



EMPLOYER BULLETIN

November 2009
Volume 1

Employer Reports

Under the *Early Childhood Educators Act, 2007*, employers are required to promptly report to the College in writing when the employer becomes aware that a member of the College who is employed by the employer as an early childhood educator:

- has been charged with or convicted of an offence under the Criminal Code (Canada) involving sexual conduct and minors; or
- has been charged with or convicted of an offence under the Criminal Code (Canada) that in the opinion of the employer indicates that a child may be at risk of harm or injury.

- **When must the Employer Report be made?**

The report must be made promptly.

- **What should be included in the report?**

The report should contain:

- ◆ The employer's name and the position and contact information of the individual making the report
- ◆ The name of the member who is the subject of the report
- ◆ The reason for making the report
- ◆ The type of offence for which the member was charged or convicted and whether it involves sexual conduct and minors
- ◆ If the charge or conviction does not involve sexual conduct and minors, the basis upon which the employer has formed an opinion that the offence indicates a child may be at risk of harm or injury
- ◆ An explanation or description of the conduct related to the offence, including the dates on which: the conduct occurred, the member was charged and, if applicable, the member was convicted
- ◆ The name of the child subject to the sexual conduct or at risk of harm or injury **ONLY IF** the child's parent/guardian has consented in writing. If there is no such consent in writing, the child's name **MUST NOT** be included in the report.

- **Is there a duty for further reports?**

An employer who makes a report outlined above respecting a charge or conviction shall promptly report to the College in writing if the employer becomes aware that the charge was withdrawn, the member was discharged following a preliminary inquiry, the charge was stayed, or the member was acquitted.

- **What does the College do when it receives an Employer Report?**

The College makes a determination as to which Committee to send the report. The Committee will consider the report and gather further information as needed, in order to make a decision as to any appropriate action in dealing with the report. An investigator may be appointed in some cases to assist in investigating the report.

- **Will the College tell the member about the Employer Report?**

The member may become aware of the Employer Report as part of the College's investigation into the member's conduct or, if the matter is referred for a discipline or fitness to practise hearing, as part of a duty of fairness owed to parties in an adjudicative hearing.

- **Why are Employer Reports required under the *Early Childhood Educators Act, 2007*?**

Section 49 of the *Early Childhood Educators Act, 2007* requires that employers provide reports as outlined above. The mandate of the College includes dealing with issues of discipline, professional misconduct, incompetency and incapacity. These reports will assist the College by providing the College with information so that it can take appropriate steps in meetings its mandate.

Reports should be sent to:

Attention
Registrar

Address
College of Early Childhood Educators
438 University Avenue, Suite 1900
Toronto ON M5G 2K8

OR

Confidential Fax Line
416-961-6995