If a licensed kindergarten, primary/junior school age or junior school age group includes more than 25 per cent children from a younger age category, the requirements set out in Schedule 1 for the youngest child in the group apply. O. Reg. 126/16, s. 9 (3); O. Reg. 51/18, s. 7 (5-7).

(4) Despite subsections (1) and (3), the ratio of employees to children for a licensed age group may be reduced to less than that required under those subsections, in accordance with the following:

1. The reduced ratio shall not be less than two-thirds of the required ratio.
2. Subject to paragraphs 4 and 5, the reduced ratio may be in effect only during the periods of arrival and departure of children and during the rest period.
3. For the purposes of paragraph 2, the periods of arrival and departure are,

- i. for a child care centre that has a program that runs for six hours or more in a day, the 90-minute period after the program starts each day and the 60-minute period before the program ends each day; and
  - ii. for a child care centre that has a program that runs for less than six hours a day, the 30-minute period after the program starts each day and the 30-minute period before the program ends each day.
4. The reduced ratio shall not apply at any time in respect of a licensed infant group.
  5. The reduced ratio shall not apply during outdoor play periods. O. Reg. 274/16, s. 2; O. Reg. 51/18, s. 7 (8).
- (5) The rules respecting when a supervisor of a child care centre may be counted for the purposes of meeting the ratios required under this section are as follows:
1. If fewer than five full-time employees are required to meet the ratios, the supervisor may be counted as a full-time employee.
  2. If five or six full-time employees are required to meet the ratios, a full-time supervisor may be counted as a full-time employee for up to half the time a full-time employee is required to be on staff.
  3. If seven or more full-time employees are required to meet the ratios, the supervisor shall not be counted as an employee.
- (6) Every licensee shall ensure that, at each child care centre it operates, the following rules are satisfied regarding the attendance of adults:
1. Where fewer than six children who are not in a licensed infant group receive child care, there is at least one adult in attendance.
  2. Where six or more children who are not in a licensed infant group receive child care, there are at least two adults in attendance.
  3. Where fewer than four children in a licensed infant group receive child care, there is at least one adult in attendance.
  4. Where four or more children in a licensed infant group receive child care, there are at least two adults in attendance. O. Reg. 126/16, s. 9 (4); O. Reg. 51/18, s. 7 (9).
- (7) This section does not apply in respect of children in licensed family age groups. O. Reg. 126/16, s. 9 (4).

**Licensed family age groups**

**8.1** (1) A licensee may be licensed to provide child care for a licensed family age group that meets the following age requirements:

1. The group shall not include more than 15 children.
2. The group shall not include more than six children who are younger than 24 months. O. Reg. 126/16, s. 10.

(2) Every licensee that provides child care for a licensed family age group shall ensure that the requirements determined as follows respecting the number and qualifications of employees who provide child care to the licensed family age group are satisfied, whether children are on the premises or during activities off the premises:

1. Classify each child according to his or her age category, as set out in Schedule 4.
2. Determine the total number of children in each age category.
3. For each age category, multiply the number of children in the age category by the ratio set out in Column 2 of Schedule 4 opposite the age category, expressed as a decimal.
4. Find the total of the numbers determined under paragraph 3 for all age categories.
5. Round the number determined under paragraph 4 up to the nearest whole number.
6. The number determined under paragraph 5 is the minimum number of employees required to provide child care to the group, unless one of the following applies:
  - i. If there are more than six children, there must be at least two employees providing child care to the group.
  - ii. If there are more than 10 children and one or more children are younger than 12 months, there must be at least three employees providing child care to the group.
  - iii. If there are six or fewer children, and no more than two children are younger than 24 months, only one employee is required to provide child care to the group.
7. The number of employees determined under paragraph 6 that must be qualified employees is,
  - i. if fewer than three employees are required under paragraph 6, then at least one employee must be a qualified employee, and



- ii. if three or more employees are required under paragraph 6, then at least two of the employees must be qualified employees. O. Reg. 126/16, s. 10.

(3) If a licensed family age group includes children who are 44 months or older and, but for such children, the number of employees determined under paragraph 6 of subsection (2) would be lower, then the greater number of employees is required only when such children are present. O. Reg. 126/16, s. 10.

#### **Home child care group sizes**

**9.** (1) Every licensee shall ensure that the number of children receiving child care, including the children of the home child care provider, in each premises where the licensee oversees the provision of home child care does not exceed the number specified in the Act.

(2) Every licensee shall establish a maximum capacity in accordance with the Act for each premises where the licensee oversees the provision of home child care and this capacity shall be set out in the agreement between the licensee and the home child care provider.

(3) Every licensee shall, before placing a child at a premises where the licensee oversees the provision of home child care, consider whether the placement would provide safe accommodation for the child and for any children already at the premises, and for that purpose shall consider the following:

1. The ages of the children in the group.
2. Any special needs of the children in the group.
3. The ability of each child to evacuate independently in an emergency.
4. The experience and qualifications of the home child care provider.
5. The physical environment of the premises, including the total amount and distribution of space in the premises.

#### **Resource teacher**

**10.** (1) A licensee of an integrated child care centre or home child care agency may employ a resource teacher to plan and implement individual and small group experiences for children with special needs who receive child care in the child care centre or at a premises where the licensee oversees the provision of home child care, and in respect of whom funds are provided under the Act. O. Reg. 126/16, s. 11 (1).

(2) A resource teacher shall not be included when calculating the number of employees required to meet the ratio under section 8. O. Reg. 137/15, s. 10 (2); O. Reg. 126/16, s. 11 (2).

#### **Supervision by adult at all times**

**11.** Every licensee shall ensure that every child who receives child care at a child care centre it operates or at a premises where it oversees the provision of home child care is supervised by an adult at all times, whether the child is on or off the premises.

#### **Supervision of volunteers and students**

**11.1** (1) Every licensee shall ensure that every volunteer or student at a child care centre it operates or at a premises where it oversees the provision of home child care is supervised by an employee or home child care provider at all times and is not permitted to be alone with any child who receives child care at the child care centre or home child care premises. O. Reg. 126/16, s. 12.

(2) Every licensee shall ensure that there are written policies and procedures regarding volunteers and students that set out, at a minimum,

- (a) the requirement described in subsection (1);
- (b) the roles and responsibilities of the licensee and supervising employees; and
- (c) the roles and responsibilities of volunteers and students. O. Reg. 126/16, s. 12.

### **BUILDING, EQUIPMENT AND PLAYGROUND — CHILD CARE CENTRES**

#### **Child care centres in schools**

**12.** Clauses 13 (1) (d), (e) and (f), subsection 14 (2) and sections 15, 20, 21, 22 and 24 do not apply to a child care centre, or part of a child care centre, if the centre or part is located in a school and is licensed to provide child care only for children in licensed kindergarten, primary/junior school age or junior school age groups.

#### **Compliance with health and safety standards, Building Code, Fire Code, etc.**

**13.** (1) Every person who applies for a licence to operate a child care centre under section 20 of the Act shall at the time of application file with a director evidence that the premises to be used as a child care centre complies with,

- (a) the laws affecting the health of inhabitants of the municipality or of the reserve of a First Nation, as the case may be;

- (b) any rule, regulation, direction or order of the local board of health and any direction or order of the local medical officer of health that may affect the provision of child care;
- (c) any by-law of the municipality or any by-law of the council of the First Nation on the reserve, as the case may be, and any other law for the protection of persons from fire hazards;
- (d) any building by-law passed by the municipality pursuant to the *Planning Act* or any predecessor of that Act and any by-law of the council of the First Nation on the reserve to regulate the construction, repair or use of buildings;
- (e) the requirements of Ontario Regulation 332/12 (Building Code) made under the *Building Code Act, 1992*, where applicable;
- (f) the requirements of Ontario Regulation 213/07 (Fire Code) made under the *Fire Protection and Prevention Act, 1997*, where applicable; and
- (g) the requirements of the *Safe Drinking Water Act, 2002*, where applicable.

(2) Every licensee who applies for the renewal or revision of a licence to operate a child care centre shall file any evidence that the director may require that the premises used as a child care centre complies with the matters listed in subsection (1). O. Reg. 137/15, s. 13 (2); O. Reg. 126/16, s. 13.

**Approval by director of plans re child care centre**

**14.** (1) Where a person proposes that a new building be erected or an existing building be used, altered or renovated for use as a child care centre or that alterations or renovations be made to premises used as a child care centre, the person shall not commence the erection, use, alteration or renovation until plans are approved by a director, except where the plans are approved by the Minister under section 22 of Ontario Regulation 138/15 (Funding, Cost Sharing and Financial Assistance) made under the Act.

(2) The plans referred to in subsection (1) shall include space designated for each item listed in subsections 15 (1) and (3).

**Designated spaces**

**15.** (1) Every licensee shall ensure that each child care centre it operates includes space designated for each of the following:

- 1. Washing, dressing and toileting.
- 2. Storage for toys, indoor play materials and equipment.
- 3. Storage for food.
- 4. Storage of required records.
- 5. Storage for medical supplies, cleaning materials and equipment and other poisonous or hazardous substances.
- 6. Heating and electrical equipment. O. Reg. 137/15, s. 15 (1); O. Reg. 51/18, s. 8 (1).

(2) Every licensee shall ensure that the spaces in each child care centre it operates that are referred to in paragraphs 5 and 6 of subsection (1), and the items kept in those spaces, are inaccessible to children. O. Reg. 51/18, s. 8 (2).

(3) A licensee that operates a child care centre that has a program that runs for six hours or more in a day shall ensure that in addition to the spaces referred to in subsection (1) the child care centre has space designated for each of the following:

- 1. Eating and resting.
- 2. The preparation of food, if meals are prepared on the premises.
- 3. Storage for beds and linen.
- 4. A staff rest area.
- 5. Storage for outdoor play equipment.
- 6. Office area.
- 7. Outdoor play.

**Play activity space**

**16.** (1) Subject to subsections (2) and (3), every licensee of a child care centre shall ensure that each child care centre it operates has play activity space of at least,

- (a) 2.8 square metres of unobstructed floor space for each child in a licensed infant, toddler, preschool or family age group, based on the licensed capacity; and
- (b) 2.58 square metres of unobstructed floor space for each child in a licensed kindergarten, primary/junior school age or junior school age group, based on the licensed capacity. O. Reg. 126/16, s. 14 (1); O. Reg. 51/18, s. 9 (1, 2).

(2) A director may approve a smaller amount of space than required under clause (1) (b) for a child care centre located in a school, provided that the room or area to be used by a licensed age group is used by the school for children who are the same age as the age category of the licensed age group.

