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Hamilton

# City of Hamilton – COVID-19 – Child Care Centre Operation

## Vaccine Disclosure Policy FAQs

September 20, 2021

On September 7, 2021, *Instructions issued by the Office of the Chief Medical Officer of Health* were released regarding mandatory COVID-19 vaccination policies, to support the continued health and safety of students, children, staff and visitors in schools and child care. These instructions require that all licensees establish, implement and report on a COVID-19 Immunization Disclosure Policy. All licensees under the *Child Care and Early Years Act, 2014* are subject to these requirements until such time as they are revoked/rescinded.

In accordance with the Instructions issued by the Office of the Chief Medical Officer of Health (OCMOH), all publicly-funded schools, child care licensees, private schools, and student transportation providers are required to have a mandatory COVID-19 vaccination policy in place that applies to the individuals defined in the OCMOH Instructions by **September 7, 2021**, and have the policy fully implemented by **September 27, 2021**.

The following Frequently Asked Questions related to the topic of vaccination policies have been provided by the Ministry of Education.

### Contents

Licensed Home Child Care.....	2
Testing.....	4
Ordering/Distribution of Testing Kits.....	6
Record Keeping and Reporting.....	7
Educational Session.....	8
Exemptions.....	9
Special Needs Resourcing.....	9
Co-Located Programs.....	10
Parents/Visitors.....	11

**Q: What happens if my organization does not have a policy in place for Sept 7? // Qu'arrive-t-il si mon organisme n'a pas de politique en place pour le 7 septembre ?**

ENG: The Ministry asks that all school boards/licensees work to have a policy in place by this date. We have provided sample policies for your use and encourage your organization to make best efforts to meet this deadline.

FR : Le ministère demande que tous les conseils scolaires/titulaires de permis de services de garde s'efforcent d'avoir une politique en place à cette date. Nous avons fourni des exemples de politique pour votre usage et encourageons votre organisme à faire de son mieux pour respecter cette échéance.

### **Licensed Home Child Care**

**Q: If individuals (adults) who reside at a licensed home child care location but are not on premise during the times when children are in care, are the individuals required to meet the rapid testing requirements if they are not fully vaccinated? Can the disclosure policy state that those who are not *on premise* during the time that care is being provided are not subject to the rapid testing?**

**A:** Individuals who are not fully vaccinated and subject to the mandatory immunization disclosure policy are required to complete regular testing (twice a week).

At a minimum, the ministry expects that the following groups of individuals would be covered by the policy, except where the individual works remotely and the individual's work does not involve in-person interactions:

- Employees of the licensee (including home visitors);
- Home child care providers;
- Volunteers;
- Students on an educational placement;
- Any licensee who regularly interacts with children, staff or providers;
- Adults ordinarily a resident of or regularly present at a home child care premises; and,
- Any other person who provides child care or other services to a child who receives child care (e.g., special needs resourcing consultant).

**Q: We have received the following question from one of our home child care agencies: *What happens if one provider (or husband) refuses to get vaccinated? Does that mean they all have to close?***

**A:** If an individual subject to the licensee's immunization disclosure policy refuses to receive COVID-19 vaccination, the licensee would then be required to ask the individual to either provide a medical exemption or participate in an educational session. The

individual is also required to complete regular testing and provide the licensee with verification of negative test results twice a week.

**Q: Based on the *Resource Guide*, the policy also applies to those who are refusing to get vaccination within a licensed home child care. For example, the agency would establish a policy for their home child care providers that would require proof of the following three things:**

- Full vaccination against COVID-19; or
- A medical reason for not being vaccinated against COVID-19; or
- Completion of COVID-19 vaccination educational session prescribed by the Ministry of Education.

**Are there other factors that need to be taken into consideration?**

**A:** Individuals who are not fully vaccinated must submit to regular rapid antigen testing. Individuals subject to testing requirements must provide verification of negative test results two times per week as an added measure to protect child care settings from the risk of COVID-19.

