

Gouvernement du Québec

O.C. 904-99, 11 August 1999

An Act respecting childcare centres and childcare services
(R.S.Q., c. S-4.1)

**Childcare centres
— Amendments**

Regulation to amend the Regulation respecting childcare centres

WHEREAS under subparagraphs 1, 2, 4, 6, 13.1, 14, 17, and 18 of section 73 of the Act respecting childcare centres and childcare services (R.S.Q., c. S-4.1), as amended by paragraphs 1, 2, 4, 9 and 12 of section 122 of Chapter 58 of the Statutes of 1997 and by paragraph 1 of section 7 of Chapter 23 of the Statutes of 1999, the Government may make regulations, for the whole or part of the Québec territory,

— determining the form and tenor of an application for the issue or renewal of a permit, the qualifications of a person soliciting a permit or its renewal, the requirements he must fulfil, the information and documents he must furnish and the duties he must pay;

— establishing standards for the arrangement, equipment, furnishing, maintenance, heating and lighting of the premises where day care is provided and prescribing an outdoor play area and standards for the arrangement, equipment and maintenance of that area;

— establishing classes according to the age of the children received and the services to be provided in a childcare centre or a day care centre;

— establishing standards of hygiene, salubrity and safety that must be observed in childcare centres, day care centres, nursery schools, stop over centres or homes where day care is provided;

— determining the monitoring and supervision measures in respect of home childcare providers, including the suspension and revocation of their recognition;

— establishing the terms and conditions of recognition of a natural person as person responsible for home day care;

— establishing standards of qualification for persons working in a childcare centre, a day care centre, a nursery school or a stop over centre or providing home childcare and prescribing the requirements they must satisfy;

— determining the ratio between the number of staff members and the number of children who are received in a childcare centre, a day care centre, a nursery school or a stop over centre or to whom home childcare is being provided;

WHEREAS the Government approved the Regulation respecting childcare centres by Order in Council 1069-97 dated 20 August 1997;

WHEREAS it is expedient to amend the Regulation;

WHEREAS in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting childcare centres was published in Part 2 of the *Gazette officielle du Québec* of 7 July 1999 with a notice that it could be made upon the expiry of 20 days following that publication;

WHEREAS under section 18 of the Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date applicable under section 17 of the Act where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the establishment of a different time period than that prescribed in section 17 for the coming into force of the Regulation to amend the Regulation respecting childcare centres:

— the time period within which permit holders must comply with the requirements regarding personnel qualifications, the installing of an observation window and a control mechanism for gaining access to the childcare centre expires on 1 September 1999 and unless the amendments come into force on that date, the permit holders will be in violation of the Regulation whereas the proposed amendments specifically aim at removing the requirement in certain cases, amending the requirement or extending the deadline;

WHEREAS the 20-day period has expired;

WHEREAS it is expedient to make the Regulation with amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Child and Family Welfare and the Minister for Child and Family Welfare:

THAT the Regulation to amend the Regulation respecting childcare centres, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting childcare centres

An Act respecting childcare centres and childcare services

(R.S.Q., c. S-4.1, s. 73, 1st par., subpars. 1, 2, 4, 6, 13.1, 14, 17 and 18; 1997, c. 58, s. 122, pars. 1, 2, 4, 9 and 12; 1999, c. 23, s. 7, par.1)

1. Section 2 of the Regulation respecting childcare centres is amended

(1) by substituting the word “inscrite” for the word “enregistrée” in the French version of paragraph 2;

(2) by substituting the word “inscrit” for the word “enregistré” in the French version of paragraph 5;

(3) by substituting the word “seront” for the word “sont” in the French version of the introductory part of paragraph 6;

(4) by substituting the word “inscrit” for the word “enregistré” in the French version of clause *ii* of paragraph 6;

(5) by substituting the word “précisant” for the words “lesquelles doivent préciser” in the French version of the introductory part of paragraph 7; and

(6) by deleting subparagraph *i* of paragraph 7.

2. Section 4 is amended

(1) by substituting “less than 5” for “5” in paragraph 3;

(2) by substituting “30 September” for “1 October” in paragraph 4.

3. The following paragraphs are added at the end of section 17:

“Notwithstanding the preceding, the holder of a new centre permit has until the third anniversary of the issuance of his permit to comply with the first paragraph. During that time, the permit holder shall ensure that at least one childcare staff member out of 3 has one of the qualifications required in the first paragraph.

The holder of a centre permit which has been modified to increase the maximum number of children he may receive in his facility has until the third anniversary of the modification to comply with the first paragraph. During that time, the permit holder shall ensure that, in the facility affected by the modification, at least one childcare staff member out of 3 has one of the qualifications required in the first paragraph.”

4. Section 21 is amended

(1) by substituting “less than 5” for “5” in subparagraph 3 of the first paragraph;

(2) by substituting the following for subparagraph 4 of the first paragraph:

“(4) one member for a maximum of 20 children present, aged 5 years and over as of 30 September.”

5. The following is substituted for paragraph 2 of section 22:

“(2) proof that the members of his childcare staff meet the requirements of section 17 or sections 18 and 20;”

6. Section 24 is amended by inserting the words “and of those who ordinarily live with him” after the words “his children” in paragraph 9.

