

# AN ONTARIO FOR ALL

ONTARIO FEDERATION  
OF LABOUR  
**SUBMISSION**  
ON PROPOSED  
AMENDMENTS TO  
ONTARIO'S *CHILD CARE*  
*AND EARLY YEARS ACT*

November 2020



THE ONTARIO FEDERATION OF LABOUR'S  
Submission on proposed amendments to  
Ontario's *Child Care and Early Years Act*  
to the Ministry of Education, Government of Ontario

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# EXECUTIVE SUMMARY



**Children are one-third of our population and 100 per cent our future. There is no better way to safeguard our collective future than knowing children have the best, safest care possible.**

Still, child care in Ontario astonishingly remains in a state of crisis under the Ford government's regime.

"Children are the most important people in our society, and we have to protect our children," said Ontario's Premier Doug Ford. "Children cannot protect themselves. They rely on us to make a decision."<sup>1</sup>

Yet, the Ministry of Education is proposing regulatory changes to the *Child Care and Early Years Act* – as part of a five-year review – that jeopardizes the fabric of our future.

The proposed changes, allowing operators to group infants and toddlers, reduce staff-to-child ratios for some age groups and lower qualification requirements for staff, definitively sets the province back a step. Furthermore, there is no research base provided for the changes which have previously been refuted by Ontario's child care sector.<sup>2</sup> One would expect a review of this magnitude – at a time when Ontarians, specifically parents who are already looking for concrete solutions to child care woes resulting from a global health pandemic – to present quality measures for young children, fund smaller group sizes, and make child care more affordable for families. Alas, the proposed plan presents quite the opposite and even calls for diminished labour standards.

Ontario is home to the most expensive child care in the country, across all age groups. Instead of building spaces that are affordable, high-quality, and publicly delivered, the proposed direction will leave parents paying more for less quality of care and attention for their children.

<sup>1</sup> CTV News – "Ford says Ontario will not put children in 'harm's way' as Quebec moves to reopen daycares, schools" – April 28, 2020.

<sup>2</sup> Proposed changes to child care regulations – Ontario 2016.

**“The gravity of these proposals can not be fully expressed. The key takeaway is that it jeopardizes the quality and scope of care provided by the sector.”**

All quotes are attributed to the OCBCC survey.

Affordability is not a trade-off for safety. The provincial government must set aside the proposed regulatory amendments that threaten the quality of child care for young children. Workforce retention cannot come at the price of trained staff. Placing more younger children into larger groups with fewer qualified staff is not the way to build a quality child care system.

The Association of Early Childhood Educators Ontario (AECEO) and the Ontario Coalition for Better Child Care (OCBCC) recently carried out [an online survey](#) on the proposed regulations with 2,443 respondents (1,693 Early Childhood Educators and 741 parents with children in child care). The survey found overwhelming opposition to most of the proposed regulatory changes. Respondents were especially concerned about changes to age groups, staff-to-child ratios and qualifications.

We demand public and effective services for all. This means establishing, investing in, and strengthening access to publicly delivered universal child care services and programs for all Ontarians.

It is due time the provincial government stop diluting regulations and work with the federal government to create tangible, effective policies that finally make child care a priority.

## ANALYSIS



Whether you are parent or not, the evidence is clear about the incredible growth in children's development during the first two years of life. During this critical stage of development, infants and toddlers need plenty of stimulation and loving attention. The Ontario government's own Ministry of Children, Community and Social Services supports this fact, stressing:

“A child's early years from before birth to age six are very important for health{y} development. This is a time when a child's brain and body are developing at a rapid pace. Healthy babies and toddlers are more likely to stay healthy through their childhood, teen and adult years.”

This notion cannot, should not and does not preclude child care programs and policies in any jurisdiction.

An established view among child care researchers is that higher-quality care is associated with better developmental outcomes and lower-quality care with poorer developmental outcomes. A rich body of scientific knowledge is available to guide early childhood policies and practices. One such framework, released by [Harvard University's Center on the Developing Child](#), concludes that effective centre-based programs provide some combination of the following characteristics:

- // Highly skilled teachers.
- // Small class sizes and high adult-to-child ratios.
- // Age-appropriate curricula and stimulating materials in a safe physical setting.
- // A language-rich environment.
- // Warm, responsive interactions between staff and children.
- // High and consistent levels of child participation.

As such, the Ministry’s proposed Schedule 2 – which would allow child care operators to use alternative age groupings, ratios, and group sizes – is perplexing.

