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**Official Report
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Monday 29 October 2001

**Journal
des débats
(Hansard)**

Lundi 29 octobre 2001

**Standing committee on
justice and social policy**

**Comité permanent de la
justice et des affaires sociales**

Subcommittee report

Rapport du sous-comité

Student Protection Act, 2001

Loi de 2001
sur la protection des élèves

Chair: Toby Barrett
Clerk: Tom Prins

Président : Toby Barrett
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
JUSTICE AND SOCIAL POLICY

Monday 29 October 2001

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE LA JUSTICE
ET DES AFFAIRES SOCIALES

Lundi 29 octobre 2001

The committee met at 1527 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mr Toby Barrett): Good afternoon, everyone. Welcome to this regular meeting of the standing committee on justice and social policy. We have several orders of business and we have several delegations. Our first order of business is to consider the report of the subcommittee, dated October 24, 2001.

Mr John O'Toole (Durham): I would like to submit the report of the subcommittee.

"Your subcommittee met on October 24, 2001, to consider the method of proceeding on Bill 69, An Act to protect victims by prohibiting profiting from recounting of crime, and recommends the following:

"(1) That on November 6, the committee conduct its clause-by-clause consideration of the bill;

"(2) That amendments for the bill should be provided to the clerk by November 2 at 12 noon."

The Chair: Is there any debate or comment on Bill 69? Are there any amendments with respect to Bill 69?

Mr O'Toole: If I may continue—

The Chair: I think I should do this bill by bill. I ask the committee, are we in favour of Bill 69, the report?

Mrs Lyn McLeod (Thunder Bay-Atikokan): You mean the subcommittee report on Bill 69?

The Chair: Yes, the report from the subcommittee on Bill 69. Are we in favour? Carried.

Mr O'Toole: "Your subcommittee met on Wednesday, October 24, 2001, to consider the method of proceeding on Bill 81, An Act to provide standards with respect to the management of materials containing nutrients used on lands, to provide for the making of regulations with respect to farm animals and lands to which nutrients are applied, and to make related amendments to other acts, and recommends the following:

"(1) That on November 27, December 3 and December 4, the committee conduct its clause-by-clause consideration of the bill. If the committee finishes its consideration of the bill on or before December 3, the committee will use December 4 to begin clause-by-clause consideration of Bill 86, An Act to rescue children trapped in the misery of prostitution and other forms of sexual exploitation and to amend the Highway Traffic Act;

"(2) That amendments for Bill 81 should be provided to the clerk by November 23 at 12 noon."

The Chair: Thank you for the subcommittee report on Bill 81. Is there debate on that order of business?

Mr Garfield Dunlop (Simcoe North): Just some comments I'd like to read into the minutes, Mr Chairman. All three parties have generally accepted the concept of the bill and agree that the people of Ontario require strong rules regarding nutrient usage in our province. It is important that the bill move forward through the clause-by-clause phase to ensure that appropriate time is given for second and third readings in the House this fall.

This bill has had numerous consultations. This committee has held 10 days of public hearings, and OMAFRA was also very forthcoming with a public information session. We have received calls from a variety of municipal representatives, farm and environmental organizations in this province that realize the need for a bill of this nature and support quick passage through the House.

Opposition members have expressed a real concern about the lack of regulation associated with this legislation. It is imperative that we move forward with clause-by-clause to ensure that regulation will develop as soon as possible.

I encourage all members of this committee to consider that this bill is a vital component to ensuring the future sustainability of rural Ontario, and all members of this committee, I'm sure, realize the importance this bill will play in shaping the future of our environment, our rural communities and farming practices in general across our province.

The Chair: Any further discussion or debate on the subcommittee report?

Mrs McLeod: So we're staying with the subcommittee report as presented, with three days of clause-by-clause?

The Chair: I asked the question and there are no amendments to this one. Does the committee find this subcommittee report accurate and agree with it? Carried.

Mr O'Toole: "Your subcommittee met on Wednesday, October 24, 2001, to consider the method of proceeding on Bill 86, An Act to rescue children trapped in the misery of prostitution and other forms of sexual exploitation and to amend the Highway Traffic Act, and recommends the following:

“(1) That on December 10 and 11, the committee conduct its clause-by-clause consideration of the bill. If the committee is not busy on December 4, the committee will conduct its clause-by-clause consideration of the bill on December 4 and 10;

“(2) That amendments for the bill should be provided to the clerk by November 30 at 12 noon.”

The Chair: Is there any further debate or discussion on the subcommittee report for Bill 86? All in favour of this report? Carried.

Mr O'Toole: “Your subcommittee met on Wednesday, October 24, 2001, to consider the method of proceeding on Bill 87, An Act to regulate food quality and safety and to make complementary amendments and repeals to other acts, and recommends the following:

“(1) That the committee schedule public hearings in Toronto on November 19 and 20, 2001—”

Mrs McLeod: Mr Chair, I'm open to having the recommendations tabled as entered before us, if you like.

Mr O'Toole: Are they to be read into the record?

