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Official Report of Debates (Hansard)

Tuesday 22 May 2012

Journal des débats (Hansard)

Mardi 22 mai 2012

**Standing Committee on
Social Policy**

Accepting Schools Act, 2012

Anti-Bullying Act, 2012

**Comité permanent de
la politique sociale**

Loi de 2012 pour
des écoles tolérantes

Loi de 2012 sur la lutte
contre l'intimidation

Chair: Ernie Hardeman
Clerk: Katch Koch

Président : Ernie Hardeman
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICY

Tuesday 22 May 2012

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Mardi 22 mai 2012

The committee met at 0900 in the Ottawa Marriott Hotel, Ottawa.

ACCEPTING SCHOOLS ACT, 2012

LOI DE 2012 POUR
DES ÉCOLES TOLÉRANTES

ANTI-BULLYING ACT, 2012

LOI DE 2012 SUR LA LUTTE
CONTRE L'INTIMIDATION

Consideration of the following bills:

Bill 13, An Act to amend the Education Act with respect to bullying and other matters / Projet de loi 13, Loi modifiant la Loi sur l'éducation en ce qui a trait à l'intimidation et à d'autres questions.

Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools / Projet de loi 14, Loi désignant la Semaine de la sensibilisation à l'intimidation et de la prévention dans les écoles et prévoyant des programmes-cadres, des politiques et une responsabilité administrative à l'égard de la prévention de l'intimidation dans les écoles.

The Chair (Mr. Ernie Hardeman): Good morning. We will call to order the committee on social justice—

Mr. Bob Delaney: Policy.

The Chair (Mr. Ernie Hardeman): Oh, my apologies. Social policy. We are here this morning to have presentations on Bill 13, An Act to amend the Education Act with respect to bullying and other matters, and Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools.

Our first delegation here in Ottawa this morning—and it was very nice and starting so nice yesterday, coming to Ottawa and thinking how bad it's going to be to have to be inside this morning to have these public hearings. Then all of a sudden it's raining, so it's a great day to be here to have the hearings.

Ms. Lisa MacLeod: Chair, if I just may, before we welcome our first delegation, I'd like to welcome to the city of Ottawa all of my colleagues who have been on this committee for the past couple of weeks, studying

Bills 13 and 14 and attending public hearings. It's great to host you all today.

This is a very important bill. Today, we'll hear from a number of people who have been affected by bullying and who are trying to do things about it.

I'd like to make special mention of David Millen, who is unable to be here today. As my colleague from Ottawa Centre will know, he is a very effective child advocate in our city, as well as an anti-bullying expert. He was unable to get in to appear at committee today, so when his presentation does come out, I'd ask my colleagues to review his words. I think they're effective. He's started a lot of outreach with former CTV News host Max Keeping.

In addition to that, I just might say this, Mr. Chair: When we had decided on and we had negotiated to come to the city of Ottawa, I think it was everyone's intention that we would have bona fide members of the Ottawa public attend these hearings. That didn't quite turn out that way, and I just wanted to publicly express my disappointment. I'm happy to have all of the members who are here today from the public with a deputation. However, there were substantial folks in our community who would have liked to have had their say and, given the process, were unable to do so. So I just wanted that publicly on the record.

And of course, I want to say thank you to all of those who are coming today, and welcome my colleagues from Toronto and elsewhere to the great city of Ottawa. Thank you.

COALITION FOR PARENTAL
RIGHTS IN EDUCATION

The Chair (Mr. Ernie Hardeman): Thank you very much for those comments.

Now we will start with the delegation. Our first delegation is the Coalition for Parental Rights in Education. I believe they're already at the table. You will be allotted 15 minutes to make your presentation. You can use any or all of that in your presentation. If there's time left, we'll have questions from the committee, maybe for clarification or some comments about your presentation. If there's no time left—obviously it is all your time, but if there are questions, we'll start with the third party.

With that, we turn the floor over to you. What do they say? Say your piece.

Mr. Alberto Polizogopoulos: Good morning. My name is Alberto Polizogopoulos. As the Chair indicated, I'm here on behalf of the Coalition for Parental Rights in Education, and I'll refer to them simply as "the coalition."

I first want to thank you for the opportunity to be here today. The coalition is composed of five provincial organizations and associations, and those are, first, Campaign Life Catholics; secondly, the League of Canadian Reformed School Societies; third, Parents as First Educators; fourth, Public Education Advocates for Christian Equity; and then fifth and finally, the Association for Reformed Political Action.

Beside me is my colleague André Schutten, who's legal counsel to the Association for Reformed Political Action.

I'm not here today as a member of any of the coalition members. Rather, I'm here as legal counsel to the coalition itself. In fact, I understand that some of the members of the coalition have appeared before this committee and made presentations, so I just want to set out what my purpose and goal are here today.

I'm a lawyer practising in the field of litigation, and my speciality is constitutional litigation. So the coalition has asked me to prepare submissions on Bill 13 in that respect and in that capacity.

The purpose of my presentation, as well as my written submissions which have been handed out, is not to challenge Bill 13 but, rather, to assist this learned committee in producing a version of Bill 13 which advances the goal of preventing bullying in all Ontario schools while reducing the likelihood that the province will face years of taxpayer-funded litigation as a result of Bill 13.

The coalition believes that no child should be bullied for any reason and supports any effort to reduce or eliminate bullying in Ontario schools. I appreciate that my time here is limited, as the Chair indicated, and I do want to leave some time for questions, so my task becomes rather difficult because, as you've seen, my submissions are quite lengthy. They're just shy of 20 pages and they do include several attachments and references. I do encourage you to take a look at those submissions.

What they are essentially is a legal opinion on the constitutionality of Bill 13. They identify six potential sections of Bill 13 which are problematic from a constitutional point of view. The general format of the written submissions is, first, the identification of the problematic section; secondly, an explanation of the concern over that section; third, a brief overview of the relevant law; and then, fourth and finally, a proposed amendment.

Attached to schedule B of the written submissions is a version of Bill 13 which reflects the proposed amendments.

What I'm going to do now is attempt to very quickly and briefly set out the sections that the coalition finds to be constitutionally problematic and which will eventually lead to years of taxpayer-funded litigation.

First is the preamble. The fifth paragraph of the preamble singles out one group of children who identify

as members of the LGBTTIQ community. As previously stated, the coalition believes that any form of bullying is reprehensible and it holds that the province legislating preferential concern of one group over another is also problematic in practice, in policy and in law. Such preferential treatment violates section 15 of the charter and potentially violates sections 2(a) and 2(b) of the charter. The coalition proposes that by simply removing the words "including LGBTTIQ people," the special status and priority protection of one group over the others is eliminated, thereby making Bill 13 equally protective of all groups and all individuals and therefore more inclusive.

On a similar note, paragraph 6 of the preamble states that everyone has a role to play in preventing incidents based on homophobia. The term "homophobia" is also used in articles 4.2 and 7(3) of Bill 13, and it's problematic because it has yet to be jurisprudentially or legislatively defined. It's a subjective term and it's a controversial term, and it should therefore be removed.

Secondly is section 1, which deals with the definition of bullying. The definition of bullying found in Bill 13 is very subjective and it is its subjective nature which is problematic, because any type of behaviour could be found to fit that definition. The definition in Bill 13 removes intent as a necessary component of the act, which is irregular and contrary to most forms of legislation, including criminal legislation.

Another difficulty with the definition is the question of who will be the subjective arbiter of what behaviour meets that criteria and is or is not bullying. Again, this is too subjective to be properly interpreted and applied. As a proposed amendment, the coalition proposes that this committee replace the definition of bullying in Bill 13 with the definition found in Bill 14, which accomplishes the goal of setting a clear and intelligible definition of bullying without the difficulties associated with the wording in Bill 13.

Thirdly is section 2, which deals with equity policies. This section gives the Minister of Education authority to require and direct all school boards to implement changes to their respective equity policies. This section is redundant. Public policy memorandums 119 and 144 already require all school boards in Ontario to prepare and implement equity policies.

Effective equity policies are specifically tailored to the unique and distinct makeup of the students of each school, and the development of the equity policy must remain the responsibility of the individual school boards, who possess the facts and the knowledge required to properly address the issues faced by the student body of their respective districts.

In addition, with Ontario's separate school board system we have to give consideration to the denominational rights of Catholic school boards. Ontario students have a legal right to a taxpayer-funded education that is either non-religious or Catholic, but nobody has the right to insist that Catholic schools and Catholic policies become non-religious or non-Catholic.

The coalition proposes that by removing section 2, this learned committee would accomplish the goal of ensur-

ing that each school board maintains an equity policy, because it is already mandated by PPM 119 and 144, while ensuring that the school boards have the ability to develop an equity policy which is designed to reflect and address the issues faced by their respective student bodies. Additionally, this committee would ensure that the denominational rights enshrined by the Constitution Act of the Catholic school boards are respected.

Fourthly are sections 7(1) and 7(2) of the bill, which deal with third party use of schools. These sections require school boards who rent school facilities to school boards to include an agreement requiring the third party to adhere to the provincial code of conduct. The bill, in a different section, also amends the provincial code of conduct to reflect the definition of bullying as found in the bill. Many faith-based groups, political organizations and churches rely on the use of school-rented facilities to host meetings and worship. These sections have the potential in their effect of preventing these faith-based groups, political organizations and churches from continuing to do so. These sections have the potential effect of violating section 15 of the charter as well as the freedom of religion of these faith-based schools and churches, and potentially even their freedom of assembly. By removing these sections, the bill's constitutionality could be preserved and the purpose of the bill not compromised. This section does not address bullying. It has no place in anti-bullying legislation.

Fifthly is section 9, which deals with board-endorsed clubs. This section of Bill 13 singles out four specific types of activities or organizations but it fails to address many other potential activities or organizations which could and would be beneficial. Section 9 fails to consider the existence of other occurrences of bullying which happen statistically at a much higher frequency than the bullying on the basis of the characteristics set out in section 9.

