

Early Childhood Educators Act, 2007

ONTARIO REGULATION 223/08 PROFESSIONAL MISCONDUCT

Consolidation Period: From November 5, 2020 to the [e-Laws currency date](#).

Last amendment: 618/20.

Legislative History: 357/15, 618/20.

This is the English version of a bilingual regulation.

Definitions

1. In this Regulation,

“guardian” includes a person, children’s aid society or corporation that has legal custody of the child; (“tuteur”)

“member” means a member of the College; (“membre”)

“profession” means the profession of early childhood education. (“profession”) O. Reg. 223/08, s. 1; O. Reg. 357/15, s. 1.

Professional misconduct

2. The following conduct or acts constitute professional misconduct for the purposes of clause (f) of the definition of that term set out in section 1 of the Act, in addition to the acts or conduct listed in clauses (a), (b), (c), (d) and (e) of the definition:

THE PRACTICE OF THE PROFESSION

1. Contravening a term, condition or limitation imposed on the member’s certificate of registration.
2. Failing to supervise adequately a person who is under the professional supervision of the member.
3. Verbally abusing a child who is under the member’s professional supervision.
- 3.1 Physically abusing a child who is under the member’s professional supervision.
- 3.2 Psychologically or emotionally abusing a child who is under the member’s professional supervision.
4. Practising or purporting to practise the profession,
 - i. while under the influence of any substance, or
 - ii. while adversely affected by any illness or dysfunction,which the member knows or ought reasonably to know impairs their ability to practise.
5. Practising the profession while the member is in a conflict of interest.
6. Releasing or disclosing information about a child who is under the member’s professional supervision to a person other than the child or the child’s parent or guardian except,
 - i. with the consent of a parent with lawful custody of the child or of the child’s guardian,
 - ii. as required or allowed by law, or
 - iii. in a review, investigation or proceeding under the Act in which the professional conduct, competency, or capacity of the member is in issue, but only to the extent reasonably required by the member or the College for the purposes of the review, investigation or proceeding.
7. Failing, without reasonable cause, to provide access to,
 - i. a record maintained by a member regarding a child, or
 - ii. such part or parts of a record as are reasonable in the circumstances,to the child or the child’s parent or guardian.
8. Failing to maintain the standards of the profession.
9. Breaching a term of an agreement relating to,

- i. the fees for professional services, or
 - ii. professional services for a child.
10. Acting or failing to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

REPRESENTATIONS ABOUT MEMBERS AND THEIR QUALIFICATIONS

11. Providing false information or documents to the College or to any person with respect to the member's professional qualifications.
12. Inappropriately using a term, title or designation in respect of the member's practice.
13. Permitting, counselling or assisting a person who is not a member to represent themselves as a member.
14. Using a name, other than the member's name as set out in the register, in the course of their professional duties.
15. Failing to advise the College promptly of a change in the name used by the member in providing or offering to provide early childhood education services.
16. Signing or issuing, in the member's professional capacity, a document that the member knows or ought to know contains a false, improper or misleading statement.
17. Falsifying a record relating to the member's professional responsibilities.

MISCELLANEOUS MATTERS

18. Failing to keep records as required by their professional duties.
19. REVOKED: O. Reg. 357/15, s. 1 (3).
20. Contravening a law, if the contravention is relevant to the member's suitability to hold a certificate of registration.
21. Contravening a law, if the contravention has caused or may cause a child who is under the member's professional supervision to be put at or remain at risk.
22. Conducting themselves in a manner that is unbecoming a member.
23. Failing to appear before the Complaints Committee to be cautioned, if the Complaints Committee has required the member to appear under clause 31 (5) (c) of the Act.
24. Failing to comply with an order of the Fitness to Practise Committee or of the Executive Committee.
25. Failing to co-operate in an investigation conducted by the College.
26. Failing to take reasonable steps to ensure that the requested information is provided in a complete and accurate manner, if the member is required to provide information to the College under the Act, regulations or by-laws.
27. Failing to comply with a written undertaking given by the member to the College or to carry out an agreement entered into by the member with the College.
28. Failing to respond adequately or within a reasonable time to a written inquiry from the College.
29. Making remarks or engaging in behaviours that expose any person or class of persons to hatred on the basis of a prohibited ground of discrimination under Part I of the *Human Rights Code*. O. Reg. 223/08, s. 2; O. Reg. 357/15, s. 2; O. Reg. 618/20, s. 1.

Findings of misconduct in other jurisdictions

3. A finding of incompetence or professional misconduct or a finding of a similar nature against a member by a governing authority of the profession in a jurisdiction other than Ontario that is based on facts that would, in the opinion of the Discipline Committee, constitute professional misconduct under the definition of the term in section 1 of the Act or under section 2 of this Regulation, constitutes professional misconduct for the purposes of clause (f) of the definition. O. Reg. 357/15, s. 3.

4. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 223/08, s. 4.

Français

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