**Q: The *Resource Guide* states that the immunization disclosure policy applies to “adults ordinarily a resident or regularly present at a home child care premises”; however, the online reporting form states that “you are not required to report on individuals ordinarily a resident of or regularly present at the home child care premise”. A CMSM is inquiring about the accuracy of this statement as a provider attended the OMSSA call where it was stated that household members were to be included in reporting.**

**A:** At a minimum, the ministry expects that the following groups of individuals would be covered by the policy, except where the individual works remotely and the individual’s work does not involve in-person interactions:

- Employees of the licensee (including home visitors);
- Home child care providers;
- Volunteers;
- Students on an educational placement;
- Any licensee who regularly interacts with children, staff or providers;
- Adults ordinarily a resident of or regularly present at a home child care premises; and,
- Any other person who provides child care or other services to a child who receives child care (e.g., special needs resourcing consultant)

At this time, data reporting to the Ministry of Education only applies to staff members and home child care providers.

Licensees must ensure records required under the instruction are kept in a secure location at the child care center, home child care agency, or home child care premises and are made available for inspection by an inspector or program advisor at all times.”

Copies of these records may be kept in hard copy or digital form.

## **Testing**

**Q: Will licensing clarify if at home unsupervised testing is acceptable?**

**A:** Licensees must set out a process to implement their immunization vaccine disclosure policies including self-administration of testing of those subject to testing requirements and confirmation of negative results.

**Q: How should waste generated from rapid antigen tests be disposed of?**

**A:** Waste generated from rapid antigen screening tests is considered a hazardous waste under the Environmental Protection Act. The Ontario government recently made amendments to the regulation governing hazardous waste management to exempt waste from these tests from collecting, storage and transportation requirements as long as the waste is disposed in Ontario. This waste must still be disposed of at a waste facility approved to handle biomedical waste. In addition, those collecting, storing or transporting these kits should follow Ontario's guidance on the Safe Handling and Management of Rapid Antigen COVID-19 Testing Waste.

For waste generated from at-home rapid antigen screening the regulatory requirements for managing the hazardous waste under the *Environmental Protection Act* do not apply. Instead, persons undertaking at-home rapid antigen tests should consult their local municipality's by-laws on the proposal disposal of this waste to ensure it can be disposed of with the household trash.

The ministry will be sharing a communication shortly with additional information regarding antigen testing. This communication will include a resource from Ontario Health about discarding these tests.

Excerpt from the hand out below:

### ***Wash your hands and throw away the packaging***

- Throw away any packaging and waste from the testing process.
- Clean your test area well with a disinfectant.
- Wash your hands with warm water and soap for 20 seconds or use hand sanitizer.

**Q: Is there a specific time in the day that rapid antigen testing must be done?**

**A:** Further to the Letter of Instruction issued by the Office of the Chief Medical Officer of Health, licensed child care programs must require that individuals who are not fully vaccinated submit to regular rapid antigen testing. Individuals subject to these testing requirements **must provide verification of negative test results two times per week.**

To support this process, the Ministry asks that licensees inform those required to undertake testing of the following instructions:

- Testing is to take place at an individual's residence prior to attending work.
- Testing should be implemented consistently on a weekly basis with at least 3 days between tests, and conducted Sunday to Friday.
- Testing should not take place more than 48 hours before attending work.

**Q: Can mouth swabs be used for COVID-19 rapid tests in place of the Rapid Antigen Tests that are being supplied?**

**A:** Rapid antigen screening must be conducted in accordance with [COVID-19 Guidance: Considerations for Antigen Point-of-Care Testing](#). Please note, rapid antigen screening is only for individuals who are asymptomatic. Anyone who has symptoms should seek testing at their local assessment centre consistent with provincial testing guidance.

**Q: When going online to order the test kits from the Chamber of Commerce it states, "Each company should assign a Screening Supervisor Designate, who will be the contact person. This person is responsible for administrating the test and must be the one who picks up the kits."**

**Do we need to have a staff member trained and overseeing this process (as there is concern about the feasibility/time involved in assigning a staff member to do this) or can staff complete the tests independently either at home before they arrive at the centre and/or when they arrive at the centre prior to interacting with children and other staff members?**

**A:** Anyone who is "trained" can perform a test. Rapid antigen tests can be performed by health professionals or any individual who is trained (including self-swabbing). Any individual is considered trained when they have consulted the appropriate training materials. A trained individual may complete tests independently either at home before they arrive at the centre and/or when they arrive at the centre prior to interacting with child and other staff.