0910

The most controversial of this section has been the mandating of GSAs in all schools. By mandating GSAs in all schools, this section violates the freedom of religion, conscience and association, potentially even freedom-of-expression rights, of many students, parents and teachers.

It is also a clear and direct violation and infringement on the constitutionally guaranteed denominational rights of Catholic school boards. Any interference with the denominational rights or religious autonomy of Catholic school boards would be a clear violation of section 93(1) of the Constitution, as well as section 257.52 of the Education Act and potentially section 29 of the charter. The coalition proposes that section 9 of Bill 13 should either be removed or amended to include all groups who are bullied at a much higher frequency.

Sixth, and finally, is the issue of private schools. Bill 13 makes no reference to private schools, and there does remain some uncertainty as to whether or not Bill 13 will apply to private schools. This committee can alleviate any concern or ambiguity by simply specifying in the

preamble of Bill 13 that it is not intended to affect the ability of private schools to determine their operations, their management or their curricula.

To summarize, Bill 13 does contain a number of provisions which are likely to be challenged on a constitutional ground. Its main problem is the preferential status it gives to one specific group, to the potential detriment of other groups. By removing the preferential status of that one group, Bill 13 avoids most of its potential constitutional challenges, becomes more inclusive and continues to address the problem of bullying for all reasons.

So those are my submissions, of course, subject to the written submissions before you, and I'd be happy to entertain any questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We do have about four minutes left, so the questions are for the third party. Mr. Tabuns.

Mr. Peter Tabuns: Thank you, Mr. Chair, and, sir, thank you for coming down this morning and making your presentation.

Do you see that in the section that provides for clubs to deal with racism and sexism, to deal with attacks on the disabled and against gay kids, that there is an exclusion for other clubs from being formed?

Mr. Albertos Polizogopoulos: Well, I don't see in Bill 13 a prohibition from other clubs being formed, but it's the fact that the bill specifies four groups and mandates those clubs, I guess we can say, while not mandating the others. So what it does, its effect—maybe it's not its intent and maybe it's an unintended consequence, but the effect of the mandating of four specific groups and not the others is that it gives preferential treatment or priority status to those groups, to the potential detriment of the others.

Mr. Peter Tabuns: Here in Ontario, with the Ontario Human Rights Commission and the Human Rights Code, we specify groups that tend to, more often than others, be subjected to negative treatment, and I'd argue that similarly in Bill 13, we specify groups, just as we define under the Human Rights Code, people who tend more often than not to be treated unfairly. Do you see no analogy between the two?

Mr. Albertos Polizogopoulos: What I see is that Bill 13 in this particular section creates four groups, but the largest reason for bullying is body image, and yet there's no group to promote awareness of people who differ in terms of body image.

To address the issue of the Human Rights Code, the Human Rights Code, as does the Education Act, and by reference, Bill 13, must conform to the charter. That's what it really comes down to. The Human Rights Code is a provincial statute, and it is an important piece of legislation, but it's subject to the charter, as is Bill 13. What I'm getting at is, I see a potential challenge on constitutional grounds, on charter grounds, where certain sections of Bill 13 will either be struck or read in, and what I'm suggesting today is that rather than put forward

a piece of legislation which will, or may, result in years of litigation to ultimately see it refined and amended, we can do that today and avoid years and years of headaches, years and years of charter violations and years and years of taxpayer-funded litigation.

Mr. Peter Tabuns: Referring to the charter and fundamental rights, do you see that in Bill 13 there is a provision in fact for students to exercise freedom of assembly in their schools under a name that reflects their reality and their difficulties in this society?

Mr. Alberto Polizogopoulos: And that's great, and nobody, at least not with the coalition, is denying that there is value to associating with people of like minds.

With this particular section, the issue becomes problematic from a Catholic denominational rights point of view, and you'll see in the written submissions the Catholic religion has certain teachings on sexuality, has certain teachings on marriage, and there are certain activities and certain behaviours which violate those beliefs. What Bill 13 does, in effect, is it forces the Catholic school boards to act in violation and in contradiction to their sincerely held religious beliefs.

What I'm saying is, that's a violation of their freedom of religion, that's a violation of their freedom of conscience and that's a violation of their denominational rights under the Constitution. Case law has shown, and the case law is referenced in the written submissions, that such violations usually do not stand and the courts usually do not uphold legislation which has the effect of violating those types of rights.

What I'm proposing is, rather than having a specific group which may or may not violate the religious beliefs of the Catholic school board, mandate all groups or take away certain specific groups that are mandated.

The Ontario Catholic trustees put forward a document in January entitled Respecting Difference, and the coalition does endorse that document. What that document essentially proposes is that, rather than having a specific group with a specific name, Catholic schools institute clubs that respect the differences of individuals. Now those differences could be on sexual grounds, racial grounds, ethnic grounds or religious grounds. But what I'm suggesting here is that it's important that we recognize that Ontario is a very multicultural, multi-ethnic, multi-faith society.

The coalition is certainly in favour of promoting tolerance, but they're not in favour of compelling it, and I submit that that's what the particular section that we're discussing now does.

Mr. Peter Tabuns: Just out of—

The Chair (Mr. Ernie Hardeman): That's all the time we have. Thank you very much for coming in and making your presentation this morning.

Mr. Alberto Polizogopoulos: Thank you.

EVANGELICAL FELLOWSHIP OF CANADA

The Chair (Mr. Ernie Hardeman): Our next delegation: Evangelical Fellowship of Canada. As you're

taking your seat, thank you very much for coming in and making a presentation this morning. We appreciate that. As with the previous delegation, you will have 15 minutes to make your presentation; any or all of that, you may use for your presentation. If there's time left over, we'll have questions, and this time the questions will be from the government side. So thank you very much again for being here, and the floor is yours.

Mr. Don Hutchinson: Thank you. Good morning, Mr. Chair and members of the committee. Accompanying me is Faye Sonier. Faye won't be speaking this morning. Faye is legal counsel with the Evangelical Fellowship of Canada. I'm general legal counsel. The majority of our practice is focused on constitutional law and particularly the area of religious freedom.

The EFC is Canada's national association of evangelical Christians. Since 1964, the EFC has provided a forum for evangelicals and has been recognized as a constructive voice promoting practical application of biblical principles in life and society. The EFC's 40 denominational affiliates have over 3,000 congregations in Ontario alone.

As evangelical Christians, we are called upon by Jesus Christ to love our neighbours. As humans, and despite our best intentions, we often do so imperfectly. While in every Ontario community, whether religious or cultural, there are individuals who hold extreme views, the overwhelming majority of Ontario's evangelical Christians participate in society in a positive way, which reflects this core tenet of the Christian faith, that we love our neighbours.

We actively participate in the democratic process. We vote and have volunteered on campaigns for each of the parties represented in Ontario's Legislature. Contrary to some expressed opinion, Canadian evangelicals cast our votes in similar patterns as the general population. You'll see that in tab E of our presentation.

However, as evangelicals engaged in the province-wide dialogue on anti-bullying legislation, we have frequently been ostracized in a manner intended to exclude our thoughts from the discussion by trivializing and ridiculing our sincere and constitutionally guaranteed religious beliefs. Evangelicals were accused of being "homophobic."

The word "homophobia," while not yet defined in law, is defined by the Oxford Dictionary as "an extreme and irrational aversion to homosexuality and homosexual people." The term suggests a psychological disorder in the person or organization so labelled and is used to generate fear and to bully those it is directed against into silence. This label has become the contemporary slur of the 21st century, intended to silence the voices of those in our free and democratic society who might disagree with the public policy agenda of a select group of activists. This slur is intended as an insult directed at the very nature and character of the person or organization that dares to disagree. It has no place in public discourse, public dialogue or public debate and certainly no place in the Legislatures, public squares or public schools of our province or our nation.

0920

Evangelicals do not have a fear of or irrational aversion towards gays and lesbians. We do, at times, find ourselves in disagreement with the public policy positions expressed by activists from the gay community—as they, at times, disagree with ours.

The Supreme Court of Canada has affirmed on more than one occasion that the religiously informed are not to be placed at public disadvantage or disqualified from engaging in public policy debate. Most particularly, the court has said this in several cases in regard to education and education policy. As Justice Gonthier noted in his decision, supported by the full court in Chamberlain, “The key is that people will disagree about important issues, and such disagreement, where it does not imperil community living, must be capable of being accommodated at the core of modern pluralism.”

We believe that every child—every child—is made in God’s image, of inestimable worth and deserving of dignity and respect. No child should be bullied, marginalized or suffer discrimination. All children have a right to learn, grow and flourish in environments that are safe, welcoming and instructive, and we agree with the Supreme Court of Canada’s decision in Ross that these qualities should be present in the schools they attend.

While Ontario has taken positive action to address bullying in our schools with the Keeping Our Kids Safe at School Act and policy memorandum 144 on bullying, the EFC supports additional initiatives to promote respect for diversity and prevent bullying in Ontario schools that are in the best interests of all children. Bill 13, as it is currently written, is not that initiative.

Bill 13 demonstrates that its drafters have been distracted from a focus on diversity and preventing bullying based on all grounds of discrimination stated in the code and distracted from the main reasons that students are being bullied by a genuine concern about the bullying of gay and lesbian students. Such concern for a particular community is a distraction from the necessary concern for all Ontario students, because it singles out certain students as deserving of greater protection.

While the evangelical community has a particular concern about bullying that takes place in Ontario’s schools because of students’, their parents’ or teachers’ religious beliefs, we also believe it would be a mistake for the Ministry of Education to focus only on anti-religious discrimination and bullying or identify special-status mandatory clubs to deal with anti-religious bullying, because such a focus would distract from the need to address bullying prevention for all students.