The Chair: The clerk has advised me that we should bear with Mr O'Toole as he reads them into the record.

Mrs McLeod: That's fine.

Mr O'Toole: I'll try to speed up, but it is all time on task.

“(2) That the committee conduct its clause-by-clause consideration of the bill on November 26, 2001;

“(3) That the clerk place an advertisement on the Ontario parliamentary channel and on the Internet. If possible, an advertisement will also be placed in the four Toronto English dailies and in the largest Toronto French newspaper, and in Ontario Farmer. The advertisement will indicate that application for the reimbursement of travel expenses can be made in writing by submitting a claim to the clerk;

“(4) That the deadline for making a request to appear before the committee be November 9 at 12 noon;

“(5) That the deadline for submitting written submissions be November 20 at 12 noon;

“(6) That a briefing by the minister or ministry is not necessary;

“(7) That each of the three parties may make opening statements for five minutes each;

“(8) That staff be present in the committee room to answer questions posed by any committee member;

“(9) That groups be offered 20 minutes in which to make their presentations, and individuals be offered 10 minutes in which to make their presentations. If there are more potential witnesses than there are time slots, groups will be offered 15 minutes in which to make their presentations;

“(10) That all witnesses be scheduled if time permits. If there are more potential witnesses than there are time slots, the subcommittee will meet to determine the priority for scheduling their presentations;

“(11) That each party can submit a list of potential witnesses to the clerk by Wednesday, November 9, at 12 noon;

“(12) That the research officer prepare a summary of recommendations and obtain relevant information from the Ministry of Agriculture, Food and Rural Affairs;

“(13) That there be no opening comments at the start of clause-by-clause consideration of the bill;

“(14) That amendments for the bill should be provided to the clerk by November 23 at 12 noon;

“(15) That the clerk be authorized to begin implementing these decisions immediately;

“(16) That the information contained in this subcommittee report be given out to interested parties immediately;

“(17) That the Chair, in consultation with the clerk, make any other decisions necessary with respect to the committee's consideration of this bill. The Chair will call another subcommittee meeting if needed.”

The Chair: Thank you for the subcommittee report on Bill 87. Is there any debate on the report or any amendments at this time? All in favour of the subcommittee report? Agreed.

That concludes the subcommittee report.

Mr Peter Kormos (Niagara Centre): If I may raise one other matter of business, and I only had a chance to speak very briefly about it with Mr Dunlop, as parliamentary assistant to the Minister of Education, and I spoke earlier in the day to the Minister of Education. We understand that the committee has already adopted the subcommittee report prescribing two days of hearings and a final third day of clause-by-clause consideration.

Mr Martin has reviewed the list of presenters and brings to the committee's attention an unfortunate omission, appreciating that this could have been dealt with and should have been dealt with in a more timely way in terms of filing these. He speaks specifically of the Children's Aid Society of Ontario and the Children's Aid Society of Algoma. As most members of this committee will know, there's some historical basis for that interest arising from Sault Ste Marie.

I'm asking the committee to consider what would be a modest proposal, a motion that notwithstanding that the third day of committee focus on this bill has been set for clause-by-clause, the committee consider indulging not only Mr Martin but, more importantly, children's aid society representation—because as you'll see from the other two days of presenters, there's none of that—if the committee would indulge these people for a 20-minute slot at the beginning of clause-by-clause, effectively next Monday.

Mrs McLeod: Looking at tomorrow's agenda, there's a 4:30 to be confirmed. If that is not confirmed, I'm just wondering whether it could be slotted there.

Mr Tony Martin (Sault Ste Marie): I spoke to the children's aid society today when I found out we were actually going to committee today and tomorrow. I had spoken to them in the Soo a week ago and shared that with them.

Some of you will remember that I brought forward a private member's bill to change the child and family welfare act to give the children's aid society the power

they need to investigate abuse of children where institutions are concerned, which died on the order paper when the government prorogued.

We want to take a look at this bill. We think it's a good bill and will do some things that are necessary. But there is some significant interface between police and the children's aid society. Rather than set up something, without hearing from the children's aid society, which may create some difficulty for them—we might get responsibilities clashing—the CAS should be able to come in.

I'm going to try to get them in here for tomorrow if I can. But failing that, I just think it's really important that the committee hear from the children's aid society where this bill is concerned so that we, as a group who will ultimately pass this legislation, understand what we're doing and how those two groups will or will not be able to interface and actually do the job they're charged with doing.

We all know the police are a group in this bill who are charged with some significant responsibility. We also know that the mandate of the children's aid society is the protection of children. They were mentioned and centred out in the Robins report as having fallen down in that instance and perhaps had not done what they could have done. They're saying the reason they couldn't, even if they had been brought in—and they weren't—would have been limited because of legislation and parameters surrounding their role and what they can do.

It just seems to me that it would be smart of us, if we can at all, to—

Mr Dunlop: We agree with it.

Mr Martin: You agree with it? OK. Sorry. No more argument.

Interjections.

1540

The Chair: I will mention, further to that—we're referring to November 5. The clerk also informs me, and looking at the schedule, that there's an opportunity tomorrow as well.

