

Policy Statement:

Administrative Penalties for the Early Learning and Childcare Sector

Purpose

The purpose of administrative penalties is to enhance accountability and promote compliance in Alberta's early learning and childcare (ELCC) sector. This purpose will be met by:

- **Building public trust and confidence** in Alberta's childcare sector;
- **Enhancing accountability and transparency** for both individuals and organizations;
- **Addressing persistent non-compliance** and encouraging voluntary compliance;
- **Aligning Alberta's childcare enforcement mechanisms** with other ministries and jurisdictions; and
- **Promoting a safer and higher quality environment** for children.

Administrative penalties are issued as part of the Ministry's ongoing oversight and compliance monitoring of the ELCC sector and are tied to specific contraventions or failures to comply. Administrative penalties are one tool among many used to ensure compliance with the *Early Learning and Child Care Act*, the Early Learning and Child Care Regulation, applicable standards, and any terms or conditions placed on a licence or Early Childhood Educator (ECE) certification. These enforcement measures will be used to improve quality of childcare, reduce instances of non-compliance, and prioritize the health and safety of children. Penalties are not only corrective but also serve as a deterrent to encourage consistent compliance across Alberta's early learning and childcare system.

Criteria

- Administrative penalties may be issued to a person who contravenes the *Early Learning and Child Care Act*, the Early Learning and Child Care Regulation, or the terms or conditions, if any, of a licence or ECE certification. This includes all licence holders, individual Early Childhood Educators (ECEs) and unlicensed childcare providers.
- Administrative penalties may be issued for specific contraventions or non-compliances, which will be identified in the Notice of Administrative Penalty.
 - The administrative penalty may be one of many enforcement actions undertaken in response to a contravention.
- An administrative penalty must not exceed \$10,000 per contravention. If a contravention continues over multiple days, cumulative penalties may be issued for each day of non-compliance (e.g., a \$1,000 penalty may increase to \$5,000 if the issue persists for five days).
 - This is most likely to be used in instances where compliance is expected immediately and will be monitored closely (e.g., failing to obey a stop order for unlicensed care).
- The recipient of a penalty may appeal the penalty issued and will be informed of their right to do so in the Notice of Administrative Penalty.

Penalty Amounts

- Administrative penalty amounts are determined based on the unique circumstances of each case. In assessing the appropriate amount, consideration is given to the nature and severity of the contravention, and the level of risk posed to the health, safety, and well-being of children.
- Penalty amounts are not predetermined; rather, they are assessed on a case-by-case basis to reflect the seriousness of the contravention and to uphold the principles of the *Early Learning and Child Care Act*.
- The amount of a penalty will be determined primarily by a consideration of the risk associated with the specific non-compliance as well as the overall risk present. For example:
 - Contraventions that have a high impact or high likelihood of negatively impacting children's health and safety may range from \$500-\$10,000.
 - Contraventions that have a moderate impact or moderate likelihood of negatively impacting children's health and safety may range from \$250-\$4,000.

- Contraventions that have a low impact, or low likelihood of negatively impacting children's health and safety may range from \$50-\$1,000.
- These amounts may be scaled upward or downward depending on the level of risk, likelihood of negative consequences, and potential impact of these negative consequences should the non-compliance continue.
- Additional considerations include the severity of the contravention, the degree of wilfulness or negligence, any mitigating circumstances or actions taken to prevent reoccurrence of the contravention, the compliance history, whether the contravention resulted in economic benefit, and other factors considered relevant by the statutory director.

Penalty Issuance and Processes

Administrative penalties will be generated electronically and served either directly by licensing staff, or delivered via courier service or registered mail. If the recipient has a registered email address with the Ministry, they will also receive an email notification confirming the issuance of the penalty.

Recipients of penalties have 30 days to pay the penalty. The due date of the penalty and the recipient's appeal options will be outlined in the Notice of Administrative Penalty. They will also have the same 30-day period to appeal the penalty.

Payments of an administrative penalty must be made using eServices, which accepts any major credit cards (VISA, MasterCard, American Express), VISA debit, MasterCard debit, and Apple Pay. No bank transfers, cash, cheques or other payment processes will be accepted. A recipient may make partial payments, but the full amount of a penalty must be paid within the 30-day timeline.

Once a payment has been made, or the 30-day appeal deadline has passed, the penalty will be posted publicly online, including the the name of the licence holder, ECE, or unlicensed care provider; the program ID number or certificate number (if applicable); the postal code; the city, town, or community; the amount of the penalty; the contravention for which the penalty was issued and the date the penalty was issued and paid.

Should a penalty go unpaid, the Government of Alberta may pursue collections of the penalty as unpaid debt.

Reference and Legislation

The legislation authorizing administrative penalties is section 26.1 of the *Early Learning and Child Care Act*, and sections 14.3 and 14.4 of the *Early Learning and Child Care Regulation*. For full legislative details, please refer to the [Alberta King's Printer](#).