The EFC has produced the report *By the Numbers: Rates and Risk Factors for Bullying*, which you’ll find at tab D, because we are convinced that when legislators determine that statistics are important for the development of legislation, those statistics should be drawn from studies that are representative of the population and have a sample size that is robust enough to be statistically meaningful. Following sound sociological protocol, survey questions should arise out of face-to-face inter-

views with, in this instance, a cross-section of students who are representative of Ontario students as a whole. Through these interviews, the issues are identified. Wider surveys then formulate questions that are statistically verifiable and quantify the prevalence of the issues already identified.

Legislators may be tempted to rely on junk statistics from surveys prepared by special interest groups, with questions designed to furnish statistics that support their prior commitments. These surveys do not represent the issues or the population well, and, if relied on, are a poor basis for public policy.

While Ontarians might think from media coverage and certain statements made at Queen’s Park that children are most often bullied for reasons relating to sexual orientation or gender identity, the Toronto District School Board’s 2006 student census notes that students are actually most frequently bullied, both in traditional forms of aggression as well as through cyberbullying, for three primary reasons: body image or appearance, school grades or marks, and cultural background or race. Sound decisions need to be based on sound data.

While specific recommendations for amendments to Bill 13 are not heavily detailed in this verbal submission, they have been noted in our earlier written submissions, which also have been provided in our book.

Bill 13 is fraught with legal problems and if not amended will likely generate legal challenges that will result in expenditures of taxpayer dollars on legal fees as the challenges make their way through the courts, with a likely destination of the Supreme Court of Canada some five to seven years down the line because of the constitutional issues that are involved. The approach adopted by Bill 13 lacks sensitivity, flexibility, and a full consideration of proper application of the Constitution Act, 1867, the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code.

From a legal and public policy perspective, Bill 14 is better drafted. We urge the committee to adopt Bill 14 as Ontario’s next anti-bullying measure.

Alternatively, if Bill 13 is adopted, we highlight at this time these essential amendments:

(1) Amend the definition of bullying in section 1 to remove ambiguous language that may capture behaviours that are not bullying behaviours or are expression protected by the Charter of Rights and Freedoms. This is further explained in our written submissions. Another option would be to simply adopt the definition of bullying that is found in Bill 14.

(2) Bill 13 identifies four groups that will receive board-endorsed special status. These categories do not reflect the data on bullying in Canada in terms of students most often targeted for bullying behaviours. This selectivity communicates to Ontario students that some students are receiving preferential treatment or those students’ suffering is more valid than the suffering of others. Section 9 should simply require boards to support equity or anti-bullying clubs as determined in each school community. Another option would be to simply remove section 9.

In this regard, we are particularly mindful of the constitutionally assured religious schools in Ontario. While these schools are often referred to as publicly funded, they are in fact funded by decision of Ontario taxpayers in accordance with constitutional principles and in a manner that neither compromises public schools nor removes funds from the public purse that would be used for another purpose. While the collection of these funds is publicly administered, it is a mistake to note that these are public funds. The Catholic or separate school system's religious freedom is constitutionally guaranteed and deserving of legal and legislative respect. We endorse the proposal made by the Ontario Catholic School Trustees' Association, those legally responsible for the education delivered in the Catholic system, in their document Respecting Difference.

(3) Two of the proposed amendments to the Education Act risk restricting community access to school facilities. Presently, countless Ontarians meet together for prayer, worship and community service in rented school facilities. They are seeking and using space in which they can practice their charter-protected right to religious worship and expression. Schools are both a convenient place to meet and funded by their taxpayer dollars. Section 7 should be removed.

As a courtesy, the EFC was provided a copy of the submission made by the Coalition for Parental Rights in Education, and we are substantially in agreement with the content of that submission. EFC is grateful for this opportunity to present and will pray for wisdom for the members of this committee in your deliberations.

Thank you. I'm happy to answer any questions if you have them.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about two minutes left. Ms. MacCharles?

Ms. Tracy MacCharles: Good morning and thank you for attending. Just a couple of questions: Are you aware of the number of gay students in Ontario who are bullied in school and have committed suicide? Are you aware of that statistic?

Mr. Don Hutchinson: We have commented on that in our presentation. We're aware that across Canada in 2008, Statistics Canada reports that 233 students between 10 and 18 committed suicide and eight of those 233 can be identified as gay or lesbian.

Ms. Tracy MacCharles: And part B of that question is the number of students who—as I've described earlier—have considered suicide in a school context.

Mr. Don Hutchinson: I'm not aware of the number who have considered suicide.

Ms. Tracy MacCharles: Thank you. And second, could you identify in the ministry's code of conduct regarding use of school space where the problems you identified would occur? Can you refer to the policy document? I just want to understand your concern about use of school space and why you feel that it would impact future use.

Mr. Don Hutchinson: That reference is to section 7 of Bill 13.

0930

Ms. Tracy MacCharles: Are you familiar with the school code of conduct? Is there anything in there specifically that would be problematic?

Mr. Don Hutchinson: There is not anything that's currently there that has shown itself to be problematic.

Ms. Tracy MacCharles: Thank you. No more questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation.

M. EMMANUEL HOULE

The Chair (Mr. Ernie Hardeman): Our next presentation is Emmanuel Houle. Good morning, and thank you very much for coming in this morning. As with the previous delegation, you will have 15 minutes to make your presentation. You can use any or all of it for your presentation. If you have any time left over, we will have questions from the panel, and I think there's mutual agreement that for this one, we're going to have the third party ask the question, if there's an opportunity.

Mr. Emmanuel Houle: Thank you very much.

The Chair (Mr. Ernie Hardeman): The floor is yours.

Mr. Emmanuel Houle: I do have some documentation here. The first documentation is actually my presentation and a second documentation is changes to be made to Bill 13. Who should I give them to?

Interjection.

The Chair (Mr. Ernie Hardeman): There we are. It seems the clerk has just gone for coffee or, likely, a business trip he has to make. But they will pass it out and you can start.

Mr. Emmanuel Houle: If you allow me, I would like to make the presentation in French.

The Chair (Mr. Ernie Hardeman): Yes.

M. Emmanuel Houle: A little challenge for translators.

Chers membres du comité, je vous remercie de me donner l'opportunité de vous adresser la parole ce matin. Merci de prendre le temps d'écouter et de considérer ce que les Ontariens ont à dire quant aux projets de loi 13 et 14 sur l'intimidation.

Je m'appelle Emmanuel Houle. J'ai 31 ans. Je suis citoyen de l'Ontario. J'ai grandi en Ontario jusqu'à l'âge de 18 ans. Je suis ensuite parti à l'étranger pour une formation académique en études classiques et en philosophie.

Je suis présentement en train de réviser ma thèse de maîtrise en éthique. Je suis marié depuis bientôt trois ans et papa d'un bébé qui devrait bientôt se montrer le bout du nez.

J'ai été suppléant à l'École secondaire catholique L'Escale de Rockland, en Ontario, pendant tout un semestre. J'ai donc de l'expérience dans le domaine.

Is the translation working?

Interjections.

M. Emmanuel Houle: Si vous me permettez, je vais continuer. Should I follow?

The Chair (Mr. Ernie Hardeman): They're good.

M. Emmanuel Houle: Bien, comme je disais, j'ai eu la chance d'être suppléant dans une école secondaire de l'Ontario pendant tout un semestre. J'ai donc de l'expérience dans le domaine.

Afin de préparer cette présentation, j'ai procédé à la lecture de la Loi constitutionnelle du Canada, la lecture du projet de loi 13, la lecture du projet de loi 14, la lecture de certaines parties de la Loi sur l'éducation et la lecture du document Private Choices, Public Costs: How Failing Families Cost Us All, de l'Institute of Marriage and Family Canada. À l'appui vient ma formation académique au niveau de la maîtrise en éthique.

Je crois que lorsqu'on traite de l'intimidation, on doit aller à la racine. La racine de l'intimidation est la jeune enfance face à la différence trouvée dans les autres. On ne peut pas croire sincèrement qu'une loi peut résoudre l'intimidation du tac au tac. Une loi seulement serait d'appliquer un Band-Aid ou un diachylon sur une blessure qui a besoin d'une opération chirurgicale nécessaire.

Une loi sur l'intimidation est un bien pour les jeunes de nos écoles. Toutefois, il convient de se poser la question, à savoir, quelle est la source, l'origine du problème? Les enfants ne tombent pas du ciel. Ils arrivent à l'école avec un certain bagage culturel, psychologique et émotif, et ce bagage leur provient de leurs parents. L'intimidation est issue de l'enfant et l'enfant est issu de sa famille. L'idéal serait d'avoir des communautés dont le tissu social est plus solide afin que les familles en difficulté aient un réseau social qui puisse les aider, les appuyer. De cette façon, les enfants seraient exposés à une plus grande variété de diversité et de différences. Grandissant avec ces différences et éduqués par les parents et les proches, les enfants en arriveraient à accepter les différences et à en voir des occasions de richesses et de partage au lieu d'occasions d'abaissement et d'intimidation. Comme je disais plus tôt, une loi seulement ne serait qu'appliquer un Band-Aid là où une opération chirurgicale est nécessaire.

Quelle est donc cette opération chirurgicale nécessaire? Elle pourrait être appelée l'éducation à la vertu.

Un petit historique du Canada : M. de Maisonneuve, fondateur de la ville de Montréal, a un jour écrit à l'évêque de Québec, qui détenait, à l'heure de la fondation du Canada, un pouvoir temporel autant que spirituel. Dans cette lettre, il écrit qu'il part vers le Haut-Canada afin de fonder une ville. Il écrit également que cette expédition est considérée par plusieurs comme étant suicidaire et vouée à l'échec. Le courage qu'a démontré M. de Maisonneuve est digne de reconnaissance. Inutile de dire qu'aujourd'hui, Montréal est une des plus grandes villes métropoles canadiennes, qui fourmille de vie sociale, culturelle et économique. Le courage dont a fait preuve M. de Maisonneuve est une vertu qui, aujourd'hui, attire les gens de toute culture, race et provenance.