Mr Martin: I've got a call coming back tonight from them. I've got a call coming in tomorrow morning. If they can be ready for tomorrow afternoon, we can perhaps fit them in. If not, is it OK, as Mr Kormos has suggested, that we hear from them before clause-by-clause, even though that may be a bit late?

Mrs McLeod: Informally, my main suggestion would be if they possibly can do it tomorrow, then that gives us a chance to consider their input before clause-by-clause.

Mr Rosario Marchese (Trinity-Spadina): It would be better.

The Chair: As I understand it, we're formally changing the subcommittee report, so I would ask for a motion from our sitting members.

Mr Marchese: I move that we slot in the Ontario Children's Aid Society and Algoma Children's Aid Society to make a deputation, if it works, on October 30 for the 4:30 slot, if possible, and if not, on the Monday following.

The Chair: Thank you. We have that motion before us. All in favour? Those opposed? I declare that motion passed.

STUDENT PROTECTION ACT, 2001

LOI DE 2001

SUR LA PROTECTION DES ÉLÈVES

Consideration of Bill 101, An Act to protect students from sexual abuse and to otherwise provide for the protection of students / Projet de loi 101, Loi visant à protéger les élèves contre les mauvais traitements d'ordre sexuel et à prévoir autrement leur protection.

The Chair: Our next order of business is delegations with respect to Bill 101, An Act to protect students from sexual abuse and to otherwise provide for the protection of students. From our agenda, we have two delegations.

CANADIAN RED CROSS, ONTARIO ZONE

The Chair: I ask the Canadian Red Cross, Ontario zone, to please come forward to the witness table. Good afternoon. We welcome you. We would ask you to give us your name for the purposes of Hansard.

Ms Debra Bellamy: My name is Debra Bellamy. I'm with the Canadian Red Cross.

The Chair: Thank you. We have 20 minutes for your comments.

Ms Bellamy: Chair, committee members and members of the public, thank you for the opportunity today to offer our input into Bill 101. My comments today are in support of this legislation and also to suggest amendments which would strengthen the legislative ability to protect children from sexual abuse and other forms of abuse. I have given the clerk copies of my presentation for you for after.

Red Cross RespectED violence and abuse prevention program focuses on the prevention of abuse through consultations on policy development and delivery of prevention education workshops which provide early identification of abuse and immediate help for those who disclose. I believe that Bill 101 provides an opportunity to support these goals through legislative means.

While the definition of "sexual abuse" in Bill 101, part II, clauses 2(a)(b) and (c), is a good beginning to creating a definition of "sexual abuse," I believe it is incomplete. The definition in the proposed legislation does not acknowledge or recognize the special relationship of trust and moral authority teachers hold over students, nor does it create a clear, broad definition in order to avoid excusing harmful behaviour as a result of loopholes in law.

October is Child Abuse Awareness Month. It's the responsibility of all adults who are responsible for the well-being, safety and human dignity of children to be aware of the ways in which children can be harmed and to prevent this harm. It's my understanding that Bill 101 is specifically written with the intent to prevent the abuse

of students, and as currently written is applicable to certified teachers. Non-certified teachers and other adults are placed in the same position of trust and authority over students in educational institutions throughout Ontario as are certified teachers and therefore are worthy of significant consideration for inclusion in both Bill 101 and other applicable legislation.

I will refer throughout this presentation to the recommendations of Judge Sydney Robins in his report called *Protecting our Students*. The recommendations in this report would be an important component in any legislation regarding protection of students. In his report, Robins proposes four general ways to identify and prevent sexual abuse in our schools which are worthy of consideration for inclusion in Bill 101. In this presentation I will address two of these points and suggest an expanded definition of “child abuse.”

Robins states the need to “create a clearer, broader definition of sexual misconduct to spell out what is prohibited and to ensure some types of sexual abuse are not trivialized.” Judge Robins suggests the use of the broader term “sexual misconduct” and that any definition thereof be based on, but not limited to, the Criminal Code.

Specifically, Robins recommends the inclusion of:

—Section 151: sexual interference, which refers to touching any part of the body of a person under the age of 14 years for a sexual purpose.

—Section 152: invitation to sexual touching, which refers to inviting or inciting a person under the age of 14 years to touch the body of a person who invites for a sexual purpose.

—Section 153: sexual exploitation, which refers to when a person who is in a position of trust or authority toward a young person or is a person with whom the young person is in a relationship of dependency, if they touch the body of a young person or invite that young person to touch for a sexual purpose—that’s sexual exploitation. A young person means a person between 14 but under 18 years of age.

In addition, Robins recommends the inclusion of the following:

—Sexual harassment: objectionable comments or conduct of a sexual nature that may affect a student’s personal integrity or the security of the school environment. Such comments or conduct may not be overtly sexual, but the impact is personal embarrassment to the student. This definition of sexual harassment is based on the Ontario Human Rights Code with specific application for teachers. Robins indicates that in a teacher-student relationship, the question of whether conduct is or is not unwelcome is irrelevant. Robins states that it is no defence to argue that a student welcomed, asked for, consented, or failed to object to harassing behaviour. The teacher, not the student, bears responsibility for the teacher’s conduct.

