

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 amends the Educational Childcare Regulation (chapter S-4.1.1, r. 2) to update certain standards related to the provision of childcare, mainly with respect to home childcare providers. It eases in particular certain conditions for the recognition of those providers and certain terms and conditions of the carrying out and monitoring of their activities.

The draft Regulation also introduces a new division on night services for all childcare providers and amends other standards in particular on outdoor activities, the use of electronic devices and the layout of play areas.

The proposed amendments should result in savings of 0.1 million dollars during the implementation period and recurring savings of 2.6 million dollars per year for enterprises.

Further information on the draft Regulation may be obtained by contacting Daniel Lavigne, coordinator, Direction de l'encadrement du réseau et de la qualité des services, Ministère de la Famille, 600, rue Fullum, 6^e étage, Montréal (Québec) H2K 4S7; telephone: 514 873-7200, extension 6111; email: daniel.lavigne@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 Danielle Dubé, Assistant Deputy Minister, Sous-ministériat à la main-d'œuvre et à l'encadrement du réseau, 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, 1st par., subpars. 4, 5, 11 to 15,
21 to 24, 27.1, 29.1, 29.2, 30 and 31)

1. The Educational Childcare Regulation (chapter S-4.1.1, r. 2) is amended in section 21 by adding the following paragraph at the end:

“The permit holder must ensure that the same ratios are complied with when the children take part in an outing or an activity elsewhere than in the holder’s facility.”

2. Section 32 is amended

(1) by replacing “a window that remains unobstructed at all times through which the children may be viewed” in paragraph 1 by “at least one window that remains unobstructed at all times and allows a full view of the play area”;

(2) by replacing paragraph 2 by the following:

“(2) if the play area is situated in part below ground level, all the bases of the windows referred to in paragraph 6 must be not more than 1.20 m from the floor and be situated entirely above ground level.”

3. Section 34 is amended by replacing “wired” in paragraph 2 by “working”.

4. Section 39 is amended by replacing “delimited by a fence and accessible during the hours of childcare” in subparagraph 2 of the first paragraph by “accessible during the hours of childcare and, subject to section 39.2, delimited by a fence”.

5. The following is inserted after section 39.1:

“**39.2.** A permit holder who, in accordance with subparagraph 2 of the first paragraph of section 39, has an outdoor children’s play space in a public park is exempted from the requirement that the space be delimited by a fence if, during its use, the permit holder ensures that the children are accompanied by at least 2 childcare staff members.”

6. Section 48.1 is amended by adding “, except the notices of contravention, complaints, follow-up documents and reports concerning the home childcare provider, which are destroyed 6 years after the end of their processing” at the end.

7. Section 51 is amended

(1) by replacing “communicate and establish a friendly relationship” in paragraph 3 by “establish meaningful relationships”;

(2) by replacing “leading and supervising children’s activities” in paragraph 7 by “accompanying and supporting the children in their games and explorations”.

8. Section 54 is amended

(1) by replacing “a friendly relationship” in paragraph 2 by “meaningful relationships”;

(2) by inserting the following after paragraph 2:

“(2.1) be able to help the home childcare provider in the implementation of the educational program;”

9. Section 54.1 is amended

(1) by striking out “and information” in the portion before subparagraph 1 of the first paragraph;

(2) by striking out subparagraphs 2 to 4 of the first paragraph.

10. Section 58 is replaced by the following:

“**58.** The home childcare provider must ensure that the assistant, unless the latter holds the qualification referred to in section 22, has completed at least 12 hours of child development training.

If the assistant, on beginning employment, has not successfully completed the training referred to in the first paragraph, the home childcare provider must ensure that it is completed not later than 6 months after the assistant begins employment.”

11. Section 59 is replaced by the following:

“**59.** The home childcare provider must take 12 hours of refresher training per 2-year reference period, which period starts on 1 April of every odd year.

The hours of training provided for in the first paragraph must be on the topics listed in subparagraphs 1 to 4 of the first paragraph of section 57, including at least 6 hours on child development and the educational program provided for in the Act. A first aid course or the training on food hygiene and safety required by the Regulation respecting food (chapter P-29, r. 1) may not be considered as refresher training.

A home childcare provider who is newly recognized during a reference period is exempted from having to take refresher training during that period.

A home childcare provider whose recognition is suspended during a reference period and whose suspension ends during the same period must, at the end of the reference period, establish having taken refresher training during that period in proportion to the number of full months during which the recognition was not suspended.

If the suspension extends over 2 reference periods, a home childcare provider whose recognition is suspended must, at the end of the suspension, establish having taken refresher training during the expired reference period in proportion to the number of full months during which the recognition was not suspended during that period.”

12. Section 60 is amended

(1) by replacing “physician’s or specialized nurse practitioner’s certificate” in paragraph 4 by “declaration signed by the applicant”;

(2) by striking out paragraph 5.