Dans les productions cinématographiques, nous retrouvons des films dont le succès s'explique largement par la soif que nous avons, en tant qu'être humain, de tendre vers la vertu. Par exemple, dans Gladiator, avec le rôle de Maximus; Robin Williams dans le rôle du docteur-clown dans le film Patch Adams, qui, grâce à sa détermination et son sens de l'humour, réussit à guérir non seulement les corps mais aussi les coeurs; Frodo Baggins, dans Le Seigneur des anneaux, qui, grâce à sa persévérance, sa force et sa prudence, réussit à sauver la Terre du Milieu de l'emprise du mal, avec l'aide de ses amis; l'apprentie assistante, dont le nom m'égare, dans The Devil Wears Prada, qui, par un tour de force, laisse tomber un monde de richesses, de gloire et d'honneur pour retourner à sa vie de simplicité et d'amitié chaleureuse; inutile de mentionner William Wallace, qui a fait fureur.

Toutes ces histoires ont en commun la vertu d'un ou de plusieurs personnages.

Nos jeunes d'aujourd'hui ont soif d'idéaux. Ils ont soif de « role models », comme on dit en anglais. Nous n'avons qu'à constater le phénomène de Justin Bieber et d'Hannah Montana. Tout cela pour dire que les jeunes d'aujourd'hui sont à la recherche de personnes modèles et ils ont soif de vertu.

Malheureusement, il y a des phénomènes qui entraînent nos jeunes adolescents dans des mondes imaginaires malsains, tels que Harry Potter et Twilight.

À partir des connaissances acquises lors de cours de psychologie de l'Université d'Ottawa, j'ai appris que la faculté de jugement se cristallise à l'âge d'environ 25 ans. Je crois que nous pouvons comprendre alors qu'un adolescent ou une adolescente entre 12 et 16 ans n'est pas outillé(e) pour prendre des décisions qui auront des répercussions sérieuses dans leur vie. Non plus sont-ils équipés pour juger clairement et nettement entre ce qui fait partie de la réalité et ce qui n'est que fantaisie ou partie d'une réalité inaccessible à l'être humain, ou qui ne lui est pas destiné.

Les conséquences pratiques des théories avancées se vérifient lorsque nous remarquons qu'à partir de la parution des films de Harry Potter, une croissance du nombre d'écoles de sorcellerie a augmenté de manière démesurée. Avant la sortie à l'affiche des films de Harry Potter, il y avait deux écoles de sorcellerie connues à Montréal. Maintenant, on en compte plus de sept.

Devant cette réalité, nous constatons que nos adolescents sont en quête de mission, d'un sens à la vie. Ils ont besoin d'entendre qu'ils ont été créés pour une raison, qu'ils sont appelés à une mission, à faire quelque chose de grand, même si ce quelque chose de grand ne paraît pas dans les résultats en tant que tels. Ils ont soif d'un sens à la vie.

Je dis cela à partir de connaissances théoriques acquises à l'université, mais aussi à partir de mon expérience personnelle. Depuis plus d'un an, mon épouse et moi accompagnons un groupe de jeunes qui ont entre 14 et 24 ans. Nous nous rencontrons tous les mercredis en soirée pour discuter, échanger, chanter et s'instruire. De cet

accompagnement ou mentorat, j'ai appris que les jeunes et moins jeunes ont une soif profonde de comprendre leur raison d'être. Ils veulent savoir qu'ils ne sont pas sur la terre juste parce que. Ils ont soif d'un sens à leur vie. Ils ont le goût de devenir des Gladiators, des Bravehearts, des Patch Adams et des Frodo Baggins. Ils ont soif de vertu. Et ici, je parle d'expérience.

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Une loi sur l'intimidation, tels les projets de loi 13 et 14, est une occasion en or d'appuyer ce désir de grandeur, de vertu et de passion qui brille dans le cœur de nos jeunes Ontariens. Malheureusement, l'intimidation tue le potentiel de notre jeunesse de l'Ontario. Il est donc de notre devoir, nous, les adultes et parents, de trouver moyen de contraindre l'intimidation, de la limiter et, si possible, de la soustraire entièrement.

C'est pourquoi j'appuie l'Assemblée législative de l'Ontario de poursuivre son intention de mettre une loi en place afin de diminuer le plus possible les cas d'intimidation, ou, si possible, d'anéantir cette réalité qui coupe les ailes de nos jeunes Ontariens.

Une loi sur l'intimidation doit nécessairement prendre compte des réalités actuelles et du contexte dans lequel les élèves vivent au jour le jour. Elle doit miser sur le désir de grandeur et de valeur qui se trouve dans le cœur des jeunes Ontariens. Elle doit permettre l'établissement et l'entretien de saines relations entre élèves. Elle doit fournir une inspiration. Elle doit également motiver à faire le bien et à bien le faire.

Comment peut-on faire le bien? Comment peut-on bien faire le bien?

La personne humaine a la capacité d'acquérir des habitudes. Qu'est-ce qu'une habitude? Une habitude est une disposition permanente à agir d'une telle ou telle autre façon. Certaines habitudes sont bonnes, d'autres mauvaises. Les bonnes habitudes sont des dispositions permanentes à faire le bien; on les appelle « vertus ». À l'opposé, les mauvaises habitudes sont des dispositions permanentes à faire le mal; on les appelle « vices ».

Les vertus qui s'appliquent à la vie sociale sont la prudence, la justice, la force et la tempérance. En éthique, nous appelons ces quatre vertus les vertus cardinales, puisque toutes les autres vertus sociales découlent, d'une façon ou d'une autre, d'elles.

La vertu de prudence est une disposition permanente qui permet à une personne qui la possède de savoir quelle action est appropriée et quelle ne l'est pas à partir de l'expérience du passé et de la situation actuelle. La personne qui est prudente est perspicace et voit les défauts et les vicissitudes dans les choses et situations incertaines.

C'est une qualité qui permet à une personne de voir clairement le bien ou le mal d'une action ou d'une situation précise alors que les autres personnes ne peuvent déterminer efficacement la valeur, soit positive ou négative, de l'action.

La vertu de justice est une disposition permanente à rendre à chacun selon son dû. Elle touche tout ce qui est en relation avec les autres.

La force est la vertu qui permet à une personne de faire ce qui est raisonnable sans que sa volonté soit détournée ou freinée par des obstacles. De la force découlent les vertus de magnanimité, de magnificence, de patience et de persévérance. Ces quatre sous-vertus sont décrites dans la présentation.

Tout comme la force permet de tenir longuement et de continuer en vue d'accomplir la tâche désirée en présence d'obstacles, de même la tempérance permet de tenir longuement et de continuer en vue d'accomplir la tâche désirée en présence de biens désirables non ordonnés à la fin recherchée. La force traite d'oppositions alors que la tempérance traite de distractions.

Le projet de loi qui sera adopté doit prendre en compte le rôle que joue la vertu dans la vie des jeunes qui aspirent à des vies bonnes.

Faisons une comparaison entre les projets de loi 13 et 14.

Le préambule du projet de loi 14 indique que celui-ci est rédigé suite à une consultation longue de deux ans avec les membres du corps professoral ainsi que des professionnels du domaine de l'éducation. Pour cette raison, j'invite l'Assemblée législative à donner préséance à l'adoption du projet de loi 14 avant celle du projet de loi 13.

Pour ce qui est de la définition d'intimidation, je favorise grandement la formulation du projet 14. La définition d'intimidation est plus large et détaillée, et laisse moins de place à l'interprétation.

Pour quatre raisons, le projet de loi 13 ne peut être adopté tel que présenté sous la forme actuelle.

(1) Parce qu'il va à l'encontre de l'article 93 de la Loi constitutionnelle.

(2) Parce qu'il va à l'encontre de la Charte canadienne des droits et libertés, qui déclare, dans son introduction, « que le Canada est fondé sur des principes qui reconnaissent la suprématie de Dieu et la primauté du droit ». Le Dieu auquel on fait ici référence est le Dieu chrétien : le Dieu d'Abraham, d'Isaac et de Jacob, le Dieu révélé par Jésus-Christ.

(3) La Charte indique au deuxième paragraphe que « Chacun a les libertés fondamentales suivantes : (a) liberté de conscience et de religion ».

(4) L'Église catholique, sur l'homosexualité, au numéro 2357, indique que « la Tradition a toujours déclaré que "les actes d'homosexualité sont intrinsèquement désordonnés." Ils sont contraires à la loi naturelle. » Elle poursuit, au numéro 2358 : ils—les homosexuels—ne choisissent pas leur condition homosexuelle. Elle « constitue pour la plupart d'entre eux une épreuve. Ils doivent » donc « être accueillis avec respect, compassion et délicatesse. On évitera à leur égard toute marque de discrimination injuste. »

Par conséquent, tel que présenté, le projet de loi 13 ne peut être appliqué aux écoles séparées catholiques de l'Ontario.

En concluant, je vous invite à réfléchir sur le rôle de la vertu pour les jeunes d'aujourd'hui. La vertu rend bon celui qui la possède et bonne son action. Il ne s'agit pas

de politique partisane; il s'agit d'avoir la meilleure politique en place afin d'aider notre enfance ontarienne. Merci de votre attention.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That does conclude all the time. We very much appreciate your presentation this morning, and we will move on to the next one.

Mr. Emmanuel Houle: Very well. Thank you for your time.

MR. DUSTIN GARRON

The Chair (Mr. Ernie Hardeman): Our next presentation is Dustin Garron. Thank you very much for coming in. As with previous delegations, you will have 15 minutes to make your presentation. You can use all or any part of that 15 minutes for your presentation, and if you have time left over that you don't use, we will have questions from the committee. This round will start with the official opposition. The floor is yours for the next 15 minutes. Thank you very much for being here.

Mr. Dustin Garron: Thank you. Greetings, Mr. Chair and members of committee. I am so honoured and privileged to be able to speak in front of you today on these two very important bills to amend our Education Act.