Red Cross RespectED violence and abuse prevention programs for youth reference that abuse is “Not Your Fault.” Due to the imbalance of power between a teacher

and a student and the teacher’s position of authority and trust, a student is not in a position to give consent.

—Sexual relationships: The inclusion in legislation of reference to any sexual relationship with a student, or with a former student, under the age of 18 and any conduct directed to establishing such a relationship as sexual misconduct would clearly define intimate letters from teacher to student, personal telephone calls, sexualized dialogue through the Internet and suggestive comments as non-contact sexual abuse and therefore prohibited. This definition applies to a teacher’s own students or other students if the behaviour may affect the personal integrity or security of the student or the school environment.

Robins states that “including the concept of sexual relationship as a form of misconduct addresses the fact that a teacher must respect professional rules, in addition to criminal and civil rules.” This higher standard of conduct has been upheld by the Supreme Court of Canada. A teacher’s sexual relationship with a student should be prohibited under any circumstances, including if the student has reached the age of consent, if the relationship occurs outside of the school year and even if the relationship is with a former student who is still under age 18. Robins recommends that definitions be based on existing laws and the specific context of the teaching profession.

Another omission of Bill 101 is the absence of definitions for physical, verbal, psychological or emotional abuse. However, section 1 of the regulations made under the Ontario College of Teachers Act refers to the terms physical, verbal, psychological and emotional abuse as professional misconduct applicable to teachers, without a clear, broad definition of these terms.

A key aspect of prevention activities is to ensure a common language and a clear understanding of basic definitions of illegal and prohibited behaviour. This will ensure the safety and human dignity of students.

I therefore propose that Bill 101 be amended to include clear, broad definitions of all types of abuse and harassment to better protect students and to ensure that teachers are aware of the behaviours which are defined as professional misconduct and can govern themselves based on this knowledge.

1550

The education and training of teachers as to the definitions of abuse, identification of abuse, proactive prevention measures and the scope and application of any laws is critical both to preventing abuse before it happens and ensuring that professionals who have responsibility for children can both identify and respond to suspicions that a child is at risk of harm. This education should be included in initial teacher training and will require legislative changes.

In the March issue of *Professionally Speaking*, the Ontario College of Teachers states that “one important way to influence [certified] teachers’ understanding [about sexual misconduct] is through the college’s authority to accredit professional learning programs and courses that would include specific content on sexual

misconduct for new and experienced teachers.” If learning about definitions of abuse, impact and indicators of abuse, proactive prevention and how to respond to disclosures was part of the teachers’ accreditation requirements, it would begin to address the recommendation of Judge Robins to educate professionals as a way of identifying and preventing abuse and/or misconduct. Legislative changes would assist this by giving professional accreditation standards clear parameters and a legal framework with which to approach this painful community and societal issue.

The Chair: Thank you very much. We have several minutes for each party for any comments or questions.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I don’t have any questions. I do appreciate the perspective you have presented. A number of the concerns you have raised have been raised by our education critic, Gerard Kennedy, particularly with regard to the issues you raised about uncertified teachers, as well as the definition of “sexual abuse” and how the term “sexual misconduct” might be a more appropriate term to include in the legislation. We very much appreciate that you’ve taken the time to come and share your thoughts with us today. I thought it would be important for you to understand as well that there are members of the Legislature who would be very prepared to advocate the amendments you’ve proposed today.

Mr Marchese: Thank you for your presentation. A couple of questions. On the issue of prevention, I’m anticipating that the College of Teachers will have some suggestions as to what it will propose by way of professional development vis-à-vis prevention. I’m assuming that boards of education will also want to speak to the minister about what they can jointly do, because some of it will involve some money. I’m expecting the College of Teachers and boards to say to the government, “Yes, we want to work with you. We want to look at prevention.” My sense is that something will happen. Do you think something might happen, or do you believe we should prescribe it in the way that you were suggesting? Your suggestion was to link recertification to professional development as it relates to understanding sexual abuse, how it happens and doing early intervention. Do you think it can happen on its own, or are you suggesting that what you suggest is the only way to do it?

Ms Bellamy: We do educational work with teachers. In our experience, many times they’re aware that they have a responsibility to report child abuse, as the Child and Family Services Act dictates. However, they are not aware many times of what it is, the issues, how to deal with it, and therefore they don’t deal with it. The individual schools and the individual boards of education determine whether or not they’re going to include this. I’m suggesting that perhaps something that was standardized across the board through legislation might be helpful.

Mr Marchese: I understand that and I agree with you. Some teachers won’t disagree with you either, many won’t disagree with you, because I think they understand

that understanding this issue is not easy and that, yes, some professional development would be helpful. How you negotiate that within the system is a matter of some controversy, as you know, because this government cut professional development days from nine to four and that has created some difficulties for the system. My assumption is that they would want to negotiate something because they do want to understand how it happens and want to be able to identify it when and if it is happening. I don’t think teachers will disagree with you that they would like to have it. It’s just a matter of how, I guess.

