

## **Impact of New Provincial Safety Requirements for Playgrounds in Licensed Child Care Programs**

*(City Council on November 23, 24 and 25, 1999, amended this Clause by adding thereto the following:*

*“It is further recommended that:*

- (1) City Council request the Ministry of Community and Social Services to provide one-time funding to render all playgrounds in the City of Toronto safe;*
- (2) in the interim, all playgrounds deemed to be unsafe be temporarily named ‘The Honourable John Baird “Unsafe” Playground’, or named for the incumbent Minister, as appropriate;*
- (3) the playgrounds be reverted to their original names, one playground at a time, once the playground has been deemed safe;*
- (4) the Canadian Standards Association and the federal and provincial governments be requested to consider making any changes to playground equipment standards systematically, every five or ten years, in order to afford the City of Toronto the opportunity to plan for a phased-in approach to such changes; and that the Canadian Standards Association also be requested to prioritize its changes to these standards, in order that those changes deemed most urgent may be dealt with expeditiously;*
- (5) the Commissioner of Community and Neighbourhood Services be requested to:
  - (a) review with the Ministry of Community and Social Services the regulations under the Day Nurseries Act to investigate whether or not the City of Toronto must comply with the Canadian Standards Association standards, with a view to achieving a compromise; and*
  - (b) meet with the appropriate representatives of the federal and provincial governments to explore opportunities to use the federal and provincial infrastructure plan to implement an upgrade of all the playgrounds and report thereon to the Economic Development and Parks Committee; and**
- (6) the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee on the feasibility of giving the private sector an opportunity to sponsor all or part of the costs of replacing playgrounds in licensed child care programs, including tax credits, such report to also address who and what organizations should be considered as sponsors; and that Dr. Fraser Mustard, The Founders’ Network, be consulted in the preparation of this report.”)*

**The Community Services Committee recommends the adoption of the following report (October 19, 1999) from the Commissioner of Community and Neighbourhood Services; and further that, upon adoption by City Council, the clause be forwarded to the Budget Advisory Committee for consideration of the funding aspects during the 2000 budget process:**

Purpose:

**This report outlines the service and funding implications of the Ministry of Community and Social Services (MCSS) Playground Safety Requirements for playgrounds in licensed child care programs.**

Funding Sources, Financial Implications and Impact Statement:

The estimated annual cost of a seven-year phased plan of retrofit or replacement of child care centre playgrounds is \$5.0 million (gross). There is no indication that additional provincial funding will be approved for this purpose.

Recommendations:

It is recommended that:

- (1) the City initiate negotiations with the Ministry of Community and Social Services concerning criteria for a phased implementation of compliance with the new playground licensing standards;
- (2) the City seek a cost-sharing agreement with the Ministry of Community and Social Services with respect to the additional costs incurred by child care programs to achieve compliance with the new playground licensing standard;
- (3) consultation with City officials responsible for legal services, risk management and inspection service be completed and the Commissioner of Community and Neighbourhood Services report on a proposed role for the City in any future inspection and audit of playgrounds in child care programs for compliance with the new playground licensing standard; and
- (4) the appropriate City officials take the necessary action to give effect thereto.

Council Reference/Background/History:

The Children and Youth Action Committee at its meeting of September 21, 1999, requested that the Department prepare a report for Council discussing the implications of the new provincial safety requirements for playgrounds in licensed child care programs. Effective September 30, 1999, the Ministry of Community and Social Services advised all licensed child care programs that it had adopted new requirements related to outdoor play spaces in child care centres. The Ministry of Community and Social Services which licenses all child care programs

under the Day Nurseries Act has adopted the new Canada Standards Association Standard CAN/CSA Z6114-98 (see appendix 1 of this report) as the indicator of compliance of Section 16 of Regulation 262 under the Day Nurseries Act. The City's Operating Criteria for Child Care Programs under service contract with the City reflect the requirements of the Day Nurseries Act.

Effective May 1998, the CSA Standard, CAN/CSA Z614-98 was approved as a National Standard of Canada by the Standards Council of Canada. This standard applies to public play areas and includes child care centres. This standard does not apply to home-made equipment or play equipment intended for private backyard use.

In recognition of the impact of the CSA standards on the 833 playgrounds operated by the Economic Development, Culture and Tourism Department, the Budget Committee at its meeting of January 19, 1999, approved the addition of \$60,000.00 to the Department's 1999 Capital Budget. The funds were used to audit and prioritize playground upgrades for the Department's playgrounds to meet the CSA Standards. This audit will form the basis for a program of phased replacements and improvements to meet the CSA Standard. While the Standards apply to all public playgrounds there is no mandatory date of compliance indicated in the Standard. The impact on licensed child care centres is more immediate because the Standard has been used to indicate compliance with the Day Nurseries Act.

Comments and/or Discussion and/or Justification:

Section 16 of Regulation 262, under the Day Nurseries Act (DNA) requires that operators of a day nursery ensure that all equipment and furnishings are maintained in a safe and clean condition and kept in a good state of repair. This section applies to both indoor and outdoor equipment. As of September 30, 1999, the Ministry of Community and Social Services has adopted the new CSA Standard CAN/CSA Z6114-98 as the indicator of whether a playground is in a safe and clean condition and kept in a good state of repair. Licensing Specialists from the Ministry of Community and Social Services will review compliance with the Ministry requirements during annual licensing inspections.