**Q: The EYCCD Memo dated September 4, 2021 states that rapid antigen testing and "verification of negative test results" must be provided "at least two times per week" for individuals who are not fully vaccinated. The CMOH instructions dated September 7, 2021 indicate that testing must occur "at a minimum once every seven days." Will licensees be in compliance if they follow the September 7, 2021 directive from the CMOH (i.e., once a week)?**

**A:** As per the memo dated September 4, 2021 from Phil Graham, Assistant Deputy Minister of the Early Years and Child Care Division, child care programs must require that individuals who are not fully vaccinated submit to regular rapid antigen testing. Individuals subject to testing requirements must provide verification of negative

test results two times per week as an added measure to protect child care settings from the risk of COVID-19.

### **Ordering/Distribution of Testing Kits**

**Q: Will the employer letter provided to pharmacies in the interim also apply for visitors, students and parents, in addition to their staff?**

**A:** As an interim measure, the government is authorizing pharmacies to provide publicly funded COVID-19 rapid antigen testing services effective Tuesday, September 7, 2021 until Tuesday September 21, 2021. This is a temporary measure that is only available to those individuals subject to the mandatory immunization disclosure policy (i.e., individuals who are not fully vaccinated). Individuals subject to the vaccine disclosure policy will be required to show valid ID and a letter from the licensee indicating they are subject to testing requirements.

**Q: One operator called three of the four pharmacies on the list in their town. None are aware of the directive to provide free testing – will they be receiving any additional direction from MOH about this? Two of the pharmacies do not currently have tests in stock.**

**A:** As an interim measure, the government is authorizing pharmacies to provide publicly funded COVID-19 rapid antigen testing services effective Tuesday, September 7, 2021 until Tuesday September 21, 2021. This is a temporary measure that is only available to those individuals subject to the mandatory immunization disclosure policy (i.e., individuals who are not fully vaccinated). Individuals will be required to show valid ID and a letter from the licensee indicating they are subject to testing requirements. Licensees can provide details of any listed pharmacies that indicate that they are unaware of the direction to their program advisors for ministry follow-up.

**Q: Has any consideration been given to shipping tests to centres in rural areas? It's 45 minutes one way to the chamber of commerce and their hours don't support early or late pick up. (CMSM has told them that they will drop off where possible, but this could be an issue long term?)**

**A:** Child care licensees will be able to log onto CCLS, navigate to the Licence Detail page to see which delivery approach they fall under. Rapid Antigen Tests will be provided at no cost to licensees in one of three ways:

#### **1. Direct Delivery**

Approximately 60 of the largest child care organizations in Ontario will receive direct delivery of tests to the licensee's mailing address identified in the Child Care Licensing System. These organizations have been identified for direct delivery as they are not considered small/medium businesses and therefore not eligible for the other options detailed below.

Shipments will include enough tests for all sites associated with the organization and licensees are responsible for ensuring each site gets the required number of tests.

## 2. Ontario Chamber of Commerce Rapid Screen Initiative

Small and medium child care organizations located close to a chamber of commerce pick-up location must arrange to pick-up tests through the Ontario Chamber of Commerce Rapid Screen Initiative.

Businesses (including non-chamber members) with 150 employees or less are welcome to participate in this program.

Tests are ordered directly from the local chamber of commerce or board of trade, not from a central provincial website, and must be picked up at a designated location. Please visit the Rapid Screen Initiative website to see the list of participating chambers of commerce and boards of trade. Once you have identified your local chamber of commerce, please register through their website and arrange to pick up your tests as soon as possible.

## 3. School Board/School Delivery

Tests are being shipped directly to schools and school boards across the province. These shipments include tests for use in both the school system and child care settings that are more than 10 KM away from a chamber of commerce pick-up location. Licensees who are picking up at a school will receive their assigned location and additional instructions on how to arrange pick-up from the Ministry of Education shortly.

Licensees will be notified of their assigned delivery/pick-up approach beginning the week of September 7, 2021.

At this time, there is no ability to change the delivery approach assigned to each licensee.

**Q: Are licensees able to provide free rapid antigen testing kits to visitors, students, and parents, as well as staff?**

**A:** Rapid antigen point-of-care tests provided to licensed child care programs are intended for individuals that are covered by the licensee's immunization disclosure policy. These tests are not intended to be used to screen children. Licensees are expected to maintain their current screening protocols for children and are encouraged to use the provincial COVID-19 school and child care screening tool.

## Record Keeping and Reporting

**Q. Do child care centres need to report to Chambers of Commerce as well as to EDU?**

**A:** Licensees will be required to report monthly data submissions to the Ministry of

Education using an online form or larger multi-site organizations (more than 25 licensed centres) an offline reporting template will be made available.