7. Section 29 is amended

(1) by substituting the word “Ces” for the words “Les heures de ces” in the French version of the first paragraph; and

(2) by substituting the word “visits” for the words “interviews and on that visit” in the second paragraph.

8. The following is substituted for paragraphs 1 and 2 of section 34:

“(1) the person has committed, authorized the commission of, consented to or participated in the commission of an offence against any provision of the second or third paragraph of section 8, section 22 or the fifth paragraph of section 39 of the Act;

* The Regulation respecting childcare centres, made by Order in Council 1069-97 dated 20 August 1997 (1997, *G.O.* 2, 4368), has not been amended since then.

(1.1) the person has committed, authorized the commission of, consented to or participated in the commission of an offence against any provision of sections 30, 32, 33, 48 to 56, 58 to 72, 80, 81 or 92 to 97 of this Regulation;

(2) the person no longer meets the terms and conditions of the Act or of this Regulation for recognition;”.

9. Section 52 is amended by substituting “(C.R.C., c. 931) made” for the word “made”.

10. The word “soit” is struck out in the French version of section 53 after the words “sécuritaire et”.

11. Section 54 is amended by substituting “(SOR/90-39) and the Carriages and Strollers Regulations (SOR/85-379) made under the Hazardous Products Act (R.S.C., 1985, c. H-3)” for “and the Carriages and Strollers Regulations made under the Hazardous Products Act”.

12. Section 57 is deleted.

13. The following is substituted for section 58:

“58. A centre permit holder or a provider shall, when providing meals and snacks to children, ensure that they comply with Canada’s Food Guide to Healthy Eating (Health Canada, Ottawa, 1997).

Where a child is on a special diet prescribed by a member of the Collège des médecins du Québec, the centre permit holder shall follow the parent’s written instructions for the meals and snacks to be provided to that child.”.

14. The following is substituted for the heading of Division II of Chapter IV:

“ADMINISTRATION OF MEDICATION”.

15. Section 60 is amended

(1) by substituting the words “member of the Collège” for the words “physician who is a member of the Ordre professionnel” in the first paragraph; and

(2) by substituting the following for the third paragraph:

“Notwithstanding the first paragraph, acetaminophen and oral hydration solutions may be administered without medical authorization to a child received, provided it is done according to the appropriate procedure outlined in Schedule I. Saline nasal drops, zinc oxide-based cream for the seat area and sun cream without PABA

may be administered without medical authorization but with the parent’s written authorization to a child received.”.

16. The following is substituted for the heading of Division III of Chapter IV:

“LABELLING AND STORING OF MEDICATION, TOXIC PRODUCTS AND HOUSEHOLD CLEANING PRODUCTS”.

17. The following is substituted for section 64:

“64. A centre permit holder or a home childcare provider shall ensure that every medication, household cleaning product or toxic product is clearly labelled and stored in a space intended specifically for that purpose, out of reach of children and separately from all foodstuffs. However, he does not have to keep oral hydration solutions away from food.

When children are received in a facility, the centre permit holder shall keep that storage space under lock and key.

Notwithstanding the second paragraph, hydration oral solutions, saline nasal drops and creams for the seat area do not have to be stored under lock and key.”.

18. The following is substituted for section 66:

“66. A crib with posts and bars, a cradle or a playpen used by a home childcare provider shall comply with the standards prescribed in the Cribs and Cradles Regulations (SOR/86-962) and the Playpens Regulations (C.R.C., c. 932) made under the Hazardous Products Act (R.S.C., 1985, c. H-3).

Every bed modified to comply with those Regulations shall be tested according to the standards and meet all the requirements provided for therein.”.

19. The words “unless they are attended” are substituted for the words “when not attended” in section 73.

20. Section 75 is amended

(1) by substituting “(L.R.C., 1985, chapitre H-3)” for “(L.R.C., 1985, c. H-3)” in the French version of the first paragraph; and

(2) by substituting the following for the second paragraph:

“Every bed modified to comply with those Regulations shall be tested according to the standards and meet all the requirements provided for therein.”.

21. The following is inserted after section 77:

“77.1 A centre permit holder shall ensure that the premises, equipment, furniture and playthings

- (1) are kept clean;
- (2) are regularly disinfected, in the absence of the children; and
- (3) are maintained in good condition or repaired so as to respect their initial conditions of use.”.

22. The following is substituted for section 83:

“83. The capacity allowed on the premises where childcare is provided in a facility shall be calculated on the basis of the net area of the play areas:

- (1) if the childcare facility receives children younger than 18 months of age, the minimum required space is 4 m² per child and, for each group of 15 children and less, that space shall be divided into at least 2 separate rooms, one for playing and another for rest; in each of the rooms, no more than 15 children may be received at the same time and the rest room shall be used for rest only;
- (2) if the childcare facility receives children 18 months of age and older, the minimum required space is 2.75 m² per child. That space may be divided into several rooms and each room may not contain more than 30 children at the same time, except for special activities.”.

