

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 60 days following this publication.

The draft Regulation integrates into the Educational Childcare Regulation (chapter S-4.1.1, r. 2) new provisions respecting the educational program that childcare providers must apply and adapts the current provisions accordingly. More specifically, it determines the essential elements of the educational program that will be applied and the objectives it must achieve. It provides that the program must indicate the means, methods and educational material that childcare providers intend to use in its implementation. It also provides that childcare providers must make the educational program accessible to parents free of charge. Lastly, it provides that childcare providers who change their educational program must notify the Minister within 30 days.

The draft Regulation also introduces into the Regulation provisions respecting the education records of children who receive childcare from a childcare centre, a day care centre or a recognized home childcare provider. It determines the documents and information that must be included in the education record, as well as the rules respecting access to the record, its reproduction and how it is to be kept.

The draft Regulation provides that a child's education record must include a periodic portrait of the child's development. The portrait must be drawn up twice a year and describe the progress of children who receive childcare from a childcare centre, a day care centre or a recognized home childcare provider. It is signed and dated by the person who prepares it and must be sent to the children's parents on predetermined dates. The draft Regulation provides that childcare providers must make themselves available to parents who require a meeting concerning the portrait.

Lastly, the draft Regulation provides for administrative penalties and penal sanctions related to certain obligations stemming from the new provisions it introduces into the Regulation. It provides for transitional measures.

The regulatory amendment will have an impact on childcare providers and home childcare coordinating offices.

Further information may be obtained by contacting Marianne Hardy-Dussault, 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: 514 873-7200, extension 6110; email: Marianne.Hardy-Dussault@mfa.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Carole Vézina, Assistant Deputy Minister, Direction générale des services de garde éducatifs à l'enfance, Ministère de la Famille, 425, rue Jacques-Parizeau, 4^e étage, Québec (Québec) G1R 4Z1.

MATHIEU LACOMBE,
Minister of Families

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 6.8

(1) by replacing “surname, given name” in paragraphs 1 and 2 by “name”;

(2) by replacing “surname, given name” at the beginning of paragraph 3 by “name”.

2. The following is inserted after section 6.8:

“CHAPTER 1.2 EDUCATIONAL PROGRAM

6.9. In addition to what is provided for in section 5 of the Educational Childcare Act (chapter S-4.1.1), the educational program that must be applied by a childcare

provider must take into account the needs and level of development of the children to whom childcare is provided, and it must be aimed at

(1) fostering positive interactions between the persons applying the educational program and the children;

(2) fostering the children's feeling of emotional security;

(3) organizing life in society by establishing a positive climate within the group;

(4) arranging the premises and equipment in order to support the children's learning and overall development;

(5) fostering regular communication between the parents, the childcare providers and the persons applying the educational program, as well as constructive interactions centered on the children and their development;

(6) promoting experiences initiated by the children and supported by the persons applying the educational program;

(7) encouraging exploration, curiosity, free play, and play initiated by the children;

(8) supporting active play and limiting sedentary activities;

(9) fostering experiences that support the development of healthy eating habits.

6.10. In accordance with a global and integrated process, a childcare provider offers, both outdoors and indoors, a variety of experiences adapted to the age of the children to whom childcare is provided and aimed at supporting their learning in the 4 areas of child development and their components, that is,

(1) physical and motor development, which includes

(a) fine motor skills;

(b) a sense of movement and a desire to move at various intensities;

(c) the development of the following 5 senses: sight, hearing, smell, touch and taste;

(2) cognition, which includes

(a) attention;

(b) memory;

(c) the symbolic function;

(d) the capacity to categorize and conceptualize;

(e) reasoning;

(f) mathematics and science awareness;

(3) language, which includes

(a) prelinguistic language;

(b) oral language;

(c) reading and writing awareness;

(d) graphic development;

(4) social and emotional development, which includes

(a) self-confidence;

(b) self-esteem;

(c) autonomy;

(d) identity building;

(e) emotional and social skills.

6.11. A childcare provider must indicate, in the educational program, the means, methods and educational material he or she intends to use to comply with the provisions of sections 6.9 and 6.10.

6.12. When providing childcare, a childcare provider must make sure to apply the following 4 steps of the educational intervention process: observation, planning and organization, educational action, as well as reflection and self-evaluation.

6.13. A childcare provider must make the educational program he or she applies accessible to parents free of charge.

6.14. A childcare provider who makes any change to the educational program must notify the Minister or the coordinating office, as applicable, within 30 days after the change is adopted.”

3. Section 10 is amended by replacing paragraph 12 by the following:

“(12) the educational program that complies with section 5 of the Act and sections 6.9 to 6.11 that the applicant undertakes to apply;”

4. Section 18.1 is amended by striking out “to apply the educational program and” in the first paragraph.

5. Section 60 is amended by replacing paragraph 9 by the following:

“(9) the educational program that complies with section 5 of the Act and sections 6.9 to 6.11 that the applicant undertakes to apply;”

6. Section 64 is amended by adding the following paragraph at the end:

“The period provided for in the first paragraph does not apply in the case of a change to the educational program of the home childcare provider made under section 6.14.”