(3) In the case of a child care centre for children with special needs,

(a) the play activity space referred to in subsection (1) shall be at least five square metres of unobstructed floor space for each child based on the licensed capacity; and

(b) at least one room shall be provided for every group of up to 12 children, with no room containing more than 12 children.

(4) REVOKED: O. Reg. 51/18, s. 9 (3).

#### **Play activity rooms**

**17.** (1) Every licensee of a child care centre, except a child care centre for children with special needs, shall ensure that in each child care centre it operates,

(a) each licensed infant group has a separate play activity room and a separate sleeping area that is separated from any play activity area;

(a.1) REVOKED: O. Reg. 51/18, s. 10 (1).

(b) each licensed toddler group has a separate play activity room;

(c) each licensed preschool group has a separate play activity room;

(d) each licensed kindergarten, primary/junior school age or junior school age group has a separate play activity area, unless otherwise approved by a director; and

(e) each licensed family age group has a separate play activity room and, if the group requires cribs or cradles, has a separate sleeping area that is separated from any play activity area. O. Reg. 137/15, s. 17 (1); O. Reg. 126/16, s. 15 (1-3); O. Reg. 51/18, s. 10 (1).

(2) REVOKED: O. Reg. 51/18, s. 10 (2).

#### **Resource area**

**18.** Every licensee of an integrated child care centre that provides child care for children with special needs shall ensure that each such child care centre it operates has one room or area set aside as a resource area for individual and small group experiences.

#### **Play materials, equipment and furnishings**

**19.** (1) Every licensee shall ensure that play materials in each child care centre it operates are,

(a) provided in numbers that are adequate to serve the licensed capacity of the child care centre;

(b) of sufficient variety to allow for rotation of the play materials in active use;

(c) available and accessible to the children throughout the day;

(d) of such type and design to allow the children to make choices and to encourage exploration, play and inquiry; and

(e) appropriate to support the learning and development of each child.

(2) Every licensee shall ensure that the following equipment and furnishings are provided in each child care centre it operates:

1. A table or counter space that is adjacent to a sink and suitable for dressing or changing the diaper of one child at a time for every licensed infant group, toddler group or family age group.

2. REVOKED: O. Reg. 51/18, s. 11 (2).

3. Bedding for use during rest periods for each child who receives child care for six hours or more.

4. A cradle or crib for each child who,

i. is younger than 18 months, or

ii. is younger than 12 months and is in a licensed family age group.

5. A crib or cot, in accordance with any written instruction from the child's parent, for each child in a licensed family age group who is 12 months or older but younger than 24 months and who receives child care for six hours or more.

6. A cot for each child in a licensed toddler group who receives child care for six hours or more.

7. Unless otherwise approved by a director, a cot for each child who receives child care for six hours or more and,

- i. is in a licensed preschool group, or
- ii. is 24 months or older but younger than five years and is in a licensed family age group. O. Reg. 137/15, s. 19 (2); O. Reg. 126/16, s. 16; O. Reg. 51/18, s. 11 (1-5).

(3) Every licensee shall ensure that the play materials, equipment and furnishings in each child care centre it operates are maintained in a safe condition and kept in a good state of repair, and that there is adequate storage available for the play materials. O. Reg. 137/15, s. 19 (3); O. Reg. 51/18, s. 11 (6).

#### **First- or second-storey**

**20.** Every licensee shall ensure that each room in each child care centre it operates that is for the use of licensed infant, toddler, preschool, kindergarten or family age groups or for the use of children with special needs is on or below the second storey, unless otherwise approved by a director. O. Reg. 137/15, s. 20; O. Reg. 126/16, s. 17; O. Reg. 51/18, s. 12.

#### **Window glass**

**21.** (1) Section 10 of Regulation 262 of the Revised Regulations of Ontario, 1990 (General), made under the Day Nurseries Act, as it read on the day before that Act was repealed, applies to every licensee of a child care centre that was licensed for the first time under the Day Nurseries Act after December 31, 1983 and that has a program that runs for six hours or more each day.

(2) Every licensee, other than a licensee to which subsection (1) applies, that has a program that runs for six hours or more each day shall ensure that the window glass area in each child care centre it operates complies with the requirements of Ontario Regulation 332/12 (Building Code) made under the *Building Code Act, 1992*.

#### **Artificial illumination**

**22.** Every licensee shall ensure that artificial illumination in each play activity room of each child care centre it operates is at the level of at least 55 dekalux.

#### **Temperature**

**23.** Every licensee shall ensure that the temperature in each child care centre it operates is maintained at a level of at least 20 degrees Celsius.

#### **Outdoor play space**

**24.** (1) Every licensee shall ensure that each child care centre it operates that has a program that runs for six hours or more in a day has an outdoor play space that is at least equivalent to 5.6 square metres for each child based on the licensed capacity, unless otherwise approved by a director.

(2) Where the licensed capacity of a child care centre is greater than 64 children, the outdoor play space referred to in subsection (1) may be divided into two or more areas by a fence to allow all the children to use the play space at one time, if each fenced-in area is not used for more than 64 children at one time.

(3) Every licensee shall ensure that the outdoor play space at each child care centre it operates,

- (a) is at ground level and adjacent to the premises, unless otherwise approved by a director;
- (b) if used by licensed infant, toddler, preschool or family age groups, is fenced to a minimum height of 1.2 metres and the fence is furnished with one or more gates that are securely closed at all times;
- (c) if used by a licensed kindergarten group, is fenced to a minimum height of 1.2 metres and the fence is furnished with one or more gates that are securely closed at all times, unless otherwise approved by the director; and
- (d) is designed so that the staff can maintain constant supervision of the children. O. Reg. 137/15, s. 24 (3); O. Reg. 126/16, s. 18 (1); O. Reg. 51/18, s. 13.

(4) Every licensee shall ensure that, at each child care centre it operates, any outdoor play space, fixed play structure or surfacing under those structures that is constructed or renovated on or after August 29, 2016 meets the requirements set out in the Canadian Standards Association standard CAN/CSA-Z614-14, "Children's playspaces and equipment", as amended from time to time. O. Reg. 126/16, s. 18 (2).

(5) Every licensee shall ensure that at each child care centre it operates,

- (a) a playground safety policy is developed that reflects the Canadian Standards Association standard mentioned in subsection (4) and indicates the roles and responsibilities of employees regarding safety on playgrounds;
- (b) daily, monthly and annual inspections of the outdoor play space, fixed play structures and surfacing are conducted in accordance with the requirements set out in the Canadian Standards Association standard mentioned in subsection (4);
- (c) a plan is developed on how issues or problems identified in a playground inspection will be addressed; and
- (d) a playground repair log is maintained. O. Reg. 126/16, s. 18 (2).

## BUILDING, EQUIPMENT AND PLAYGROUND — HOME CHILD CARE

### Compliance with health and safety standards

**25.** Every person who applies for a licence to operate a home child care agency under section 20 of the Act shall ensure that each premises the person oversees in which child care is to be provided complies with clauses 13 (1) (a), (b), (c) and (d).

### Home child care visitor

**26.** (1) Every licensee of a home child care agency shall ensure that before a premises is used as a premises where the licensee is to oversee the provision of home child care, the premises, including the outdoor play space, is inspected by a home child care visitor employed by the licensee to ensure compliance with the Act and this Regulation and, where the premises is so used, that further inspections are carried out without prior notice to the home child care provider, at least once in every quarter of each calendar year, and at such other times as the director may require.

(2) The home child care visitor shall use any checklist provided by the director in performing an inspection of a home child care premises.

(3) The licensee shall ensure that a record is made of each inspection conducted under subsection (1).

### Play materials, equipment and furnishings

**27.** (1) Every licensee shall ensure that there are written policies and procedures with respect to the provision of equipment in each premises where the licensee oversees the provision of home child care, and that the responsibilities of the licensee and each home child care provider in each such premises with respect to the equipment are contained in the written agreement referred to in subsection 75 (1). O. Reg. 137/15, s. 27 (1); O. Reg. 126/16, s. 19 (1).

(2) Every licensee shall ensure that play materials in each premises where the licensee oversees the provision of home child care are,

- (a) provided in numbers that are adequate to serve the number of children receiving child care at the premises;
- (b) of sufficient variety to allow for rotation of the play materials in active use;
- (c) available and accessible to the children throughout the day;
- (d) of such type and design to allow the children to make choices and to encourage exploration, play and inquiry; and
- (e) appropriate to support the learning and development of each child.

(3) Every licensee shall ensure that the following equipment and furnishings are provided in each premises where the licensee oversees the provision of home child care:

1. For each infant who receives home child care at the premises, a cradle, crib or playpen, and bedding.
2. For each child 18 months old up to and including five years old who receives home child care at the premises for six hours or more, a cot or bed and bedding unless otherwise approved by a director. O. Reg. 137/15, s. 27 (3); O. Reg. 126/16, s. 19 (2); O. Reg. 51/18, s. 14 (1).

(4) Every licensee shall ensure that the play materials, equipment and furnishings in each premises where the licensee oversees the provision of home child care are maintained in a safe condition and kept in a good state of repair. O. Reg. 137/15, s. 27 (4); O. Reg. 51/18, s. 14 (2).

### Temperature

**28.** Every licensee shall ensure that in each premises where the licensee oversees the provision of home child care, the temperature is maintained at a level of at least 20 degrees Celsius.

### Balconies

**29.** Every licensee shall ensure that in each premises where the licensee oversees the provision of home child care, no child who receives home child care at the premises is permitted to play on a balcony unless an adult is present on the balcony. O. Reg. 137/15, s. 29; O. Reg. 126/16, s. 20.

### Outdoor play

**30.** Every licensee shall ensure that outdoor play in each premises where the licensee oversees the provision of home child care is supervised in accordance with plans agreed upon by the home child care provider in that premises, a parent of each child receiving child care at the premises and a home child care visitor.

### Bodies of water

**30.1** (1) Every licensee shall ensure that in each premises where the licensee oversees the provision of home child care, no child under six years old who receives home child care at the premises is permitted to use or have access to any standing or recreational body of water on the premises. O. Reg. 126/16, s. 21.

(2) If a licensee that oversees the provision of home child care at a premises permits children who are six years old or older who receive home child care at the premises to use or have access to a standing or recreational body of water at the premises, the licensee shall,

- (a) ensure that, at all times when the children use or have access to the body of water, a lifeguard is present who meets the requirements of clauses 17 (6) (a) and (b) of Regulation 565 of the Revised Regulations of Ontario, 1990 (Public Pools) made under the *Health Protection and Promotion Act*; and
- (b) have written policies and procedures regarding children's use of and access to the body of water. O. Reg. 126/16, s. 21.