My name is Dustin Garron, and I am 17 years old. I am a current grade 12 student at St. Joseph's High School in Renfrew, Ontario, with the Renfrew County Catholic District School Board. I am the former student trustee of RCCDSB, and I will be completing a four-year undergraduate degree in criminology at Carleton University this upcoming September. I am the founder of the Mental Health Project. But, first most, I am a student in the province of Ontario, and these two bills are important to myself and to the rest of the student population in this province, both public and Catholic.

First, I would like to begin by stating that I am a gay individual living in Renfrew, Ontario. But I would like to go on record and state that I belong to a very accepting school community. I must give credit to my school principal, Mr. Brennan Trainor, and the rest of the staff at St. Joseph's High School who have accepted me for who I am. Mr. Trainor and his fellow colleagues have embraced my sexuality and treat me like every other student who walks the halls of our amazing school.

When I first heard of Bill 13, I was led to believe that the bill was only going to be directed toward one core group of minorities: the LGBT community. As a member of this community, I would not have supported a bill geared towards only that minority, as we must remember that there are people in this province who are bullied who are not gay and some gays in this province who are not bullied. When I first heard of Bill 13 from my MPP, I was furious in that it would leave out other minorities such as children with disabilities or students who face racism. However, after reading Bill 13, I am so very pleased with the prospective amendments of the bill.

I think that a lot of people are really in a tight position over what to do with this bill, and as a student, I can

recognize that. As a member of the Catholic school community, I can understand the disapproval of the boards. I have worked very closely with the Ontario Catholic School Trustees' Association and the Catholic Board Council of the Ontario Student Trustees' Association. But I also believe that we are focusing on only one small portion of this bill that would give students the right to implement a gay-straight alliance in their schools.

However, this idea of creating an organization for students takes up only one line of this 12-page amendment. At the end of the day, it's the students who attend the schools and need to feel accepted in the community they spend some seven-odd hours a day in.

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I stand before you today supporting the idea of a gay-straight alliance, but I do have two statements to say regarding this support: I would not support a bill that was made only for one minority, and I do not believe Bill 13 does this. As well, I would not support a bill that forces groups to be named gay-straight alliances, which again, Bill 13 does not.

A lot of opposition regarding this bill was been that it promotes homosexuality, it's only geared toward one minority, it has a hidden agenda, it focuses on homosexuality more than preventing bullying, and does not concern all youth.

Well, members of the committee, this bill does not promote homosexuality. If you're gay, you're gay. A support group would not magically turn someone gay. There are some days where I wish I were straight so I would not have to deal with this inequality I experience, but I was born this way and there is nothing else to it. This bill is not promoting only one minority, as it does support other types of groups, as discussed before, and in section 169.1, but is accepting of all students. There is no hidden agenda on this one. We are playing with the lives of Ontario students.

I don't know if any of you have realized the vast amount of gay students who have committed suicide in this province. If you didn't catch my sarcasm, that's okay. But I would also like to remind you, we have lost many students who are not gay. These students experience a disability, and section 303.1 would allow support groups for students who are disabled in any way—mentally and physically. This bill does not focus on homosexuality, but that bullying of any form over anything—weight, sex, religion—is wrong. As well, this bill takes into account all Ontario students who are in minority status.

One thing I often notice is that we are a little bit stuck in history. Over time, we have evolved as human beings, and I mean that we have evolved into a more accepting community. I will admit that I probably live in one amazing province in one amazing country, but we have some work still to be done. We cannot ignore the LGBT community, but most importantly, we can also not ignore the other minority groups that exist in this province. Failure to recognize these students will create a hostile environment that could lead to one's own death should

they feel that what they bring here is too much on a burden.

Did I mention that I attempted suicide over seven times and almost lost my life on the morning of June 28, 2011? I didn't attempt suicide because I was gay or experienced anti-gay bullying. Like I said, I belong to one of the most accepting school communities I have come across in this province. I attempted suicide because of my disability, and I believe that having a support group with such reasons would be wonderful.

We are spending too much time focusing on the LGBT portion of this bill, which is my concern. We do have other minorities to work with, and this bill does include them. But maybe it would take a suicide of one of those minorities for us to pay attention—oh wait, we lost four in Renfrew county in the last six months.

It is unfortunate that we have to put support groups into legislation. This should all be a no-brainer. All students should have equal availability to support, regardless of who they are. Our principals and school authorities should be held accountable for not supporting and/or creating safe spaces for our students. If this bill does not pass and these support groups are not implemented, there is nothing worse than knowing that you don't even have the government's support on your side.

Thank you for taking the time to listen to me this morning as I support Bill 13 and I express some of my concerns. As an Ontario student, I thank the government for their hard work, and especially my MPP, Mr. John Yakabuski, who has guided me through this. Even though sometimes we conflict in our views, Mr. Yakabuski has led me and supported me through this.

I encourage schools to use my high school as a model. It is a place that is accepting. Not all schools require GSAs, but if anti-gay bullying was to come about, it would be handled in a supportive manner with this bill.

Thank you, and I would take any questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We very much appreciate that. Since you already mentioned the person who is going to question you—Mr. Yakabuski, you have questions?

Mr. John Yakabuski: Thank you very much, Chair, and thank you, Dustin, for joining us this morning. I know you have a commitment elsewhere as well today. We appreciate your courage in coming here and also the way that you've faced the challenges that you've had in life and beginning the Mental Health Project as well, which is something that will benefit many, many students.

You've said a couple of things there, Dustin, and I just want to clarify them based on your view of what the bill may or may not accomplish. We've heard other testimony this morning talking about taking the bill to court if it passes as is written. One of the issues involved is the singling out of one group over others. If the bill, when it passes, does, according to legal people who do better at deciphering these things than I do obviously, take a view that it does single out one group for special

treatment and then ends up in a court challenge, is that the kind of bill you would support, or are you looking for a bill that ensures that bullying of all types, against anyone—all bullying—if a person is bullied, is wrong? If a person is bullying, they are committing a wrong. Is that your view?

Mr. Dustin Garron: Absolutely. Bullying of any form—verbal, physical, cyber—to anybody regardless of race, sexual orientation or how they look is absolutely wrong. I can understand the conflict, that this bill focuses on one minority group, and I don't want it to be like that. I don't even attend gay pride parades simply because I don't want the focus on me. Me being gay does not make up who I am. I am a good student in this province. I like to think that I'm smart and my sexuality doesn't define me. I wouldn't support a bill that was focused, but I believe that this bill is not totally focused on just one minority group.

Mr. John Yakabuski: So you want a bill that is going to combat, deal with and do its best, with us working together, to eradicate bullying not only in our schools but everywhere else as well?

Mr. Dustin Garron: Absolutely.

Mr. John Yakabuski: Well, Dustin, I do thank you for appearing here today, and I wish you the best. I know you're going to Carleton University to speak, I think, today.

Mr. Dustin Garron: I'm going to Carleton University to tour the campus.

Mr. John Yakabuski: Oh, to tour the campus?

Mr. Dustin Garron: Yes.

Mr. John Yakabuski: Oh, I thought you had a speaking engagement there as well.

Mr. Dustin Garron: I was just on the CBC this morning, and I think I'm heading back to the studio to be on Power and Politics this afternoon, so I do have quite the places to be.

Mr. John Yakabuski: Okay. Well, good luck with that one, and keep up the great work with the Mental Health Project as well.

Mr. Dustin Garron: Thank you very much.

Mr. John Yakabuski: Thank you very much. Have a great day.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation this morning. We do thank you. It takes quite a courage to come in to a committee such as this, though we're not as mean as we look, but it is—

Ms. Lisa MacLeod: Speak for yourself.

The Chair (Mr. Ernie Hardeman): We really commend you for coming forward and putting your personal touch to the deliberations on these bills, shall we say. So thank you very much.

Mr. Dustin Garron: Thank you.

MR. ALLAN HUBLEY

The Chair (Mr. Ernie Hardeman): Our next delegation is the city of Ottawa, Allan Hambly—

Ms. Lisa MacLeod: Councillor Allan Hubley.

The Chair (Mr. Ernie Hardeman): Hubley.

Ms. Lisa MacLeod: Chair, if I may, just a quick point: On Thursday evening, I had the great honour of presenting an award to this gentleman for his active role in speaking up in our community against suicide, youth mental health and bullying. He was honoured with the United Way of Ottawa's Speak Up Award, and he received a wild standing ovation for his courage, and I think he'll talk about that today, his experience. But I certainly want to welcome him to our committee. He has been a keen adviser to myself and other members of this committee. I want to say thank you for his courage in what he's about to tell us.

The Chair (Mr. Ernie Hardeman): Thank you very much, Ms. MacLeod. Thank you very much for being here this morning to make a presentation. As with previous delegations, you have 15 minutes to make your presentation. You can use any or all of that 15 minutes in your presentation. If there's any time left over at the end of the presentation, the questions will come from the third party. So, with that, the floor is yours for the next 15 minutes. Thank you very much, sir, for being here.

Mr. Allan Hubley: Thank you all very much for this opportunity to speak to Bills 13 and 14.

On October 15 last year, my family suffered a tragedy that was preventable. Our 15-year-old boy committed suicide because he said he couldn't take another year of high school and had lost faith that life would get better.

For the world to read, Jamie blogged about his spiral into the depths of depression while struggling with his sexuality and bullying. He identified bullying as a major factor in his depression, and at the end of it, he said relentless verbal abuse had left him feeling, to use his own words, broken.

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We teach our kids that athletics is good for us, and if they achieve exceptional results they may one day proudly represent our country. Jamie believed in that message, but he was picked on at school from an early age because he was a championship figure skater. He had placed in the top 10 in Ontario and spent time with Canada's Olympic coaches. He had a promising future that, one day, he might represent his country on the world stage. But now, all we can do is wonder what may have been.

Jamie loved to sing and perform because he said that it made people happy. From a young age, he would love to talk to seniors, younger children and anyone who he thought he could make smile. It was the treasure he sought in life, and those who knew him loved him for it. But it also made him a target for those who get away with the only form of abuse that we do not have penalties for currently. In fact, the bullies who hunted Jamie and took my boy from me will likely go on to attack other young people and damage more lives while we discuss whether we want to address bullying seriously and protect all children.

