



**Submission to the
Standing Committee on Social Policy**

Bill 10, Child Care Modernization Act

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Introduction

CUPE Ontario, of the Canadian Union of Public Employees, represents 240,000 workers in Ontario working in municipalities, health care, school boards, social services, and post-secondary education. CUPE has a keen interest in early childhood education and child care (ECEC) for three main reasons. First, we represent ECEC workers across these diverse settings. Second, child care affects our own members who are parents and grandparents. Finally, universal, high quality, publicly-funded, public and not-for-profit child care is a key social justice issue. CUPE has a long history of fighting for child care with our labour and community partners. From CUPE's perspective, universal high-quality early childhood education and care is in all of our best interests.

Bill 10, the *Child Care Modernization Act*, re-introduced into the Ontario Legislature July 10, 2014, would replace the *Day Nurseries Act*, and give child care legislation an extensive overhaul. CUPE Ontario congratulates the province for bringing forward tougher legislation for unregulated child care providers.

The need for increased oversight and regulation of unlicensed home daycares was reinforced by the recent report, *Careless About Child Care*, by the Ontario Ombudsman, André Marin. This report shows the result of the investigation into the deaths of four young children in unlicensed child care settings in the greater Toronto area during a seven-month period in 2013-2014. The report identified many gaps in legislation, policy, practice and administration.

These dangerous situations are unfortunately far too common and have been occurring for far too long in Ontario. A 2013 CBC *Marketplace* investigation into unlicensed daycares identified serious problems such as unqualified providers operating in substandard facilities with significant health and safety issues including missing gates on stairways, cramped and windowless rooms, lack of fire exits and unfenced play areas outside.

Unregulated home daycares under the *Day Nurseries Act* have not been subject to standards, inspections or ratios in line with licensed child care, resulting in dramatic differences in terms of health and safety, programming and inspections. It is vital that the province address these gaps to ensure minimum standards for children in unlicensed care.

While these changes are welcomed, CUPE Ontario is clear that increased restrictions and standards for unlicensed daycare is not a substitute for a quality and accessible child care system. CUPE's vision of a progressive child care system consists of a fully public and non-profit integrated and comprehensive early learning and child care system for all children 0 – 12 years. The provincial government needs to strengthen and build our public and non-profit centres, which provide the highest quality child care services. There must also be a provincial policy strategy to ensure no more municipal child care centres close.

CUPE is pleased the revised Bill 10 acknowledges the role of the federal government in supporting greater access to child care and early learning in Ontario. Canada is the lowest spender on regulated child care and early education among OECD countries. Total spending on child care and early childhood education falls below 0.3% of GDP in Canada for children aged 0-5 years,ⁱ far below the international benchmark of at least 1% of GDP. We encourage the province to advocate for the federal government to invest more into ECEC and to develop a non-profit, public, universally inclusive, accessible early learning and child care system. In the meantime, a new infusion of funding is necessary from the provincial government to strengthen and expand the existing system. The case of Quebec has shown that strong provincial leadership can create a viable, affordable and quality child care system.

We support the province's call for a "responsive, safe, high quality and accessible child care and early years program and services". To achieve this goal, we believe several key modifications to aspects of the Bill are necessary to support parents and families and aid in the healthy development of children.

Recommendations

CUPE Ontario has several recommendations that would enable Bill 10 to provide the legislative framework necessary for quality early childhood education and child care.

Research shows that high staff-to-child ratios and low group sizes are key to high quality in child care, especially for infants and toddlers. Among the significant changes proposed in Bill 10, is an increase to the ratio of children that licensed home daycares can care for, up to six, from the current five. This is with daycare providers that are not required to be trained or engage in ongoing professional development. The increased ratio is going in the opposite direction of quality programs, which is one of five Guiding Principles for modernizing child care in Ontario: "Commitment to quality programs for all children. Program quality must be a priority across service settings".ⁱⁱ Increasing the ratio of children to provider can also compromise the health and safety of the children being cared for.