PROPOSED SCHEDULE 2				
Name of age category	Age Range	Ratio of Staff to Children	Maximum Number of Children	Proportion of Qualified Staff
Infant/Toddler	0-24 months	1-3 (0-12 months) 1 to 4 (12-24 months)	12	2/3
Preschool	24 months – 5 years	1 to 8	24	2/3
Kindergarten	44 months – 7 years	1 to 13	26	1/2
Primary/Junior School Age	68 months – 13 years	1 to 20	20	1/2
Junior School Age	9 years – 13 years	1 to 20	20	1/1

### AGE GROUPINGS, RATIOS, AND MAXIMUM GROUP SIZE

Under current regulations, a 24-month-old is in a toddler room with 15 peers and one educator for every five children. However, the government’s proposed amendment would enable a two-year-old to be placed in a preschool room with 24 children up to age five and a staff-to-child ratio of one to eight.

The Ontario Coalition for Better Child Care and other sector leaders have identified that **similar changes** to age groupings, ratios and group sizes were proposed in 2010, 2014 and 2016. The chart below, from the Childcare Resource and Research Unit (CRRU), compares the proposals and contrasts them with best practice recommendations.

	11-month old – now infant, proposed infant/toddler	13-month old – now infant, proposed infant/toddler	25-month old – now toddler, proposed preschooler
Proposed 2020	1:3 or 1:4 12	1:4 12	1:8 24
Current regulations	1:3 10	1:3 10	1:5 15
Proposed 2016	1:3 9	1:4 12	1:8 24
Proposed 2014	1:3 10	1:5 15	1:8 24

Proposed 2010	1:3 10	1:5 15	1:8 16
US Health and Human Services Recommendation	1:3 6	1:3 6	1:4 or 1:5 8 or 10
Can Pediatric Society 2011 position statement	1:3 6	1:4 8	1:4 or 1:5 8 or 10

**“As a parent, I would not feel comfortable sending my crawling six-month-old into a room with running two-year-olds. Also, infants are all on their own schedule. How are staff going to be able to give the best quality care running around with all those infants and toddlers?”**

The Ministry of Education (via spokesperson Ingrid Anderson)<sup>3</sup> expressed that “a child’s ‘developmental progression’ varies widely.” However, combining infants and toddlers – children from birth to age two – in the same group with an increased maximum group size of 12 (up from 9 for infants) arguably leaves little to no room for ‘varied developmental progression’ – thus dispelling the Ministry’s rhetoric.

Further, the proposed changes do not seem to allow children to progress to the next age group based on their development. A fact that dispels the Ministry of Education’s claim that “allowing educators and parents to make decisions on when children are ready to progress to the next age group is beneficial for children’s learning and development.”

Ratios also have a direct impact on staff – on working conditions and key human resource factors such as staff morale, recruitment, retention, and turnover, which all, in turn, influence quality as experienced by children. Better ratios are associated with better working conditions and less stress. Research shows that staff are more supportive and have more positive verbal interactions when they are responsible for smaller groups of children.<sup>4</sup>

Overall, the proposed age groupings, ratios, and group size model are of no benefit for parents, children – especially those who may be on a developmental course/trajectory that is different from their peers – or staff. The Ontario government must deliver a model that includes fewer children per adult ratios, an ideology that research has shown enables more interaction between staff and children, equates to more responsive caregiving, better academic, cognitive, and social outcomes, and better behavioural outcomes such as more cooperative behaviour.

### QUALIFICATION REQUIREMENTS

Investing in good quality child care is a solid investment in Ontario’s economic recovery, and critical to supporting Ontario’s workforce, especially women.

It is weak and disingenuous to propose a redefinition of “qualified employee” for the kindergarten age group, junior school age group or primary/junior school age

<sup>3</sup> Ontario is proposing ‘sneaky’ changes to child care. The Toronto Star, Thursday, October 8, 2020. Brendan Kennedy, Social Justice Reporter.

<sup>4</sup> Childcare Resource and Research Unit.

group. Such an amendment excessively devalues the quality of care provided by provincial early child educators and sets the province on a bleak trajectory.

The Ministry's assertion that the amendment set out in O.Reg. 137/15, purports to support workforce retention and help to address long-standing staffing challenges experienced by the licensed child care sector is preposterous. The proposed update to employee qualification requirements is another example where the ministry is trying to solve a shortage of Early Childhood Educators (ECEs) by reducing standards.

The amendments further suggest:

1. Kindergarten and school-age programs no longer have an important role in early childhood education.
2. For school-age programs to occur, early childhood educators are no longer required.
3. Kindergarten and school-age children simply need to be housed and babysat, rather than participate in vital pedagogy currently provided by the intentional and purposeful work of ECEs.

Removing qualified staff who understand social and emotional child development is detrimental to the quality of child care in Ontario. It is certainly a slap in the face of the 50,000 plus members of the College of Early Childhood Educators whose passion and livelihood are exceedingly trivialized by the proposed amendment to the qualification requirements. It also undermines the College's programs by questioning its existence.

Watering down staffing requirements, including allowing unqualified, short-term supply staff to replace qualified staff and allowing supervisors with no experience in licensed child care settings, is not a viable solution.

If this is the case, an estimated 17,000 jobs will be lost to non-qualified early childhood educators. We need decent pay and working conditions for our educators, education opportunities and respect for this important field of work.

