

## **Private - Home Day Care**

### **Policies and Procedures**

#### 2.9 Child Booster Seats and Child Restraint Systems Safe Car Seating

##### Checklist Reference

13.1-13.3 Agency Inspection – Policies and Procedures

11.1-11.3 Location Inspection – Inspection, Building, Equipment and Furnishings

#### **Legislative Reference, Highway Traffic Act, 0. Reg.613, 8 (1), (2), (3),(4), (5), (6),(7), (8), (9), (10) and 8.1 (1), (2)**

8. (1) Passengers under eight years old are classified as follows for the purposes of this section:

1. Children weighing less than nine kilograms are classified as infants.

2. Children weighing nine kilograms or more but less than 18 kilograms are classified as toddlers.

3. Children weighing 18 kilograms or more but less than 36 kilograms and who are less than 145 centimetres tall are classified as pre-school to primary grade children. O. Reg. 195/05, s. 1.

(2) The driver of a motor vehicle on a highway is required to ensure that an infant passenger is secured as set out in subsection (5) or (5.1). O. Reg. 195/05, s. 1

(3) The driver of a motor vehicle on a highway is required to ensure that a toddler passenger is secured as set out in subsection (6) or (7.1). O. Reg. 195/05, s. 1

(4) The driver of a motor vehicle on a highway is required to ensure that a pre-school to primary grade child passenger is secured as set out in subsection (7) and (8). O. Reg. 195/05, s. 1;

(5) An infant shall be secured in a rearward-facing child restraint system that,

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**Legislative Reference, Highway Traffic Act, O. Reg.613, 8 (1), (2), (3),(4), (5), (6),(7), (8), (9), (10) and 8.1 (1), (2)**

(a) conforms to the requirements of Standard 213.1 (Infant Restraint Systems) made under the Motor Vehicle Safety Act (Canada);

(b) is secured by a seat belt assembly in the manner recommended by the manufacturer of the child restraint system, unless the child restraint system was designed to be and is secured by means of a universal anchorage system; and

(c) has all harnesses, straps and buckles designed to secure the infant in the child restraint system properly adjusted and securely fastened. O. Reg. 195/05, s. 1; O. Reg. 236/09, s. 2 (4).

(6) A toddler shall be secured,

(a) in a child restraint system that,

(i) conforms to the requirements of Standard 213 (Child Restraint Systems) made under the *Motor Vehicle Safety Act* (Canada),

(ii) is secured by a seat belt assembly in the manner recommended by the manufacturer of the child restraint system, unless the child restraint system was designed to be and is secured by means of a universal anchorage system,

(iii) is secured by all the anchorage straps and devices recommended by the manufacturer of the child restraint system, if the motor vehicle was manufactured on or after January 1, 1989, and

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- (iv) has all harnesses, straps and buckles designed to secure the toddler in the child restraint system properly adjusted and securely fastened; or
  - (b) in a child restraint system described in subsection (5), if the manufacturer's specifications permit or recommend the system for use by children who weigh nine kilograms or more and not less than the weight of the toddler. O. Reg. 195/05, s. 1
- (7) A pre-school to primary grade child shall be secured,
  - (a) if there is a seating position in the motor vehicle that has a seat belt assembly consisting of a pelvic restraint and a torso restraint, in that position,
    - (i) on a child booster seat that is used in the manner recommended by its manufacturer and that conforms to,
      - (A) Standard 213.2 (Booster Cushions) made under the *Motor Vehicle Safety Act* (Canada), or
      - (B) Standard 213.4 (Built-in Child Restraint Systems and Built-in Booster Cushions) made under the *Motor Vehicle Safety Act* (Canada), and
    - (ii) by the motor vehicle's complete seat belt assembly, worn as described in subsection (9);
  - (b) if all the seating positions in the motor vehicle have a seat belt assembly consisting only of a pelvic restraint, by the pelvic restraint, worn as described in subsection (9); or
  - (c) in a child restraint system described in clause (6) (a), if the manufacturer's specifications permit or recommend the system for use by children who weigh 18 kilograms or more and not less than the weight of the pre-school to primary grade child. O. Reg. 195/05, s. 1; O. Reg. 522/06, s. 8 (1); O. Reg. 236/09, s. 2 (7).
- (8) Despite clauses (7) (a) and (b) a pre-school to primary grade child shall not be secured in a seating position if the seating position has a front air bag that has not been turned off or cannot be turned off. O. Reg. 195/05, s. 1
- (9) For the purpose of clauses (7) (a) and (b), a seat belt assembly shall be worn so that,