Jamie wanted to start a club in his high school. He made posters and placed them in the school, but they were torn down. Jamie believed that all kids should be

able to join a club, whether they were tall, short, had freckles, an accent, a disability or different-coloured skin; maybe they would be thin or, like his dad who, for the record today, please refer to as being built like a teddy bear.

One of the items in Bill 13 that I like is support for student-led initiatives. However, I feel the proposed language in the bill needs to be modified. I respectfully request that no groups be given special status by being named. To do so will only suggest certain children are more important than others, and I do not support that notion. I am here today to ask you to protect every child equally.

I believe every family wants to know that when their child goes to school, they will be protected equally. Most of the kids I described above would not be protected by Bill 13, but they would be by Bill 14.

By suggesting each club must be specifically named, such as any name, we are dealing with the issue of bullying in a way that is sure to fail. Jamie was the only openly gay person in his school of over 1,000 students. Jamie had the love and support of his family and friends and still found this to be a challenge. A GSA with one member or even a few would only have made him more of a target. I have to ask you: How many people publicly announce their sexuality before they are out of school and established in their lives? Why, then, would we be considering forcing them to do so at an age when they already have so many pressures to manage?

If Bill 13 is implemented without changes, you could have a child going to his GSA meeting at 3:30, then leaving that meeting early so they can get to their Weight Watchers club—and, oh, wait, it's Tuesday; maybe skip that meeting and go to the kids-with-red-hair meeting. It's important that all of the kids go to one group to learn to respect each other and understand the differences. That is how we will build a better society. Not one of the groups, if we separate them out, would learn that; they wouldn't learn anything about each other, but instead, they could be fighting for precious resources.

Hopefully, you can see the wisdom that my son and his friends had when they were planning their club. They wanted all kids to see that they belonged to their club so that each would learn about the other and learn to respect each other as different. The idea came from a Glee club episode and was mentioned in Jamie's last note to the world when he asked to be remembered as a unicorn: different on the outside but beautiful on the inside. This kind of club would provide safety in numbers from bullying, and when talking about clubs with Jamie, he told me that adults like to label everything; kids don't. He didn't want to see all these different groups.

I believe we can't say, "Only the teachers have to solve this problem." Rather, I believe it's with the whole community coming together that we can have hope for a better day, and only with our youth being part of the solution, through measures such as this club I described, can we truly believe that another child will not be broken and give up hope that we all care.

Many statistics have been thrown around in this discussion, but the reality is, without the reporting mechanisms outlined in Bill 14, we do not know how many cases of bullying actually occur. Even with the goodwill of all parties, we do not know where to focus scarce resources, because we don't have the common denominator or trends. We cannot defeat an enemy we can't clearly identify.

Jamie used to wake up in a cold sweat and scream that people wanted to kill him, and I would have to run to him and assure him he was safe. I didn't know the demons he was dealing with would eventually win. I do know that you have the ability to deal with the nightmares of other families, but you must act quickly so that you don't end up like me, wondering what more you could do to save a child.

From the start of this process last November, I have publicly stated that I support both bills as a very good first step. While I have friends within all parties, I have never supported one bill over the other in getting this much-needed protection for our children. I have only encouraged the merger of both, because I believe all kids need our love and protection.

By modifying and combining the two bills, we gain a much stronger piece of legislation, and by all parties supporting the joint effort, you have the opportunity to send a clear message to all kids that adults can learn to play nice too. You have been given the opportunity to protect all children. Please do not let anyone convince you to only protect a few.

Thank you for your consideration of my comments, and I'll do my best to answer any questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your heartfelt presentation, and we now go to the third party. You have about four minutes.

Mr. Peter Tabuns: Thank you very much, Mr. Chair, and my colleague may want to share time with me on this.

Mr. Hubley, it's good to see you again. You took the time to speak with me in Toronto a few months ago, and again, I'm impressed with your composure and your ability to present very clearly the difficulties that your son faced in his time at school.

You have told us before—and I would appreciate it if you would touch on it again—the fact that your son was bullied, really, at a much earlier age than high school, and he was bullied because he didn't seem to fall into the male stereotype of behaviour. Could you speak a bit about his experiences?

Mr. Allan Hubley: I did, in my presentation, mention that he was a figure skater from five years old. Obviously, a lot of other kids in his classes were hockey players, and there's an ongoing rivalry between the two groups. That seemed to have made him a target.

He would also, as I mentioned, sing to people, loved to entertain people any way he could, because he would get so happy if he made someone smile and thought that that was what he should do with life.

That made him a target, because he would go to the child who was being picked on or beat up and be their

friend. He would go to the person who broke their ankle or whatever and spend time with them. We were blessed that was the way he saw himself, his role.

Was it a stereotype? I don't know if I want to say that. He was just—he was our gift from God; that's what he was.

Mr. Peter Tabuns: And I understand that he put up posters for his club, the Rainbow Club, if I remember correctly?

Mr. Allan Hubley: Yes, he was calling it a Rainbow Club, like all the children under the rainbow. Jamie loved rainbows, he loved tornadoes, he loved hurricanes, he loved anything Mother Nature could do, and that's where the name came from.

He also believed that—within a few months before he passed, he had come out as an openly gay individual, but the club was not to be just for gay people. As I mentioned in my speech, he was the only openly gay student in the school. He knew—we had those discussions—that it would only make him more of a target if it was just a GSA. He wanted a club that every child could go to.

1010

Many of the kids I mentioned there, for example, people with freckles, with different colour hair, things like that, they're not protected under the human rights charter. They're not, as the previous presenter said, one of the minorities. From what I read of studies of bullies, they look for what makes you separate from others. They look for something that—you're different. It could be the clothes you wear; it could be anything.

That was what he was trying to address with his club. He believed that if all the kids could join, they would become the majority and they would have safety in their numbers. Maybe it would be a number of gay students with a number of red-haired students with another group with freckles; if they all got together, then they're safe. Bullies aren't going to pick on them if they have their group together, and that was what his vision was.

In talking to a lot of other kids before Jamie passed—because we have what we call an open-door policy at home and we have a pool in the backyard, so we tended to have large groups of kids around the house at any given time. In talking with them while he was trying to put this together and since his passing, the overall message I got from all the young people is exactly what Jamie said: that it's only us adults who want to put labels on kids and on the activities they do. They just want to come together, they want to have fun, and, in this case, he was trying to form something that would give them protection.

If by calling this club a GSA means that this legislation has to go to court and it's delayed another year, we're losing—I understand the statistics are two kids a week to suicide in Ontario. I'm wondering how many of those kids in a year are related to bullying and how many will we lose while this gets tied up in court.

If we do this recommendation that I'm offering you, that you do not reference or make special any group, if you just say "support for student-led initiatives," then I

don't see this bill being challenged in court. I think there are good things in both bills. When they come together, it will be a very strong piece of legislation it's my belief the entire province can get behind. Thank you for protecting our children.

The Chair (Mr. Ernie Hardeman): Ms. DiNovo?

Ms. Cheri DiNovo: Just a point of order, sort of, Mr. Chair: I just want to, on behalf of the entire committee, extend our prayers and our love and our condolences to you and your family. What you have lived through is the worst nightmare that any parent can live through. We just want you to know that your bravery and courage are noted, and that we, of all parties on all sides of this committee, really wish you the best and thank you so much for coming forward.

Mr. Allan Hubley: Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much on behalf of the committee for appearing this morning.

Mr. Allan Hubley: Thank you all.

MR. TIMOTHY LAU

DR. JONATHAN PONESSE

The Chair (Mr. Ernie Hardeman): Is our 10:30 delegation here? That's Timothy Lau, Stephen Gay and Cecil Chabot. They have a PowerPoint. Okay.

As with the previous presenters, you have 15 minutes to make your presentation. You can use all or any of that for the presentation. If there's any time left at the end of the presentation, the questions will come from the government side of the committee.

With that, at this point the floor is yours and the 15 minutes is yours to use as you see fit.

Dr. Timothy Lau: Thank you very much for this opportunity to speak today. Several people were part of making this presentation and putting it together. Some of them couldn't be here. I think one of them was planning to come for 10:30, but because we're a bit ahead, the person couldn't be here. So I'll begin. I'm a psychiatrist—

The Chair (Mr. Ernie Hardeman): Before you start your presentation, make sure you give the name to Hansard so it's on the record. I should have asked you to do that before.

Dr. Timothy Lau: Sorry, my name? Tim Lau. I'm a psychiatrist.

What I would like to present today—this is an overview, looking at why we are talking about Bill 13 today, and look at several things that I think are of concern. In the overview, we'll look at discrimination, intolerance, confusion, and ask the question of whether or not we'll be better off or worse with the bill as it stands.

Why Bill 13? I think the government can be applauded for many of its initiatives that they have undertaken in the present government to counter bullying. Some of these are listed here. For—

Failure of sound system.

—are not being used. Bill 157, for example, makes it mandatory for everyone in the school, from the custodian to the office administrator, to deal with and report bullying when they see it. There is even a mandatory report that must be submitted to the principal, and the principal must issue a receipt back, saying that the action was either taken or not taken.

PPM 119 mandates that all schools have an equity and inclusive education policy which teaches that everyone is worthy of inclusion, acceptance and love, regardless of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, age, marital status, family status or disability. This is identical to Bill 13.

Finally, Bill 168 deals with harassment and bullying in the workplace, and we applaud the government for these bills and the PPMs, and the work it has done to make Ontario schools safer. The community approach has already been in place in the form of grants. The question is, are these tools already available, but perhaps under-utilized?

If the objective is to prohibit bullying, then Bill 14 is sufficient and not divisive. The only reason Bill 13 is controversial is that it's focusing on the bullying of one group, as many people have already testified. So why is there a particular focus on sexuality? Why does the bill not aim at all the factors on which bullying is said to be based? The definition in Bill 13 mentions between 13 and 16 different factors, depending on which parts you look at, and it doesn't even specify the more common reasons for bullying, meaning physical appearance.

