

Draft Regulations

Draft Regulation

Educational Childcare Act
(chapter S-4.1.1)

Educational childcare — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Educational Childcare Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation requires that persons who must hold an attestation establishing that no impediment exists must submit a copy of the consent to investigation. The draft Regulation indicates the annual rate of adjustment of the fees payable for permit applications and renewals. It also sets out certain obligations imposed on a permit holder who has recourse to an organization or an enterprise providing replacement childcare staff members.

The draft Regulation provides for the installation of carbon monoxide detectors on the premises where childcare is provided by the childcare providers covered by the Regulation. It sets out certain requirements concerning the maintenance and safe use of outdoor play spaces and the elements located therein. It also provides for the retention period for certain documents.

Lastly, the draft Regulation contains provisions to ensure better coherence between certain provisions of the current Regulation and their practical application, and harmonizes the vocabulary used.

The regulatory amendments have no significant impact on enterprises in Québec.

Further information may be obtained by contacting Katherine Ferguson, Direction de l'accessibilité et de la qualité des services de garde, Ministère de la Famille, 600, rue Fullum, 6^e étage, Montréal (Québec) H2K 4S7; telephone: 514 873-6741; fax: 514 864-6736; email: katherine.ferguson@mfa.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jacques Robert, Assistant Deputy Minister, Direction générale des services de garde éducatifs à l'enfance, Ministère de la Famille, 425, rue Saint-Amable, 4^e étage, Québec (Québec) G1R 4Z1.

FRANCINE CHARBONNEAU,
Minister of Families
Minister responsible for Seniors
Minister responsible for Anti-Bullying

Regulation to amend the Educational Childcare Regulation

Educational Childcare Act
(chapter S-4.1.1, s. 106)

1. The Educational Childcare Regulation (chapter S-4.1.1, r. 2) is amended in section 2

(1) by replacing “an attestation” in the first paragraph by “a copy of the consent to investigation and the attestation”;

(2) by inserting “of the consent to investigation and” after “communication” in the second paragraph.

2. Section 6 is amended by inserting “a new consent to investigation and” after “provide” in the second paragraph.

3. Section 13 is amended by replacing the second paragraph by the following:

“That amount is adjusted on 1 April of each year based on a rate corresponding to the annual change in the overall average Québec consumer price index without alcoholic beverages and tobacco products for the 12-month period ending on 31 December of the preceding year, as determined by Statistics Canada.”

4. The following is inserted after section 20:

“**20.1.** A permit holder who has recourse to an organization or enterprise providing replacement childcare staff members must ensure that the replacement staff member has in his or her possession the certificate provided for in section 20 and, where applicable, proof that the replacement staff member holds the qualification provided for in section 22 before allowing the replacement staff member to work in the facility.”

5. Section 23.1 is amended by adding the following paragraph at the end:

“If the number of childcare staff members is less than 3, at least 1 of the members must be qualified.”

6. Section 23.2 is amended by adding the following paragraph:

“If the number of childcare staff members is less than 3, at least 1 of the members must be qualified.”

7. Section 34 is amended by adding the following after paragraph 3:

“(4) at least 1 carbon monoxide detector on each storey.”

8. The following is inserted after section 39:

“**39.1.** A permit holder must ensure, where the outdoor play space is that referred to in subparagraph 1 of the first paragraph of section 39, that all the elements located therein are in good condition, kept clean and used safely and do not present any potential dangers by reason of their nature, the place where they are used and the presence of children.”

9. Section 48 is amended by replacing “sections 5 and 82” in subparagraph *a* of paragraph 5 by “section 5”.

10. Section 54.1 is amended by adding “The home childcare provider must keep the documents for 3 years after the end of the employment relationship with the assistant.” at the end of the second paragraph.

11. Section 60 is amended by replacing “the attestation” in paragraph 13 by “a copy of the consent to investigation of the information required to establish that no impediment exists and the attestation”.

12. Section 82.2 is amended by adding “The home childcare provider must keep the documents for 3 years after the end of the employment relationship with the occasional replacement.” at the end of the second paragraph.

13. Section 91 is amended by inserting the following after paragraph 3:

“(3.1) at least 1 carbon monoxide detector on each storey;”.

14. Section 123 is amended by replacing “The card must be” in the second paragraph by “The card must be accessible on the premises where the childcare is provided and”.

15. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 7 and 13, which come into force on (insert the date occurring 6 months after the date of coming into force of this Regulation).

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