

Fifth Session – Forty-Second Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Social and Economic Development

Chairperson
Mr. Brad Michaleski
Constituency of Dauphin

Vol. LXXVII No. 5 - 6 p.m., Wednesday, April 26, 2023

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

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AL TOMARE, Nello	Transcona	NDP
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BUSHIE, Ian	Keewatinook	NDP
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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT

Wednesday, April 26, 2023

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Brad Michaleski (Dauphin)

VICE-CHAIRPERSON – Mr. Len Isleifson (Brandon East)

ATTENDANCE – 6 QUORUM – 4

Members of the committee present:

Hon. Messrs. Ewasko, Johnson

Messrs. Altomare, Bushie, Isleifson, Michaleski

WRITTEN SUBMISSIONS:

Kristy Frohwerk, private citizen

Anne-Marie Robinson, Stop Educator Child Exploitation

MATTERS UNDER CONSIDERATION:

Bill 35-The Education Administration Amendment Act (Teacher Certification and Professional Conduct)

* * *

Clerk Assistant (Mr. Tim Abbott): Good evening everyone. Will the Standing Committee on Social and Economic Development please come to order.

Before the committee can proceed with the business before it, it must elect a Chairperson.

Are there any nominations?

Mr. Len Isleifson (Brandon East): I would like to nominate Mr. Michaleski.

Clerk Assistant: Mr. Michaleski has been nominated as Chairperson.

Are there any other nominations?

Hearing none, Mr. Michaleski, please take the Chair.

Mr. Chairperson: Our next item of business is the election of a Vice-Chairperson.

Are there any nominations?

Hon. Derek Johnson (Minister of Agriculture): I nominate Isleifson.

Mr. Chairperson: Are there—I understand minister Isleifson has been nominated.

Is there any other nominations?

Seeing none, minister—or, MLA Isleifson is elected Vice-Chairperson.

Bill 35—The Education Administration Amendment Act (Teacher Certification and Professional Conduct)

Mr. Chairperson: This meeting has been called to continue consideration of Bill 35, The Education Administration Amendment Act (Teacher Certification and Professional Conduct).

I would like to remind all in attendance of the provisions in our rules regarding the hour of adjournment. A standing committee meeting to consider a bill must not sit past midnight to hear public presentations or to consider line—clause by clause of a bill, except for unanimous consent of the committee.

A written submission was received at the end of the last meeting from Kristy Frohwerk, a private citizen. However, it was not distributed before the committee rose. This has now been distributed to committee members.

Does the committee agree to have this submission appear in the Hansard transcript for today's meeting?
[Agreed]

As public presentations concluded last time this committee met, we will now continue with clause by clause of Bill 35.

Does the honourable minister responsible for Bill 35 have an opening statement?

Hon. Wayne Ewasko (Minister of Education and Early Childhood Learning): I do.

Mr. Chairperson: The honourable Minister of Education.

Mr. Ewasko: I am pleased to be here today for this important stage in considering Bill 35, The Education Administration Amendment Act (Teacher Certification and Professional Conduct).

Bill 35 is a historic step towards improving safety for Manitoba students, which the Manitoba government takes very seriously. Given recent examples of serious teacher misconduct in the province, some of which have led to criminal charges for a series of offenses against students, urgent action is needed.

In response to these concerns and in discussion with sector stakeholders, Manitoba Education and Early Childhood Learning is enhancing the legislative framework to better protect Manitoba students by preventing and addressing teacher misconduct.

This bill was developed through extensive consultation with the sector, including two rounds of engagements with education partners between November 2022 and March of 2023.

Reflecting what we learned during these consultations, this bill proposes new structures and processes to improve accountability and transparency regarding the regulation of teachers, and better align Manitoba's legislation with other Canadian jurisdictions.

Specifically, as a result of this bill, an independent commissioner will be established to respond, investigate and adjudicate matters of teacher misconduct.

One of the most significant considerations we heard from stakeholders is the need to have a clear avenue for anyone to make a complaint about teacher misconduct. It is important that such complaints can be easily made after a teacher's first offence in order to ensure that it can be addressed before other students can be harmed.

This will also give the commissioner the ability to identify concerning patterns of behaviour and potentially stop them before they escalate.

In order to ensure that teachers are not subjected to malicious or false complaints, the commissioner will have the authority to dismiss a complaint if they consider it to be frivolous or out of scope of their jurisdiction, after either a preliminary review or a full investigation.

Further, in order to ensure that legitimate complaints can be dealt with in an expedient manner, the commissioner can enter in a consent resolution agreement with the investigated teacher to resolve the matter or refer matters to be adjudicated by a hearing panel.

These amendments also make important improvement to the transparency and accountability associated with the process, including that hearings will be open to the public and their panels will have members of the public that are not and have never been teachers.

This will ensure that the public's voice and perspective can be considered given the high level of responsibility entrusted in teachers.

Many of the stakeholders that we consulted with during engagement sessions emphasized the importance of public involvement in these matters. To further increase transparency and accountability, consent resolution agreements entered by the commissioner and decisions from hearing panels will be made public, with exceptions in cases that would cause significant harm to the victims.

In such cases, a summary of the agreement or decision may be made public. In addition to addressing matters of misconduct, the commissioner will also have the authority to take action against a teacher's certificate to address matters of competence.

This is consistent with the practice in Ontario and provinces in western Canada. It also mirrors the scope of the regulatory bodies that oversee other professions in Manitoba.

This bill will also ensure a single-door approach for addressing both teacher misconduct and competence matters.

In order to guide professional practice and create thresholds for matters of competence, the department will need to first establish professional standards for teacher profession. This is how the definition of competence will be established.

Government is aware that establishing professional standards is a very important and complex step in this new framework. Therefore, the department is committed to consulting broadly with stakeholders, including the Manitoba Teachers' Society, on the development and implementation of such professional standards before the standards are introduced.

* (18:10)

Bill 35 will also establish a registry of certified teachers that will be publicly accessible and will provide information on the status of a teacher's certificate and a record of actions taken against a

teacher's certificate. A public registry will increase transparency for employers and parents, providing them the necessary information to make informed decisions.