The Bill also proposes that regulated home-based care may be provided by two child care providers for double the number of children. Similar to the increased ratio for one provider, this approach will inevitably result in reduced quality of child care. Furthermore, difficulties could arise if one of the daycare providers is ill or unable to work, not to speak of the significant amount of space that would be required to have a safe, well-equipped and functional daycare.

CUPE Ontario has also heard of circumstances where home-based child care operators are basing their operations at a site that is not their residence. We believe the province must prohibit these types of risky arrangements that violate the intent of the legislation.

Recommendation 1: CUPE Ontario urges the government to prioritize quality when it comes to ratios for early learning and child care. Maintain the current ratio of five children for licensed home daycares. (6.3.1.i.A)

Recommendation 2: Remove authorization for two licensed home daycare providers to care for twelve children. (6.3.1.i.B)

Recommendation 3: Include a definition of “home” in the legislation to specify that home child care must occur in the operator’s primary residence.

The provincial government estimates that if every licensed provider were to take on one additional child, 6000 new spaces would be created. CUPE Ontario does not consider this an appropriate way to increase child care spaces in the province. Rather than increase the number of children for whom a licensed home child care provider can care, the government should expand spaces in public and non-profit regulated centres which are considered by many experts to be better quality child care.ⁱⁱⁱ Regrettably in Ontario, there is only a regulated centre-based child care space for one-in-five children under five.^{iv} CUPE Ontario urges the provincial Liberal government to show leadership in developing a fully-regulated public and not-for-profit child care system.

Recommendation 4: CUPE Ontario urges the province to invest in the quality of child care rather than simply the quantity.

Bill 10 lays out matters of provincial interest as well as the role of service system managers. While CUPE Ontario is supportive of tailoring early childhood education and child care to local community needs, we are also in favour of a strong provincial role with baselines and planning to ensure a consistent approach across the province.

The child care sector is currently in a state of crisis due to many changes as CUPE Ontario’s 2012 brief, *Childcare SOS*, noted:

Parents, ECE staff, service providers and young children bear the brunt of the multiple pressures that are not only inherently part of Ontario’s disjointed, under-funded childcare free market model but have been intensified by the shift to FDK.

Recent changes include a new funding formula with some municipalities receiving less money, full-day kindergarten implementation leaving a larger proportion of more costly spaces, ECE wages too low to attract and retain the qualified staff for high quality programming, long subsidy waitlists and hefty parent fees. These challenges have resulted in many municipal and non-profit child care centre closures.

Ontario’s municipally operated child care sector has decreased substantially over the past years, moving from 11% in 1998 to 2.6% of total spaces in 2012.^v This trend continues with several recent closures and more at risk.^{vi} This is particularly problematic given that municipal child care centres often meet the needs of communities in terms of after-hours care and support for children with special needs, not to speak of the increased program quality, which exists in these settings.

These shifts may be described as: closure, and shrinking supply of Ontario’s best child care options; disproportionate expansion in the for-profit sector and growth of home-grown profit-making chains; and entry of rapid growth, big-box child care corporations.

The basis of a quality and accessible child care system is adequate funding, particularly given the challenging time of transition we are currently facing. It is important to note that research by prominent economists such as Robert Fairholm and Pierre Fortin has shown that public investment in child care is

not a drain on the economy but rather a boost. Fairholm's research showed that there was a \$2.42 return in short and long-term benefits to Ontario, including educational benefits as well as increased earnings, employment and reduced social costs. Montreal-based Fortin showed how Quebec's child care funding more than pays for itself through increased tax dollars on mothers' income and consumption taxes; he calculates that Quebec recoups \$1.05 (with the federal government gaining \$.44 on the dollar) for each public dollar spent on child care by Quebec. Well-directed public spending on child care is a public investment, not a public cost and part of the solution to Ontario's economic challenges, not part of the problem. CUPE Ontario urges the province to increase its investment in our child care system.