If a poor child wants activities or organizations because he or she is bullied, does Bill 13 actually help them? Will it in fact lead to more discrimination? I think we can all agree that bullying is to be condemned, but why should one group be singled out in an amended act? As the orthodox clergy association had presented on May 14, it is twice as likely, according to StatsCan, that people will be bullied on the basis of their religion rather than their sexuality.

1020

Bullying is often the result of not respecting differences and forcing one's will on another person. If we look at this government, you can see that—this is an article from the Citizen. It says that "Colleges Minister Murray Says Courts Will Force Catholic Schools to Accept Anti-Bullying Legislation." He has said, "I have to say to the bishops: 'You're not allowed to do that anymore.'"

So the true objectives may be, as it states here, to force or—every board "shall" support pupils who want to establish and lead activities or organizations that directly contradict the official teachings of the Catholic church. To deprive school boards—that is, trustees, principals and teachers—of the legitimate authority given to them by parents—this might be as a result of a lack of oversight for activities run by students.

So, who is being intolerant? Tolerance is a two-way street. No one should have the other's point of view imposed on them. For example, non-Catholic views

should not be imposed on Catholics. Tolerance and acceptance is not quite the same as promotion. Will non-participation in an activity organization be interpreted as being against the group formed? In other words, are you with us or are you against us, and are you a hater because you're not part of this group that's formed? The question is, will this create a more negative environment?

The other thing that I found a little bit concerning is, some of the definitions in the bill are vague. If you look at the term "critical consciousness," where does that come from? That's in the preamble. Who defines these terms? The principal, the teachers? What does "critical consciousness" actually mean, and am I a bad person if I don't have this critical consciousness that someone else thinks is critical, and will it be used as an attack on people of faith? If you actually do a Google search, you'll find that "critical consciousness" has its origins in Karl Marx and this idea of revolution.

I think in a pluralistic society, we have to be tolerant of other people's opinions and beliefs. Others have different experiences and different understandings of human sexuality, but we need to, and the Constitution obliges us to, accept a plurality of views because these are vital questions that have enormous impact on our health and happiness.

A surprising number of people freely and willingly choose to send their children to Catholic schools, and these include Muslims, Christians, Jews and others. No one is forced to believe what is taught.

Catholic moral teaching is often different than what the rest of the world believes. Whether or not the issue is about masturbation, premarital sex, group sex, pornography or even the rationalization of suicide itself, the Catholic church is often different. One wonders whether or not Catholic moral teaching will be acceptable under the new act.

If you look at this GSA website, it in fact points to the fact that Catholics are fundamentally homophobes, and this shows that there is intolerance towards a Catholic world view.

We would suggest adding this provision to the bill: "Nothing in this act is intended to affect the constitutional right of Catholic schools to provide an education and an environment that is consistent with and supportive of the Catholic teaching on the dignity of the human person and the dignity of human sexuality. Nothing in this act is intended to affect the right of other religious denominations to teach and promote their moral instruction regarding human behaviour, including that related to sexuality."

How would a gay and faithful Catholic student feel in a GSA club? Would he be accepted, ridiculed or bullied or even labelled as a hater if he had a view that was different and maybe consistent with the official teachings of the Catholic church?

There is also the issue of liability. There's no stated oversight. What about the delegation of authority to teachers and their parents to act as a judicious parent would?

There's nothing in the bill that requires faculty oversight. There's also the issue of discipline. You have these organizations or activities, and if someone is out of line or something is out of line or something is as it should not be, who acts? There's no description of oversight.

As we know, most bullying actually happens when there isn't supervision, say after school or outside or on the school bus. I know that people who have testified have suggested perhaps this is an after-hours club, but I would suggest that it's also possibly social activism.

This is from Catholics for GSA. They actually hope to achieve the removal of harmful documents like the pastoral guidelines to assist students, so they're trying to undermine the teachings of the bishops, and this is also from various associated GSA sites. Without supervision, is this what we'll get? Will the bill and will these activities have to be supported? This girl states "my morals" is something that she defines. I think that's perhaps a concerning thing for us.

This is from the GSA network in the States. If you want your club to be a support group, an activism club or a social group, it's not just an after-hours support club.

As the comments the orthodox clergy association made, it was quite clear in Dundas, the Dundas High School school-wide GSA assembly, a speaker was saying things that were quite intolerant of people with religious beliefs and was found to be offensive.

No bill is necessary for after-hours activities. If you want to have a chess or basketball club, why do you need a bill? Why a bill for what some people say is an after-hours or extracurricular activity? And what kind of after-hours club exists that if you can't set up one, a parent organization exists that will connect you with a lawyer to make it happen?

There's also the issue of confusion. I have with me as well, who was supposed to present, Dr. Ponesse. He's a pediatric neurologist.

Dr. Jonathan Ponesse: There are three points about the use of the word "gender identity" that I want to bring up.

Number one: That it applies a fluidity—

The Chair (Mr. Ernie Hardeman): Could you state your name again for the record?

Dr. Jonathan Ponesse: Yes, Jonathan Ponesse.

The use of the words "gender identity" implies a fluidity in sex identity that produces an artificial and unnecessary uncertainty to a vulnerable population. Engineering gender and then presenting it in its non-binary shades as if it were a menu from which we choose will ultimately damage children. Adults may be comfortable with notions of flux, change and semi-permanence but children and youth are certainly not. The identity of children is rooted in their sex, a scaffold from which they can then seek out and attach to a model of a corresponding sex. Identity cannot take root when such models present ambiguously, without salient and stable features.

Young children think in absolute terms, often in the yes/no, right/wrong and yes, even male/female binary that makes their world easy enough to understand.

Children need to be able to recognize that there is a clear and certain path in their development, such as from girl to woman and possibly mother, not to a man or father or somewhere in between. If the brain is still developing, with the structures most responsible for mature judgment not yet developed until the early part of the third decade, how can we expect our children to make sound choices in regard to something as monumental as gender?

Secondly, the use of the words “gender identity” in the act is not informed by science. The public will be misinformed that all one needs to change gender is an alteration in outward appearance and subjective choice. The state of the science acknowledges that our sexual identity is rooted not only in our chromosomes and hormones, but our brains as well. A complete medical change in gender is impossible. The major dimorphism processes—that is, the creation of a male and female brain—start as early as the sixth week of gestation and do not really end until the early part of the third decade of life. Even in the most gender-atypical individuals, their brain structures still conform to the general sex-based dimorphism. We may be able to inject hormones or surgically alter genitalia, but we cannot change our brain structure, which inevitably affects behaviours that are even considered by many to be merely gender-role stereotypes. Yes, males and females have different ways of perceiving the world, conceptualizing and recovering from brain injury—the list goes on.

Thirdly, the use of “gender identity” implies that gender identity disorder is not a real pathology warranting treatment.

Children with autism, for example, may be said to have an exclusive “object-oriented” relationship with the world as opposed to the social bias with which most of us are born. That is, these children are focused on the mechanics and how play is oriented around sensory properties of objects, to the exclusion of their relationship with people.

Parents of these children come to medical attention hoping to change this orientation so that hopefully these children will have more reciprocal relationships with their parents, siblings and others. I don’t think that anyone here would think of denying the parents their right or desire to treat their child with autism.

Similarly, when a child develops a sex-opposite trait exclusively dissonant to their biologic sex, it is cause for grave concern and warrants referral to a mental health expert. We don’t let a learning disability go untreated simply because it is a difference, and psychiatrists who treat gender identity disorder early enough generally see its full remediation. If a child experiences self-loathing over some particular aspect of themselves, parents may take that child for treatment for depression, for example. If this self-loathing is because of conflicted gender concept, the same principle applies.

Parents oversee the development of their children in many respects, such as the choice of schools or the importance placed on religious observance. Who is to say that parents may not try to raise their children in a

manner that maximizes a gender-typical outcome? We also need to be humble and to realize that we just don’t know enough of the science of this phenomenon to send children and youth for sex-altering surgery or other manipulation.

The Chair (Mr. Ernie Hardeman): Thank you very much, and we are at the end of our 15 minutes.

Dr. Timothy Lau: We have 14 minutes.

The Chair (Mr. Ernie Hardeman): I’ve got 15, so obviously—the 15 starts from the time you started setting up. We have to be fair to all delegations.

We thank you very much for your presentation. It’s very informative and I’m sure that it will be of assistance as we consider the rest of the dealing with the two bills.

Back to the 10:15 one: Jin Lu, L-U. Is he present? If not, I guess we will leave that one behind. Our 10:45 appointment has cancelled. Does the 11 o’clock appointment happen to be here yet? That’s Jer’s Vision. They’re not here yet? Then I suggest that we recess the committee for a period of time until 11 o’clock for the next delegation.

Interjection.

The Chair (Mr. Ernie Hardeman): If the committee will be around, we will recess for 15, so if the 11 o’clock delegation is here we can proceed on to lunch. But we will have to recess for the first 15 minutes.

The committee recessed from 1033 to 1052.

JER’S VISION

The Chair (Mr. Ernie Hardeman): We will call the meeting back to order. Our next delegation is Jer’s Vision, and we have three people here. We have somebody here to make a presentation on behalf of Jer’s Vision.

If you will take your seats at the head of the table. We thank you very much for coming in. You will have 15 minutes to make your presentation. You can use all or part of that. If you don’t use it all, we will have questions from the committee, and the questions will start with the government side.

Before you start your presentation, if you will give us your name through the microphone so Hansard can copy that. With that, the floor is yours for 15 minutes. Thank you very much.

Ms. Loresa Novy: Hello. My name is Loresa Novy. I am the senior office manager at Jer’s Vision and the International Day of Pink, as well as the chair of Capital Pride and alternate regional director of the InterPride organization.

Ms. Faye Estrella: Hello. My name is Faye Estrella. I’m the conference director at Jer’s Vision and the Day of Pink.