Experts in the area of child protection such as the Canadian Centre for Child Protection have recently highlighted the need for such registries in their report, *Child Sexual Abuse and Victimization by K-12 School Personnel in Canada*. Teacher registries are common across Canada, including all western provinces and Ontario. Government is committed to respecting the privacy of teachers while also facilitating easier access to this important information.

The proposed legislation also provides future avenues to address mandatory training. A certification-renewal process that can include obligatory background checks and other required-requirements to be satisfied at the time of renewal. Other key components of the framework include an expanded definition of professional misconduct and broader reporting obligations for employers of teachers.

It is important to note that although the new framework is significantly strengthening government's ability to regulate the profession, it does not erode or reduce the employer's existing responsibilities in overseeing and taking action when they become aware of potential misconduct. Rather, the proposed framework is supplemental to these responsibilities, and serves to assess whether a teacher's conduct is unbecoming of a teacher, possibly necessitating action against a teacher's certificate.

The department will continue to engage with employers, teachers, students and other stakeholders, and of course, the general public, to clearly communicate and implement these changes. I greatly appreciate the feedback that the committee received from individuals and groups that have taken the time to provide their input to Bill 35.

Thank you, merci and miigwech.

Mr. Chairperson: We thank the minister for his opening statement.

Does the critic for the official opposition have an opening statement?

Mr. Nello Altomare (Transcona): Thank you, committee members, and I'd like to thank staff as well, staff who has been here with us since Monday, listening to teachers, listening to presenters, listening

to people that had their views expressed during the committee process. It's very important. I did appreciate having a large number of staff here, because it signals to me the desire to do this right.

And what we heard from a number of presenters was a desire, No. 1, for child safety. I want to remind committee members and people watching online right now that child safety is a teacher's and everyone that works in schools' No. 1 concern. Absolutely.

Saw that reflected in many—in all of the presentations, Mr. Chair. And it was quite heartening to see that and to hear that. As I mentioned earlier, that it is the No. 1 piece in the professional code of conduct and professional practice of teachers, and that cannot be overstated.

Accountability is absolutely important. People that work in schools understand that without accountability, you can't do your job well. As a former school leader myself and a teacher, a person that was entrusted with kids by the families that were in the community that I served, we took that role very, very seriously. And that is something that will continue.

The commissioner's role, Mr. Chair, will be vitally important. It's my hope that the department and the minister consider that the commissioner have some background in education, either through the faculties of education or have extensive experience in working in the system and in working with children as well, and understanding the unique needs of children and how they grow, how they develop. All of that understanding, I think, will be really important for the commissioner to have that.

And I'd like—I'm glad I have the opportunity to put that on the record, because we also heard concerns of the power that the commissioner has in Bill 35. It can't be overstated, but at the same time, it's important, like I said earlier, Mr. Chair, that the commissioner has some experience in schools.

The other piece is definitions of significant emotional harm and competency. I did hear the minister in his opening statement say that consultation will continue. I think there is a desire to make this bill the best bill in Canada regarding this—these particular pieces that are in it.

I think there are ways that—like we say, these are living and breathing documents, which means that they can be regularly reviewed and adjusted according

to how this is—plays out in the first couple years. That part will be important.

I also want to remind the committee, too, that we heard a number of presenters say that everyone has a duty to report, not just the people that work in schools. Everybody in the community has a duty to report. I think that's really important. It's an important reminder to us as citizens that that is our role as well, and that can't be overstated either.

And also, in closing, I want to thank everybody that made presentations at this stage. Only two provinces in Canada have this particular process. This is something that is important, because I believe, when we're sitting around here as committee members, engaging in this important process, we're listening to the presenters and taking what they're saying and we'll bring amendments forward that will—that reflect what was heard at committee. I truly believe that.

And you will see in the amendments that I will bring forward shortly that they're based on what was heard by the presenters and what—and people that have reached out to myself and to other members in the Manitoba Legislature.

And with that, Mr. Chair, I conclude my opening remarks.

Mr. Chairperson: We thank you, Mr. Altomare, for your opening comments.

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Is that agreed? [*Agreed*]

Clauses 1 through 3—pass.

Clauses 4—oh, shall clauses 4 and 5 pass?

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Clause 4—pass.

Shall clause 5 pass?

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Mr. Ewasko: I move

That Clause 5 of the Bill be amended by renumbering it as Clause 5(1) and adding the following as Clause 5(2):

5(2) The following is added after subsection 4(1):

Consultations re proposed competency regulations

4(1.0.1) The minister must consult with, and seek advice and recommendations from, representatives of teachers, employers of teachers, teachers, and any other persons the minister considers appropriate in respect of each proposed regulation under clause (1)(c.1).

Motion presented.

Mr. Chairperson: The motion is in order, the floor is open for questions.

* (18:20)

Mr. Altomare: Was there a consideration in putting a time frame on this particular piece, or is it—was it deemed necessary to have a time frame, or—just some of your thoughts around that.

Mr. Chairperson: Mr. Altomare, on a supplementary question?

Mr. Altomare: Specifically, is it once a year, twice a year, three times a year? Is there something that you're imagining it to occur like that?

Long nights, sorry.

Mr. Ewasko: Thanks, Mr. Altomare, for the question.

No, it's basically—we'll do it the once before, as we sort of roll into actually having those consultations about those regulations.

Mr. Chairperson: Is there any further questions?

Mr. Altomare: Just a clarification.

Was the minister saying, just—it's going to happen one time and that's it?

Mr. Ewasko: So, initially, when we make the regulations we'll make sure that we're having those broader consultations, and then after we make the regulations, we'll go out and we'll make sure that we're having those conversations.

And if there's any amendments as we fit—see fit over time, that's—we're able to do that.

Mr. Chairperson: Any further questions?

Seeing none, is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Amendment—pass; clause 5 as amended—pass; clauses 6 and 7—pass.

Shall clause 8 pass?

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

As is Manitoba practice, if there's multiple sponsors to amendments, we will defer to the minister first—[interjection]—to the bill sponsor first. My mistake.

Mr. Ewasko: I move

THAT Clause 8 of the Bill be amended in the proposed section 8.22 as follows:

(a) *by renumbering the section as subsection (1) and replacing the section heading with "Notice of decision";*

(b) *by adding the following as subsection (2):*

Exception

8.22(2) Despite subsection (1), information provided to employers or posted on the registry must not include any information that has not been made public under section 8.21.