13. Section 64.1 is amended by replacing “new medical certificate meeting the requirements of paragraph 4 of section 60” by “physician’s or specialized nurse practitioner’s certificate attesting that the provider has the physical and mental health necessary to provide childcare”.

14. Section 68 is amended by replacing “60 days” in the second paragraph by “90 days”.

15. Section 73 is amended by replacing the first two paragraphs by the following:

“The coordinating office must, before renewing recognition, interview the home childcare provider and each person over 14 years of age residing in the residence where the childcare is provided who has not already been interviewed under this Regulation.

The coordinating office must also, after making an appointment, visit the residence while childcare is being provided to verify the premises and equipment used to provide childcare services so as to ensure that they are safe and suitable in light, in particular, of the number and age of the children. It must also ensure compliance with the Act and the regulations, in particular compliance with the conditions of recognition.”

16. Section 79 is amended

(1) by striking out “by reason of an illness, a pregnancy or the birth or adoption of a child” in the first paragraph;

(2) by striking out “or, in a case of illness, for the period determined in the medical attestation” in the third paragraph.

17. Sections 79.1 and 79.2 are replaced by the following:

“**79.1.** The suspension of recognition under section 79 cannot exceed 24 months, except in the case of a preventive withdrawal or an illness or in order to enable the home childcare provider to take part in the negotiations or association activities provided for in the Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements (chapter R-24.0.1).”

18. Section 79.3 is amended by replacing “sections 79 and 79.2” by “section 79”.**19.** Section 80 is amended

(1) by replacing the first paragraph by the following:

“Within 30 days of the date scheduled for resumption of the operations of the home childcare provider whose recognition has been suspended, the home childcare provider must provide the coordinating office with a declaration attesting to the changes or lack of changes that may affect the terms and conditions of the recognition.”;

(2) by inserting the following at the beginning of the second paragraph: “Failing production of the declaration or if changes have occurred, the coordinating office must interview the provider and verify the elements listed in section 73 in the manner provided for in that section, with the necessary modifications.”.

20. Section 82.2 is amended

(1) by striking out “and information” in the portion before subparagraph 1 of the first paragraph;

(2) by striking out subparagraphs 2 to 4 of the first paragraph.

21. Section 91 is amended by replacing “a telephone, other than a cellphone” in paragraph 1 by “an accessible working telephone”.**22.** Section 93 is amended by striking out the second sentence of the first paragraph.**23.** Section 100 is amended by adding “or when they take part in an outdoor activity or an outing” at the end.**24.** Section 101 is amended

(1) by replacing “near the telephone provided for in section 34 or 91, as the case may be” in the portion before subparagraph 1 of the first paragraph by “, in a conspicuous and accessible place”;

(2) by replacing “close to the telephone” in the portion before subparagraph 1 of the second paragraph by “in an accessible place”.

25. Section 114 is replaced by the following:

“**114.** A childcare provider must ensure that the children are taken outdoors at least 60 minutes every day to a safe place where they can be supervised, unless there are conditions that compromise the children’s health, safety or well-being.”.

26. Section 115 is replaced by the following:

“**115.** A childcare provider may make available to children a television, computer, tablet computer or any other audiovisual equipment only if its use is part of the educational program and occurs sporadically, without exceeding 30 minutes in a same day. Their use is however prohibited for children under 2 years of age.”.

27. Section 121.1 is amended by replacing the third paragraph by the following:

“A home childcare provider and any assistant or, in their absence, the replacement referred to in section 81 may administer medication to a child receiving childcare.”.

28. Section 121.7 is amended by replacing the third paragraph by the following:

“A home childcare provider and any assistant or, in their absence, the replacement referred to in section 81 may apply insect repellent to a child receiving childcare.”.

29. Section 123 is amended by replacing “4 weeks” in the second paragraph by “4 weeks if the child is receiving childcare from a permit holder or every 2 weeks if the child is receiving childcare from a home childcare provider”.

30. The following is inserted after Division 123.0.7:

**“DIVISION V
CHILDCARE AT NIGHT**

123.0.8. This section applies to a childcare provider who provides childcare to a child who is put to bed for the night or part of the night.

123.0.9. With respect to a child who receives childcare at night in accordance with this Division, the childcare provider is exempted from the application of the first paragraph of section 23, section 24, the first paragraph of section 36 and sections 93, 100 and 114 when the child is in bed or preparing for bed. In addition, the educational program does not apply during sleep and the provisions of the child’s education record do not apply to a child who is only receiving childcare during sleep, the immediate preparation for sleep and wake time.

Despite the first paragraph, the following standards apply to a childcare provider referred to in this Division:

(1) a permit holder must ensure that at least 1 childcare staff member out of 3 is qualified and present each night with the children while childcare is provided;

(2) at least 2 childcare staff members must be present in the facility of a permit holder;

(3) the childcare provider must have, for each child under 18 months of age, a crib with posts and slats as defined in section 37 and, for each of the other children accommodated, a bed;

(4) the childcare provider must provide the bedding to cover each child that must be used only by that child until the bedding is washed, unless the parent wishes, on the parent’s own initiative, to provide bedding which the provider considers appropriate and safe;

(5) the childcare provider must ensure that the children are under constant auditory supervision and under periodical visual supervision every 30 minutes or less.”

