



**Pan-Canadian Health Promoter Competencies' Toolkit – Product Example:  
Write Clear and Concise Briefs for Health Promotion Issues (Competency 4.3)**

**Regulatory Changes under the Day Nurseries Act  
(Child Care Modernization Act, 2013)**

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**Issue:**

The Government of Ontario has proposed regulatory changes under the Day and Nursery Act. Public Health Unit has an opportunity to respond to the proposed amendments by February 28, 2014.

**Background**

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- The Day and Nursery Act (DNA) is the provincial legislation that has been governing child care in Ontario since 1947
- Although there have been amendments, the last comprehensive review took place in 1983

**Context**

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- On December 3, 2013 the government introduced Bill 143, the Child Care Modernization Act, 2013. The legislation, if passed, would amend three Acts:
  - **Repeal and replace the Day Nurseries Act with the Child Care and Early Years Act, 2013**
  - Amend the Education Act
  - Amend the Early Childhood Educators Act
- The current public consultation process seeks feedback on a series of potential regulatory changes to **Regulation 262 under the DNA** that would, if approved, address three priority areas:
  - Program quality
  - Access and flexibility
  - Health and safety
- In the event that the Legislative Assembly does not consent to the proposed legislation, the government will continue to reform the child care system within existing authority and seek approval of as much change as possible under the DNA

**Relevance to Public Health Unit**

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- Public Health Unit (PHU) has articulated child care settings as a priority area under **\*\* Strategy**.
- Specifically, PHU is focused on leveraging policies that create supportive environments to promote healthy eating and physical activity, and decrease sedentary behaviour at all ages
- Based on this direction, there is opportunity to influence relevant proposed regulatory changes to strengthen Regulation 262 in the areas of Program Quality and Health and Safety

## **Preliminary Policy Analysis**

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### ***Enhancing Quality***

#### **Proposed Regulatory Changes –**

- Replacing the requirement in Regulation 262 to have a program of activities with a requirement to have a program that focuses on positive, responsive interactions; incorporates active exploration, play and inquiry; provides engaging materials/environments; and supports development in a holistic manner.
- Replacing the requirement in Regulation 262 to have a posted daily program plan with a requirement to communicate with parents on a regular and ongoing basis about what their children are experiencing related to active exploration, play and inquiry both indoors and outdoors.
- Simplifying the requirements for outdoor play (maintaining a minimum requirement) and providing more flexibility related to rest time to enable educators to use professional discretion to be responsive to the children in their care, and to support children’s developing ability to self-regulate.

#### **Public Health Unit Considerations –**

- While supportive of the government’s intent to incorporate and promote unstructured play-based physical activity in the child care setting, PHU strongly suggests the inclusion (through reference or integration in the proposed regulation) of the following Canadian Society for Exercise Physiology’s (CSEP) guidelines:
  - Canadian Physical Activity Guidelines
  - Canadian Sedentary Behaviour Guidelines
- The above mentioned CSEP guidelines are:
  - Evidence-based
  - Specific for the 0-4 years of age category
  - Not opposed or contradictory to the play based learning model
  - Provide strengthened policy direction, without being overly prescriptive

### ***Enhancing Health and Safety***

#### **Proposed Regulatory Changes –**

- Nutrition requirements set out in the Regulation 262 are significantly out-dated. The government is proposing to require licensed operators to follow the latest version of Canada’s Food Guide, have menus reviewed by a registered dietician, and establish policies/procedures describing their approach to providing high-quality meals/snacks and positive meal time experiences.

#### **Public Health Unit Considerations –**

- While supportive of the government’s intent to update nutritional standards by referencing the latest version of Canada’s Food Guide, PHU is cautious to assume that such reference will translate into fully optimizing the food environment in child care settings.
- Furthermore, PHU provides caution in moving forward with a policy direction that puts the onus of establishing nutrition related policies and procedures at the child care operator level
- PHU strongly suggests that the government develop provincial level Food and Beverage Criteria for child care settings as has been done by provinces such as Nova Scotia
  - Such criteria build on Canada’s Food Guide, but further articulate appropriate standards for sodium, sugar, fibre and trans fat

- PHU also recommends that the government consider developing Operating Criteria, such as the City of Toronto's, *Nutrition: Early Learning and Care Assessment for Quality Improvement* document
  - This criteria clearly articulates minimum standards and provides examples on how to exceed expectations in the areas of meal planning, meal requirements, food substitutions, snack planning, preparation, handling and transportation of food, and health and safety of the kitchen area
  - From an environmental health perspective, strengthening health and safety policies are particularly relevant since the current DNA is limited in this area

## **Next Steps**

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- Due to the limited time in which to provide feedback to the ministry, it is recommended that PHU:
  - Endorse existing guidelines on physical activity and sedentary behaviour for ministry's consideration
  - Propose that the ministry develop both food and beverage criteria and operating criteria (citing relevant examples)
  - Consolidate these comments in a position statement from the Medical Officer of Health (MOH) to the Minister of Education, cc: Deputy Ministers at the ministries of Education, Health and Long-Term Care and Child and Youth Services
- As time allows, use the position statement to engage:
  - Local MPPS, particularly the individuals that have already expressed interest in this agenda
  - Physical activity and nutrition based professional organizations (e.g. CSEP, OSN, PHU) to support the PHU/MOH's position