Motion presented.

Mr. Chairperson: The motion is in order. The floor is open for questions.

Mr. Altomare: I'd like to ask the minister, what was the rationale for making this amendment?

Mr. Ewasko: Thanks to my critic for that question. Basically, this is the first part of the area that we're making this amendment, and because many of the presenters had asked for some of the personal information to be excluded, I'm going to also, right after this, be bringing forward additional amendments that will bring even more clarity to the explanation for these.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Amendment—pass.

Shall—the honourable minister.

Mr. Ewasko: I have an additional amendment.

I move

THAT Clause 8 of the Bill be amended by adding the following after the proposed subsection 8.25(2):

Right to appear and be represented

8.25(3) The commissioner and the investigated teacher may appear and be represented by counsel or an agent at the hearing, and the panel may have counsel to assist it.

Motion presented.

* (18:30)

Mr. Chairperson: The motion is in order. The floor is open for questions.

Seeing—okay, Mr. Altomare.

Mr. Altomare: This is a clarification question, Mr. Chair. I also have an amendment in that particular clause, section 8, subsection 25(3).

Do I bring my amendment forward now, or do we have to deal with this? Or do I bring it after we deal with this amendment?

Mr. Chairperson: I will—Mr. Altomare, the amendment must proceed on its own. So we will have to deal with this one first, before yours. Your amendment, you can ask questions relevant to the amendment that's at the table, relevant to your amendment, though.

Mr. Altomare: Can I ask for leave for a bit of time to consider this a little bit more? Because it's quite close to an amendment I'm going to bring. I just need to ensure that I have a little more time to think about it.

Hon. Derek Johnson (Minister of Agriculture): Is it the will of the committee to have a two-minute recess? Is that enough?

Mr. Chairperson: Is it the will of the committee to recess for two minutes? [Agreed]

Committee recess.

The committee recessed at 6:32 p.m.

The committee resumed at 6:36 p.m.

Mr. Chairperson: We're back in session.

Mr. Altomare: If I understand this correctly, Mr. Chair, the teacher—the investigated teacher has the right to be represented by counsel or whatever representation they decide. Is that correct?

Mr. Ewasko: Correct.

Mr. Chairperson: No further question?

Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Amendment—pass.

Shall—the honourable minister.

Mr. Ewasko: Thank you, Mr. Chair.

I have another amendment I'm bringing forward.

I move

THAT Clause 8 of the Bill be amended in the proposed section 8.32 as follows:

in subsection 2, by striking out subsection 3—so, apologize. I'm going to start that over—

THAT Clause 8 of the Bill be amended in the proposed section 8.32 as follows:

(a) in subsection (2), by striking out "subsection (3)" and substituting "subsections (3) and (4)";

(b) by adding the following after subsection (3):

If disability affects capacity to teach

8.32(4) If a finding has been made under clause 8.29(1)(d), the commissioner, when making information available to the public under subsection (2), must not make available any personal health information (as defined in *The Personal Health Information Act*) about the investigated teacher unless the commissioner is satisfied that the public interest in making the information available substantially outweighs the teacher's privacy interests.

Motion presented.

* (18:40)

Mr. Chairperson: The motion is in order. The floor is open for questions.

Mr. Altomare: In drafting this amendment, does the minister know that—if this reflects current practice in other jurisdictions throughout the country? Is that where it came from, or?

Mr. Ewasko: I'd like to thank Mr. Altomare for the question.

So, this amendment is coming forward from the committee presentations and, basically, the committee personnel that were on the various different presentations were asking for clarity and—specifically around personal health information. But it still gives that commissioner that—also that little bit of flexibility to

be able to, in egregious situations, he or she would weigh that out as far as the teacher's privacy interests on that.

Mr. Chairperson: Any further questions?

Seeing none, is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Amendment—pass.

Mr. Ewasko: I have another amendment. I move

THAT Clause 8 of the Bill be amended in the proposed section 8.34 as follows:

(a) by renumbering the section as subsection (1) and replacing the section heading with "Notice of decision";

(b) by adding the following as subsection (2):

Exception

8.34(2) Despite subsection (1), information provided to employers or posted on the registry must not include any information

(a) that has not been made public under section 8.32; or

(b) about which an order has been under section 8.33 preventing public disclosure.

Mr. Chairperson: It has been—sorry.

It has been moved by the honourable Mr. Ewasko

THAT Clause 8 of the Bill be amended in the proposed section 8.34 as follows—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense?

Is the committee ready for the question? [interjection] No, sorry.

Mr. Altomare: I'd like to ask the minister, does this exist in other jurisdictions in Canada, this particular amendment regarding the double posting of things?

Mr. Ewasko: So, this amendment comes forward again from presentations, but just clarifies the fact that that personal health information that could not be presented earlier cannot then be taken and put on the registry as well.

Mr. Chairperson: Any further questions?

Seeing none, is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Amendment—pass.

Shall clause 8 pass as amended?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: I hear a no.

Mr. Altomare: I do have amendment in section 8.8(2)(a).

Moved by myself

THAT Clause 8 of the Bill be amended in the proposed clause 8—[interjection] Oh, sorry. Oh, you're handing them out. Okay.

Mr. Chairperson: Mr. Altomare.

Mr. Altomare: I move

THAT Clause 8 of the Bill be amended in the proposed clause 8.8(2)(a) by striking out "four teachers, three of whom" and substituting "ten teachers, nine of whom".

Motion presented.

Mr. Chairperson: The motion is in order. The floor is open for questions.

Minister Ewasko.

Mr. Ewasko: So, is this—thank you, Mr. Chair. So, to the member, is this amendment coming from other jurisdictions, or from committee or from where?

Mr. Altomare: In response to Minister Ewasko's question, this is coming not only from committee presentations but also from the current practice of many other professional bodies that exist in the province: College of Physicians and Surgeons, the lawyers' body, other professional organizations.

It was also mentioned extensively throughout the committee hearing process, and would instill, I believe, some parts that the presenters felt was very important to include in the bill.