23. The following paragraph is added at the end of section 85:

“In addition, in the case of a play area referred to in paragraph 1 of section 83, the permit holder shall make sure that the rooms intended respectively for playing and rest are adjacent and enable to watch the children directly, in particular through a glass opening, between those rooms.”.

24. The word “inscrit” is substituted for the word “enregistré” in subparagraph 2 of the first paragraph of the French version of section 87.

25. The following is substituted for the second paragraph of section 88:

“The premises shall be equipped with a refrigerator, a kitchen range or a hot plate, a telephone line and a first-aid kit whose content is listed in Schedule II.”.

26. The words “or to the premises where children are received” are added after the words “to the centre” in section 91.

27. The words “journées ou demi-journées” are substituted for the words “jours ou demi-jours” in the French version of subparagraph 3 of the first paragraph of section 98.

28. The year “2000” is substituted for the year “1999” in the first paragraph of section 104.

29. The words “was mentioned the class of age of children from birth to 17 months of age, does not have, contrarily to the second paragraph of section 85” are substituted for the words “is mentioned the class of age of children from birth to less than 18 months of age, does not have, contrarily to subparagraph 1 of the first paragraph of section 83” in section 105.

30. The words “if the play area undergoes architectural work” are substituted for the date “as of 1 September 1999” in the second paragraph of section 106.

31. The words “of the sum of the maximum number of children mentioned on each permit” are substituted for the words “of the total of both maximum number of children mentioned on the permits of each holder” in section 108.

32. The year “2000” is substituted for the year “1999” in section 109.

33. The “1. PROCEDURE FOR ADMINISTERING ACETAMINOPHEN” in Schedule I is amended:

(1) by inserting “(R.S.Q., c. S-4.1)” after the words “childcare services” in the first paragraph;

(2) by inserting the word “n” after the word “devrait” in the French version of the fourth paragraph under the heading “Les règles de base à respecter”;

(3) by adding the following at the end of the sixth paragraph under the heading “Basic rules”:

“It is also recommended to use only one concentration where several concentrations of acetaminophen are available.”;

(4) by substituting the following for the second item of the first paragraph under the heading “What you should do”:

“• make the child drink often (water, fruit juice, milk);”;

(5) by inserting the words “ou déposer” after the word “verser” in the French version of the third item of the fourth paragraph under the heading “Ce qu’il faut faire”;

(6) by deleting the two paragraphs following the table “ACETAMINOPHEN: DOSAGE” under the heading “What you should do”;

(7) by deleting the words “a physician who is” in the first paragraph under the heading “AUTHORIZATION FORM FOR ACETAMINOPHEN”; and

(8) by substituting “(1998)” for “(1993)” at the end of the last paragraph.

34. The “2. PROCEDURE FOR ADMINISTERING ORAL HYDRATION SOLUTIONS” in Schedule I is amended

(1) by inserting “(R.S.Q., c. S-4.1)” after the words “childcare services” in the first paragraph;

(2) by substituting the following for the first, second and third items of the first paragraph under the heading “What you should do”:

• cease all normal feeding for 15 to 30 minutes;

• avoid giving carbonated drinks and juices;

• later, when the child has stopped vomiting, administer a small quantity (15 to 30 ml) of oral hydration solution approximately every 10 to 20 minutes; administer the solution at room temperature and increase the quantity gradually if the child tolerates it;”;

(3) by deleting the words “a physician who is” in the first paragraph under the heading “AUTHORIZATION FORM FOR ORAL HYDRATION SOLUTIONS”; and

(4) by substituting “(1998)” for “(1992)” at the end of the last paragraph under the heading “AUTHORIZATION FORM FOR ORAL HYDRATION SOLUTIONS”.

35. The procedures “3. PROCEDURE FOR ADMINISTERING SALINE NASAL DROPS”, “4. PROCEDURE FOR ADMINISTERING ZINC OXIDE-BASED CREAMS FOR THE SEAT AREA” and “5. PROCEDURE FOR ADMINISTERING SUN CREAM WITHOUT PABA” are deleted from Schedule I.

36. The following is substituted for the heading and reference at the beginning of Schedule II:

“CONTENT OF FIRST-AID KIT
(ss. 88 and 96, par. 2)”.

37. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

3050

M.O. 1999

Order of the Minister of Education concerning the Regulation to amend the Regulation respecting the conditions of employment of management staff of school boards dated 12 August 1999

Education Act
(R.S.Q., c. I-13.3; 1997, c. 96)

WHEREAS under section 451 of the Education Act (R.S.Q., c. I-13.3; 1997, c. 96, s. 130), the Minister of Education may, by regulation, establish for all or certain school boards, a classification of positions, the maximum number of positions in each job category, working conditions, remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Regulation respecting the conditions of employment of management staff of school boards was made by the minister’s order dated 23 September 1998;

CONSIDERING that the Treasury Board has announced its decision to lift the moratorium on the payment of lump-sum bonuses to recompense the performance of management staff in the public and parapublic sectors as of 1998-1999;

The Minister of Education adopts the Regulation to amend the Regulation respecting the conditions of employment of management staff of school boards attached hereto.

Québec, 12 August 1999

FRANÇOIS LEGAULT,
Minister of Education