Any business or organization acquiring test kits from a Chamber of Commerce or Board of Trade is required to submit testing results to re-order tests. Private career colleges, private-designated learning centres, licensed childcare program and private schools are not exempt from this requirement.

**Q: Do school boards who distribute rapid testing kits to child care programs have to report their reporting data to the ministry?**

**A:** No. Licensees will be required to report monthly data submissions to the Ministry of Education using an online form. An offline reporting template will be made available for larger multi-site organizations (more than 25 licensed centres).

**Q: For directly-operated sites, are CMSMs/DSSABs expected to report vaccination status of staff and who has had testing completed by September 15 or do all these components come into effect on September 27?**

**A:** Licensees are required to report monthly data submissions to the Ministry of Education as of September 15 and monthly thereafter.

**Q: In relation to record keeping, the *Resource Guide* shared by EDU states that, “Licensees must ensure records required under the instruction are kept in a secure location at the child care center, home child care agency, or home child care premises” and “are made available for inspection by an inspector or program advisor at all times.” For before-and-after-school programs, is it acceptable for this information to be kept with the offsite supervisor, and made available upon request during inspection? Human resources information is normally kept at head offices and concerns have been raised in relation to keeping sensitive information at the BASP location. How can CMSMs/DSSABs support operators to ensure they are in compliance of regular visitors for those SNR consultants visiting multiple sites without sharing personal information across multiple sites?**

**A:** Licensees must ensure records required under the instruction are kept in a secure location at the child care center, home child care agency, or home child care premises and are made available for inspection by an inspector or program advisor at all times.” Copies of these records may be kept in hard copy or digital form.

This is mandatory for all licensed child care, with the exception of those programs operating on-reserve, for which this is an optional approach.

## **Educational Session**



**Q: Is there a timeline for completing the education piece? When is the training video expected?**

**A:** Licensees are responsible for identifying and approving the educational session required for individuals who do not intend to be vaccinated. The Ministry of Education will be making a resource available to licensees should they wish to use it for their educational session. The ministry will share the video resource with licensees shortly.

### **Exemptions**

**Q: Are contractors, repair persons, etc., exempt from disclosing their immunization status or is this decision at the discretion of the home child care provider?**

**A:** At a minimum, the ministry expects that the following groups of individuals would be covered by the policy, except where the individual works remotely and the individual's work does not involve in-person interactions:

- Employees of the licensee (including home visitors);
- Home child care providers;
- Volunteers;
- Students on an educational placement;
- Any licensee who regularly interacts with children, staff or providers;
- Adults ordinarily a resident of or regularly present at a home child care premises; and,
- Any other person who provides child care or other services to a child who receives child care (e.g., special needs resourcing consultant).

Licensees may wish to seek independent legal advice with respect to their individual situation.

### **Special Needs Resourcing**

**Q: Where a special need resource consultant who is employed by a third party agency provides services at a child care program, is the licensee able to accept an attestation from the employer which indicates that the individual is fully vaccinated, medically exempt or has completed the education session?**

**A:** Yes, licensees are able to accept an attestation from the special needs resource consultant's employer. Licensees will be required to keep a copy of the attestation on file for record keeping purposes.

Where the special needs resource consultant is not fully vaccinated, the licensee will need to comply with the rapid antigen testing requirements as set out in the licensee's vaccination disclosure policy.

### **Co-Located Programs**

**Q: When a child care centre is co-located with a public school are the staff/volunteers and other individuals associated with the child care centre captured under the school board's immunization disclosure policy or the licensed child care immunization disclosure policy? // Lorsqu'un service de garde est colocalisé dans une école publique, le personnel/les bénévoles et les autres personnes associées au service de garde sont-ils pris en compte dans la politique de divulgation relative à la vaccination du conseil scolaire ou dans la politique de divulgation relative à la vaccination des services de garde agréés ?**

ENG: Licensed child care centres located in schools are NOT to be captured as part of a school board's immunization disclosure policy as licensed child care programs are required to have their own policy in place. School boards may include authorized recreation providers or other recreation programs operating out of the school consistent with the school board's immunization policy and direction from the Chief Medical Officer of Health. We encourage school boards/schools and child care centres to communicate at the local level and ensure both parties are aware of their respective obligations.

