
Administrative Penalties in Early Learning and Childcare - Frequently Asked Questions:

General Questions

Why are administrative penalties being introduced?

Administrative penalties are part of the broader changes made to the *Early Learning and Child Care Act* and Regulation which focused on enhancing accountability and transparency in Alberta's early learning and childcare sector.

Administrative penalties provide the government with an additional enforcement option to encourage compliance with the legislation to ensure a safe and supportive environment for the healthy development of children.

How much can I be penalized?

An administrative penalty must not exceed \$10,000 per contravention. The legislation also specifies that a contravention which occurs over more than one day can be issued \$10,000 for each day or part of a day the contravention continues.

In practice, the amount of a penalty will be determined based on a number of factors, including the nature and severity of the contravention, and the maximum penalty amounts will only apply in the most serious or egregious situations where there is significant risk to the health and safety of children.

How are penalty amounts determined?

Administrative penalty amounts will be determined based on the specific 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*.

Who is eligible for an administrative penalty?

The *Early Learning and Child Care Act* specifies that any person who contravenes or fails to comply with the Act or Regulation is eligible to be issued a penalty.

This means licence holders, early childhood educators (ECEs), and those offering unlicensed care can all be issued administrative penalties.

Will I be issued a penalty for every non-compliance?

No. Administrative penalties are one part of the Ministry's ongoing oversight and compliance monitoring of the childcare sector. Administrative penalties are one tool among many used to ensure compliance, and are not considered a primary method to ensuring compliance or guiding changes in behaviour.

For licence holders in particular, the introduction of administrative penalties is not intended to replace existing processes between licence holders and licensing staff within Alberta Education and Childcare. Licensing staff may use administrative penalties when other attempts to ensure compliance prove ineffective, or when a contravention results in significant risk to the health and safety of children.

How will I know if a contravention will result in a penalty?

In most cases, licensing staff will work with licence holders to address compliance issues and will only issue administrative penalties if other tools fail to bring a licence holder into compliance.

However, there may be instances where the actions of a licence holder place children at significant risk or result in an extremely negative outcome. In these instances, a penalty may be issued.

Immediate issuance of a penalty may result where ECEs provide false or misleading information in ECE certification or fail to obey a term or condition of a certification, or where unlicensed providers fail to obey a stop order or fail to comply with an investigation.

What controls are in place to make sure penalties are fair and consistent?

All penalties will be approved and issued by senior leadership within Alberta Education and Childcare to ensure consistency throughout the province.

All penalties will be appealable through appropriate mechanisms.

Penalty amounts are not predetermined. 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*.

How do I appeal a penalty?

Appeal processes for administrative penalties will be the same as those for any other enforcement mechanism, such as orders to remedy, orders to close part or all of a facility, suspending a licence, or cancelling a licence.

For **licence holders**, this includes the option to appeal through an administrative review, alternative dispute resolution, or through the appeals process.

For **ECEs and unlicensed care providers**, they must appeal the penalty directly to the Appeals Secretariat.

Information on appeals for all parties who are subject to administrative penalties are available online at: <https://www.alberta.ca/child-care-licensing-appeal-a-decision>. ECEs can also consult the [Certification Guide](#) for Early Childhood Educators for information on how to submit an appeal.

Can a penalty amount be reduced?

Recipients of administrative penalties have the option to file an appeal within the legislated timeframe from the date of the decision (30 days). This includes disputing the amount of the penalty.

Licence holders have additional options available to them. They may file an appeal with Appeals Secretariat, request an administrative review, or choose alternative dispute resolution.

Only the statutory director or the Appeals Secretariat can modify the penalty amount using the proper appeal mechanisms.

Will administrative penalties be public information?

Yes. All administrative penalties will be posted publicly. The link will be shared after September 30, 2025 to the new lookup tool.

The public posting will include 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.

Why are licence holders being held accountable for issues related to the actions of ECEs?

As with all other enforcement mechanisms which address non-compliance in the childcare sector, the Act and Regulation primarily focus accountability on the licence holder to provide a safe, caring, and supportive developmental environment for children.