#### **Hazards**

**31.** Every licensee shall ensure that in respect of each premises where the licensee oversees the provision of home child care,

- (a) all poisonous and hazardous substances are inaccessible to children; and
- (b) all firearms and ammunition are locked up and the key, if any, is inaccessible to children.

### **HEALTH AND MEDICAL SUPERVISION**

#### **Medical officer of health directions, inspections**

**32.** (1) Every licensee shall ensure that any direction of a medical officer of health with respect to any matter that may affect the health or well-being of a child receiving child care at a child care centre the licensee operates is carried out by the staff of the child care centre. O. Reg. 51/18, s. 15.

(2) Every licensee shall ensure that, where a report is made by the local medical officer of health or any person designated by the local medical officer of health or the local fire department with respect to a child care centre operated by the licensee or a premises where it oversees the provision of home child care, one copy of the report is kept on the premises of the child care centre or home child care agency and another copy is sent immediately to a program adviser.

(3) Every licensee shall ensure that in respect of each child care centre it operates and each premises where it oversees the provision of home child care, a record is kept of all inspections made by any person referred to in subsection (2) and any inspector or program adviser, and that in the case of a child care centre any recommendations are recorded in the daily written record referred to in subsection 37 (1).

#### **Sanitary practices**

**33.** Every licensee shall ensure that there are policies and procedures with respect to sanitary practices in each child care centre it operates and in each premises where it oversees the provision of home child care. O. Reg. 137/15, s. 33; O. Reg. 126/16, s. 22.

#### **Sleep policies and supervision**

**33.1** (1) Every licensee shall ensure that a child who is younger than 12 months who receives child care at a child care centre it operates or at a premises where it oversees the provision of home child care is placed for sleep in a manner consistent with the recommendations set out in the document entitled "Joint Statement on Safe Sleep: Preventing Sudden Infant Deaths in Canada", published by the Public Health Agency of Canada, as amended from time to time, unless the child's physician recommends otherwise in writing. O. Reg. 126/16, s. 23.

(2) Every licensee shall ensure that, if child care is provided for a child who regularly sleeps at a child care centre the licensee operates or at a premises where it oversees the provision of home child care,

- (a) an employee or the home child care provider periodically performs a direct visual check of each sleeping child by being physically present beside the child while the child is sleeping and looking for indicators of distress or unusual behaviours;
- (b) there is sufficient light in the sleeping area or room to conduct direct visual checks; and
- (c) there are written policies and procedures at the child care centre or home child care premises with respect to sleep, and the policies and procedures,
  - (i) provide that children will be assigned to individual cribs or cots in accordance with this Regulation,
  - (ii) provide that parents will be consulted respecting a child's sleeping arrangements at the time the child is enrolled and at any other appropriate time, such as at transitions between programs or rooms or upon a parent's request,
  - (iii) provide that parents of children younger than 12 months will be advised of the licensee's obligation under subsection (1),
  - (iv) provide that parents of children who regularly sleep at the child care centre or home child care premises will be advised of the centre's or agency's policies and procedures regarding children's sleep,

- (v) provide that the observance of any significant changes in a child's sleeping patterns or behaviours during sleep will be communicated to parents and will result in adjustments to the manner in which the child is supervised during sleep, and
- (vi) include details regarding the performance of direct visual checks, including how frequently direct visual checks will be performed and how direct visual checks will be documented. O. Reg. 126/16, s. 23.

(3) In determining the matters described in clause (2) (c) (vi) in respect of children who are enrolled with a home child care agency and who receive child care at a home child care premises, the licensee shall consider parents' input, the sleep environment at the premises and the proximity of the sleeping area or room to the child care provider when the child is sleeping. O. Reg. 126/16, s. 23.

(4) Every licensee shall ensure that in each child care centre it operates that has a separate area or room for sleeping, there is a system in place to immediately identify which children are present in the area or room. O. Reg. 126/16, s. 23.

(5) Every licensee shall ensure that if electronic sleep monitoring devices are used at a child care centre it operates or at a premises where it oversees the provision of home child care,

- (a) each electronic sleep monitoring device is able to detect and monitor the sounds and, if applicable, video images, of every sleeping child;
- (b) the receiver unit of the electronic sleep monitoring device is actively monitored by employees at the child care centre or the home child care provider at all times;
- (c) each electronic sleep monitoring device is checked daily to ensure it is functioning properly; and
- (d) electronic sleep monitoring devices are not used as a replacement for the direct visual checks required under clause (2) (a). O. Reg. 126/16, s. 23.

#### **First-aid**

**34.** Every licensee shall ensure that there is a first-aid kit and first-aid manual that is readily available for first-aid treatment in each child care centre it operates and in each premises where it oversees the provision of home child care.

#### **Immunization**

**35.** (1) Every licensee shall ensure that before a child who is not in attendance at a school or private school, within the meaning of the *Education Act*, is admitted to a child care centre it operates or to a premises where it oversees the provision of home child care, and from time to time thereafter, the child is immunized as recommended by the local medical officer of health. O. Reg. 137/15, s. 35 (1); O. Reg. 126/16, s. 24 (1).

(2) Subsection (1) does not apply where a parent of the child objects to the immunization on the ground that the immunization conflicts with the sincerely held convictions of the parent's religion or conscience or a legally qualified medical practitioner gives medical reasons to the licensee as to why the child should not be immunized. O. Reg. 137/15, s. 35 (2); O. Reg. 126/16, s. 24 (2).

(3) Objections and medical reasons under subsection (2) shall be submitted in a form approved by the Minister. O. Reg. 126/16, s. 24 (3).

(4) An exemption under subsection (2) that was made before August 29, 2016 shall expire on September 1, 2017 unless a new objection or medical reasons are submitted in a form approved by the Minister before that date. O. Reg. 126/16, s. 24 (3).

#### **Child illness and accident**

**36.** (1) Every licensee shall ensure that a daily observation is made of each child receiving child care in each child care centre it operates and in each premises where it oversees the provision of home child care before the child begins to associate with other children in order to detect possible symptoms of ill health.

(2) Every licensee shall ensure that where a child receiving child care at a child care centre it operates or at a premises where it oversees the provision of home child care appears to be ill, the child is separated from other children and the symptoms of the illness noted in the child's records.

(3) Where a child is separated from other children because of a suspected illness, the licensee shall ensure that,

- (a) a parent of the child takes the child home; or
- (b) where it is not possible for a parent of the child to take the child home or where it appears that the child requires immediate medical attention, the child is examined by a legally qualified medical practitioner or a nurse registered with the College of Nurses of Ontario.

(4) Every licensee shall ensure that when a child receiving child care at a child care centre it operates or at a premises where it oversees the provision of home child care is injured,

- (a) an accident report is made describing the circumstances of the injury and any first aid administered; and

- (b) a copy of the report is provided to a parent of the child.

**Daily written record**

**37.** (1) Every licensee of a child care centre or home child care agency shall ensure that a daily written record is maintained that includes a summary of any incident affecting the health, safety or well-being of,

- (a) any child receiving child care at a child care centre operated by the licensee;
- (b) any staff at a child care centre operated by the licensee;
- (c) any child receiving child care at a premises where the licensee oversees the provision of home child care; or
- (d) any person providing child care at a premises where the licensee oversees the provision of home child care.

- (2) If an incident described in clause (1) (a) or (c) occurs, the licensee shall ensure that a parent of the child is notified.

**Serious occurrences**

**38.** (1) Every licensee shall ensure that,

- (a) there are written policies and procedures with respect to serious occurrences in each child care centre operated by the licensee and each premises where it oversees the provision of home child care, that address, at a minimum, how to identify, respond to and report a serious occurrence;
- (b) a report is provided to a program adviser of any serious occurrence in any child care centre operated by the licensee or any premises where it oversees the provision of home child care within 24 hours of the licensee or supervisor becoming aware of the occurrence;
- (c) a summary of the report provided under clause (b) and of any action taken as a result is posted for at least 10 business days in a conspicuous place at the child care centre or home child care premises; and
- (d) the summary of the report is kept in accordance with section 82. O. Reg. 137/15, s. 38; O. Reg. 126/16, s. 25 (1, 2); O. Reg. 51/18, s. 16.

(2) Every licensee of a child care centre or home child care agency shall,

- (a) conduct an annual analysis of all serious occurrences that occurred in the previous year at each child care centre operated by the licensee and at each premises where the licensee oversees the provision of home child care; and
- (b) keep records of the actions taken in response to the analysis. O. Reg. 126/16, s. 25 (3).

**Anaphylactic policy**

**39.** (1) Every licensee shall ensure that each child care centre it operates and each premises where it oversees the provision of home child care or in-home services has an anaphylactic policy that includes the following:

1. A strategy to reduce the risk of exposure to anaphylactic causative agents.
2. A communication plan for the dissemination of information on life-threatening allergies, including anaphylactic allergies.
3. Development of an individualized plan for each child with an anaphylactic allergy who,
  - i. receives child care at a child care centre the licensee operates, or
  - ii. is enrolled with a home child care agency and receives child care at a premises where it oversees the provision of home child care or in-home services.
4. Training on procedures to be followed in the event of a child having an anaphylactic reaction. O. Reg. 137/15, s. 39 (1); O. Reg. 126/16, s. 26 (1, 2).

(2) The individualized plan referred to in paragraph 3 of subsection (1) shall,

- (a) be developed in consultation with a parent of the child and with any regulated health professional who is involved in the child's health care and who, in the parent's opinion, should be included in the consultation; and
- (b) include a description of the procedures to be followed in the event of an allergic reaction or other medical emergency. O. Reg. 126/16, s. 26 (3).

(3) In this section,

“anaphylaxis” means a severe systemic allergic reaction which can be fatal, resulting in circulatory collapse or shock, and “anaphylactic” has a corresponding meaning.