7. The following is inserted after section 123:

“**DIVISION IV**
EDUCATION RECORD”

123.0.1. In accordance with section 57.1 of the Act, childcare providers must keep an education record for each child to whom they provide childcare. The record must contain only the following documents and information:

- (1) the child’s name and date of birth;
- (2) the name of the parent;
- (3) the date on which the provision of childcare services began;
- (4) the periodic portraits of the child’s development;
- (5) if applicable, the documents or information related to the special support granted to the child and taken into account when drawing up the periodic portrait referred to in section 123.0.3.

123.0.2. A permit holder must ensure that only the persons applying the educational program have access to the child’s education record and are able to enter information and file documents in it.

Only a recognized home childcare provider or the provider’s assistant may access a child’s education record, enter information and file documents in it.

123.0.3. A childcare provider must ensure that a periodic portrait of the child’s development is prepared, dated and signed in November and May of each year, by a person applying the educational program in the case of a permit holder, or by a recognized home childcare provider in the case of home childcare.

The child’s educational portrait must contain a brief description of the child’s development with regard to all the areas referred to in section 6.10, to make it possible to follow the child’s evolution.

However, a childcare provider is dispensed from preparing the periodic portrait of the child’s development if he or she has been providing childcare for less than 60 days.

123.0.4. A childcare provider must send the parent the periodic portrait of the child’s development not later than 15 December and 15 June of each year.

The childcare provider must keep proof of that communication in the child’s education record.

123.0.5. Childcare providers must make themselves available to parents who request a meeting concerning the periodic portrait of the child’s development.

123.0.6. A childcare provider must keep the child’s education record on the premises where the childcare is provided.

When childcare is no longer required, a childcare provider must give the parent the original copy of the child’s education record, in accordance with the Act, and keep a copy for one year. At the end of that period, the childcare provider must destroy the copy.

123.0.7. Subject to the provisions of the third paragraph of section 57.1 of the Act and section 123.0.2, unless it is for internal use related to childcare services provided to the child, any communication or reproduction of all or part of the record and the information it contains is prohibited, unless previously authorized in writing by the parent.”

8. Section 123.1 is amended by replacing “4, 4.1, 6, 16.1, 18.1, 20, 21, 23 to 23.2, 25, 30 to 43 and 100 to 123” in the first paragraph by “4, 4.1, 6, 6.9 to 6.14, 16.1, 18.1, 20, 21, 23 to 23.2, 25, 30 to 43, 100 to 123 and 123.0.1 to 123.0.7”.

9. Section 124 is amended by replacing “4, 4.1, 6, 17, 20, 21, 23 to 26, 30, 34, 38 to 38.1, 40 to 43 and 98 to 123” by “4, 4.1, 6, 17, 20, 21, 23 to 26, 30, 34, 38 to 38.1, 40 to 43, 98 to 123, 123.0.2, 123.0.6 and 123.0.7”.

TRANSITIONAL AND FINAL

10. Childcare providers who, on 7 June 2019, hold a permit issued by the Minister or are home childcare providers recognized by a home childcare coordinating office, including childcare providers whose applications

for renewal are to be decided between 8 June 2019 and 8 June 2020, have until 8 June 2020 to comply with the provisions of sections 6.9 to 6.14, introduced by section 2. However, although it refers to section 6.10, the second paragraph of section 123.0.3, introduced by section 7, applies to those childcare providers as of the coming into force of this Regulation.

II. This Regulation comes into force on 8 June 2019.

103761

Draft Regulation

An Act respecting occupational health and safety
(chapter S-2.1)

Occupational health and safety — 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 Regulation respecting occupational health and safety, appearing below, may be made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety (chapter S-2.1), on the expiry of 45 days following this publication.

The draft Regulation amends Schedule I to the Regulation respecting occupational health and safety (chapter S-2.1, r. 13). The Schedule sets out the concentrations of contaminants in the air under which a worker may be exposed without affecting the worker's health. The amendments reflect the development of knowledge related to the potential effects of exposure to contaminants in the workplace and harmonize regulatory references on the exposure to contaminants of Schedule I to the Regulation respecting occupational health and safety.

The draft Regulation has no significant impact on enterprises, including small and medium-sized businesses, since most work environments already comply with the new requirements proposed by the draft Regulation without the use of protective respiratory apparatus.

Further information may be obtained by contacting Charles Labrecque, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1199, rue De Bleury, Montréal (Québec) H3B 3J1; telephone: 514 906-3080, extension 2298; fax: 514 906-3081.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Claude Sicard, Vice-President for Partnership and Expert Counselling, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 524, rue Bourdages, local 220, Québec (Québec) G1K 7E2.

MANUELLE OUDAR,
*Chair of the board of directors and
Chief Executive Officer of the
Commission des normes, de l'équité,
de la santé et de la sécurité du travail*