Ms Bellamy: The Child and Family Services Act as it stands, and the legislation now, provides guidelines for reporting and identifying child abuse. However, there are still many situations, as you’re aware, and from the Robins report, where it is not happening. Therefore, I feel that legislation needs to be strengthened to allow for that and to ensure that it happens, because, unfortunately, while the negotiations are going on, there are children who are still being abused.

Mr Marchese: Sure. You raised another point and didn’t comment at length, but you said that the government of course isn’t forcing those teachers who are not certified in the private system to be subject to this law. The point you make, that I made as a critic, is that they’re teachers. Students are under their care. They may not have the label “certified,” but they’re teaching. That means that young people are subject to potential abuse and they won’t be covered by this law. Do you want to elaborate on your need for the government to find a way to make sure that these people are part of this law, or do you just want to leave it?

Ms Bellamy: I’ll just elaborate briefly. Any legislation put in place to protect students has to consider every adult who has access to those students in the school system to ensure that children are protected fully.

Mr Dunlop: First of all, thank you so much for making a presentation today on this very important bill. I have a question I want to read out to you, OK? You raised concerns regarding the definition of sexual abuse, particularly its inability to address the breach of trust involved in the act of sexual abuse. Are you aware that the legislation we have proposed deals specifically with the teacher-student relationship and is not limited to time or place of the incident of sexual abuse, but rather the inappropriateness of the conduct wherever it may happen and no matter how it may be perceived by the student or the teacher? I think this specifically deals with the breach of trust you so eloquently referred to. By referring to behaviour and not the perception of the behaviour, have we not captured that?

With regard to clear and broad definitions, are you not aware of the professional misconduct regulation under the Ontario College of Teachers Act? You may wish to refer to this to see how far the broad definition of professional misconduct definitions do go. We feel at this time that the definition is captured. Have you got any further comments on that?

Ms Bellamy: In the Ontario College of Teachers Act, my understanding is that there’s one line where it refers

to professional misconduct, and there are several different categories of professional misconduct. But to do with abuse, there is one line that refers to physical, verbal, psychological, emotional abuse, sexual abuse, as professional misconduct. However, it does not define those terms. For prevention activities to be successful, I believe that everyone has to have a clear, common and consistent understanding of what the terms mean and govern themselves accordingly.

The Chair: On behalf of the committee, we wish to thank you, Ms Bellamy, for that presentation.

Before we proceed, it's my pleasure to introduce Don Forestell. Give us a wave. Don is assistant clerk with the New Brunswick provincial Legislature in Fredericton. Welcome.

ONTARIO PARENT COUNCIL

The Chair: I now wish to call forward our next delegation, the Ontario Parent Council. Good afternoon, sir. We would ask for your name for the purposes of Hansard, and we have 20 minutes.

Mr Greg Reid: Good afternoon. My name is Greg Reid. I'm chair of the Ontario Parent Council. Mr Chair, committee members and members of the public, we are very pleased to have the opportunity to speak to you today about Bill 101. The Ontario Parent Council has taken the position that it is the right of students in publicly funded education and it is the right of parents of students in publicly funded education to have the confidence and trust, when they send their children to school each day, that every possible precaution is being taken to ensure their safety in the classroom and beyond the classroom, for that matter.

1600

We are very pleased to speak to some of the provisions of this bill. In particular, I'd like to make comment about some of the highlights. We feel that the bill will provide a comprehensive definition of sexual abuse so that students are better protected from sexual harassment and sexual assault. Providing this definition is very important to parents, because in communicating with our own children, in talking to our children and the students, it is very important that we be able to school our own children as to what the definitions of abuse are and what we would hope they would communicate to us if they did ever encounter an adversarial situation in the school with regard to an act of this nature.

One of the other highlights of the bill on which we'd like to comment is that a situation where a certified teacher in a school has been charged with a sexual offence against a student would now have to be reported, under the provisions of this bill, to the Ontario College of Teachers by the employer. Public schools, independent schools, tutoring companies and other organizations will be required to do so if they employ teachers certified by the Ontario College of Teachers to instruct students. We feel this is a very important issue in that the report of Justice Sydney Robins on sexual misconduct in Ontario

schools obviously identified loopholes that allow for reporting of incidents of this nature to be bypassed or to go unreported. We feel it is very important that these offences be complete and well defined and that reporting of them not be precluded from parents' eyes in terms of their ability to know what's going on in the schools on an ongoing basis.

One of the other provisions of the bill is that teachers charged with sexual assault in a publicly funded school would be removed from the classroom. We feel this is something where, if we are to err in addressing issues of a safety nature for the children in the classroom, we should err on the side of caution. The specific provisions of this bill that would remove a teacher having been charged with a sexual assault from the classroom would go a long way toward satisfying parents and assuring them that everything is being done to protect the children.