**Children with medical needs**

**39.1** (1) Every licensee shall develop an individualized plan for each child with medical needs who,



- (a) receives child care at a child care centre it operates; or
  - (b) is enrolled with a home child care agency and receives child care at a premises where it oversees the provision of home child care or in-home services. O. Reg. 126/16, s. 27.
- (2) The individualized plan shall be developed in consultation with a parent of the child and with any regulated health professional who is involved in the child's health care and who, in the parent's opinion, should be included in the consultation. O. Reg. 126/16, s. 27.
- (3) The plan shall include,
    - (a) steps to be followed to reduce the risk of the child being exposed to any causative agents or situations that may exacerbate a medical condition or cause an allergic reaction or other medical emergency;
    - (b) a description of any medical devices used by the child and any instructions related to its use;
    - (c) a description of the procedures to be followed in the event of an allergic reaction or other medical emergency;
    - (d) a description of the supports that will be made available to the child in the child care centre or premises where the licensee oversees the provision of home child care or in-home services; and
    - (e) any additional procedures to be followed when a child with a medical condition is part of an evacuation or participating in an off-site field trip. O. Reg. 126/16, s. 27.
  - (4) Despite subsection (1), a licensee is not required to develop an individualized plan under this section for a child with an anaphylactic allergy if the licensee has developed an individualized plan for the child under section 39 and the child is not otherwise a child with medical needs. O. Reg. 126/16, s. 27.

**Administration of drugs or medications**

- 40.** (1) Where a licensee agrees to the administration of drugs or medications, the licensee shall ensure that,
- (a) a written procedure is established for,
    - (i) the administration of any drug or medication to a child receiving child care at a child care centre operated by the licensee or at a premises where it oversees the provision of home child care, and
    - (ii) the keeping of records with respect to the administration of drugs and medications, including those records required under the *Controlled Drugs and Substances Act* (Canada);
  - (b) all drugs and medications on the premises of a child care centre operated by the licensee or at a premises where it oversees the provision of home child care are,
    - (i) stored in accordance with the instructions for storage on the label,
    - (ii) administered in accordance with the instructions on the label and the authorization received under clause (d),
    - (iii) inaccessible at all times to children, and
    - (iv) in the case of a child care centre, kept in a locked container;
  - (c) one person in each child care centre operated by the licensee and in each premises where it oversees the provision of home child care is in charge of all drugs and medications and that all drugs and medications are dealt with by that person or a person designated by that person in accordance with the procedures established under clause (a);
  - (d) a drug or medication is administered to a child only where a parent of the child gives written authorization for the administration of the drug or medication and that included with the authorization is a schedule that sets out the times the drug or medication is to be given and amounts to be administered; and
  - (e) a drug or medication is administered to a child only from the original container as supplied by a pharmacist or the original package and that the container or package is clearly labelled with the child's name, the name of the drug or medication, the dosage of the drug or medication, the date of purchase and expiration, if applicable, and instructions for storage and administration.
- (2) Despite subclauses (1) (b) (iii) and (iv) and clause (1) (c), the licensee may permit a child to carry his or her own asthma medication or emergency allergy medication in accordance with the procedures established under clause (1) (a).

**Dogs and cats**

- 41.** Every licensee shall ensure that every dog and cat that is kept on the premises of a child care centre it operates or premises where it oversees the provision of home child care is inoculated against rabies.

**NUTRITION**

**Requirements re food and drink**

- 42.** (1) Every licensee shall ensure that,

- (a) each child under one year old who receives child care at a child care centre operated by the licensee or at a premises where it oversees the provision of home child care is fed in accordance with written instructions from a parent of the child;
  - (b) where food or drink or both are supplied by a parent of a child receiving child care at a child care centre operated by the licensee or at a premises where it oversees the provision of home child care, the container for the food or drink is labelled with the child's name; and
  - (c) all food or drink is stored, prepared and served so as to retain maximum nutritive value and prevent contamination. O. Reg. 137/15, s. 42 (1); O. Reg. 126/16, s. 28.
- (2) Subject to section 44, every licensee shall ensure that each child one year old or older who receives child care at a child care centre it operates and or at a premises where it oversees the provision of home child care is given food and beverages in accordance with the following rules:
- 1. Where the child is present at meal time, a meal must be supplied and provided by the licensee or provider, except where otherwise approved by a director in the case of a child in a licensed kindergarten group or older child.
  - 2. Between-meal snacks must be supplied and provided by the licensee or provider, except where otherwise approved by a director in the case of a child in a licensed kindergarten group or older child.
  - 3. Where a child receives child care for six hours or more, the licensee or provider shall ensure that the total food offered to the child includes, in addition to any meals provided, two snacks.
  - 4. Drinking water must be available at all times.
  - 5. All meals, snacks and beverages must meet the recommendations set out in the Health Canada documents "Eating Well with Canada's Food Guide", "Eating Well with Canada's Food Guide – First Nations, Inuit and Métis" or "Nutrition for Healthy Term Infants", as amended from time to time, as the case may be.

**Posting of menus and allergies**

**43.** (1) Every licensee of a child care centre shall post planned menus for the current and following week in a conspicuous place in each child care centre it operates with any substitutions noted on the posted menus.

(2) A menu referred to in subsection (1) shall be kept by the licensee for thirty days after the last day for which it is applicable.

(3) Every licensee of a child care centre shall ensure that, in each child care centre it operates, a list setting out the names of the children receiving child care in the child care centre who have allergies or food restrictions, and their respective allergens or restrictions,

- (a) is posted in each cooking and serving area;
- (b) is posted in each play area or play room; and
- (c) is available and accessible in any other area in which children may be present. O. Reg. 51/18, s. 17.

(4) Every licensee of a home child care agency shall ensure that each home child care provider in each premises where the licensee oversees the provision of home child care plans menus in consultation with a parent of the child and a home child care visitor and that the menu, and the meals and snacks that it provides, meet the requirements set out in the Health Canada documents "Eating Well with Canada's Food Guide", "Eating Well with Canada's Food Guide – First Nations, Inuit and Métis" or "Nutrition for Healthy Term Infants", as amended from time to time, as the case may be.

**Special arrangements**

**44.** Every licensee shall ensure that where special dietary and feeding arrangements have been made with the licensee with respect to a child receiving child care at a child care centre it operates or at a premises where it oversees the provision of home child care, the arrangements are carried out in accordance with the written instructions of a parent of the child.

**PROGRAM FOR CHILDREN**

**Parent handbook**

**45.** (1) Every licensee shall have a parent handbook for each child care centre or home child care agency it operates which shall include,

- (a) information about,
  - (i) the services offered and the age categories served,
  - (ii) the times when the services are offered and the holidays observed,
  - (iii) the fee for services and the admission and discharge policy, and
  - (iv) activities off the premises;

- (a.1) information about the requirement regarding supervision of volunteers and students set out in subsection 11.1 (1) and about the policies and procedures required under subsection 11.1 (2);
- (a.2) a copy of the licensee's policies and procedures required under section 45.1 regarding how parents' issues and concerns will be addressed;
  - (b) a copy of the program statement described in section 46;
  - (c) a list of the prohibited practices set out in section 48;
  - (d) for a child care centre, a statement that the child care centre has emergency management policies and procedures described in section 68.1 and a statement regarding how parents will be notified if an emergency occurs; and
  - (e) a copy of the policies and procedures described in section 75.1. O. Reg. 137/15, s. 45 (1); O. Reg. 126/16, s. 30; O. Reg. 274/16, s. 3 (1-3).
- (2) The licensee shall ensure that the handbook is made available free of charge to,
  - (a) any parent considering whether to enter into an agreement with the licensee for the provision of child care; and
  - (b) a parent of every child who receives child care at a child care centre operated by the licensee or at a premises where it oversees the provision of home child care at the time the child starts receiving such care and at any time when the parent handbook is modified. O. Reg. 137/15, s. 45 (2); O. Reg. 274/16, s. 3 (4).

**Parent issues and concerns**

**45.1** Every licensee shall ensure that there are written policies and procedures that set out how parents' issues and concerns will be addressed, including details regarding,

- (a) the steps for parents to follow when they have an issue or concern to bring forward to the licensee;
- (b) the steps to be followed by a licensee and its employees in responding to an issue or concern brought forward by a parent; and
- (c) when an initial response to the issue or concern will be provided. O. Reg. 126/16, s. 31.

**Program statement**

**46.** (1) Every licensee shall have a program statement that is consistent with the Minister's policy statement on programming and pedagogy issued under subsection 55 (3) of the Act and shall review the program statement at least annually for this purpose.

(2) The program statement shall reflect a view of children as being competent, capable, curious and rich in potential. O. Reg. 137/15, s. 46 (2); O. Reg. 126/16, s. 32 (1).

(3) The program statement shall describe the goals that guide the licensee's program for children at a child care centre it operates or at a home child care premises it oversees, and the approaches that will be implemented in the program to,

- (a) promote the health, safety, nutrition and well-being of the children;
- (b) support positive and responsive interactions among the children, parents, child care providers and staff;
- (c) encourage the children to interact and communicate in a positive way and support their ability to self-regulate;
- (d) foster the children's exploration, play and inquiry;
- (e) provide child-initiated and adult-supported experiences;
- (f) plan for and create positive learning environments and experiences in which each child's learning and development will be supported;
- (g) incorporate indoor and outdoor play, as well as active play, rest and quiet time, into the day, and give consideration to the individual needs of the children receiving child care;
- (h) foster the engagement of and ongoing communication with parents about the program and their children;
- (i) involve local community partners and allow those partners to support the children, their families and staff;
- (j) support staff, home child care providers or others who interact with the children at a child care centre or home child care premises in relation to continuous professional learning; and
- (k) document and review the impact of the strategies set out in clauses (a) to (j) on the children and their families. O. Reg. 137/15, s. 46 (3); O. Reg. 126/16, s. 32 (2-4).

(4) Every licensee shall ensure that all new staff, home child care providers, students and volunteers review the program statement prior to interacting with children and at any time when the program statement is modified.

(5) Every licensee shall ensure that the approaches set out in its program statement are implemented in the operation of its program at each child care centre it operates and each premises where it oversees the provision of home child care.

**Program requirements re activity, rest, sleep, outdoor play, etc.**

**47.** (1) Every licensee shall ensure that the program in each child care centre it operates is arranged so that,

- (a) REVOKED: O. Reg. 126/16, s. 33 (1).
- (b) children in licensed infant and toddler groups are separated from other children during active indoor and outdoor play periods; and
- (c) each child who receives child care for six hours or more in a day spends time outdoors for at least two hours each day, weather permitting, unless a physician or parent of the child advises otherwise in writing. O. Reg. 137/15, s. 47 (1); O. Reg. 126/16, s. 33 (1, 2); O. Reg. 51/18, s. 18 (1).

(1.1) Every licensee of a child care centre shall ensure that where it operates a child care program that operates only before or after school, the program is arranged so that it includes at least 30 minutes of outdoor time each day, weather permitting, unless otherwise approved by a director or a physician or parent of the child advises otherwise in writing. O. Reg. 126/16, s. 33 (3).