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- (a) the pelvic restraint is worn firmly against the body and across the hips;
- (b) the torso restraint, if there is one, is worn closely against the body and over the shoulder and across the chest; and
- (c) the pelvic restraint, and the torso restraint, if there is one, are securely fastened. O. Reg. 195/05, s. 1; O. Reg. 522/06, s. 8 (2, 3).

(10) Clause (9) (b) does not apply to child booster seats, such as abdominal shield booster seats, that are designed to be secured in place by the pelvic restraint of the

**8.1 (1)** The following are exempt from complying with subsections 8 (2), (3) and (4):

1. The driver of a taxicab, bus or public vehicle, while transporting a passenger for hire.
2. The driver of an ambulance.
3. REVOKED: O. Reg. 236/09, s. 3 (1).

O. Reg. 195/05, s. 1; O. Reg. 236/09, s. 3 (1).

(2) Despite paragraph 1 of subsection (1), the following are not exempt from complying with subsections 8 (2), (3) and (4) while transporting children to or from school:

1. The driver of a taxicab that is operated by or under contract with a school board or other authority in charge of a school for the transportation of children.
2. The driver of a public vehicle with a seating capacity of less than 10 persons that is operated by or under contract with a school board or other authority in charge of a school for the transportation of children. O. Reg. 195/05, s. 1.

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**Intent** This provision is intended to enhance the safety of children being transported in a vehicle.

**Indicators** **Indicator Type: Documentation**  
Records of inspection in a simple number of provider files indicate that the home visitor regularly reviews the child restraint system requirements, as outlined in the Highway Traffic Act

**Indicator Type: Interview**  
The agency states that all providers and home visitors are made aware that when a private –home day care operator or private-home day care provider transports an enrolled child in a vehicle, the child seating and restraint system used in the vehicle meets requirements of the Highway Traffic Act.

**Special Instructions** These provisions are applicable to drivers who transport children in a vehicle including parents, legal guardians, day nursery and private-home day care providers, agency staff and any other person who transports children in a vehicle.

Persons exempt from these provisions are a driver of a taxicab, bus or public vehicle, while transporting passengers for hire, and persons who are unable to wear a seat belt assembly due to a certified medical condition or physical characteristic.

It is recommended that home visitors verify that drivers who transport children in a vehicle have a valid Ontario driver's license and automobile insurance.

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<b>Child Booster Seat and Child Restraint Requirements</b>	<b><u>Safety Regulations for Car Seats (MCVSS Sticker)</u></b> All infant, child and booster seats sold in Canada must meet Transport Canada's safety regulations. Seats must have a National Safety Mark sticker) attached to the seat to verify compliance. An inspection of the car seat or restraint system is required to confirm the appropriate seating is used and is based on the birth date, age, height and weight of the enrolled child being transported in the vehicle.
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According to the Motor Vehicle Safety Act (Canada) regulations, every child seating and car restraint system must have indelibly moulded into or onto it, or indelibly printed on a label affixed to it in a permanent manner, in both official languages, in a readily visible location,

- (a) The name and principal place of business of the company that manufactured, imported or sold the system;
- (b) The model name and number of the system;
- (c) The date of manufacture of the system, in the form set out in Schedule 8;
- (d) A statement that indicates the weight and height of the child for whom the system is designed as recommended by the manufacturer;
- (e) The characteristics of a vehicle in which the system is not to be used;
- (f) Warnings if applicable to the seating; and
- (g) How the system is to be secured with an installation diagram.

**Good Practice** Agencies may consider referring providers to their local public health unit or police services for information on child restraint systems and car seat safety clinics.

### **For More Information**

Local public health units can be accessed by phone through the Service Ontario INFoline at: 1-866-532-3161 or online at: <http://www.health.gov.on.ca>

Additional information on car seat advisories and recalls is available from: Health Canada, Consumer Product Safety at: <https://www.healthy Canadians.gc.ca/recall-alert-rappel-avis/index-eng.php>