Another provision would be the employers and the Ontario College of Teachers being required to share information about disciplinary action against certified teachers. This would help prevent a teacher from moving undetected to another school if he or she has been disciplined or charged with a sexual offence against a student. It would also help prevent a teacher in this situation from quitting and moving undetected to a job at another school. This speaks to closing the loopholes that have existed in the past and that Justice Robins identified in his report on student protection and sexual misconduct in Ontario schools. Although we are well aware as parents that incidents of this nature are very few in number, even one is absolutely abhorrent to us. By closing off these loopholes, if we can prevent even that last one from taking place, it is very important to us.

Finally, the last highlight of the bill that I'd like to speak to is with regard to clarifying that teachers are not required to inform their colleagues when making a report about them with regard to sexual abuse. The Minister of Education will be working to extend all this, to the best of our knowledge, to all situations where a student may be at risk of potential harm. This speaks to being transparent and to being aboveboard with information, particularly in being transparent such that parents can have access and have that level of confidence that they have the ability to know of situations like this that have taken place in the school. This is something we really see as important, the transparency and the completeness of reporting of incidents of this nature.

With that in mind, once again, we have every confidence as parents in the teaching profession of Ontario and in its ability to provide our children with a safe and complete education, with safety of children being the primary goal. But this legislation, should it pass, in our opinion will go a long way toward closing some of the loopholes that exist and in making sure that everything possible is being done to make sure our children are safe in the classroom on a daily basis.

Thank you very much again for the opportunity.

The Chair: Thank you very much, sir. This gives us four or five minutes for questions or comments. We now, in rotation, go to the NDP.

Mr Marchese: Mr Reid, welcome. New Democrats support this bill. New Democrats rarely agree with this government on almost anything, so it might surprise you that we support this bill. I don't know. But it is one of those few bills that we find a good thing this government has done. In that context, I've got a couple of other questions. Are you here speaking for yourself or are you speaking for the council?

Mr Reid: Speaking for the council.

Mr Marchese: Does the council pass motions to that effect? Do they have motions they pass on a given bill and then you, as the chair, assume on that basis that you can speak on behalf of the council? How does it work?

Mr Reid: With regard to this specific bill, we passed a motion two meetings ago that basically said, knowing that this bill was under discussion, that the paramount interest of the Ontario Parent Council was in the safety in the children and that any legislation that was going to further the safety of children in the classroom was certainly welcomed by us.

Mr Marchese: But they know you're here, is my question.

Mr Reid: Exactly.

Mr Marchese: The other important question for me has to do with the private schools and the fact that we don't really know how many of those teachers are not certified. We suspect it's a great number. One of the criticisms we've had of this government and this bill, quite apart from the fact that we oppose taxpayers' dollars for private schools, quite apart from that—now that they have done that, we are arguing that given the kinds of things they are obligating public school teachers to do, the same obligation should apply to the private schools, particularly now that they have given public dollars to the private schools. In your view, should not the same rules apply to those teachers who are not certified in the private system? At the moment it doesn't. And are you not worried about that, if they don't make those changes?

Mr Reid: Put it this way. The Ontario Parent Council has no formal position at this time on the issue of tax credits for private schools. We see that as a completely different issue and something, really—it's rather questionable whether that's even part of our mandate, as we are a council struck to advise the Minister of Education on issues of parental concern in education. We have had comment from members, in general discussion, about that, that the issue of a tax credit is a financial issue and we shouldn't even be bothered with it.

I will, however, make the comment, the personal comment, that I've had comments from and I've asked a number of parents of children in private schools about how they feel about the fact that this extends mainly—now, to my understanding, there are areas of the bill that do deal with extending the provisions of Bill 101 to public schools, independent schools, tutoring companies

etc if they employ teachers certified by the Ontario College of Teachers.

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The comments I had back from three individuals with whom I spoke, all of whom have children in private schools, basically—and I can only restrict to that; I can certainly make no comment that this is by any means a pervasive thought through the province. But these three individuals all removed their children from publicly funded education and they believed they did so at their own risk in terms of what they would encounter down the road. In other words, they've taken a caveat emptor approach to the schools that they've selected and to placing their children in the private system. That being said, when I questioned them about this particular piece of legislation and said, "This may not extend to your school if the teachers at your school are not certified by the College of Teachers—"

Mr Marchese: They said caveat emptor.

Mr Reid: They said basically that they felt confident that within the legal system there were enough provisions for pursuing individuals who may subject children to abuse that they would not consider this to be an issue.

Mr Marchese: A follow-up. It worries me, given the introduction you gave, "the right of students to have the confidence that every precaution is to be taken for the safety" and whatever else you said; I didn't write everything down—in that context, one would assume that every parent would be worried about who might not be covered by such a law. I know you say they think they're covered, but how could they be covered if this law is intended to make sure that proper reporting happens and that there are appropriate measures taken against teachers who cause abuse against young people? My sense is that you and they would be worried about every young man and woman having the precautions and the safety of the law. Certified teachers in private schools are covered—yes, they admit that—but the others are not. Don't speak for the others but speak for yourself as a parent. What do you say to the fact that this law does not extend itself to those who are not certified? Are you not worried about that?