Mr. Chairperson: Is there any—Minister Ewasko.

Mr. Ewasko: Thank you, Mr. Chair. So, basically just increasing the numbers of teachers in the pool. *[interjection]*

Mr. Chairperson: Mr. Altomare.

Mr. Altomare: Yes, as it pertains to the same being in other professional bodies, reflecting what already is common practice throughout the province in other

professional bodies and organizations, when it comes to discipline—disciplinary panels.

Mr. Chairperson: Is there any further questions?

Seeing none, is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

Mr. Altomare: On division.

Mr. Chairperson: On division.

The amendment is accordingly defeated on division.

* * *

* (18:50)

Mr. Altomare: I would like to move further amendments to clause 8.

Mr. Chairperson: Mr. Altomare.

Mr. Altomare: I move that section 8, subsection 14(5), the investigated teacher—*[interjection]*

Mr. Chairperson: Sorry, Mr. Altomare. *[interjection]*

Mr. Altomare.

Mr. Altomare: Thank you, Mr. Chair.

I move

THAT Clause 8 of the Bill be amended by adding the following after the proposed subsection 8.14(4):

Teacher may have representation

—The investigated teacher has a right to representation in an investigation.

Mr. Chairperson: Mr. Altomare, there was a bit of an error. I'll just ask you to read it out again, please.

Mr. Altomare: Thank you, Mr. Chair.

–Teacher may have representation

–and section 8–'bot' 14, subsection 5, the investigated teacher has the right to representation in an investigation.

Mr. Chairperson: Is there leave to have it—the amendment as written in Hansard? [*Agreed*]

THAT Clause 8 of the Bill be amended by adding the following after the proposed subsection 8.14(4):

Teacher may have representation

8.14(5) *The investigated teacher has the right to representation in an investigation.*

Motion presented.

Mr. Chairperson: The motion is in order. The floor is open for questions.

Mr. Ewasko: Just a question to Mr. Altomare. So, bringing forward this amendment, has—is there—have you seen somewhere else in, whether it's Manitoba or other jurisdictions, that have seen that, during an investigation, the teacher has a right to representation? Or another body or another person?

Mr. Altomare: My understanding of the bill is that once the teacher is starting the investigative process, that they require representation. It was made quite clear during the committee hearings that representation is important, either through counsel or through the Manitoba Teachers' Society.

Mr. Ewasko: From what I understand, that if—for this investigation piece, that if a teacher does not want to participate in the investigation piece, that he or she does not have to.

So then, bringing in representation would be a mute point.

Mr. Altomare: I believe it was made quite clear during the committee hearings that teachers feel that they need to have representation every step of the way, because it's difficult to process this when you've been identified as being investigated, that you need to go into it with representation so that you can clearly understand the proceedings as they're moving forward.

Mr. Ewasko: So, Mr. Altomare, just for clarification, so, when we're talking about—you know, earlier on when I brought forward the amendment for, you know, consultation and that—now in your amendment you're bringing, the investigated teacher has a right to

representation in an investigation. So, if the commissioner or the panel is investigating the teacher, you're suggesting that somebody can be sitting there answering the questions within the investigation. That's what the representation means, as opposed to somebody sitting and—for support, next to them.

Mr. Altomare: In reflecting in my practice when I was working in schools, often when I had to deal with disciplinary processes, the teacher came with representation. Or, when they asked for representation, of course they can.

Mr. Ewasko: So, for clarification, during an investigation, there is nothing stopping the member—or the teacher that is being investigated, of bringing in support with them. It's during the investigation piece that the investigators, whether it's the panel or the commissioner, would be asking the teacher the specific questions.

So there's nothing stopping from that, as it's existing, there's somebody being there with them.

An Honourable Member: So there is somebody—

Mr. Ewasko: Correct—or I—yes. So there's nothing stopping that teacher having support or counsel or an agent with them. It's just that this would be representation in an investigation. This is seeming to be as if that person or support or counsel would be speaking on the teacher's behalf during the investigation.

Mr. Altomare: Correct.

And just in briefly absorbing what was in section 8.25(3), you know, the previous amendment, I believe that that one talked about representation, and this also talks about representation but really makes it quite clear that representation will be there.

Mr. Chairperson: Any further questions?

Seeing none, is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: It is my opinion, the Nays have it.

The amendment is accordingly defeated.

Mr. Altomare: On division.

Mr. Chairperson: On division.

* * *

Mr. Chairperson: Mr. Altomare.

Mr. Altomare: Thank you, Mr. Chair.

I move

THAT Clause 8 of the Bill be amended in the proposed section 8.24—[interjection] I will carry on, Mr. Chair? Okay.

* (19:00)

Mr. Chairperson: Mr. Altomare.

Mr. Altomare: I move

THAT Clause 8 of the Bill be amended in the proposed section 8.24

(a) in subsection (1), by striking out "three" and substituting "five";

(b) in subsection (2), by striking out "One member of the panel must be a teacher" and substituting "Three members of the panel must be teachers"; and—in

(c) in subsection (4), by striking out "three" and substituting "five".

Mr. Chairperson: I'll once again ask if there's leave if it can be in Hansard as written? *[Agreed]*

THAT Clause 8 of the Bill be amended in the proposed section 8.24

(a) in subsection (1), by striking out "three" and substituting "five";

(b) in subsection (2), by striking out "One member of the panel must be a teacher" and substituting "Three members of the panel must be teachers"; and

(c) in subsection (4), by striking out "three" and substituting "five".

Mr. Chairperson: It's been moved by Mr. Altomare

THAT Clause 8 of the Bill—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense?

The motion in order. The floor is open for questions.

Any questions? I see none.

Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

The amendment is accordingly defeated.

Mr. Altomare: On division.

Mr. Chairperson: The motion is defeated on division.

* * *

Mr. Altomare: Mr. Chair, I have another amendment.

Mr. Chairperson: Mr. Altomare? *[interjection]*

Mr. Altomare: This part of—one—this amendment has already been dealt with earlier by the committee.

So, no further amendments.

Mr. Chairperson: Is there any further questions on clause 8?

Seeing none, clause 8 as amended—pass; clauses 9 through 12—pass; clause 13—pass; clauses 14 and 15—pass; enacting clause—pass; title—pass.