(2) Every licensee shall ensure that the program in each child care centre it operates is arranged so that,

- (a) each child in a licensed toddler or preschool group who receives child care for six hours or more in a day has a rest period each day not exceeding two hours in length; and
- (b) each child in a licensed toddler, preschool or kindergarten group is permitted to sleep, rest or engage in quiet activities based on the child's needs. O. Reg. 126/16, s. 33 (4); O. Reg. 51/18, s. 18 (2).

(2.1) REVOKED: O. Reg. 51/18, s. 18 (3).

(2.2) Every licensee shall ensure that for each licensed family age group for whom it provides child care, the program is arranged so that,

- (a) each child in the group who is 24 months or older but younger than five years who receives child care for six hours or more in a day has a rest period each day not exceeding two hours in length;
- (b) each child in the group who is 24 months or older but younger than seven years is permitted to sleep, rest or engage in quiet activities based on the child's needs; and
- (c) the program provided to the group, including the play activity space, reflects the safety and development needs of the children that are in the group. O. Reg. 126/16, s. 33 (4).

(3) Every licensee shall ensure that the program in each premises where it oversees the provision of home child care is arranged so that,

- (a) each toddler or preschool child who receives child care for six hours or more in a day has a rest period not exceeding two hours in length; and
- (b) a toddler, preschool or kindergarten child is permitted to sleep, rest or engage in quiet activities based on the child's needs. O. Reg. 137/15, s. 47 (3); O. Reg. 126/16, s. 33 (5).

(4) Every licensee shall ensure that the program in each premises where the licensee oversees the provision of home child care is arranged so that each child who receives child care for six hours or more in a day spends time outdoors for at least two hours each day, weather permitting, unless a physician or parent of the child advises otherwise in writing.

**Prohibited practices**

**48.** (1) No licensee shall permit, with respect to a child receiving child care at a child care centre it operates or at a premises where it oversees the provision of child care,

- (a) corporal punishment of the child;
- (b) physical restraint of the child, such as confining the child to a high chair, car seat, stroller or other device for the purposes of discipline or in lieu of supervision, unless the physical restraint is for the purpose of preventing a child from hurting himself, herself or someone else, and is used only as a last resort and only until the risk of injury is no longer imminent;
- (c) locking the exits of the child care centre or home child care premises for the purpose of confining the child, or confining the child in an area or room without adult supervision, unless such confinement occurs during an emergency and is required as part of the licensee's emergency management policies and procedures;
- (d) use of harsh or degrading measures or threats or use of derogatory language directed at or used in the presence of a child that would humiliate, shame or frighten the child or undermine his or her self-respect, dignity or self-worth;

- (e) depriving the child of basic needs including food, drink, shelter, sleep, toilet use, clothing or bedding; or
- (f) inflicting any bodily harm on children including making children eat or drink against their will. O. Reg. 137/15, s. 48; O. Reg. 126/16, s. 34.

(2) No employee or volunteer of the licensee, or student who is on an educational placement with the licensee, and no person who provides home child care or in-home services at a premises overseen by a home child care agency shall engage in any of the prohibited practices set out in subsection (1) with respect to a child receiving child care. O. Reg. 51/18, s. 19.

**Policies and procedures re program for children**

- 49.** Every licensee shall ensure that there are written policies and procedures that set out,
- (a) the expectations for how child care providers and other staff, volunteers or students are to implement the approaches specified in the program statement required under subsection 46 (1);
  - (b) the prohibited practices set out in section 48; and
  - (c) the measures that the licensee will use to deal with contraventions of the policies and procedures and with the commission of a prohibited practice. O. Reg. 137/15, s. 49; O. Reg. 51/18, s. 20.

**50., 51.** REVOKED: O. Reg. 126/16, s. 35.

**Individualized support plan**

**52.** (1) Every licensee shall ensure that an up-to-date individualized support plan is in place for each child with special needs who receives child care at a child care centre it operates or premises where it oversees the provision of home child care, and that the plan includes,

- (a) a description of how the child care centre or the home child care provider will support the child to function and participate in a meaningful and purposeful manner while the child is in the care of the centre or provider;
- (b) a description of any supports or aids, or adaptations or other modifications to the physical, social and learning environment that are necessary to achieve clause (a); and
- (c) instructions relating to the child’s use of the supports or aids referred to in clause (b) or, if necessary, the child’s use of or interaction with the adapted or modified environment.

(2) The plan referred to in subsection (1) must be developed in consultation with a parent of the child, the child (if appropriate for the child’s age) and any regulated health professional or other person who works with the child in a capacity that would allow the person to help inform the plan.

(3) Every licensee of an integrated child care centre shall ensure that the program of the child care centre is so structured that,

- (a) it will accommodate the individualized support plan of each child with special needs referred to in subsection (1);
- (b) the program is appropriate for the ages and developmental levels of the children with special needs receiving child care in the child care centre; and
- (c) the program is inclusive of all children.

**STAFF QUALIFICATIONS**

**Supervisor**

- 53.** A supervisor shall be a person who,
- (a) is a member in good standing of the College of Early Childhood Educators, has at least two years of experience providing licensed child care and is approved by a director; or
  - (b) in the opinion of a director, is capable of planning and directing the program of a child care centre, being in charge of children and overseeing staff.

**Qualified employees**

**54.** (1) The following are qualified employees for any licensed age group:

- 1. An employee who is a member in good standing of the College of Early Childhood Educators.
- 2. An employee who is otherwise approved by a director. O. Reg. 126/16, s. 36 (1).

(2) With respect to a licensed junior school age group or a licensed primary/junior school age group that includes only children who are junior school age, the following are also qualified employees:

- 1. An employee who has a diploma or degree in child and youth care.
- 2. An employee who has a diploma or degree in recreation and leisure services.

3. A member in good standing with the Ontario College of Teachers. O. Reg. 126/16, s. 36 (1).

(3) REVOKED: O. Reg. 51/18, s. 21.

#### **Resource teacher**

**55.** (1) A resource teacher shall be a person who,

(a) is a member in good standing of the College of Early Childhood Educators and has completed a post-secondary program of studies approved by a director that is both theoretical and practical and that relates to the needs of children with special needs; or

(b) is otherwise approved by a director.

(2) Every licensee shall ensure that every resource teacher has a valid certification in standard first aid, including infant and child CPR, issued by a training agency recognized by the Workplace Safety and Insurance Board. O. Reg. 137/15, s. 55 (2); O. Reg. 51/18, s. 22.

#### **Home child care visitor**

**56.** A home child care visitor shall be a person who,

(a) is a member in good standing of the College of Early Childhood Educators, has at least two years of experience working with children under 13 years old and is approved by a director; or

(b) is in the opinion of a director capable of providing support and supervision at a home child care premises.

#### **Health assessments and immunization of staff**

**57.** (1) Every licensee of a child care centre shall ensure that, before commencing employment, each person employed in each child care centre it operates has a health assessment and immunization as recommended by the local medical officer of health.

(2) Every licensee of a home child care agency shall ensure that, before any child is provided with home child care, each home child care provider at a premises at which the licensee oversees the provision of home child care and each person who is ordinarily a resident of the premises or regularly at the premises has a health assessment and immunization as recommended by the local medical officer of health.

(3) Subsections (1) and (2) do not apply where the person, or where the person is a child, a parent of the person, objects to the immunization on the ground that the immunization conflicts with the sincerely held convictions of the person or parent based on the person's or parent's religion or conscience or a legally qualified medical practitioner gives medical reasons to the licensee as to why the person should not be immunized. O. Reg. 137/15, s. 57 (3); O. Reg. 126/16, s. 37 (1).

(4) Objections and medical reasons under subsection (3) shall be submitted in a form approved by the Minister. O. Reg. 126/16, s. 37 (2).

(5) An exemption under subsection (3) that was made before August 29, 2016 shall expire on September 1, 2017 unless a new objection or medical reasons are submitted in a form approved by the Minister before that date. O. Reg. 126/16, s. 37 (2).

#### **Staff training and development**

**58.** (1) Every licensee of a child care centre or home child care agency shall ensure that there are written policies and procedures with respect to staff training and development for employees in each child care centre it operates, for home child care visitors employed by the licensee and for each home child care provider at a premises at which the licensee oversees the provision of home child care.

(2) Every licensee of a child care centre or home child care agency shall ensure that the following persons have a valid certification in standard first aid, including infant and child CPR, issued by a training agency recognized by the Workplace Safety and Insurance Board:

1. Every supervisor of a child care centre.

2. Every employee of a child care centre who may be counted for the purposes of meeting the ratios required under section 8 or 8.1.

3. Every provider of home child care or in-home services. O. Reg. 126/16, s. 38.

(3) A person is not required to have the certification mentioned in subsection (2) if the director is satisfied that the person would not be able to obtain the certification due to a disability. O. Reg. 126/16, s. 38 (1).

### **STAFF SCREENING MEASURES AND POLICE RECORD CHECKS**

#### **Interpretation**

**59.** (1) In sections 60 to 65,

“offence declaration” means a written declaration signed by an individual that lists all of the individual’s convictions for offences under the *Criminal Code* (Canada), if any, during the period specified in the declaration. O. Reg. 137/15, s. 59 (1).

(2) Any requirement set out in sections 60 to 66 to obtain a police record check, including a vulnerable sector check, shall be considered to be satisfied only if the police record check is,

(a) conducted by a police force; and

**Note: On the day section 212 of Schedule 1 to the *Safer Ontario Act, 2018* comes into force, clause 59 (2) (a) of the Regulation is amended by striking out “a police force” and substituting “a police service”. (See: O. Reg. 452/18, s. 2 (2))**

(b) prepared no earlier than six months before the day it is obtained by the licensee. O. Reg. 137/15, s. 59 (2); O. Reg. 452/18, s. 2 (1, 3, 4).

#### **Duty to obtain initial record check**

**60.** (1) Every licensee of a child care centre shall obtain a vulnerable sector check from,

(a) every employee, before the person begins their employment; and

(b) every volunteer or student who is on an educational placement with the licensee, before the person begins interacting with children at the child care centre.

(2) The following rules regarding vulnerable sector checks apply to every licensee of a home child care agency:

1. Before entering into an agreement with a home child care provider regarding the agency’s oversight of the provision of home child care at a premises operated by the provider, the licensee shall obtain a vulnerable sector check from,

i. the home child care provider,

ii. every person who is ordinarily a resident of the premises, and

iii. every person who is regularly at the premises.