Mr Reid: Put it this way. Myself as an individual—both my children are in the publicly funded system and our commitment is to keeping our children in the publicly funded system and working to improve it as much as possible. If, in the total abstract, I were ever tempted to remove my children from the publicly funded system and place them in a private school, I would certainly be very proactive in seeking out a private school, number one, that had certified teachers, and also in ensuring that provisions of safety for the children within that school would be in place that matched the safety level that I feel confident about within the publicly funded system.

Mr Marchese: I understand that you as an individual parent would seek out whatever private school would have 99% of certified teachers. I understand that. But don't you want to send a message to the government members saying, "You now have a law that extends to

some, but some are not subject to that"? I'm surprised that you wouldn't yourself say to the government, "The law has to make sure that everyone is covered, because every teacher, certified or not, is a teacher and is in charge of looking after young people." You don't want to send them a message in that regard?

Mr Reid: I have no message to send to them because we basically are here to promote and be involved in publicly funded education. On issues of a private school nature, my general feeling is that it is a situation where you as an individual must take the individual onus to ensure that the private school you had entered into would be of a nature that it would provide the same or better levels of instruction, of curriculum, of safety for your children etc throughout the whole system. Personally, I believe in a system of caveat emptor in that regard.

Mr Dunlop: Mr Reid, I want to thank you very much for making a presentation this afternoon. You heard that the New Democratic Party will probably support this legislation. We thank you for that, and your input next week from the Algoma Children's Aid Society is important to us as well. You see, they're cutting taxes and everything else; they want to do all kinds of things like our government has done. We are really quite pleased about that.

Mr Marchese: Just trying to help you, Garfield.

Mr Dunlop: It's good of you to do that. We really appreciate the support you're giving for tax cuts and all those sorts of things as well.

I want to ask you a question about the Ontario Parent Council and the representatives on the council. I believe there are 20 members from across the province. I know you're here today speaking on behalf of the Ontario Parent Council, but can I ask you, what are those representatives, who are from all regions across the province, hearing about this bill and about the Robins report in general?

Mr Reid: When we discussed it at our council meeting, the general value statement we came up with was that if it truly does close any loopholes that may exist in the system—and obviously, Justice Robins handed down a report with 101 recommendations that he felt needed to be considered in addressing student protection within the schools—anything that would close those loopholes is a step in the right direction. We are just 20 parents from across the province. We are not lawyers, we are not legislators, we are not individuals with a tremendous degree of background in writing legislation or really, for that matter, commenting on legislation. To that extent, we see this and we see the clauses and the highlights we've seen of this bill and in reading through the bill—as well as the NDP and yourselves and I truly hope all parties—as a step in the right direction.

Mr Dunlop: As a government, we are trying to investigate options on addressing the uncertified teacher portion of the bill. I just want to make sure I'm clear on this. Each person who's on the Ontario Parent Council is on a parent council back in their own school?

Mr Reid: Generally, yes. One of the requirements of inclusion in membership in the Ontario Parent Council or being appointed to the Ontario Parent Council is that you be a representative or an active participant in areas of parental concern in your school community. Most members, if not all—and I say that because I don't know the results of the elections that just concluded at the end of the first week of October. I'm sure we'll be made aware of those by the time our next meeting rolls around. But most of our members have an extensive background in school council involvement in their community. I know one instance where we had a member who was on three different school councils with three children in different schools and in two different boards.

Mr Dunlop: So they are hearing from their local school council to bring that to the table when they come to your meetings?

Mr Reid: Yes. At this point, we have no formal information-gathering mechanism. It's basically an instance where 20 people are bringing the opinions they hear from the street, from the community, from the councils they participate in, the groups they participate in, and they're bringing their opinions to the table as such.

I might mention that we are launching a Web site, which I believe will be launched tomorrow, on behalf of the Ontario Parent Council that will, at first, provide information for parents, and there will be a component added to it in approximately two to three months that will allow us, in combination with a provision that was written into regulation 612 that governed school councils, to share a database created by the Ministry of Education with the names and contact numbers for each school council member and school council chair across the province so we would be able to bring more than 20 opinions to the table in whatever informal process they had. We would actually be able to put questions like this to each school council across the province, each school council member, and allow them input in that respect.

Mrs Dombrowsky: Thank you very much, Mr Reid, for your presentation. Just so I'm clear, you as representative of the Ontario Parent Council are not proposing any amendments to this legislation?

Mr Reid: No, we're not.

Mrs Dombrowsky: I have to say I'm rather surprised by that. While I understand the arguments you've presented about focusing on students in publicly funded schools, this legislation is about protecting children in Ontario. I'm surprised that the Ontario Parent Council might not have an opinion about the right of all children in the province, regardless of where they go to school, to be assured that any legislation that would apply to certified teachers in the public system would also apply to children in any other school setting where there may not be certified teachers. I'm rather surprised at that.