31. Section 123.1 is amended

(1) by replacing “and 123.0.1 to 123.0.7” in the first paragraph by “, 123.0.1 to 123.0.7 and 123.0.9”;

(2) by replacing the second paragraph by the following:

“The amount of the administrative penalty is \$500 in the case of a natural person and \$1,000 in other cases.”

32. Section 124 is amended by replacing “40 to 43, 98 to 123, 123.0.2, 123.0.6 and 123.0.7” by “39.2 to 43, 98 to 123, 123.0.2, 123.0.6, 123.0.7 and 123.0.9”.

33. The following is inserted after section 135:

“135.1. The holder of a permit issued before (*insert the date of coming into force of this Regulation*) is exempted from the requirement prescribed by paragraph 1 of section 32 to the extent that the play area referred to in that section is equipped with a window that remains unobstructed at all times through which the play area may be viewed. The permit holder is also exempted from the requirement prescribed by paragraph 2 of section 32 to the extent that the play area referred to in that section has, on average, at least half of its floor/ceiling height above ground level.

The same applies for a permit holder whose plans for the premises of a facility were approved by the Minister before that date in accordance with sections 18 and 19 of the Act, provided a permit is issued.

The exemptions referred to in the first and second paragraphs remain valid until changes to the structures covered by the exemptions require the approval of new plans, in accordance with sections 18 and 19 of the Act, and the work covered by the plans has been carried out.”

34. Schedule II is amended

(1) by inserting “, and assistant” after “home childcare provider” in the PROTOCOL FOR ADMINISTERING ACETAMINOPHEN TO TREAT FEVER under the heading AUTHORIZATION FORM FOR THE ADMINISTRATION OF ACETAMINOPHEN;

(2) by inserting “, and assistant” after “a home childcare provider” in the PROTOCOL FOR APPLYING INSECT REPELLENT under the heading AUTHORIZATION FORM FOR THE APPLICATION OF INSECT REPELLENT.

TRANSITIONAL AND FINAL

35. A person who, on 31 March 2023, has completed the hours of refresher training provided for in section 59 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2), as it read on that date, during the previous annual period applicable may deduct the hours from the number of hours the person must complete during the reference period provided for in section 59 of that Regulation, as it reads as of 1 April 2023.

36. A coordinating office that, on (*insert the date of coming into force of sections 16 to 19 of this Regulation*), has not yet ruled on an application for the suspension of recognition made by a home childcare provided must render its decision under sections 79 to 80 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2), as amended by sections 16 to 19 of this Regulation.

37. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 10, which comes into force on 1 April 2023.

105675

Draft Regulation

Act respecting the determination of the causes and circumstances of death
(chapter R-0.2)

Financial assistance that may be granted to members of a deceased person's family to cover expenses incurred for legal assistance and representation during certain inquests by a coroner

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the financial assistance that may be granted to members of a deceased person's family to cover expenses incurred for legal assistance and representation during certain inquests by a coroner, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the eligibility requirements that a member of a deceased person's family must comply with to be granted financial assistance by the Chief Coroner to cover expenses incurred for legal assistance and representation during a coroner's inquest following an independent investigation conducted by the Bureau des enquêtes indépendantes in accordance with section 289.1 of the Police Act (chapter P-13.1).

The draft Regulation prescribes the time for making the application and specifies its content, as well as the documentary evidence that must accompany it.

Lastly, the draft Regulation determines the amounts and the terms and conditions of payment of the financial assistance that may be granted to an eligible member of a deceased person's family.

The measures proposed by the draft Regulation have no significant impact on citizens and enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Véronyck Fontaine, Secretary General, Ministère de la Sécurité publique, Tour des Laurentides, 5^e étage, 2525, boulevard Laurier, Québec (Québec) G1V 2L2; email: veronyck.fontaine@msp.gouv.qc.ca; fax: 418 643-3500.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Véronyck Fontaine at the above contact information.

GENEVIÈVE GUILBAULT
Minister of Public Security

Regulation respecting the financial assistance that may be granted to members of a deceased person's family to cover expenses incurred for legal assistance and representation during certain inquests by a coroner

Act respecting the determination of the causes and circumstances of death
(chapter R-0.2, s. 168.1)

CHAPTER I ELIGIBILITY REQUIREMENTS

1. A member of the deceased person's family who has been recognized, under section 136 of the Act respecting the determination of the causes and circumstances of death (chapter R-0.2), as an interested person by the coroner conducting the inquest is eligible for financial assistance.

For the purposes of this Regulation, the spouse of the deceased person, the children of the deceased person or the deceased person's spouse, the parent of the deceased person or the persons acting in their stead, the brothers and sisters of the deceased person, and the person who had custody of the deceased person under a court judgment, except a foster family within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5), are members of the deceased person's family.