Shall the bill be reported? [*Agreed*] The bill shall—[*interjection*] Slight correction.

Bill be reported as amended.

* * *

Mr. Chairperson: We've had a written submission from Anne-Marie Robinson from Stop Educator Child Exploitation.

Is there leave to distribute this submission electronically to all members? [*Agreed*]

And number two, is it the will of the committee for it to appear in tonight's Hansard transcript? [*Agreed*]

It shall be done.

The hour being 7:07, what is the will of the committee?

Some Honourable Members: Rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 7:07 p.m.

WRITTEN SUBMISSIONS

I have some concerns about Bill 35 – The Education Admin Amendment Act. I have been a teacher for over 15 years and believe in protecting children, helping them learn and taking care of their physical, emotional, and mental health. Keeping children safe is something I take very seriously. I am in favour of increasing child safety within the province as most educators would be but this bill falls short of doing that as it is currently written.

My first concern with the bill is the inclusion of teacher competency. If the intent of the bill is to increase child safety within the education system, how does a teacher's competency to instruct and assess student learning protect them? This feels like a bit of a trojan horse.

Of course, as teachers, we are always striving to do better and encourage lifelong learning but connecting competency to conduct are two very separate issues and inappropriately linked things. It also concerns me that because I am hired, supervised, and evaluated by my employer, that a third-party body could be evaluating my ability to perform my job.

My second concern is that the panel evaluating me would be made up of mostly non-teachers. How can those with no background in education be evaluating teacher competency? As with other regulated professions in Manitoba, the panel proposed in Bill 35 should consist mainly of educators. I believe this whole heartedly. The panel needs to be constructed appropriately to reflect the profession.

My third concern is with the broad definition of misconduct, which includes "significant emotional harm". Significant emotional harm or incompetency could be associated with anything from how a student is graded to classroom management practices to resources or teaching of topics considered "sensitive". I ask myself; how am I to do my job effectively if constantly concerned that what I am doing is going to cause a complaint against me? The reassurance that frivolous, vexatious, or malicious complaints will be weeded out by the commissioner offers little comfort. Because the impact on the teacher could be significant depending on whether - or how far - the investigation proceeds before it is deemed unfounded could cause more harm than good intended.

Finally, the bill is silent on whether teachers can have union representation at public hearings. Other regulated professions specifically have wording that makes the right to representation clear. Why is this missing from Bill 35?

If I was just entering the professional working world today, I would strongly reconsider a career in the teaching profession or staying in the profession leading to concerns about teacher retention in the province which is already an issue.

This bill feels like a punishment to all teachers for the mistakes or choices of a few. We wouldn't punish all students for the mistakes or choices of one student nor would we do this in any other profession so how is this okay in the teaching profession? This bill makes it feel like we are not respected professionals. Please review and edit this bill to better reflect the needs and safety of both students and educators. These are not unreasonable requests.

I would like to propose the following amendments:

1. Remove competence from the Bill.
2. Ensure hearing panels are composed of a majority of teachers, in line with the composition of disciplinary panels of other professional bodies in Manitoba.

3. Include the expressed right to representation for a teacher being investigated.
4. Limit reports by employers to suspensions and terminations, as opposed to any and all discipline for professional misconduct or incompetence.
5. Define "significant emotional harm". This includes specific language related to psychological harm to the pupil or child, where the act is based on a characteristic protected by The Human Rights Code, repeated conduct that could reasonably cause a pupil or child to be humiliated or intimidated, or a single occurrence that could reasonably be expected to and has a lasting, harmful effect on the pupil or child.
6. Protect the privacy of teachers who are determined not to have the capacity to carry out the professional responsibilities of a teacher because of a physical or mental disability.

Kristy Frohwerk

About (SECE) Stop Educator Child Exploitation

Stop Educator Child Exploitation (SECE) is a grassroots organization composed of survivors of sexual abuse and violence at the hands of teachers in Canadian Schools. SECE, whose members come from across Canada, advocate for national leadership in combating sexual abuse in schools.

SECE advocates for the establishment of national/provincial independent body(s) to investigate teacher-on-student sexual exploitation, restitution for the thousands of existing survivors and is calling for a national inquiry into the abuse of school children at the hands of teachers.

Introduction

The current state of policies, procedures, and institutional structures do little to protect children from sexual misconduct or abuse by teachers and/or school staff.

While some good practices exist, the system lacks independence and consistent application. Recently, there have been some notable improvements but much more reform is needed.

Federal and Provincial leadership is required to drive comprehensive reform.

Part 1 of this report is a broad examination of the current situation in Canada based on the findings of a literature review, the hands-on experience of those working in this field and survivors of teacher abuse.

Part 2 contains an outline of the key components required of an independent body that would operate in a manner that protects children based on fair, open, transparent, and accountable procedures and practices. This model is based on the features of truly independent bodies that report directly to legislatures or parliament, such as auditors general or the Federal Integrity Commission.

Part One: Current Legal and Social Context

Over the past five years, there has been a significant shift in how sexual crimes have been viewed and responded to by society. Recently, many institutions in Canada and internationally have been called out for their failure to protect those to whom they owe a duty of protection from sexual misconduct or abuse. The military, churches and universities are notable examples.

Additionally, victims of sexual abuse themselves are increasingly finding their voice within a context of greater societal acceptance and increasing awareness of the harms of sexual assault.

Legislators have recognized the long-term impact of sexual crimes by the removal of statutes of limitation and courts have reframed the concept of consent. The Supreme Court of Canada strongly warned against characterizing sex offences against children as free from psychological or physical violence. Additionally, courts have recognized in *C.O. v Williamson* and *Trillium Lakes District School Board* that school boards and other like institutions are vicariously liable for abuse of students by teachers and staff in their employ.

While there are many laws that exist at the provincial and national level designed to protect children, there is no clear focus on what should happen in schools.

In 2015, the US passed a national law entitled Every Student Succeeds Act (ESSA) designed to prevent perpetrators from quietly leaving schools. The US mandates states to collect offender data into a national database, and USA authorities are increasingly taking legal action against principals and school administrators who fail to report and/or protect children.

