



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 27

**An Act respecting the optimization of
subsidized educational childcare services**

Introduction

**Introduced by
Madam Francine Charbonneau
Minister of Families**

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EXPLANATORY NOTES

This bill amends the Educational Childcare Act to require childcare providers to enter into a subsidized educational childcare services agreement, the form and content of which are determined by the Minister responsible for that Act, with parents who use their subsidized childcare services. It also prohibits inducing a parent to enter false or misleading information in such an agreement.

The bill determines the penalties applicable to the parent or childcare provider in cases where the subsidized educational childcare services agreement is not used, is not completed in full or contains false or misleading information. Penalties may also be applicable if false or misleading information is entered in any other document required under the Act or a regulation.

More particularly, the bill gives the Minister the power to bar the parent from having access to a subsidized childcare space for the child concerned for a period of three months. In addition, it prescribes penalties for the childcare provider at fault and allows the Minister to cancel or reduce the subsidy granted to the childcare provider or suspend its payment.

LEGISLATION AMENDED BY THIS BILL:

- Educational Childcare Act (chapter S-4.1.1).

Bill 27

AN ACT RESPECTING THE OPTIMIZATION OF SUBSIDIZED EDUCATIONAL CHILDCARE SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATIONAL CHILDCARE ACT

1. Section 92 of the Educational Childcare Act (chapter S-4.1.1) is amended by striking out the second and third paragraphs.

2. Section 95 of the Act is amended by adding “or do not have access to a subsidized childcare space following a decision of the Minister under section 101.21” at the end.

3. Section 97 of the Act is amended

(1) by replacing “or 86.1” in subparagraph 7 of the first paragraph by “, 86.1 or 101.2.4”;

(2) by inserting the following subparagraph after subparagraph 8 of the first paragraph:

“(9) enters false or misleading information on a registration card or attendance card referred to in section 58, in a subsidized educational childcare services agreement or a special agreement under section 101.2.1 or on a form required by a regulation under this Act, or consents to such information being entered.”

4. The Act is amended by inserting the following after section 101.2:

“DIVISION IV

“SUBSIDIZED EDUCATIONAL CHILDCARE SERVICES AGREEMENT

“101.2.1. A childcare provider must enter into a subsidized educational childcare services agreement with a parent who uses the provider’s subsidized childcare services. The childcare provider may also, to the extent provided by regulation, enter into a special agreement with that parent concerning the additional goods or services the provider offers.

“101.2.2. The Minister determines the form and content of a subsidized educational childcare services agreement and a special agreement. The

agreements must, in particular, determine terms for the provision of services and the amount of any additional fee or contribution that may be requested or received by a childcare provider for certain specific goods and services exempted by regulation.

The content of the agreements may vary depending on whether the childcare provider is a childcare centre permit holder, day care centre permit holder or home childcare provider.

When exercising the functions provided for by this section, the Minister may not contravene the provisions of a group agreement under the Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements (chapter R-24.0.1).

The childcare provider may not, in any way, amend the form or content of an agreement under the first paragraph.

“101.2.3. The Minister may determine the amount a childcare provider may require from a parent as a penalty for cancelling a subsidized educational childcare services agreement or a special agreement. The amount may be greater than that provided for in paragraph *b* of section 195 of the Consumer Protection Act (chapter P-40.1).

“101.2.4. No person may induce a parent to enter false or misleading information in an agreement under section 101.2.1.”

5. The Act is amended by inserting the following after section 101.20:

“CHAPTER VII.2

“ADMINISTRATIVE PENALTY APPLICABLE TO A PARENT

“101.21. If the Minister finds that a parent has signed a registration card or attendance card referred to in section 58, an agreement under section 101.2.1 or a form required by a regulation under this Act and that the document contains false or misleading information, the Minister may bar the parent from having access to a subsidized childcare space for the child concerned for a period of three months.

Before rendering a decision, the Minister must give the parent an opportunity to submit observations. The Minister’s decision, with reasons, is communicated in writing and becomes applicable on receipt.

The Minister notifies the subsidized childcare provider concerned of the decision. The subsidized educational childcare services agreement is cancelled on the date the Minister’s decision is received, without further formality.”

6. Section 104 of the Act is amended by inserting “or 101.21” after “section 88”.

7. Section 108 of the Act is amended by replacing “92” in the second paragraph by “101.2.1”.

8. Section 109 of the Act is amended by replacing “or section 99” by “, section 99 or section 101.2.4”.

9. The Act is amended by inserting the following section after section 116:

“116.1. A subsidized childcare provider that fails to enter into a services agreement or a special agreement under section 101.2.1 with a parent who uses the provider’s services, that enters into an agreement that does not comply with the form or content determined under section 101.2.2 with such a parent, that fails to complete an agreement under section 101.2.1 in full, that enters false or misleading information in such an agreement or that consents to such information being entered is guilty of an offence and is liable to a fine of \$250 to \$1,000.”

TRANSITIONAL AND FINAL PROVISIONS

10. Despite sections 101.2.1 to 101.2.4 of the Educational Childcare Act (chapter S-4.1.1), enacted by section 4, a reduced contribution childcare services agreement in force on *(insert the date preceding the date of assent to this Act)* remains in force until its expiry date.

11. This Act comes into force on *(insert the date of assent to this Act)*.

