



ALBERTA

CHILDREN'S SERVICES

Office of the Minister

**Ministerial  
Order  
No. 2020-06**

---

WHEREAS the Lieutenant Governor in Council made Order in Council 080/2020 under section 52.1(1) of the *Public Health Act* (PHA) on March 17, 2020 declaring a state of public health emergency in Alberta due to pandemic COVID-19 and the significant likelihood of pandemic influenza;

WHEREAS Order in Council 080/2020 has effect for 90 days following March 17, 2020 under section 52.8(1)(a) of the PHA;

WHEREAS sections 52.1(2) and 52.1(3) of the PHA authorizes the Minister responsible for an enactment (Minister) to make an order, without consultation, to suspend or modify the application or operation of all or part of an enactment, subject to the terms and conditions the Minister prescribes, or to specify or set out provisions that apply in addition to, or instead of, any provisions of an enactment, if the Minister is satisfied that doing so is in the public interest;

WHEREAS section 52.1(2.1) of the PHA allows an order made under section 52.1(3) to be made retroactive to a date not earlier than the date on which a state of public health emergency was declared under section 52.1(1); and

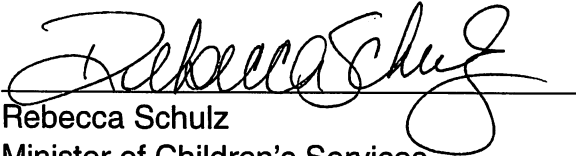
WHEREAS I am satisfied that modifying and suspending the application or operation of all or part of the *Child Care Licensing Act* (CCLA) and *Child Care Licensing Regulation* (CCLR) is in the public interest to ensure parents may access child care programs and to impose more stringent regulatory requirements for child care programs to address the significant public health risks that are posed by COVID-19;

THEREFORE, I, Rebecca Schulz, Minister of Children's Services, pursuant to section 52.1(2) of the PHA, do hereby order that:

1. The provisions of the CCLA and the CCLR are modified or suspended to the extent required to give effect to the conditions and requirements set out in the Appendix to this Order.
2. This Order lapses, unless it is sooner continued by an order of the Lieutenant Governor in Council under section 52.811(3) of the PHA, at the earliest of the following:
  - (a) August 14, 2020;

- (b) 60 days after Order in Council 080/2020 is terminated by the Lieutenant Governor in Council, if Order in Council 080/2020 is terminated before June 15, 2020;
  - (c) when the Minister is satisfied that this Order is no longer in the public interest; or
  - (d) when this Order is terminated by the Lieutenant Governor in Council under section 52.811(1)(c) of the PHA.
3. Except as otherwise provided in the Appendix to this Order, this Order is made retroactive to May 14, 2020.
4. Ministerial Order 2020-03 is hereby rescinded.

DATED at Edmonton, Alberta this 20<sup>th</sup> day of May, 2020.

  
Rebecca Schulz  
Minister of Children's Services

## APPENDIX

1. Except as otherwise provided in this Appendix, any words used in this Appendix which are defined in the CCLA or CCLR have the same meaning as they have in the CCLA and CCLR.
2. The child care programs that may operate in accordance with this Ministerial Order are to be determined at the sole discretion of the director of the CCLA, and at a minimum:
  - a. are limited to day care programs, out of school care programs and innovative child care programs; and
  - b. must meet any other criteria as determined by the director.
3. Section 4(2) of the CCLA is modified by adding “up to” before “2” and adding “, as determined by the director,” after “years”.
4. Section 1 of the CCLR is modified by adding the following after subsection 1(1):
  - (1.1) Despite subsection (1), the director may vary the definitions of child care programs in subsections (1)(b), (e) and (h), including the children to whom the program may be provided and the hours and periods in which the program is provided.
5. Section 27 of Schedule 1 of the CCLR is modified by adding the following after subsection 27(6):
  - (7) The director may vary the
    - (a) minimum primary staff member to children ratios,
    - (b) maximum number of children who may be included in a group, and
    - (c) the age groups of children who may be included in a group,set out in subsections (1), (2), (3), (4), (5), (5.1) and (6) if the director is satisfied that
    - (d) the children will be adequately supervised by the licence holder to ensure their safety, well-being and development, and
    - (e) it is in the public interest that a variance be provided.

6. Section 24 of Schedule 4 of the CCLR is modified by adding the following after subsection 24(3):

(4) The director may vary the

- (a) minimum primary staff member to children ratios,
- (b) maximum number of children who may be included in a group, and
- (c) the age groups of children who may be included in a group,

set out in subsections (1), (2) and (3) if the director is satisfied that

- (d) the children will be adequately supervised by the licence holder to ensure their safety, well-being and development, and
- (e) it is in the public interest that a variance be provided.

7. The licence holder must comply with the Alberta Health *Guidance for Licensed Child Care Centre (Daycares and Out-of-School Care)* found at:

<https://www.alberta.ca/assets/documents/covid-19-relaunch-guidance-daycare-out-of-school-care.pdf>