Canada is lagging behind.

In this context, it is surprising that there has been so little discussion and debate about the problem of educator sexual misconduct or abuse in Canadian schools.

Why has this issue flown under the radar for so long?

Provinces and Territories Are Ultimately Responsible for Protecting Children in Schools Pursuant to the Canadian Constitution, provinces and territories are legally responsible for education systems and the children who, by law, are obligated to attend school. The law defines the relationship between teachers and students as in "loco parentis" or "like that of a parent."

Via statute, provinces have created school boards, teachers' colleges, registrar functions, and provincial committees to carry out these related responsibilities on their behalf. Because of this, it is ultimately the provinces that are responsible to ensure children are safe in schools.

Recent court decisions recognizing that school boards have vicarious liability for harms suffered by victims of educator sexual misconduct and abuse, reinforce this responsibility.

Additionally, two specific duties, which flow from common law, exist to protect children:

- The duty to protect.
- Standards of care.

While these duties trump education acts, this is poorly understood by school administrators and school staff who are responsible for their application.

Even more alarming, in practice, these legal obligations are frequently trumped by much more 'visible' disciplinary policies, which in some cases are encoded in collective bargaining agreements. In some instances, disciplinary guidelines and codes of conduct even encourage teachers who suspect abuse to speak to the potential abuser first.

Further, many of the systems in place for detection and correction of teacher sexual abuse/misconduct are insular and rely on teachers governing themselves. They are marked by conflicts of interests, bias and lack of specific expertise and diversity of perspectives.

Data on Frequency of Abuse

There is no data on the frequency of teacher-on-student abuse. There is no national systematic collection of data in Canada.

There is no national database that lists teachers fired or disciplined.

When trying to understand the scope of this issue, researchers must resort to requesting data from individual school boards and teachers' colleges, (which may or may not collect and/or share data in a systematic fashion), and count cases from media

reports. The result is unreliable and severely understated data.

Notwithstanding these limitations, recent research compiled by the Canadian Centre for Child Protection shows there were at least 750 incidences in Canada between 1997 and 2017. The CCCP is currently working on an update of numbers.

Cases frequently go unreported

The number of abuse cases is further understated because of low reporting rates. Schools and school boards frequently have no visible policy regarding reporting abuse to guide students, parents, and teachers.

Further, teachers and school staff often do not understand their legal responsibility to report.

Beyond that, fear of reprisal is a major deterrent to reporting suspected abuse. School staff fear retribution from colleagues, principals, and unions, and parents fear that their children will be bullied by teachers and other students if they report.

Even when there is a willingness to report, school staff and parents lack awareness of the signs of misconduct/abuse, and initial warnings signs that, if recognized, could lead to prevention or disruption of abuse are not noticed or understood. There is little or no training of student teachers or school staff on how to recognize potential signs of abuse or teacher misconduct.

Finally, many victims who have been groomed by skillful serial abusers, are too uninformed, afraid or confused to report until years after their experiences.

It is crucial to understand that child sexual predators go into professions that provide them with easy access to, and power over, children. While most teachers are honest, caring people, there will always be sexual predators in our schools. When no abuse cases are ever reported, that does not mean that there have been no cases of abuse. It can often mean that those predators have successfully evaded detection mostly due to weak institutional structures and processes.

Consequences For Victims

Many people are unaware of the unique damage done to young people who are victims of assaults by their teachers. They experience a fundamental breach of trust by an adult in a powerful and influential position in their lives, and that breach of trust has a significant impact on victims.

Researcher, David Finkelhor, notes that the same sense of betrayal and shame attached to incest is found in sexual abuse by teachers where the "pseudo parental relationship has been sexualized." (Shakeshaft, Educator Sexual Abuse, 2001)

It is well-documented that children who experience educator sexual abuse and/or misconduct experience life-long consequences, including high rates of mental illness, substance abuse, poorer educational and career outcomes, chronic illness, and suicide.

Victims need to heal. Sadly, there is almost nothing available in the current system for victims to do so.

Worse, often the interaction with school officials, institutions and the legal system has resulted in more harm and retraumatization. There is no better example of a complete lack of understanding of the grooming and abuse tactics used by predators than demonstrated in a recent CBC story where an Ontario School Board filed a third-party claim against a victims parent, alleging her "conduct fell below the standard of a reasonable parent/guardian in the circumstances." This is a shameful display of schools not wanting to take responsibility and blaming a parent for the teacher's conduct. This type of aggressive action can only result in more harm and prevent victims from coming forward. This could ironically leave predators in place to continue to abuse other students.

Trust in Our Schools

The failure to keep children safe from educator sexual misconduct erodes trust in our school system.

Public trust is further eroded when cases are mismanaged, downplayed or covered up in an attempt to protect the school's reputation.

Attempts to avoid consequences often results in 'passing the trash'; the practice of moving high-risk teachers from one school to another, in the same way as the Catholic church did with priests.

Financial Costs

The financial costs for educator sexual misconduct and abuse are beginning to mount.

- Vicarious liability has been clearly established.
- Limitation periods have been lifted.
- Consent has been redefined.
- The Supreme Court of Canada has emphasized that sexual assault against children is never free from harm.

- Historical awards are subject to compounding interest, and
- The medical cost and loss of productivity linked to victim harm is significant.

It is unquestionably within the interest of governments to take strong measures to prevent, detect and correct cases of abuse in a timely manner to prevent greater costs down the road.

Current Prevention Guidelines

There are many actors who have interests in this issue, including provinces and territories, licencing bodies (such as colleges), school trustees, school boards, schools, insurance companies, parent groups, teacher unions, child welfare agencies, law enforcement and the courts. The multiplicity of organizations involved has led to confusion and lack of clarity, both for the victims and for anyone trying to monitor the issue.

Existing prevention programs are hard to assess because of disaggregated school systems and universities in each province and territory. With few exceptions, each entity has its own policies and approaches, many of which are not clearly identifiable or accessible to the public.

Moreover, it is the experience of the Canadian Centre for Child Protection and others that it is difficult to get school districts to focus on this issue and explicitly recognize and manage it head on. The Centre has developed high-quality free training products suitable for students, teachers and student teachers; however, uptake is slow and uneven. Even when cases emerge it often difficult to get schools to accept outside help.