FR : Les services de garde agréés situés dans les écoles ne doivent PAS être inclus dans la politique de divulgation relative à la vaccination d'un conseil scolaire, car les programmes de garde d'enfants agréés doivent avoir leur propre politique en place. Les conseils scolaires peuvent inclure dans leur politique des fournisseurs autorisés de loisirs ou d'autres programmes de loisirs qui opèrent dans leurs écoles conformément à la politique d'immunisation du conseil scolaire et des directives du médecin hygiéniste en chef. Nous encourageons les conseils scolaires/écoles et les services de garde à communiquer au niveau local et à s'assurer que les deux parties sont conscientes de leurs obligations respectives.

**Q: If a school board directly operates child care and employs child care staff, should the Board be including these within their school policy or is the child care to have its own policy? // Si un conseil scolaire exploite directement des services de garde d'enfants et emploie du personnel de garde d'enfants, le conseil devrait-il les inclure dans sa politique scolaire ou le service de garde d'enfants doit-il avoir sa propre politique?**

ENG: Where a school board directly operates a child care and employs child care staff, the school board may have one policy for all their employees, including child care, provided that the policy meets all requirements for both schools and child care. However, reporting aggregate data on vaccine status should be provided separately for child care. If there is an individual who works in both programs, please only count them once, where it is most logical to do so. For child care licensees, the deadline for the first data submission is September 15, 2021. Licensees can access the online form at the following link: [COVID-19 Immunization Disclosure Questionnaire](#)

FR : Lorsqu'un conseil scolaire exploite directement un service de garde d'enfants et

emploi du personnel de garde d'enfants, le conseil scolaire peut avoir une politique pour tous ses employés, y compris les services de garde d'enfants, à condition que la politique réponde à toutes les exigences pour les écoles et les services de garde d'enfants. Toutefois, la déclaration des données globales sur l'état vaccinal devrait être fournie séparément pour les services de garde d'enfants. S'il y a une personne qui travaille dans les deux programmes, veuillez ne la compter qu'une seule fois, là où il est le plus logique de le faire. Pour les titulaires de permis de services de garde d'enfants, la date limite pour la première soumission des données est le 15 septembre 2021. Les titulaires de permis peuvent accéder au formulaire en ligne à l'adresse suivante : [Questionnaire de divulgation de la vaccination COVID-19](#)

**Q: I operate a private school and a licensed child care centre at the same location. Do I need two separate policies or can both programs be captured under the same policy? // J'exploite une école privée et un service de garde agréé au même endroit. Ai-je besoin de deux politiques distinctes ou est-ce que les deux programmes peuvent faire partie de la même politique ?**

ENG: Private schools that also operate licensed child care may choose to include both programs under the same policy, provided the policy meets all requirements for both private schools and licensed child care; however, statistical data must be reported separately for staff associated with the child care and staff associated with the private school. If there is an individual who works in both programs, please only count them once, where it is most logical to do so.

FR : Les écoles privées qui exploitent également des services de garde agréés peuvent choisir d'inclure les deux programmes dans la même politique, à condition que la politique réponde à toutes les exigences pour les écoles privées et les services de garde agréés ; cependant, les données statistiques doivent être déclarées séparément pour le personnel associé au service de garde et le personnel associé à l'école privée. Si une personne travaille dans les deux programmes, veuillez ne la compter qu'une seule fois, là où il est le plus logique de le faire.

### **Parents/Visitors**

**Q: Do parents have to be allowed inside the child care premises? // Les parents doivent-ils être autorisés à entrer dans les locaux d'un service de garde d'enfants?**

ENG: The CCEYA sets out that licensees are not allowed to prevent a parent from having access to their child, or from entering the premises where their child is receiving child care, except in certain situations identified in the Act and regulations, such as when the licensee believes the parent does not have a right of legal access to the child. On the advice of the Chief Medical Officer of Health, certain provisions were recently removed from the regulation, including the provision that allowed licensees to prevent parental access through their COVID-19 policy. It is important to note that licensees are

still required to prevent parental access if the local public health unit provides direction to do so.

Where feasible, licensees are encouraged to continue to offer drop off and pick up procedures where parents do not enter the building. This supports physical distancing and limits the number of in-person interactions necessary when children are dropped off or picked up. However, if the local public health unit has not provided direction to limit parental access and a parent wishes to enter the premises, the parent must be permitted to enter and cannot be denied access to their child(ren) or to the physical premises where child care is provided.