Recommendation 5: It is a matter of provincial interest that there be a system of child care and early years programs and services that is adequately funded to provide high-quality, accessible, affordable, inclusive and integrated services for children 0 – 12 years. (Part VI 49. (1))

CUPE Ontario maintains that consultation between all stakeholders will build a stronger and more resilient child care system. Municipalities working with stakeholders at the local level to develop systems that meet local needs is key to achieving responsive, flexible services tailored to the needs of families and communities. Moreover, the provincial government working collaboratively with early learning and care staff, parents, unions, advocates, schools and communities to address current issues and any future challenges will strengthen our early childhood education and child care system. Consultation needs to occur both at the local level and at the national level to build a strong system that incorporates the knowledge and experience of the various stakeholders and advocates.

Recommendation 6: The provincial government holds regular consultations with representative organizations of early learning and care staff, parents, unions, advocates, schools and communities to discuss mechanisms to strengthen our early childhood education and child care system. (Part VI)

Recommendation 7: In developing the plan, the service system manager shall consult with representatives from school boards, early learning and care staff, parents, unions, advocates and communities and other prescribed persons or entities in accordance with the regulations, and those persons or entities shall cooperate with the service system manager for that purpose. (Part VI 51.4)

The child care workforce is the lynchpin of high-quality early learning and care. The daily interactions between them and children, and the knowledge and skill staff bring to their work, is ultimately what makes the difference between poor-quality and high-quality care.

The shift to the block funding under the new child care funding formula put wage subsidies that have been targeted to bring up low wage rates for many early childhood educators in non-profit child care centres at risk. This is no way to build a quality early learning and child care system.

Research makes the link between quality child care and well compensated staff. Good staff wages are important to attract and retain a skilled, knowledgeable and professional workforce. Substantial investments are needed to improve wages and benefits, working conditions, and to support on-going training and improved qualifications that will ensure a highly-skilled future workforce. These improvements have not been occurring in Ontario where wages have dropped slightly after adjusting for inflation between 1998 and 2012.^{vii}

Recommendation 8: It is a matter of provincial interest that there be a system of child care and early years programs and services that is based on a sound long-term labour force strategy for the sector, developed in consultation with unions representing workers. This will help ensure the programs are high-quality and that there is labour force stability through enhanced recruitment and retention of qualified workers in community-based programs and in Full-Day Learning. (Part VI 49. (1))

Recommendation 9: It is a matter of provincial interest that there be a system of child care and early years programs and services that provides labour stability through good wages and benefits, full-time hours, job security and other forms of compensation that reflect the real value of their work. (Part VI 49. (1))

We have noted that the legislation transfers a greater decision-making role regarding licensing new child care providers to service system managers.

This will give them greater power with regards to preventing for-profit child care providers becoming licensed.

CUPE Ontario believes the Ontario government needs to play a greater leadership role in ensuring a public and non-profit child care system. The research is clear on this issue: non-profit child care consistently receives higher quality ratings than for-profit centres. In fact, municipal child care was determined to have the best quality across all age groups.^{viii} Given the increased quality, the provincial government should ensure our child care system is built on public and non-profit centre-based child care.

Big-box child care centres have been gaining a significant foothold in Ontario with twenty-five per cent of regulated centre-based child care spaces in 2012.^{ix} Chains are growing, with some home-grown profit-making chains now owning as many as, for example, 27 locations. No jurisdiction in which child care is treated as a private business has a track record of equitable access or high quality. The countries in which early childhood education and care is widely accessible and meets benchmarks for quality are those that have adopted public management, public funding and public/not-for-profit delivery. Given that the province has expressed a commitment to high quality early childhood education and care, it should ensure the child care network consists only of public and non-profit licensed child care centres.

Recommendation 10: The province should only license public and non-profit child care providers (Part III-23(1)(f) Part VI-62(1))

CUPE is supportive of the move to provide extended day programs for children in grades 1 to 6 through our school system. At the same time, we believe several changes are required to ensure these programs, and the ones currently provided for Full Day Kindergarten students, are delivered by school boards. We also believe programming should operate year-round and full-day.

Provision of extended hours programming by school boards will help ensure a consistent pedagogical approach that reinforces childrens' diverse learning needs. The highly trained and unionized staff within the school board sector would ensure high-quality programs. Furthermore, this approach would ensure seamless delivery of full-day, fall year care to support parents and families.