There have been a couple of examples of positive steps forward: Ontario College of Teachers implemented mandatory training in 2022; and several provinces, such as Alberta, have visible and accessible prevention material online.

However, it is nowhere near adequate.

Codes of Conduct

In many cases, provinces, schools, and unions all have different codes of conduct. This can create confusion. Further, few of the codes of conduct deal directly with the issue of teacher-on-student sexual misconduct/assault.

BC has legislated that reporting by teachers is mandatory and has provided some protection from reprisal. However, this is a notable exception and media reports have noted some problematic practices. Not only do most codes not have proper reporting

requirements in place, many union codes order their members to report any complaints regarding a colleague's behavior to the offender first. This creates a significant deterrent to report as teachers can fear reprisal from their colleagues.

Current Management of Reported Cases

Schools

In most provinces, it is not clear where to report cases of suspected abuse and what process will be followed once cases are reported. Most cases are reported to school principals and then are initially 'investigated' by individual schools. Not a single description of the process followed by any school was uncovered in this research. Sometimes cases are referred out to other bodies or committees, but with a few exceptions, the criteria for when and how this occurs is not evident in provincial policies.

There have recently been several media stories indicating that cases never go beyond the school system, and many parents, victims and other stakeholders are left in the dark. Recently uncovered clusters of cases in Orleans and Perth Ontario are good examples of this. This is the weakest part of the current system.

This weakness is primarily due to the fact that the current systems in place to deal with teacher misconduct were built for routine discipline issues such as tardiness. These processes are not effective for serious and potentially criminal cases of teacher sexual misconduct/assault. They do not account for the needs of child victims and they often result in further harm to those victims.

Principals and school staff are unqualified and untrained, and lack the competence to conduct fair, impartial and procedurally fair investigations, and they can easily compromise evidence. Schools are small workplaces where understandably it is difficult to be objective about your colleagues, and sexual predators are often very effective in grooming colleagues to see them as incapable of such abuse. Further, past experience demonstrates that principals often act to protect their school's reputation over the welfare of children being victimized.

In some instances, complainants and concerned parents are told to refer cases to the police or child protection agencies if they are not getting results from individual schools. While referral to the police can be

the appropriate action in some cases, often these entities are unable to help, because:

- The police have a high threshold for action. They can respond to criminal activity but often not to anything below that threshold. Teacher-on-student sexual misconduct/assault is often a gradual process that involves grooming and often begins with boundary violations observable to those with appropriate training. An effective system would be one in which sexual predators would be spotted before serious damage has been done to victims, and therefore before the police would need to become involved.
- Child protection services have a role in ensuring children are safe in their home environments, but they can have little impact on teacher behavior and the removal of problematic teachers from their positions.

Teachers Unions and Associations

In general, many Canadian teachers' unions have a great deal of power, holding authority to discipline teachers,

to remove their membership and therefore their ability to teach in any given province or territory, and to negotiate important elements of discipline such as the right to grieve and to scrub personnel files of discipline records.

Moreover, they owe a duty of protection to their fee-paying members.

Teachers' unions also collectively bargain on behalf of their members, which can give them leverage over provincial governments. While there is no evidence of this leverage being exercised, it is an obvious structural defect that needs to be addressed. Collective bargaining itself is subject to trade offs and the matters related

to child protection should never be compromised in any manner. For example, scrubbing personnel files after 3 years is a common practice that is encoded in collective bargaining agreements. When it comes to child protection this is an obvious problem.

In some provinces and territories, unions operate either a parallel process, or the only process, to discipline teachers. These union-led disciplinary processes usually include referring cases to the province for removing teaching licenses; however, in some cases, the unions have overall discretion over whether to refer cases to provinces for license revocation.

Separate Quasi-Independent Bodies

There are no fully independent bodies anywhere in Canada where victims, parents, school staff or members of the public can report cases of suspected teacher-on-student sexual misconduct or abuse and seek objective advice and support.

There are three separate and quasi-independent bodies: in Ontario, British Columbia and Saskatchewan. These provide some degree of separation of key functions from the school system and unions, such as the ability to conduct investigations and remove teaching licenses.

However, notwithstanding recent improvements, such as changes to the governance of the Ontario Teachers College and the openness of the BC Regulator to accept complaints directly from the public, these bodies still lack the independence and authority to adequately protect children from teacher sexual assault and misconduct. Cases are often referred a long time after schools become aware of a potential problem.

This often leads to mismanagement of cases and further harm to victims.

Moreover, most decision-making committees are made up by a majority of teachers, who are unionized, once again leading to the problem of conflicting loyalties and a lack of diversity of perspectives and expertise.

Ontario's recent move to diversify its governance with 50% of its members being from the general public is one notable improvement.

Worse, the systems in place are designed to focus on the teachers, their rights and processes to discipline them if required. There is little or no mention of the child victims of teacher-on-student sexual misconduct/assault.

The needs of victims are almost entirely absent. In fact, victims are lost in the process. No protection seems to be afforded to them and no consideration of how to help them move forward is evident in the design of any of the processes examined.

External Reporting, Oversight and Accountability

While most provinces and territories have legislative provisions in place for them to intervene in the management of teacher-on-student sexual misconduct/assault and to conduct evaluations of the systems that they have created, not one such report was found.

However, there have been media reports of notable problems being addressed. For example, the Ontario College of Teachers was recently put under the management of a supervisor while it underwent some reforms to its governance and reporting. Another example can be found in Alberta, where the Minister of Education has recently called for a review of discipline decisions by the teachers' union. This latter example became politicized as unions accused the Minister of doing so to distract attention from budgetary issues. This is one of the best illustrations found as to why unions and provincial governments should not be engaged in discipline related to child protection. If there was an independent body free from both ministerial and union interference, this conflict would not have arisen and the only discussion would have been about the issue of child protection. Alberta is currently implementing reforms and has very recently appointed a Teaching Profession Commissioner but it is unclear at this time how these new structures will operate and how independent they will be.

There is no single database in Canada where the names of teachers who are a risk to their student are kept.