In addition to the CSA standard requirement operators are required to comply with the Ministry Policy for Playground Safety as outlined below:

- (1) an independent certified inspector must provide written verification that all new playground equipment as well as installation, repair or renovation of the playground meets the CSA Standard;
- (2) playground surfacing under all existing play equipment must meet CSA standards for shock-absorbing performance;
- (3) centres are required to develop and implement a Playground Safety Policy which includes the maintenance of safety logs, and the documentation of inspections, repairs, installation, and maintenance activities; and
- (4) records of staff supervision plans and outdoor playground staff supervision schedules.

In accordance with the CSA Standard all playgrounds in licensed child care programs must be inspected annually. This inspection may be done by the owner or an independent third party. The Ministry may order an independent third party inspection if the licensing specialist has safety concerns about the equipment. Operators are responsible for the costs of third party inspections. Currently, there are only two consulting firms within the City certified to conduct an independent safety inspection in the Toronto area. Private inspections begin at a cost of approximately \$250.00.

Discussions with staff from Public Health, Parks and Recreation and Legal are underway to determine the feasibility of the City offering inspection services to licensed child care centres.

Because very few playgrounds have been inspected by a certified inspector, the full impact of the new directive is difficult to predict. Of the 760 licensed child care programs in the City of Toronto, 42 opened after the new CSA playground standards were approved in May 1998. The playground structures for the remaining 718 child care programs are unlikely to meet the new CSA standard. It is expected that some play structures will require minor modifications to comply with the standards while others will need to be replaced. Most, if not all, playgrounds are likely to require some modification to surfacing as a result of the new standards.

*Since the introduction of the CSA requirements, at least two child care centres have removed their play-structures following CSA inspections that identified hazards. Another centre has been ordered not to use their playground pending action to address safety concerns. In addition, a number of programs have been required by the Licensing Specialist to submit a third party CSA inspection report as part of the licensing process. In other cases, operators have decided to have their playgrounds inspected by a Certified Playground Safety Inspector.*

Until 1994, the Ministry of Community and Social Services provided funds through a minor capital program to repair or replace playground structures. Since 1994, there has been only limited and sporadic provincial funding available to repair or replace unsafe playground structures. The City of Toronto assumed funding and system management responsibility for child care in the recent download of programs from the Province. However, no funding for minor capital or health and safety issues was made available. Current per diem rates paid to child care centres on behalf of families eligible for fee subsidy do not meet the costs of retrofitting or replacing playgrounds.

Preliminary estimates which are based on an assumption of replacement, retrofits and surfacing upgrades suggest that costs of \$5 million (gross) per year for seven years would bring the all licensed child care playgrounds into compliance with the CSA Standard.

Since significant injuries to young children in child care may occur as a result of outdoor experience on playgrounds, it is important to ensure that playgrounds are designed to meet safety standards which minimize risk. The new CSA Standards address the issues of playground safety and regular maintenance, and therefore serve to reduce the risk to children. In recognition of the importance of playground safety, the Children's Services Division introduced a playground safety-training program in 1997, which included a video and manual outlining safety principles

and practices. While the City's Operating Criteria has always addressed the issue of playground safety, the criteria will be revised to address the new standards.

Child care programs with purchase service contracts are required to report accidents to the City. A review of all the injuries to children in child care centres reported to Children Services since January 1997 was undertaken. Of the 958 reported injuries to children in child care centres since 1997, almost half occurred on outdoor playgrounds. The injuries ranged from minor abrasions, cuts requiring sutures, broken bones, and concussions. Falls from climbers accounted for 30 percent of the playground equipment related injuries.

Conclusions:

New playground safety requirements for licensed child care centres from the Ministry of Community and Social Services will affect all licensed child care operators. The Standards are intended to minimize the risk of playground injuries and ensure children's safety, however, the lack of adequate funding will be a substantial barrier to compliance. The City's Operating Criteria will be revised to reflect the new requirements. The Commissioner will report back on playground inspection options to support child care operators.

Contact Name:

Brenda Patterson  
Tel: 392-3319/Fax 392-4576

(A copy of the Appendix referred to in the foregoing report was forwarded to all Members of Council with the Supplementary Agenda of the Community Services Committee for its meeting on November 4, 1999, and a copy thereof is on file in the office of the City Clerk.)

---

The Community Services Committee reports, for the information of Council, also having had before it during consideration of the foregoing matter a communication (November 2, 1999) from the City Clerk advising that the Children and Youth Action Committee on October 29, 1999, recommended the adoption of the foregoing report.

Ms. Theresa Radwanski, Children's Circle Child Care Centre, appeared before the Community Services Committee in connection with the foregoing matter, and submitted a brief in regard thereto.

*(City Council on November 23, 24 and 25, 1999, had before it, during consideration of the foregoing Clause, the following communications regarding the Canadian Standards Association (CSA) Standard Z614-98, A Standard for Children's Playspaces and Equipment:*

- (i) (November 16, 1999) from Ms. Christine Simpson, Product Safety Officer, Product Safety Bureau;*
- (ii) (November 20, 1999) from Mr. Dale Hughes, Canadian Certified Playground Inspector/Certified Playground Safety Inspector (U.S.); and*

(iii) *(November, 22, 1999) from Ms. Linda Dayler, Executive Director, Trauma Prevention Council.)*

*(Councillor Pantalone, at the Council meeting held on November 23, 24 and 25, 1999, declared his interest in the foregoing Clause, in that one of his children is registered in a day care centre which has a purchase of service agreement with the City of Toronto.)*