



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 8

An Act to amend the Act respecting childcare centres and childcare services

Introduction

**Introduced by
Mr. Claude Béchar
Minister of Employment, Social Solidarity and Family
Welfare**

**Québec Official Publisher
2003**

EXPLANATORY NOTES

This bill amends the Act respecting childcare centres and childcare services in order to define, in a declaratory manner, the status of home childcare providers recognized as such by a childcare centre permit holder and to provide, in the same manner, that neither the home childcare providers nor any adult assisting them or person in their employ are employees of the childcare centre permit holder.

The bill makes it possible for the Minister of Employment, Social Solidarity and Family Welfare to make agreements, following consultations, with one or more associations representative of home childcare providers.

The bill also provides that after their approval by the Government, such agreements will be applicable to all home childcare providers and to all childcare centre permit holders.

Bill 8

AN ACT TO AMEND THE ACT RESPECTING CHILDCARE CENTRES AND CHILDCARE SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Act respecting childcare centres and childcare services (R.S.Q., chapter C-8.2) is amended by inserting the following section after section 8 :

“8.1. A recognized home childcare provider is, with respect to the services the person provides as such to parents, a provider of services within the meaning of the Civil Code.

As well, notwithstanding any provision inconsistent herewith, the home childcare provider, when acting within the home childcare operation, is deemed not to be in the employ of or an employee of the childcare centre permit holder that has recognized the childcare provider. The same applies to the adult assisting and any person in the employ of the childcare provider.”

2. The said Act is amended by inserting the following after section 73.2 :

“CHAPTER IV.3

“CONSULTATION AND AGREEMENT

“73.3. The Minister may make an agreement with one or more associations representative of home childcare providers concerning the provision and financing of home childcare and the implementation and maintenance of programs and services that meet the needs of all home childcare providers.

Before making such an agreement, the Minister shall consult with associations representative of home childcare providers and associations representative of childcare centre permit holders and shall submit the draft agreement to the Government for approval.

“73.4. The provisions of the agreement shall be binding on all home childcare providers, whether or not they are members of an association party to the agreement, and on all childcare centre permit holders.”

3. The provisions of section 8.1 of the Act respecting childcare centres and childcare services, enacted by section 1 of this Act, are declaratory. They apply to administrative, quasi-judicial and judicial decisions rendered before (*insert the date of assent to this Act*).

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