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You indicated in your presentation that you are confident that "the bill will provide a comprehensive

definition of abuse.” Obviously, if you heard any of the presentation earlier today, that term “sexual abuse” gives rise to some questions about whether that is as appropriate and effective a term as it should be. I would like to know how it is that you bring this confidence to this table today, that you are confident the bill will provide a comprehensive definition. What information do you have that in fact it will?

Mr Reid: We’ve been given every assurance, in speaking to and advising the minister and receiving comments back from the minister’s office, that we will be consulted along the way, as we have been on a number of different issues coming before public education. I’ve been with the Ontario Parent Council for the last three years now. In my experience, it has been in the last year or so that we’ve been extensively consulted and asked for our input along the way with regard to all major initiatives that involve parents and parents of children in schools.

Mrs Dombrowsky: Have you seen a draft of what the definition might look like?

Mr Reid: No, I can’t say I have.

Mrs Dombrowsky: With regard to the legislation to which you would propose no amendments, as representative of parents across the province—I’m a parent; I have children in the school system—do you have an opinion on the fact that this legislation does not include other individuals who are in positions of trust with youngsters? I’m thinking of educational assistants within classrooms, of volunteers within classrooms. Do parents in Ontario not have an opinion that these individuals should perhaps be considered in this legislation as well to ensure the safety of the children?

Mr Reid: Our understanding is that this legislation deals specifically with the teaching profession and that there are other initiatives underway that will discuss other non-teaching board employees, for example, some kind of system of police background checks for all employees of the board who come into contact with children, which would dovetail with what a lot of parents experience in their own volunteer aspect of inclusion in both school and—

Mrs Dombrowsky: But these individuals can have the same kind of contact with children as teachers. You’re suggesting that merely a police background check is sufficient for those individuals but that teachers are held to a different standard. What I’m hearing from people in my riding, from parents as well, so you can take this back to your table too, is that in many cases individuals who are education assistants have perhaps even more opportunity and are held in positions of even higher trust because they have responsibilities that present them in very private situations. There is a concern that these people would not be caught, and I’m surprised that as representative of parents in Ontario you would not have a comment or an opinion. You suggest to me that you’ve been told or assured by the government that these people will be considered or dealt with in other

ways. Have you received anything in writing from the government that gives that assurance?

Mr Reid: No. Again, we’ve been consulted by the government in terms of issues that have come to the fore and we have every confidence that that will be the case in the future.

Just to comment again, as 20 individuals from around the province who gather every four to six weeks and spend a weekend volunteering and discussing education issues and providing advice to the minister, we have no belief that we have all the answers, nor do we have the belief that we are truly capable at this point of representing every parent in the province. One of the first things I identified when I was appointed to the Ontario Parent Council was that it was simply 18 to 20 people bringing their opinions and not a broad range of parental opinion from across the province, which is why we’ve identified communications, two-way proactive communications, to improve the breadth of information we bring.

Mrs McLeod: You referred, I think—and I just want to be sure I’d understood correctly—to the importance of parents being made aware of situations in which there are charges or perhaps convictions against teachers. Did I misunderstand you in terms of feeling that there should be some information provided to parents?

Mr Reid: We believe that information of a nature as serious as sexual abuse in the school should be made transparent to the parental community, yes.

Mrs McLeod: Have you thought about how that might be done in a way which is—I think it’s a very complex area and I think there are situations in which rumours grow, to the alarm of parents and very much to the potential injustice to the teacher involved. I think the need for accurate information about what’s happening is important, both for parents’ reassurance and also in fairness.

Mr Reid: I couldn’t agree with you more.

Mrs McLeod: It’s also pretty delicate. Do you have a sense of how that could be done in a way which is reassuring to parents, gives them accurate information, but still does justice to what may just be allegation, if not rumour?

Mr Reid: I couldn’t agree with you more that where there is a lack of information, rumours definitely tend to grow. Particularly in the school community, the parental community, where there are rumours of things taking place and no facts for people to see about what has actually transpired or what hasn’t transpired, it leaves that opportunity, and that’s not a positive thing. Rumours with regard to issues like this are not generally positive. That’s why we would like to see some mechanism that would provide some level of transparency and some level of a factual presentation of what’s transpiring at the school level.

Mrs McLeod: It’s not here, though, right?

Mr Reid: No.

Mrs McLeod: And have you discussed that with the minister in your advisory capacity or had any indication that she may be looking at something along those lines?

Mr Reid: This is something where we want to take a look—and we won't have the opportunity for another three weeks till our next meeting—at the issue in detail. People having had the opportunity to go back to their school communities and discuss things, we'll definitely be providing further information for the minister.

The Chair: Mr Reid, we do wish to thank you for your presentation on behalf of the Ontario Parent Council.

Mr Reid: Thank you very much. If I can get a quick plug in, OntarioParentCouncil.org is starting tomorrow. We'd love to have the input of any parents from your constituencies.

The Chair: Thank you for that. The hearings on Bill 101 continue tomorrow at 3:30. I see no further discussion, so this committee now stands adjourned.

The committee adjourned at 1628.

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