2. After an agreement described in paragraph 1 is in place with a home child care provider, the licensee shall obtain a vulnerable sector check from,

i. every person who intends to become ordinarily resident at the premises, before the person becomes a resident, and

ii. every person who intends to be regularly at the premises, before the person begins interacting with children receiving child care at the premises.

3. The licensee shall also obtain vulnerable sector checks from,

i. every home child care visitor or any other staff at the home child care agency who may interact with children receiving child care at a home child care premises where the licensee oversees the provision of home child care, before they begin their employment, and

ii. every volunteer or student who is on an educational placement with the licensee, before the person begins interacting with the children.

(3) For the purposes of fulfilling the requirement in clause (1) (b) or subparagraph 3 ii of subsection (2), a licensee may accept a copy of a vulnerable sector check instead of the original document, except that,

(a) if more than six months but less than five years have passed since the day the vulnerable sector check was performed, the volunteer or student must also provide an offence declaration that addresses the period since that day; and

(b) the licensee may not accept a copy of a vulnerable sector check if five or more years have passed since the day it was performed and in this case, the volunteer or student must provide a new vulnerable sector check or copy.

#### **Exceptions**

**61.** (1) Despite section 60, a licensee may permit a person who has not provided a vulnerable sector check to start their employment or volunteer position, or to start providing home child care or otherwise start interacting with children at a child care centre or home child care premises if,

(a) the licensee requires the person to apply to obtain a vulnerable sector check as soon as reasonably possible;

(b) the length of time required to obtain a vulnerable sector check justifies it; and

(c) the employer puts additional measures in place to protect children who interact with the person until the vulnerable sector check is obtained.

(2) Despite section 60, no person is required to provide or obtain a vulnerable sector check or offence declaration in respect of a person who is under 18 years old.

(3) If a person turns 18 years old while in a position where he or she interacts with children receiving child care at a child care centre operated by a licensee or home child care premises where the licensee oversees the provision of home child care, the licensee shall obtain from the person, within one month after the person turns 18 years old, a statement that discloses every previous finding of guilt of the person under the *Youth Criminal Justice Act* (Canada), if the person received an adult sentence.

(4) If a person turns 19 years old while in a position where he or she interacts with children receiving child care at a child care centre operated by a licensee or home child care premises where the licensee oversees the provision of home child care, the licensee shall require the person to apply to obtain a vulnerable sector check within one month after the person turns 19 years old.

#### **Other persons at child care centre**

**61.1** (1) Every licensee of a child care centre shall obtain, in respect of any person who provides child care or other services to a child who receives child care at the child care centre, other than a person described in subsection 60 (1),

- (a) an offence declaration from the person; or
  - (b) an attestation from the person's employer or from the person or entity who retained the person's services that,
    - (i) the employer, person or entity has obtained and reviewed a vulnerable sector check from that person,
    - (ii) the vulnerable sector check was performed within the last five years, and
    - (iii) the vulnerable sector check did not list any convictions for any offences under the *Criminal Code* (Canada) listed in subparagraph 1 ii of subsection 9 (1) of the *Child Care and Early Years Act, 2014*. O. Reg. 126/16, s. 39.
- (2) A licensee shall obtain the offence declaration or attestation described in subsection (1) in respect of a person,
- (a) before the person begins interacting with children at the child care centre; and
  - (b) every year thereafter, no later than 15 days after the anniversary date of the most recent offence declaration or attestation, if the person continues to provide such child care or other services. O. Reg. 126/16, s. 39.

#### **When new record check or offence declaration needed**

**62.** (1) Every licensee of a child care centre or home child care agency shall obtain, from each person from whom it has previously obtained a vulnerable sector check,

- (a) a new vulnerable sector check, on or before every fifth anniversary after the date of the most recent vulnerable sector check; and
- (b) a new offence declaration, in every calendar year except a year in which a vulnerable sector check is obtained. O. Reg. 137/15, s. 62 (1); O. Reg. 126/16, s. 40 (1).

(2) Each offence declaration shall address the period since the most recent offence declaration or vulnerable sector check and must be obtained by the licensee no later than 15 days after the anniversary date of the most recent offence declaration or vulnerable sector check. O. Reg. 126/16, s. 40 (2).

(3) Subsection (1) applies only if the person continues to be in a position where he or she interacts with children receiving child care at a child care centre or home child care premises.

(4) Any person from whom a licensee is required to obtain a vulnerable sector check is required to provide the licensee with an offence declaration, as soon as reasonably possible, any time he or she is convicted of an offence under the *Criminal Code* (Canada).

#### **Break in employment or other relationship**

**63.** If a licensee's relationship with a person in respect of whom it has previously obtained a vulnerable sector check terminates and then subsequently resumes, the licensee shall obtain a new vulnerable sector check or offence declaration as follows:

1. If the relationship was terminated for six or more months, the licensee shall obtain a new vulnerable sector check from the person before the relationship resumes.
2. If the relationship was terminated for less than six months and, but for the termination, the person would have provided a vulnerable sector check or offence declaration during the period of termination, the licensee shall obtain from the person such vulnerable sector check or offence declaration before the relationship resumes.

#### **Exception, where conflict with other legislation**

**64.** Despite any requirement in sections 60 to 63 that a licensee obtain a vulnerable sector check, if any statute of Ontario or Canada prohibits the disclosure of information contained in a vulnerable sector check in respect of a person, the requirement in those sections may be met by obtaining another type of police record check within the meaning of the *Police Record Checks Reform Act, 2015*. O. Reg. 137/15, s. 64; O. Reg. 452/18, s. 3.



#### **Policies and procedures re record checks**

- 65.** Every licensee shall ensure that there are written policies and procedures that address,
- (a) the process for obtaining a vulnerable sector check or attestation;
  - (b) the process for submitting an offence declaration;
  - (c) how the confidentiality of information contained in a vulnerable sector check, offence declaration or attestation will be protected;
  - (d) the way in which any information revealed in a vulnerable sector check, offence declaration or attestation may be considered and used; and
  - (e) the additional measures that will be put in place when a situation described in subsection 61 (1) occurs to protect the children who interact with the person until the vulnerable sector check is obtained, such as requiring the supervision of all interactions between the person and the children. O. Reg. 137/15, s. 65; O. Reg. 126/16, s. 41.

#### **Transition**

**66.** If, as of the day this section came into force, a licensee has never obtained a vulnerable sector check from a person for whom the licensee is required to obtain such a check under section 60, or the most recent such check was obtained more than five years before the day this section came into force, the licensee shall require the person to apply to obtain a vulnerable sector check within 30 days after this section comes into force.

### **EMERGENCY PREPAREDNESS**

#### **Emergency**

**67.** Every licensee shall ensure that each child care centre it operates and each premises where it oversees the provision of home child care is equipped with telephone service or an alternative means of obtaining emergency assistance that is approved by a director.

#### **Fire safety procedures and drills**

- 68.** (1) Every licensee shall ensure that in respect of each child care centre it operates,
- (a) a written procedure approved by the local fire chief is established with respect to the duties of each member of the staff of the child care centre in the event of a fire;
  - (b) each staff member is instructed as to his or her responsibilities in the event of a fire before commencing work for the first time;
  - (c) the written procedure referred to in clause (a) is posted in a conspicuous place in each room in the child care centre that is used for the care of children;
  - (d) fire drills are conducted in accordance with subsection (2);
  - (e) a written record is kept of all fire drills, all tests of the fire alarm system and all tests of fire protection equipment and that each record is kept for at least 12 months from the date of the drill or test; and
  - (f) there is a designated place of shelter in the event the child care centre must be evacuated due to an emergency.
- (2) For the purposes of clause (1) (d), the following rules apply:
1. A fire drill shall be conducted in respect of every child care centre, except a child care centre described in paragraph 2, at least once a month in accordance with Ontario Regulation 213/07 (Fire Code) made under the *Fire Protection and Prevention Act, 1997*.
  2. A total evacuation fire drill shall be conducted in respect of every child care centre or part of every child care centre that is operated in a school and that provides services only to children who are pupils of a school board, including a third party program operated under section 259 of the *Education Act*, in accordance with Ontario Regulation 213/07,
    - i. at least three times during each fall and spring term the school is in operation, and
    - ii. at least three times or at least once a month, whichever is less, during the summer term the program is in operation.
- (3) Every licensee shall ensure that a written procedure is established with respect to evacuation in the event of fire for each premises where the licensee oversees the provision of home child care.

#### **Emergency management**

**68.1** (1) In this section,  
“emergency” at a child care centre means an urgent or pressing situation in which immediate action is required to ensure the safety of children and adults in the child care centre. O. Reg. 126/16, s. 42.

(2) Subject to subsection (3), every licensee shall ensure that each child care centre it operates has written policies and procedures regarding the management of emergencies that,

- (a) set out the roles and responsibilities of staff in case of an emergency;
- (b) require that additional support, including consideration of special medical needs, be provided in respect of any child or adult who needs it in case of an emergency;
- (c) identify the location of a safe and appropriate off-site meeting place, in case of evacuation;
- (d) set out the procedures that will be followed to ensure children's safety and maintain appropriate levels of supervision;
- (e) set out requirements regarding communications with parents;
- (f) set out requirements regarding contacting appropriate local emergency response agencies; and
- (g) address recovery from an emergency, including,
  - (i) requiring that staff, children and parents be debriefed after the emergency,
  - (ii) setting out how to resume normal operations of the child care centre, and
  - (iii) setting out how to support children and staff who may have experienced distress during the emergency. O. Reg. 126/16, s. 42.

(3) Despite subsection (2), a licensee is not required to have emergency management policies and procedures described in that subsection if,

- (a) the child care centre is located in a school, the licensee uses or adopts the school's emergency management policies and procedures and those policies and procedures address the same matters as described in subsection (2); or
- (b) the licensee is otherwise required to have a plan that addresses the same matters as described in subsection (2). O. Reg. 126/16, s. 42.

#### **Emergency telephone numbers**

**69.** Every licensee shall ensure that there is an up-to-date list of telephone numbers in each child care centre it operates and in each premises where the licensee oversees the provision of home child care that is accessible in the event of an emergency and that includes contact information for,

- (a) emergency services;
- (b) the nearest poison control centre;
- (c) a taxi service; and
- (d) the home child care agency, in the case of a premises where the licensee oversees the provision of home child care.

