



### **Plain Language Summary for Bill 68: An Act to Amend the Child Day Care Act**

The Minister of Education, Culture and Employment is sponsoring Bill 68: *An Act to Amend the Child Day Care Act* (the Bill).

The *Northwest Territories (NWT) Child Day Care Act* (Act) defines how children should be cared for in facilities outside of their homes in the NWT. The Act and its corresponding Regulations set minimum standards that ensure the quality, care, instruction and supervision of children.

In December 2021, the GNWT signed the *Canada-NWT Canada-wide Early Learning and Child Care (ELCC) Agreement* (Agreement), in which Canada pledged to provide additional funding to reduce barriers and transform the early learning and child care system in the NWT. The first five years of the plan focus on building foundations for a community-based, Canada-wide system of early learning and child care that works with provinces and territories to make child care more affordable for families, develops a qualified early childhood workforce, and establishes a strong basis for accountability. Amendments to the Act are required to fully implement the Agreement.

The significant amendments included in the Bill are as follows:

#### 1. Establishing an NWT Certification Process and Wage Grid:

- Currently the Act and Regulations require primary staff to have a minimum of a one-year post-secondary certificate in an accredited early childhood program but lack requirements around post-secondary education for directors of licensed ELCC programs and support staff. Although the NWT has implemented initiatives to support an increase in the number of qualified professionals working in the sector, the ELCC sector is currently facing recruitment and retention challenges, with many qualified professionals opting to take higher paying jobs in other fields.
- The Bill would amend the Act to provide authority for the Minister to create regulations respecting an early childhood educator certification process with a corresponding wage grid. A wage grid would require operators of facility-based programs to compensate their staff in accordance with the regulations.
- A certification model for early childhood educators in the NWT is intended to support the establishment of professional standards and criteria for staff that will improve the quality of licensed ELCC programs and support operators of licensed programs in retaining and recruiting trained educators. Increasing the retention and recruitment of early childhood educators in licensed programs is essential to improving the quality of licensed programming in the NWT over time.

## 2. Increasing inclusion and reporting measures:

- Currently, ECE has limited authority under the Act to collect information from ELCC program operators about children in their programs. To meet the goals of the Agreement with Canada regarding increased reporting and accountability, and to improve supports for equity-seeking families, children with disabilities and/or those who need enhanced or individualized supports, the Bill would amend the Act to provide legislative authority to ECE to collect further information from licensed early programs, including personal information of children and families. Collecting this information from licensed programs will require legislative authority to comply with the *Access to Information and Protection of Privacy Act*.
- The information being sought will be collected through an annual census, as well as through information sharing provisions in funding applications. This information will be used to support inclusion in licensed early learning and child care programs, allowing ECE to make more effective use of supports for children with disabilities and exceptional needs to promote their healthy development (i.e., specific information about a child so that supports can be tailored to that child's needs). This will assist ECE in helping to remove barriers and increase access for all families to equitably participate in licensed early learning and child care programs in the NWT, and ensure that families from diverse backgrounds are not disadvantaged when seeking child care.

## 3. Authorizing cost control regulations:

- To meet the goal of making child care more affordable throughout the NWT, additional regulation-making authorities are necessary within the Act to give the Minister permission to establish and implement cost control measures for licensed programs. This is to ensure that government funding is being used for its intended purpose, which is to increase the affordability and accessibility of quality ELCC programming for families. Without such a mechanism, government subsidies may be used for profit rather than to create sustainable and accessible ELCC programming.
- The Bill would amend the Act to give the Minister authority to develop regulations that establish limits on the maximum amounts that programs are permitted to charge when receiving government subsidies.

## 4. Protecting the rights of families:

- ECE sees a need to strengthen the rights of families within the context of ELCC programming to ensure all families are able to benefit from safe and regulated child care. Families currently do not have an avenue for protecting their rights and the rights of their children if contract obligations are unmet and/or if they feel they have been treated unfairly by the operator of a licensed program.
- The Bill would amend the Act to enable the addition of mandatory provisions to all contracts with child care programs, and expand the authority of the Director (statutory role with delegated authority for licensing and inspections under the Act) to investigate and take action where families feel they have been treated unfairly by the operator of a child care program.

5. Updating language in the Act:

- The Bill would amend the Act to better define the types of programs that operate under the Act and clarify what types of programs are not required to comply with the Act. This will ensure that all ELCC programs that are required to be licensed comply with the legislation.
- ECE would also take this opportunity to apply gender-neutral language throughout the Act, and to ensure that the terms used in the Act remain aligned with how they are used in other legislation.

For additional information or questions contact:

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