

**Reasons for Decision:**

**Order #: AP1819-0382**

On <date removed>, <name removed> filed an appeal of the Director's classification of their qualifications at the level of Child Care Assistant (CCA), rather than Early Childhood Educator (ECE). The decision was communicated by letter on ,date removed>.

The reason given for the denial of Early Childhood Educator was that <name removed>'s credentials did not show the specific early childhood education training required for the ECE level.

The Department stated the provision for issuing certificates to individuals who want to work in childcare facilities is contained in the *Community Child Care Standards Act*.

Issue of certificate

30(3) Where the director is satisfied that an applicant meets the qualifications prescribed by regulation for staff of child care centres or has training and experience equivalent to those qualifications, the director shall issue to the applicant a certificate in the appropriate category.

The Department stated the necessary qualifications for each classification are listed in the *Community Child Care Standards Act Regulation*:

Child care assistant certificate

3.1(1) The director may issue a child care assistant certificate to an applicant who does not meet the qualifications of an early childhood educator II or early childhood educator III.

Early childhood educator II certificate

3.1(2) The director may issue an early childhood educator II certificate to an applicant who

- (a) has obtained a diploma from an educational institution in a child care program approved by the director for the purpose of staff certification under the Act;
- (b) has satisfactorily completed an educational program approved by the director that is equivalent to the diploma program referred to in clause (a); or
- (c) has satisfactorily completed a competency assessment program approved by the director.

The Department stated applications are reviewed by staff trained in assessing equivalencies from programs in many different countries.

The Department stated <name removed> has one year of nursery school teacher training, which they obtained from a training organization in <text removed>. The Department determined <name removed> did not meet the requirements of Section 3.1(2)(a) of the *Regulation*, which requires a two-year diploma from a recognized post-secondary institution.

The Department noted <name removed>'s Master of Arts degree did not meet the educational requirement, as it did not relate specifically to early childhood education.

In response to a question from the Board, the Department stated the definition of the term diploma, including the requirement that it be based on two years of study, is not contained in the *Regulation*. It is the Department's policy, based on the commonly understood meaning of the term.

<name removed> told the Board that the diploma program in <text removed> is a full-time one-year course. The appellant stated their grades in the program were very good. The appellant stated they were three years of work experience in childcare from <text removed>, and a graduate degree.

<name removed> questioned why they were issued a certificate if their qualifications were not acceptable. The Department stated the CCA classification they received is the lowest classification, and does not have the same educational requirements as the ECE classification.

The Department stated <name removed> could ask Red River College to grant them credit for their previous course work. To satisfy the educational requirement, they will need to complete 1,800 hours of course work and a practicum, with exposure to a broad range of ages.

The Department stated work experience is not part of the qualification process, and that the legislation does not include work experience as an option.

In reviewing the *Act* and the *Regulation*, the Board notes that the Director has the discretion to consider equivalent training and experience. The *Act* contains the phrase "or has training and experience equivalent to those qualifications", while Sections 3.1(2)(b) and (c) specifically contemplate equivalencies and competency assessment.

While the definition of the term diploma is not contained in the *Act* or the *Regulation*, the Board agrees that it is commonly understood in Manitoba that a diploma program takes a minimum of two years to complete.

The Board has reviewed <name removed>'s training and experience, and finds that the Department's judgement that their training and experience were not equivalent to the qualifications set out in the *Regulation* was reasonable under the circumstances.

The Board confirmed the Director's decision to issue <name removed> a Child Care Assistant certificate.

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