



Office of the
Chief Coroner
Bureau du
coroner en chef

Verdict of Coroner's Jury Verdict du jury du coroner

The Coroners Act – Province of Ontario
Loi sur les coroners – Province de l'Ontario

Inquest into the death of: Enquête sur le décès de :

Jérémie Audette

JURY RECOMMENDATIONS RECOMMANDATIONS DU JURY

To the Ontario Ministry of Education it is recommended that:

1. The Day Nurseries Act and accompanying Regulations be amended to reflect the following:

- a. That the ratio of adults to children in an unlicensed private home day care shall be no greater than that permitted for a licensed private home day care as established in Section 36.1 of Regulation 262 of the Day Nurseries Act;
- b. That all unlicensed private home day cares should be required to register with the Ontario Ministry of Education, said registry to be maintained by the Ministry, or by such other body as the Ministry of Education shall deem to be appropriate. This register would enable all child care providers to be informed of any changes in the Day Nurseries Act, safety notices or training;
- c. That the registration or licensing process of all day care providers shall enable the Ministry to gather data and disseminate information and provide a means of evaluation of the overall provision of child care in Ontario. It could also allow for the application of unscheduled safety inspections for private home day care facilities;

d. That as part of the licensing, registration or renewal process, private home day care operators must demonstrate that they possess current, appropriate first aid and CPR training to respond to potential emergency situations;

e. That no in-ground, above ground or kiddie pools shall be permitted in any private home day care in the Province of Ontario;

f. With respect to non-recurring excursions or special outings, private home day care operators must obtain written permission from the parent/legal guardian at least one day in advance;

g. And that regardless of the ratios set out in Section 36.1 of Regulation 262 of the Day Nurseries Act, the Ministry shall establish additional criteria with regard to off-site excursions. Such criteria shall provide for additional direct supervision and specified duties when children might be placed in an environment of increased risk;

2. To address the lack of appropriate licensed home day care, the Ministry of Education should be encouraged to investigate opportunities for increasing the number of licensed private home day care providers.

To the Ontario Ministry of Education and Ontario Ministry of Health and Long Term Care it is recommended that:

3. The Ministries make publicly available current information and education regarding the differences between licensed and unlicensed private home day care. Said information to be made available through public avenues such as medical facilities, public libraries and appropriate websites.

4. Information focused on child safety, including water safety in general, should be distributed to all parents through family physician offices and other appropriate venues.

To the Ontario Ministry of Health and Long Term Care, Ontario Ministry of Municipal Affairs and Housing, and the Ministry of the Attorney General of Ontario it is recommended that:

5. The Ministries consider enacting a Residential Swimming Pool Safety Regulation which establishes standards for the operation of residential swimming pools with minimum standards for control of access, permits, application and offenses.

To the Association of Municipalities of Ontario it is recommended that:

6. All municipalities in Ontario enact pool enclosure by-laws to provide minimum regulations.

7. Municipalities consider enacting/amending pool enclosure by-laws that:

- a. Require a permit and inspection for a pool enclosure;
- b. Require any gates to the pool enclosure to be self-closing, self-latching and locked at all times when not under direct adult supervision;
- c. Require that the enclosure be maintained;
- d. Require all new pool construction to have an enclosure that completely encloses the area in which a swimming pool is located and that any part of the building that contains an entrance (windows/floors) not constitute part of the enclosure;
- e. Consider the feasibility of retroactive application of 7. d. to existing pool enclosures.

f. And require that the pool enclosure, including the gate, be constructed in such a manner that it shall not impede the ability to directly view the pool area from within the confines of the property.

8. Municipalities require that backyard pools be directly supervised, to a standard of "within arm's reach", by a responsible person at all times when a child is in or near a pool;

9. Municipalities, in partnership with pool safety stakeholders/resources, engage in annual public education/awareness campaigns on pool safety and pool enclosure requirements, including maintenance.

10. Municipalities make available information and checklists on pool safety, maintenance and inspections to all applicants for pool installation/enclosure permits.

To the Ontario Ministry of Health and Long Term Care; Lifesaving Society Canada; Canadian Red Cross; Safe Communities Canada; Safe Kids Canada; SMARTISK Canada; St. John Ambulance; and ThinkFirst Canada it is recommended that:

11. Organizations and agencies with expertise in water safety education and drowning prevention should meet, develop and launch a collaborative public education safety campaign with water safety messages detailing prevention strategies, particularly addressing issues related to backyard pools and child safety.

12. They inform municipalities of the availability of information and checklists on pool safety, maintenance and inspections.

To the Pool and Hot Tub Council of Canada it is recommended that:

13. They provide residential pool purchasers with up-to-date pool safety and supervision information and recommendations as to best practices.

To the Ontario Real Estate Association it is recommended that:

14. They encourage realtors to distribute information concerning pool safety to prospective purchasers of residential properties having swimming pools, particularly relating to issues of child safety.

To the Ontario Ministry of Municipal Affairs and Housing; Association of Municipalities of Ontario; and Ontario Real Estate Association it is recommended that:

15. They encourage new purchasers of homes that include pools to contact their municipality prior to pool use for information and checklists on pool safety, maintenance and inspections.

To the Insurance Bureau of Canada and the Insurance Brokers Association of Canada it is recommended that:

16. They consider a rebate or discount on existing private home day care insurance if said private home day care is appropriately licensed in accordance with the Ontario Day Nurseries Act.

Personal information contained on this form is collected under the authority of the Coroners Act, R.S.O. 1990, C. C.37, as amended. Questions about this collection should be directed to the Chief Coroner, 26 Grenville St., Toronto ON M7A 2G9, Tel.: 416 314-4000 or Toll Free: 1 877 991-9959.

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