Licensees must ensure all requirements for individuals accessing the premises are met, including screening for symptoms of COVID-19, maintaining attendance records that include time in and time out, maintaining appropriate physical distancing and ensuring appropriate personal protective equipment is worn. If licensees wish to change their drop-off and pick-up procedures to allow parents to enter the premises and drop off directly to the child's assigned room/space, they may want to consider how they will limit the number of people in the child care centre at times of high traffic (e.g., typical morning drop off time).

FR : La Loi de 2014 sur la garde d'enfants et la petite enfance (LGEPE) établit que les titulaires de permis ne sont pas autorisés à empêcher un parent d'avoir accès à son enfant ou d'entrer dans les locaux où son enfant reçoit des services de garde, sauf dans certaines situations identifiées dans la Loi et les règlements, comme lorsque le titulaire de permis croit que le parent n'a pas de droit d'accès légal à l'enfant. Sur l'avis du médecin hygiéniste en chef, certaines dispositions ont récemment été retirées du règlement, y compris la disposition qui permettait aux titulaires de permis d'empêcher l'accès parental par le biais de leur politique sur la COVID-19. Il est important de noter que les titulaires de permis sont toujours tenus d'empêcher l'accès des parents si le bureau de santé publique local fournit des directives pour le faire.

Dans la mesure du possible, les titulaires de permis sont encouragés à continuer d'offrir des procédures d'arrivée et de départ lorsque les parents n'entrent pas dans les locaux. Cela favorise la distanciation physique et limite le nombre d'interactions en personne nécessaires lorsque les enfants sont déposés ou ramassés. Toutefois, si le bureau de santé publique local n'a pas donné de directives pour limiter l'accès des parents et qu'un parent souhaite entrer dans les lieux, le parent doit être autorisé à entrer et ne peut pas se voir refuser l'accès à son ou ses enfants ou aux locaux physiques où les services de garde d'enfants sont fournis.

Les titulaires de permis doivent s'assurer que toutes les exigences pour les personnes qui accèdent aux lieux sont respectées, y compris le dépistage des symptômes de la COVID-19, la tenue de registres de présence qui incluent l'heure d'entrée et de sortie, le maintien d'une distance physique appropriée et que l'équipement de protection individuelle approprié est porté. Si les titulaires de permis souhaitent modifier leurs procédures d'arrivée et de départ pour permettre aux parents d'entrer dans les lieux et de se rendre directement à la salle ou à l'espace assigné à l'enfant, ils voudront peut-être réfléchir à la façon dont ils limiteront le nombre de personnes dans le centre de

garde d'enfants en période de forte circulation (p. ex., l'heure typique d'arrivée du matin).

**Q: Child care is not captured under the provincial vaccine certificate policy. Can a child care's COVID-19 policy indicate that all individuals who enter the child care premises must be fully vaccinated. Can a child care program deny entry to people if they do not meet the requirements of the policy? // Les services de garde d'enfants ne sont pas visés par la politique provinciale sur les certificats de vaccin. La politique sur la COVID-19 d'un service de garde peut-elle indiquer que toutes les personnes qui entrent dans les locaux d'un service de garde d'enfants doivent être complètement vaccinées? Un programme de garde d'enfants peut-il refuser l'entrée aux gens s'ils ne satisfont pas aux exigences de la politique?**

ENG: As private businesses, licensed child care programs are permitted to put policies in place that go above and beyond the requirements set out in the CCEYA and its regulations; however, licensees must ensure that these policies and protocols do not conflict with their obligations under the CCEYA and other legislation, including:

- Parents of children receiving child care cannot be denied access to their child or to the child care premises based on their vaccine status.

FR : En tant qu'entreprises privées, les programmes de garde d'enfants agréés sont autorisés à mettre en place des politiques qui vont au-delà des exigences énoncées dans la LGEPE et ses règlements; toutefois, les titulaires de permis doivent s'assurer que ces politiques et protocoles n'entrent pas en conflit avec leurs obligations en vertu de la LGEPE et d'autres lois, notamment :

- Les parents d'enfants recevant des services de garde ne peuvent pas se voir refuser l'accès à leur enfant ou aux locaux d'un service de garde d'enfants en raison de leur statut vaccinal.