A few provinces publish names and decisions on their own, while other provinces and territories either keep the names confidential or share them with other jurisdictions 'if necessary'. These processes lack uniformity, consistency, and transparency. They are designed to protect teachers rather than child victims.

Further, external statistical reporting of case numbers and reasons for teacher discipline is hard to find and of poor quality. The best example found was in British Columbia where they report annually on the status and types of cases they examine.

Given the dearth of information and oversight, it seems clear that provinces and territories are not paying sufficient attention to this issue, nor can they ensure Canadians that students under their care are adequately protected in the school system.

Part Two: Key Components

It is abundantly clear that the current structures in place in schools across Canada are woefully inadequate to protect students from sexually predatory teachers. The following changes are strongly recommended.

Provinces Need to Implement Robust and Mandatory Prevention Measures

Training and awareness must begin with children in kindergarten to equip them to act should they encounter abuse within the school system or elsewhere.

Universities should be training student teachers to recognize predatory behaviour and to report teacher sexual abuse and misconduct. This training should then be reinforced annually by school systems.

This reinforcement is critical because even after the right policies and procedures are in place they can only work when combined with high levels of training and awareness. Otherwise, cases will be missed or dismissed by well-meaning but uninformed people who do not know how to recognize the signs of abuse and do not understand their individual legal responsibilities.

Much of the above training material has already been developed by the Canadian Centre for Child Protection but uptake by school boards has been limited.

These requirements should be enshrined in legislation.

Cases Need to be Removed from Regular Discipline Systems

Neither political actors, schools nor teachers' unions should have direct involvement in managing cases due to their conflicts of interest and their lack of expertise and experience in the area of teacher-on-student sexual assault.

For the most part, provinces have pushed this problem down to school boards and schools without equipping them with adequate legal, policy or institution structures to manage them. Worse, these cases are often treated solely as discipline problems, for which the current systems are wholly inadequate for dealing with sexual misconduct or assault.

Teachers' unions currently have a significant impact on the employer's ability to discipline cases of sexual assault or sexual misconduct. However, the systems teachers' unions have in place to deal with workplace misconduct were never meant to address something as serious as sexual abuse of children, and it is crucial that the power to investigate this sort of misconduct be entirely removed from unions.

Educator sexual misconduct and assault is always harmful and often criminal and therefore requires very specialized expertise and a very low tolerance for risk, error and inconsistency. It is not reasonable to conclude that each school, school board or teachers' unions could adequately create this capacity.

What is needed are independent structures that are free from bias and outside the normal chain of command and are capable of consistent application of specialized policy and procedure.

An Independent Body with the Following Characteristics is Urgently Needed

A. Independence

The body(s) should report to provincial/federal legislatures, or, be housed in an entity that does, such as the Auditor General, to ensure its independence, multi-party scrutiny and rigorous review of its mandated activities.

The head of the body should be appointed and dismissed by provincial legislatures. This will ensure that the entity acts and reports in a wholly independent and fearless manner.

Staff should be appointed by the head of the body via competitive and merit-based appointment processes.

The body should be staffed by a diverse group of professional experts. While it makes sense for teachers to

be included in this mix, for their experience and understanding of the teaching profession, there is no reason that they should be the majority. Moreover, all employees should be fulltime and free from teacher union affiliation. Appointing staff pursuant to public service legislation would provide them with stability and help ensure institutional independence and longevity of tenure.

It is necessary to have an independent funding source, such as government appropriation, rather than being funded by teacher dues. Being solely funded by teachers can result in conflicted loyalties and can hamper its independence.

B. Fair, Independent and Transparent Process

Schools and unions who receive complaints should be required by law to immediately refer cases to this body and the body should allow for and accept direct complaints from the public including victims, school staff and parents. Failure of school and teacher union administrators to report, should result in fines and/or criminal charges.

Procedures need to be put in place to protect students, parents and teachers from reprisal.

The body should have an intake function where complaints can be reviewed and triaged for next steps.

A broad range of interventions should be available for offences such as:

- suspected grooming and/or boundary violations versus
- suspected sexual misconduct or sexual assault

The above examples are meant to be illustrative and more work is needed to find the right balance. However, it is important that any system that is put in place is designed for the earliest possible intervention to assure that teacher predators are disruptive before serious harm is caused.

The body should take reasonable steps to follow up on anonymous complaints.

The body should have powers such as those under the Inquiries Act, to conduct investigations and hearings. These should include the ability to compel witnesses and subpoena information.

A broad range of interventions should be possible, as cases can range from suspected grooming and/or boundary violations to suspect sexual assault.

The body should be able to order the following types of corrective action:

- at the individual level – training, suspension, dismissal;
- at the school level – school-wide training, policy, or process improvements.

The body should be required to refer cases, it believes are of a criminal nature, to the police. Likewise, the body should be required to inform child protective services as required by law. This step is critical to further deter teachers from reoffending either in or outside of the school system.

The bodies' decisions should be subject to judicial review.

C. Records, Reporting, Accountability and a National Database

The body should report annually to the legislature by tabling an annual report and should be summoned to

provincial legislative committees to answer questions in public about its activities.

The annual report should outline the number and types of cases being investigated and include a year-to-year comparative analysis, so that parents and members of the public can monitor to see if the situation is improving (or not).

The names of offenders who have been found to have sexually assaulted students should be submitted to a national database available to parents and all child-based employers anywhere.

The body should also be responsible for the retention of records regarding teacher sexual misconduct.

D. Victim Support

Victim supports also needs to be put in place. These should include provisions for:

- Victim counseling and psychological support.
- A reconciliation process based on principles of restorative engagement where the school system would proactively supports victims and acknowledge harms. This should include, support and follow up to assist victims in completing their education and transitioning to the next phase of their life.
- Victims should not be required to sign nondisclosure agreements.
- An optional financial compensation scheme, as an alternative to civil litigation would also be helpful, as civil litigation can often result in additional harm to victims.
- Apologies from responsible governments are also critical for victims to move forward.

Such processes will also help the school system and governments avoid additional future costs because the earliest possible intervention can reduce future harm.

Society overall will benefit if victims can more quickly heal and become fully functioning and productive.

Anne-Marie Robinson

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.manitoba.ca/legislature/hansard/hansard.html>