Because it is the responsibility of the licence holder to comply with all requirements of the Act, Regulation, Standards and terms and conditions of a licence – administrative penalties will be issued to the licence holder in nearly all situations.

There are specific contraventions that apply solely to early childhood educators. In these instances, that person would receive the penalty (ECE, FDH educator, unlicensed care provider).

Who must pay for a penalty? Can the licence holder pass on the cost of a penalty to an ECE or deduct the amount from the ECE's pay?

No. It is the sole responsibility of the individual or corporation named in the administrative penalty to pay the penalty. Employers are required to follow all of Alberta's Employment Standards, including those related to deductions of pay.

ECEs who feel that employers are making deductions of pay that do not follow the Employment Standards may file a complaint with Employment Standards itself.

How long will I have to pay a penalty or file an appeal?

You will have 30 days to file an appeal or pay an administrative penalty from the date the penalty is issued.

If you file a notice of appeal, the payment deadline is paused. Following an appeal, if the penalty is upheld or reduced, you will have 30 days to pay from the date of the outcome of the appeal.

The payment due date and the deadline to appeal will appear on the notice of administrative penalty that will be sent to you.

To allow time for delivery of the notice, 40 days is given on the notice of administrative penalty to make payment.

How do I pay a penalty?

Penalty payments will be made through an online portal. A link and QR code will be included in the notice of administrative penalty.

Payments are made using eServices, which accepts major credit cards (VISA, MasterCard, American Express), VISA debit, MasterCard debit, and Apple Pay. Partial payments can be made, but the full amount must be paid by the payment due date.

A minimum payment of \$100 per partial payment is required, or the full amount if the penalty is less than \$100.

What happens if I do not pay an administrative penalty?

Unpaid penalties will be forwarded to Treasury Board and Finance, Crown Debt Collections. Crown Debt Collections may file any unpaid administrative penalties with the Court of King's Bench of Alberta and enforce the penalties as judgments, leveraging remedies prescribed by the Civil Enforcement Act, including bank account and wage garnishments, land title liens, vehicle liens, and asset seizures.

Operational grants may also be held or terminated for any licence holders not in good standing with the department.

How will I be notified if I'm issued a penalty?

For licence holders, penalties will usually be delivered in person by the licensing officer that monitors the program or agency. Where it is impractical for licensing staff to deliver by hand, a courier or process server may be used to deliver the notice of penalty.

ECEs, including FDH program educators, as well as unlicensed care providers who receive penalties, will most likely receive their notification of administrative penalty by courier or process server.

Licence holders and ECEs who have email addresses registered with an online account connected to Alberta Education and Childcare will also receive an email notification when the administrative penalty is issued. These recipients will also receive email reminder notifications if they have not paid within 15 and 5 days of the penalty payment due date.

Early Childhood Educators

Why are FDH program educators subject to penalties but not ECEs in facility-based programs?

As part of the changes to the Early Learning and Child Care Regulation introduced on April 30, 2025, the Family Day Home (FDH) Standards were formally incorporated into the Regulation, giving them the same legal standing as the Regulation itself.

As the FDH Standards include clear and specific requirements for FDH program educators, it is possible for a FDH program educator to be in violation of the Standards and therefore the Regulation. This is not the case with ECEs operating in facility-based programs, who do not have explicit requirements related to the provision of care within either the Act or the Regulation.

Can a FDH agency recommend a penalty to a FDH program educator?

No. If an agency identifies a significant issue or incident related to one of the FDH program educators they oversee, they should take the appropriate measures that exist under current practice.

Administrative penalties are a tool that can only be issued by the statutory director, or those delegated.

Penalties may be issued to FDH program educators if licensing staff directly witness an incident deemed sufficiently high risk or during an investigation following a complaint or incident.

What penalties are an ECE eligible to receive?

The Regulation outlines the process by which an ECE receives certification and includes a requirement that the certification not be based on false or inaccurate information. The Regulation also outlines measures that can be taken to impose terms and conditions on a certification or to suspend or cancel a certification. This legislation speaks to specific responsibilities and

requirements of all ECEs, and so all ECEs may be issued a penalty if they are found to have violated these parts of the Regulation.