#### **Contact information for parents**

**70.** Every licensee shall ensure that the following information is up to date and readily accessible in the event of an emergency to each staff member of each child care centre or home child care agency it operates and to each home child care provider at a premises where the licensee oversees the provision of home child care:

1. The telephone numbers of a parent of each child receiving child care at the child care centre or home child care premises, and a telephone number of a person to be contacted if a parent cannot be reached.
2. Any special medical or additional information provided by a parent of each child receiving child care at the child care centre or home child care premises that could be helpful in an emergency. O. Reg. 137/15, s. 70; O. Reg. 51/18, s. 23.

### **ADMINISTRATIVE MATTERS**

#### **Insurance**

**71.** Every licensee shall ensure that an insurance policy with respect to each child care centre or home child care agency it operates is obtained and maintained in full force and effect that includes,

- (a) comprehensive general liability coverage and personal injury coverage, including, where applicable, coverage for the employees of each child care centre, volunteers in each child care centre, employees of each home child care agency and each home child care provider at a premises where the licensee oversees the provision of home child care; and
- (b) motor vehicle coverage for all vehicles owned by the licensee.

#### **Records re children**

**72.** (1) Every licensee shall ensure that up-to-date records that are available for inspection by an inspector or program adviser at all times are kept of the following matters in respect of each child receiving child care at a child care centre operated by the licensee or receiving child care at a premises where it oversees the provision of home child care:

1. An application for enrolment signed by a parent of the child.
2. The name, date of birth and home address of the child.
3. The names, home addresses and telephone numbers of the parents of the child.
4. The address and telephone number at which a parent of the child or other person can be reached in case of an emergency during the hours when the child receives child care.
5. The names of persons to whom the child may be released.
6. The date of admission of the child.
7. The date of discharge of the child.
8. The child's previous history of communicable diseases, conditions requiring medical attention and, in the case of a child who is not in attendance at a school or private school within the meaning of the *Education Act*, immunization or required form completed by a parent or legally qualified medical practitioner as to why the child should not be immunized.
9. Any symptoms indicative of ill health.
- 9.1 A copy of any individualized plan.
10. Written instructions signed by a parent of the child for any medical treatment or drug or medication that is to be administered during the hours the child receives child care.
11. Written instructions signed by a parent of the child concerning any special requirements in respect of diet, rest or physical activity.
12. A copy of any written recommendation referred to in subsection 33.1 (1) from a child's physician regarding the placement of a child for sleep. O. Reg. 137/15, s. 72 (1); O. Reg. 126/16, s. 43 (1, 2); O. Reg. 51/18, s. 24.
  - (2) The records listed in subsection (1) shall be kept, as the case may be,
    - (a) on the premises of the child care centre at which the child receives child care; or
    - (b) at the home child care premises where the child receives child care and at the home child care agency overseeing the provision of such care.
  - (3) Every licensee shall ensure that a record is kept of the daily attendance of each child receiving child care in each child care centre it operates and in each premises where it oversees the provision of home child care showing the time of arrival and the time of departure of each child or if a child is absent.
  - (4) REVOKED: O. Reg. 126/16, s. 43 (3).
  - (5) Every licensee shall ensure that the records required to be maintained under this section with respect to a child are kept for at least three years from the date the child is discharged at the child care centre or home child care agency.
  - (6) Every licensee shall ensure that,
    - (a) the medical officer of health or his or her designate, upon producing proper identification, is permitted to inspect the records referred to in paragraphs 2, 3, 8 and 9 of subsection (1); and
    - (b) copies of those records are provided to him or her on request.

**Release of information**

**73.** No licensee shall require as a condition of providing care for a child at a child care centre or with a home child care agency it operates prior consent from a parent of the child to the release of information with respect to the child.

**Records re home child care providers**

**74.** Every licensee of a home child care agency shall ensure that an up-to-date register that lists the addresses of each premises where it oversees the provision of home child care, the names and addresses of the children receiving child care in each premises and the name of the home child care provider in each premises is kept at the home child care agency.

**Copies of agreements**

**75.** (1) Every licensee of a home child care agency shall enter into an agreement with each home child care provider at a premises where the licensee oversees the provision of home child care and shall keep a copy of each such agreement at the home child care agency.

(2) Every licensee who agrees to operate a child care centre or home child care agency on behalf of a service system manager or First Nation shall ensure that a copy of the agreement with the service system manager or First Nation is kept at the child care centre or home child care agency.

**Waiting lists**

**75.1** (1) No licensee shall charge or collect a fee or deposit for the placement of a child on a waiting list for admission to a child care centre or home child care agency. O. Reg. 274/16, s. 4 (1).

(2) Every licensee that establishes or maintains a waiting list described in subsection (1) shall develop written policies and procedures that,

- (a) explain how the licensee determines the order in which children on the waiting list are offered admission; and
- (b) provide that the waiting list will be made available in a manner that maintains the privacy and confidentiality of the children listed on it, but that allows the position of a child on the list to be ascertained by the affected persons or families. O. Reg. 274/16, s. 4 (2).

**76.** REVOKED: O. Reg. 51/18, s. 25.

**Statistical information**

**77.** Every licensee shall, in respect of each child care centre or home child care agency it operates, furnish to a director such statistical information as the director may require with respect to the operation of the child care centre or home child care agency.

**PART III  
ADMINISTRATIVE PENALTIES**

**Amount of administrative penalty**

**78.** (1) The administrative penalty for the first contravention of a provision set out in an item of Table 1 or Table 2 to this section is the amount set out for that item in Column 3 of the Table. O. Reg. 137/15, s. 78 (1); O. Reg. 126/16, s. 44 (1).

(2) If, within three years after the first contravention of a provision set out in an item of Table 1 or Table 2, a subsequent contravention of the provision occurs, the administrative penalty is,

- (a) for the second contravention, twice the amount set out for that item in Column 3 of the Table;
- (b) for the third contravention, three times the amount set out for that item in Column 3 of the Table; and
- (c) for each contravention after the third, four times the amount set out for that item in Column 3 of the Table. O. Reg. 137/15, s. 78 (2); O. Reg. 126/16, s. 44 (2).

(3) If a contravention of a provision set out in an item of Table 1 continues for two or more successive days, the administrative penalty is the amount determined under subsection (1) or (2) multiplied by the number of successive days that the contravention continues. O. Reg. 137/15, s. 78 (3); O. Reg. 126/16, s. 44 (3).

(4) If the amount of an administrative penalty calculated under this section for the contravention of a provision set out in an item of Table 1 or Table 2 exceeds \$100,000, the amount is deemed to be \$100,000, subject to any reduction of the amount under subsection 39 (4) of the Act. O. Reg. 137/15, s. 78 (4); O. Reg. 126/16, s. 44 (4).

TABLE 1

Item	Column 1 Contravened provisions	Column 2 Description of contravention	Column 3 Amount of administrative penalty, in dollars
1.	Act, s. 6 (1), read with s. 6 (3) subparagraph 1 i	Prohibition – provision of home child care, total number of children	2000 × number of children that exceed the number specified in the Act
2.	Act, s. 6 (1), read with s. 6 (3) subparagraph 1 iv	Prohibition – provision of home child care, number of children younger than two	2000 × number of children that exceed the number specified in the Act
3.	Act, s. 6 (1), read with s. 6 (3) subparagraph 1 iii	Prohibition – provision of home child care, advising home child care agency	1,000
4.	Act, s. 6 (1), read with s. 6 (3) subparagraph 2 i	Prohibition – provision of unlicensed child care, total number of children	2000 × number of children that exceed the number specified in the Act
5.	Act, s. 6 (1), read with s. 6 (3) subparagraph 2 iii	Prohibition – provision of unlicensed child care, number of children younger than two	2000 × number of children that exceed the number specified in the Act
6.	Act, s. 7	Prohibition – operation of home child care agency	2,000
7.	Act, s. 8	Prohibition – operation of multiple unlicensed premises	2,000
8.	Act, s. 9	Prohibition – past conduct, child care providers, etc.	2,000
9.	Act, s. 10	Prohibition – preventing parental access to the child and premises	1,000
10.	Act, s. 11	Prohibition – use of terms re licensing	750
11.	Act, s. 12	Duty to disclose if not licensed	750
12.	Act, s. 14	Duties re posting, returning and copying licences	750

13.	Act, s. 15	Duty to provide receipt for payment	500
14.	Act, s. 31 (4)	Obligation to produce and assist	2,000
15.	Act, s. 35	Obligation to provide police record checks	2,000
16.	Act, s. 76	Prohibition – obstruction of inspector	4,000
17.	Regulation, s. 8	Ratios and maximum group sizes, child care centre	2000 × number of children that exceed the number specified in s. 8
18.	Regulation, s. 8.1	Licensed family age groups	2000 × number of children that exceed the number specified in s. 8.1
19.	Regulation, s. 9	Home child care group sizes	2000 × number of children that exceed the number specified in s. 9
20.	Regulation, s. 11	Supervision by adult at all times	2,000

O. Reg. 137/15, s. 78, Table; O. Reg. 126/16, s. 44 (5, 6); O. Reg. 51/18, s. 26 (1); O. Reg. 452/18, s. 4 (1).

TABLE 2

Item	Column 1 Contravened provisions	Column 2 Description of contravention	Column 3 Amount of administrative penalty, in dollars
0.1	Regulation, s. 11.1 (1)	Supervision of volunteers and students at all times	1,000
0.2	Regulation, s. 15 (2)	Designated spaces and items inaccessible to children	1,000
0.3	Regulation, s. 30.1 (1) and (2) (a)	Bodies of water	1,000
0.4	Regulation, s. 31	Hazards	1,000
1.	Regulation, clause 38 (b)	Reporting of serious occurrence	2,000
2.	Regulation, subclause 40 (1) (b) (ii) and clause 40 (1) (d)	Administration of drugs or medications	2,000
3.	Regulation, s. 48 (1)	Prohibited practices, licensee	2,000
3.1	Regulation, s. 60, 61.1 and 63	Duty to obtain record check	1,000
4.	Regulation, s. 72 (1), (2), (3)	Records re children	750
5.	Regulation, s. 74	Records re home child care providers	750
6.	Regulation, s. 75	Copies of agreements	750

O. Reg. 126/16, s. 44 (7); O. Reg. 51/18, s. 26 (2, 3); O. Reg. 452/18, s. 4 (2).

#### Application for review of notice of administrative penalty

**79.** An application to a designated senior employee under subsection 39 (7) of the Act for review of a notice of administrative penalty shall set out the grounds on which the review is sought and shall be accompanied by the documentary evidence, if any, that is relevant to the review.