Now is not the time for the Ford government to abandon the pay scale that was due to be implemented in April 2020, as part of the *Growing Together: Ontario's Early Years and Child Care Workforce Strategy*. The strategy, which was a culmination of years of study and consultation with the sector, provided critical approaches to address the skilled workforce shortage in child care.

## REGISTRY OF UNLICENSED CHILD CARE PROVIDERS

None of the proposed amendments purported by the Ministry to be 'novel/innovative policy approaches/concepts' should be considered in the future. A Registry of Unlicensed Child Care Providers is perhaps the least 'novel' idea proposed in this regulatory review.

**“ECEs are qualified professionals. Decent pay and respectful working conditions will support and retain staff.”**

**“An online registry is perhaps the laziest, cheapest and most disingenuous way for a government to claim they are addressing the child care crisis. Instead of actively working to create enough quality licensed child care spaces for all, a registry would simply put the current grey market of informal child care online with a government stamp of approval—no oversight, no regulation. It’s just the Ministry of Education acting as a glorified Kijiji.”**

One need not reflect far back to 2014 when Ontario undertook several legislative changes regarding child care. Partway through the process, a series of tragic focusing events occurred – including the death of numerous infants and children in unlicensed child care over a short period. Despite these events, the province chose to allow a portion of the family child care sector to remain unlicensed and essentially unregulated in a sector that is otherwise subject to strict licensing and regulation.<sup>5</sup>

A registry system with little to no public oversight is not only a liability issue for whoever is implementing it but creates a false sense of security for parents – who will most likely assume the database is composed of government-approved licenced centres.

As stressed by the Ontario Coalition for Better Child Care, “an online registry is perhaps the laziest, cheapest and most disingenuous way for a government to claim they are addressing the child care crisis. Instead of actively working to create enough quality licensed child care spaces for all, a registry would simply put the current grey market of informal child care online with a government stamp of approval—no oversight, no regulation. It’s just the Ministry of Education acting as a glorified Kijiji.”<sup>6</sup>

5 Risk perception, regulation, and unlicensed child care: lessons from Ontario, Canada. Linda A. White, Michal Perlman, Adrienne Davidson & Erica Rayment Pages 878-896 | Received 12 May 2017, Accepted 06 Dec 2017, Published online: 09 Jan 2018. [www.tandfonline.com/doi/full/10.1080/13669877.2017.1422786](http://www.tandfonline.com/doi/full/10.1080/13669877.2017.1422786)

6 Carolyn Ferns, Ontario Coalition for Better Child Care: [www.behindthenumbers.ca/2020/10/13/ontarios-plan-to-deregulate-child-care-is-a-bad-movie-that-parents-have-seen-and-rejected-before](http://www.behindthenumbers.ca/2020/10/13/ontarios-plan-to-deregulate-child-care-is-a-bad-movie-that-parents-have-seen-and-rejected-before)

## CONCLUSION



### **Good quality child care is critical to Ontario's economic future and must be the bedrock of the province's recovery plan.**

If the Ministry's goal is to ensure quality, accessible child care, the proposed regulatory amendments do not work to furthering that objective. Undermining quality programs to drive access and sacrificing the safety of children is not the answer.

The child care sector has been clear on this and similar proposals in the past. **It does not work.**

The child care sector has done a lot of work to provide the Ministry with a concrete feedback on how to improve the quality of Ontario's child care. Still, none of the recommendations from sector experts are reflected in the proposed regulations.

For instance, there are more than 10,000 Inuit in Ontario; yet, the proposed regulations do not reflect recommendations submitted by the Inuit community. The feedback provided by organizations like Urban Inuit Knowledge Centre has been misinterpreted or left out. To reiterate some of the recommendations, the Inuit community is seeking quality child care and connection to language, the right to self-determination, inclusion, and culturally based programming.

No consideration was given, within the proposed amendments, to anti-Black and anti-Indigenous racism nor the impact of these systemic injustices on accessible child care for low-income earners, marginalized, and vulnerable Ontarians.

Most families with young children in the province need access to high-quality, affordable child care at some point in their children's preschool. Unfortunately, high-quality, regulated child care is still restricted to the lucky few. The supply is too limited, unevenly distributed and parent fees are out of the reach of most families.

Additionally, any proposed regulatory amendments to the *Child Care and Early Years Act* must make provisions for an economic justice strategy that promotes

women's meaningful participation in the workforce; recognizes the care penalty imposed in female-dominated employment; and improve access to public programs and services.

It is time the Ford government close this accessibility gap.

For Ontario families, high quality, affordable child care is more than a convenience – it is a necessity. Child care needs to be safe, supported and funded. Our children, families and educators deserve no less.

Collaboratively with sector leaders, the province must work cooperatively with the federal government and commit to a publicly funded and delivered, universal child care system that ensures decent work for Early Childhood Educators, child care staff and providers.



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