These extended day programs should also take place year round, including during holidays and the summer in order to support children and families' needs. In Ontario, over 70% of mothers with young children participate in the workforce. We need to ensure affordable, accessible early learning and child care is available to parents year-round and all day long. CUPE Ontario believes we should build a seamless and quality system of early childhood education and child care that includes quality full-day and full-year extended day programs.

Recommendation 11: Extended day programs are provided by school boards themselves (Schedule 4, Amendments to Education Act, 4.1)

Recommendation 12: Extended day programs take place year round, including on holidays and during the summer.

It is a matter of vital importance to CUPE Ontario that our ECEC system is fully accessible to children with special needs. This accessibility lens needs to be incorporated systematically into every aspect of our child care system. Furthermore, the legislation needs to include a broader human rights perspective that is inclusive of all and that fosters equality. CUPE Ontario recommends that the provincial government incorporate similar language as exists in the *Education Act* that more robustly incorporates inclusion of children with special needs into the *Childcare Modernization Act*.

Recommendation 13: It is a matter of provincial interest that there be a system of child care and early years programs and services that is inclusive and accepting of all children, including children of any race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.

CUPE is looking forward to working with the provincial government on the child care regulations that will operationalize this legislation. It is so important that all stakeholders are party to these discussions to ensure the result meets the needs of children, parents, early childhood educators and child care operators. CUPE Ontario recommends that the provincial government gather all these parties at a Minister's Table to come to an agreement on any revised child care regulations.

Recommendation 14: That the Government of Ontario convene a Minister's Table with representative organizations of early learning and care staff, parents, unions, advocates, schools and communities to discuss any future regulations on child care.

In a context of underfunding, some child care providers have been resorting to unsavory mechanisms to generate additional revenue. One trend is child care operators charging fees to be placed on a waitlist for a child care space. It is unconscionable for anyone to profit off of the lack of regulated child care spaces. CUPE Ontario encourages the provincial government to intervene and prohibit child care providers from charging these fees.

Recommendation 15: Child care operators be prohibited from charging parents fees for being placed on a waitlist for a child care space.

Conclusion

CUPE Ontario is pleased the provincial government is introducing new mechanisms to safeguard the well-being of children in unregulated care. We have proposed a number of modifications to Bill 10 that we believe are critical for building a modern system of seamless programs and services that will benefit children and their families now and in the future. These include maintaining current ratios, a commitment to non-profit and public child care, requirements regarding extended hour care, and both provincial and local consultation. Overall, CUPE Ontario believes that while service development and planning is best achieved at the local level, it remains critical for the province to be an active partner in system transformation. The provincial government needs to invest in a well-funded, quality and accessible child care system that supports children and families.

ⁱ OECD, PF 3.1: Public spending on childcare and early education, 29/07/2013, <http://www.oecd.org/els/soc/PF3.1%20Public%20spending%20on%20childcare%20and%20early%20education%20-%20290713.pdf>

ⁱⁱ Modernizing child care in Ontario: Sharing conversations, strengthening partnerships, working together, Ministry of Education, 2012

ⁱⁱⁱ What research says about quality in for-profit, non-profit and public child care, Child care briefing notes, Child care resource and research unit, November 2011.

^{iv} Carolyn Ferns & Martha Friendly, The state of early childhood education and care in Canada 2012, June 2014, P. 7

^v Carolyn Ferns & Martha Friendly, The state of early childhood education and care in Canada 2012, June 2014, P. 3

^{vi} Municipal councils have voted to close municipal child care centres due to funding reductions in Chatham Kent, Lambton County and Sudbury. Municipal councils are considering closures in Sault Ste Marie and Thunder Bay.

^{vii} Carolyn Ferns & Martha Friendly, The state of early childhood education and care in Canada 2012, June 2014, P.

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^{viii} What research says about quality in for-profit, non-profit and public child care, Child care briefing notes, Child care resource and research unit, November 2011.

^{ix} Carolyn Ferns & Martha Friendly, The state of early childhood education and care in Canada 2012, June 2014, P.

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