#### Designated senior employee

**80.** (1) The position of a corporate director is prescribed for the purposes of the definition of “designated senior employee” in subsection 2 (1) of the Act.

(2) For greater certainty, a director as defined in subsection 2 (1) of the Act is not a corporate director.

## PART IV MISCELLANEOUS

#### Fee for licence

**81.** (1) The fees payable in respect of an application for a licence to operate a child care centre shall be determined by reference to the maximum number of children for whom child care may be provided at the child care centre, as set out in Column 1 of the Table to this subsection, and are as follows:

1. For an application for a new licence, the fee is the amount set out in Column 2 of the Table.
2. For an application for a renewal of a licence, which may include revisions to the licence, the fee is the amount set out in Column 3 of the Table.
3. For an application for a revised licence at any time other than upon renewal, the fee is,
  - i. \$25, or
  - ii. if in the opinion of the program adviser, the revision requires him or her to visit the child care centre, the amount set out in Column 4 of the Table.

TABLE

Item	Column 1 Maximum number of children	Column 2 Fee for a new licence, in dollars	Column 3 Fee for renewal of a licence, in dollars	Column 4 Revision fee, in dollars
1.	0-24	200	100	50
2.	25-49	250	120	65
3.	50-74	300	140	75
4.	75-99	350	170	90
5.	100-124	400	200	100
6.	125 or more	450	230	115

O. Reg. 126/16, s. 45.

(2) The fees payable in respect of an application for a licence to operate a home child care agency shall be determined by reference to the number of premises where the agency oversees the provision of home child care, as set out in Column 1 of the Table to this subsection, and are as follows:

1. For an application for a new licence, the fee is the amount set out in Column 2 of the Table.
2. For an application for a renewal of a licence, which may include revisions to the licence, the fee is the amount set out in Column 3 of the Table.
3. For an application for a revised licence at any time other than upon renewal, the fee is,
  - i. \$25, or
  - ii. if in the opinion of the program adviser, the revision requires him or her to visit the home child care agency, the amount set out in Column 4 of the Table.

TABLE

Item	Column 1 Number of premises	Column 2 Fee for a new licence, in dollars	Column 3 Fee for renewal of a licence, in dollars	Column 4 Revision fee, in dollars
1.	0-25	200	100	50
2.	26-50	250	120	65
3.	51-75	300	140	75
4.	76-100	350	170	90
5.	101-125	400	200	100
6.	126- or more	450	230	115

O. Reg. 126/16, s. 45.

(3) If a licensee does not apply to renew a licence and submit the renewal fee before its expiry, the fees applicable to a new licence shall apply. O. Reg. 126/16, s. 45.

**Record retention**

**82.** Where a licensee is required under this Regulation to make or keep a record, report or other document, it shall keep the record, report or other document in a secure location for at least three years from the date it is made, unless otherwise specified.

**Prescribed manner of disclosure of no licence**

**83.** (1) A disclosure required under subsection 12 (1) of the Act by a person who does not hold a licence shall be made in writing and shall include the sentence “This child care program is not licensed by the Government of Ontario”.

(2) For the purposes of subsection 12 (2) of the Act, the person making the written disclosure referred to in subsection (1) shall keep a record of the written disclosure.

**Signage**

**84.** (1) For the purposes of subsections 14 (1) and (2) of the Act, the signage that shall be posted is signage provided by the Minister that identifies that the premises is licensed.

(2) Subsection 14 (2) of the Act does not apply with respect to premises where in-home services are provided if only in-home services, and no other licensed child care, is provided at the premises.

**Return of signage**

**85.** (1) A licence or signage that was provided to a person for the purposes of the Act shall be returned, as required under subsection 14 (6) of the Act, in the circumstances set out in this section.

(2) A licensee shall return the licence and signage within 30 days after the day,

- (a) the licensee's licence expires and is not renewed;
- (b) the licensee's licence is revoked; or
- (c) the licensee voluntarily ceases operating the child care centre or agency in respect of which the licence was issued.

(3) A home child care provider shall return signage to the home child care agency within 30 days after the day the provider's agreement with the home child care agency expires or otherwise terminates.

#### **Publication of information**

**85.1** For the purposes of paragraph 3 of subsection 19 (2) of the Act, the following is prescribed as information the Minister may publish on a government website.

1. Information compiled in connection with a licensing inspection.
2. Information about verified complaints filed in respect of unlicensed child care providers. O. Reg. 126/16, s. 46.

#### **Term of licence**

**85.2** For the purposes of clause 22 (1) (a) of the Act, a director may issue or renew a licence for a maximum period of two years. O. Reg. 126/16, s. 46.

#### **Provisional licences**

**86.** (1) For the purposes of subclause 24 (1) (a) (iii) of the Act, the period within which non-compliance must be remedied, in the director's opinion, is one year. O. Reg. 126/16, s. 47.

(2) For greater certainty, the director had the authority to issue provisional licences under subsection 24 (1) of the Act before the day subsection (1) came into force. O. Reg. 126/16, s. 47.

(3) For the purposes of subsection 24 (4) of the Act, the maximum term of a provisional licence is one year. O. Reg. 126/16, s. 47.

(4) For the purposes of subsection 24 (5) of the Act, the maximum term for which a provisional licence may be renewed is one year. O. Reg. 126/16, s. 47.

#### **Police record check**

**87.** For the purposes of subsection 35 (3) of the Act, a police record check,

- (a) must have been prepared no earlier than six months before the day it is provided to the director or inspector; and
- (b) where the person will interact with children, must be a vulnerable sector check that is,
  - (i) conducted by a police force, and

**Note:** On the day section 212 of Schedule 1 to the *Safer Ontario Act, 2018* comes into force, subclause 87 (b) (i) of the Regulation is amended by striking out "a police force" and substituting "a police service". (See: O. Reg. 452/18, s. 5 (3))

- (ii) prepared no earlier than six months before the day it is provided to the director or inspector. O. Reg. 137/15, s. 87; O. Reg. 452/18, s. 5 (1, 2)

#### **Child care and early years programs and services plans**

**87.1** (1) For the purposes of clause 51 (2) (c) of the Act, child care and early years programs and services plans shall include steps to implement the plan. O. Reg. 126/16, s. 48.

(2) For the purposes of subsection 51 (3) of the Act, child care and early years programs and services plans shall be updated at least every five years. O. Reg. 126/16, s. 48.

(3) For the purposes of subsection 51 (4) of the Act, the service system manager shall consult with child and family programs. O. Reg. 126/16, s. 48; O. Reg. 51/18, s. 27.

#### **Power of director**

**88.** Where an approval is required by a director or where something is to be done as required by a director under this Regulation, the power to give the approval and to impose the requirement are prescribed to be powers of a director pursuant to subsection 66 (2) of the Act.

#### **Prescribed offences**

**88.1** The following provisions are prescribed for the purposes of paragraph 13 of subsection 78 (1) of the Act:

1. Section 12 of the Act (Duty to disclose if not licensed and to retain record of disclosure).
2. Section 15 of the Act (Duty to provide receipt for payment).
3. Section 8 of this Regulation (Ratios and maximum group sizes, child care centre).

4. Section 11 of this Regulation (Supervision by adult at all times).
5. Section 48 of this Regulation (Prohibited practices).
6. Section 60 of this Regulation (Duty to obtain initial record check).
7. Subsection 31 (4) of the Act (Obligation to produce and assist).
8. Section 35 of the Act (Police record checks). O. Reg. 126/16, s. 48; O. Reg. 51/18, s. 28; O. Reg. 452/18, s. 6.

**PART V  
TRANSITIONAL MATTERS**

**Licences issued under the *Day Nurseries Act***

**89.** (1) A licence or provisional licence issued under the *Day Nurseries Act* that was in force immediately before the day the *Day Nurseries Act* was repealed is continued as a licence or provisional licence, as the case may be, under the *Child Care and Early Years Act, 2014*.

(2) The licence or provisional licence continued under subsection (1) continues to be subject to any terms, conditions or expiry date that applied to it under the *Day Nurseries Act*.

**Approvals re child care centre or home child care agency**

**90.** An approval of a director made in relation to a child care centre or home child care agency that was issued under the *Day Nurseries Act* and that was in force immediately before the day the *Day Nurseries Act* was repealed is continued as an approval under the *Child Care and Early Years Act, 2014*, provided that the director has the power under that Act to make such an approval.

**Records required under the *Day Nurseries Act***

**91.** Any document that was made pursuant to a requirement in the *Day Nurseries Act* or a regulation made under it shall continue to be retained in accordance with the rule regarding its retention, if any, that applied at the time the document was made.

**PART VI (OMITTED)**

**92.** OMITTED (PROVIDES FOR AMENDMENTS TO THIS REGULATION). O. Reg. 137/15, s. 92; O. Reg. 295/17, s. 1.

**93.** OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

**SCHEDULE 1  
REQUIREMENTS RE CHILD CARE CENTRES**

Item	Column 1 Name of age category	Column 2 Age range of age category	Column 3 Ratio of employees to children	Column 4 Maximum number of children in group	Column 5 Proportion of employees that must be qualified employees
1.	Infant	Younger than 18 months	3 to 10	10	1/3
2.	Toddler	18 months or older but younger than 30 months	1 to 5	15	1/3
3.	Preschool	30 months or older but younger than 6 years	1 to 8	24	2/3
4.	Kindergarten	44 months or older but younger than 7 years	1 to 13	26	1/2
5.	Primary/junior school age	68 months or older but younger than 13 years	1 to 15	30	1/2
6.	Junior school age	9 years or older but younger than 13 years	1 to 20	20	1/1

O. Reg. 126/16, s. 49.

SCHEDULE 2 REVOKED: O. Reg. 51/18, s. 30.

**SCHEDULE 3  
REQUIREMENTS RE CHILD CARE CENTRES FOR CHILDREN WITH SPECIAL NEEDS**

Item	Column 1 Age range of age category	Column 2 Ratio of employees to children	Column 3 Maximum number of children in group	Column 4 Proportion of employees that must be qualified employees
1.	2 years or older but younger than 6 years	1 to 4	4	1/1
2.	6 years or older but younger than 13 years	1 to 3	3	1/1

O. Reg. 126/16, s. 50.



SCHEDULE 4  
REQUIREMENTS RE LICENSED FAMILY AGE GROUPS

Item	Column 1 Age range of age category	Column 2 Ratio of employees to children
1.	Younger than 12 months	1 to 3
2.	12 months or older but younger than 24 months	1 to 4
3.	24 months or older but younger than 13 years	1 to 8

O. Reg. 126/16, s. 50.

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