Ms. Loresa Novy: Jer’s Vision works in schools and communities across Canada to address bullying, discrimination, homophobia and transphobia. This scholastic year, we will engage over 75,000 youth in dialogues on bullying and work with them to create solutions in their schools. Our organization doesn’t simply do work-

shops, but also engages youth in dialogues, supports their initiatives and mentors them so that we can create real changes in their schools.

Ms. Faye Estrella: Jer's Vision is a youth-run organization. We are young people working with young people. We are also mostly volunteers, so usually each one of us who comes to work there has a personal story. Either we've gone through bullying ourselves when we went through school—I know I did. I went through the Catholic system, and they wouldn't allow us to have a GSA, so when I decided to work for this organization, it was to help promote understanding and diversity in more schools.

Ms. Loresa Novy: We are honoured to be here speaking to you. Anti-bullying legislation that supports addressing homophobic and transphobic bullying is desperately needed in schools in Ontario. Since it was introduced, we have spoken in one or more schools a day and collected over 10,000 petitions from youth who support Bill 13 because it explicitly supports a dialogue on homophobic and transphobic bullying.

Ms. Faye Estrella: According to an Egale Canada survey called Every Class in Every School, which is the first national climate survey on homophobia, biphobia, and transphobia in Canadian schools—the study involved surveying over 3,700 students from across Canada between December 2007 and June 2009—70% of all participating students, whether they were LGBTQ or non-LGBTQ, reported hearing expressions such as, "That's so gay" every day in school; almost half reported hearing remarks such as "faggot," "lesbo" and "dyke" every day in school; 74% of trans students, 55% of sexual minority students and 26% of non-LGBTQ students reported having been verbally harassed about their gender expression; more than one in five LGBTQ students reported being physically harassed or assaulted due to their sexual orientation; and almost two thirds of LGBTQ students and 61% of students with LGBTQ parents reported that they felt unsafe at school.

It's not only LGBTQ youth who are experiencing homophobic and transphobic bullying, as was plain in this report, which you can also find on the Internet. Straight youth, parents and teachers face this bullying, and such behaviour is pervasive in our culture, from TV and movies to social media.

Ms. Loresa Novy: You're probably thinking that discrimination is not new. However, the difference between homophobic and transphobic bullying, and bullying that is anti-Semitic, racist, sexist or in other forms is that schools encourage a dialogue about it. Homophobic and transphobic bullying is actively silenced by schools and school officials, and those who wish to start up such dialogues, especially youth, are often silenced. The truth is that the only way to deal with this form of bullying is to talk about it. Telling youth to stop or suspending them doesn't work; youth need to understand who LGBTQ people are, their culture and their community.

Ms. Faye Estrella: And we are a cultural community; we are not simply who we date. Over 40 years ago we

were illegal in Canada, and we led a human rights movement over decades, leading to greater equal rights. We celebrate our cultural and social identities, shared history and social identifiers, and we continue to face challenges.

As of 2009, over 80 countries have LGBTQ people being illegal, including five where the punishment is death—something that needs to be talked about in geography classes. If we learned about LGBTQ families in kindergarten, queer people murdered during such events as the Holocaust in grades 4 or 5, Tchaikovsky writing ballets and symphonies for his lover in music class, and LGBT history in history class, youth like me would know who these "fags" are, that these terms can be reclaimed or they can be a source of pride instead of a source of shame. That's why these students need our help and support, not bullying and hate.

Ms. Loresa Novy: That is why we are here with the voices of over 10,000 youth who cannot vote but who are asking for your help to support Bill 13. We need you to ensure that the right to talk about LGBTQ communities and to start GSAs is included in this legislation. Teachers, administration and students need to be supported in this. The legislation is like wearing a seat belt; it's the right thing to do, and everyone knows it. Hopefully, it will become law to ensure standards within our province.

Ms. Faye Estrella: This law is about making schools accessible to LGBTQ students by supporting them and their allies in being themselves, allowing schools to facilitate a space to educate on all forms of diversity and human identity.

1100

Ms. Loresa Novy: An all-encompassing policy like Bill 14 does not help us address the problem. Students, teachers and community are asking you to support them when they want to talk about being gay, lesbian, bisexual, trans, two-spirited or queer. Not supporting this will lead to more students dying, feeling isolated and at risk. Not supporting this means that you are ignoring students begging for your help. Silence equals death.

Ms. Faye Estrella: To quote the Egale recommendations regarding Bill 13, it says, "Prof. Elizabeth Saewyc's work in BC shows that rates of suicide have been steadily declining in BC for the general population of grade 8 to 12 students over the last 10-year period where schools have developed generic anti-bullying programs—but not for LGBTQ students."

This is why Bill 14 is seriously weakened with a generic treatment of bullying and its conditions because it doesn't face or address the key social issues, conditions and implications of bullying, such as homophobia, transphobia and biphobia.

Ms. Loresa Novy: Some politicians have said, "Bullying happens." This is unacceptable. When my parents were in school, black students were not allowed in some schools. If we settled for the hate-filled reality that students experience, we would not be doing our job.

Ms. Faye Estrella: Please help us. The students of Ontario need you to take a stand and listen to us. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about seven minutes left. We'll start with the government.

Mr. Yasir Naqvi: Chair, to our earlier conversation, in the interests of time I want to thank the members from Jer's Vision for being here, and hopefully we'll be able to use remaining time for the Youth Services Bureau.

The Chair (Mr. Ernie Hardeman): Is that the wish of the rest of the committee? Any further questions? If not, we thank you very much for your presentation, and this will give us time to hear another delegation.

YOUTH SERVICES BUREAU OF OTTAWA

The Chair (Mr. Ernie Hardeman): Our next delegation—we're putting the other one in right now, Yasir?

Mr. Yasir Naqvi: Yes. That's probably best, and we can make up for the time very quickly.

The Chair (Mr. Ernie Hardeman): Okay. And what was the name?

Mr. Yasir Naqvi: Joanne Lowe from the Youth Services Bureau.

The Chair (Mr. Ernie Hardeman): Joanne, welcome to the committee this morning. We thank you very much for being here to make a presentation and even more to be able to make it on such short notice. Thank you very much for doing that, and we look forward to your presentation.

As with the previous ones, you will have 15 minutes to make your presentation. You can use all or part of that for your presentation. If there's time left, we'll have some questions, or not, from the committee. We do ask if you would state your name for the record before you start your presentation. With that, the floor is yours.

Ms. Joanne Lowe: Absolutely.

Mr. John Yakabuski: Excuse me, Chair. Do we have a written submission as well?

The Chair (Mr. Ernie Hardeman): I can ask the applicant, but I would think not because I don't think she has one ready. But if she does, you will get it.

Ms. Joanne Lowe: We are looking to make a submission before 5 p.m. today, though, a written submission.

The Chair (Mr. Ernie Hardeman): Okay. Thank you very much, and the floor is yours.

Ms. Joanne Lowe: Thank you. My name is Joanne Lowe and I am the executive director of the Youth Services Bureau of Ottawa.

Thank you so much for allowing me to speak about Bill 13 in relation to youth mental health.

Youth Services Bureau of Ottawa supports about 3,000 clients, both parents and young people ages 12 and over, every single month. We provide services to youth who are at high risk of mental and physical harm, including suicide, for reasons that include poverty, family breakdown, addictions, homelessness and social pressures.

Last year during a six-month period, 10% of YSB's mental health walk-in clinic clients came to us with

school and/or bullying issues as their primary complaint. We believe that was an underreporting of the bullying. Often, when a youth reports problems at school, including anxiety and under-performance, upon investigation what emerges are problems with peer relationships and having been the target of bullying. So bullying is not the only cause of mental health symptoms that we see, but it is certainly a common and a significant one for us.

The cost of bullying to individuals is extremely high. It has a negative impact on scholastic achievement and self-esteem, it contributes to depression and anxiety, and can make a young person more apt to use violence either to protect him or herself, or for revenge.

As the Legislature has recognized in bringing forward Bills 13 and 14, the cost of bullying for society as a whole is also large. This includes the cost of treatment of mental health issues that may start in adolescence and become life-long, the loss of potential of young people whose school performance suffers and, at the extreme, the tragic loss of young lives.

There are risk factors that make some young people more vulnerable to bullying. At the primary level, these include having few friends and having an over-protective family environment. At the secondary level, sexual orientation is a primary factor, with 30% to 50% of LGBTQQ youth having been bullied.

Yet bullying is preventable, and that is why the legislation before you is so very important. The prevalence can be reduced, and the negative impacts on young people can in fact be alleviated. Help is available in the form of counselling and services through crisis lines, such as those offered through the Youth Services Bureau, as well as a mobile crisis service or services that are available to support parents and schools.

Supportive responses from parents, other adults, teachers and the school system can help to break the cycle of bullying. Adults can help by taking the problem seriously, supporting non-violent and collaborative problem-solving and addressing the needs for support and treatment for both the victims and the perpetrators of bullying.

One of the most effective means YSB has found to improve youth mental health is to get youth themselves involved. We call it a "youth engagement model," and it means empowering youth to work together, raise awareness and help others as peer-to-peer educators. We have used this model at YSB for over 20 years and have seen many at-risk youth become leaders among their peers, achieve academic success and become healthy and productive adults.

For this reason, we strongly support Bill 13's provisions to mandate support for student-led groups that promote gender equity, anti-racism, respect for people with disabilities and respect for people of all sexual orientations and gender identities.

From our experience, we believe this peer-support model is effective and will complement the policies and activities undertaken by school boards and other agencies across the province, and in particular in our own com-

munity. It will have a positive effect both on school environments and directly on the young people involved.

The legislation will help in other respects. In fact, we believe it will increase accountability, both of young people and of we adults who are responsible for their well-being. It will also increase awareness of and access to mental health services that can benefit both the victims of bullying and, again, the perpetrators or aggressors. This is a definite step forward.

We also hope Bill 13 will lead to increased collaboration among schools and mental health agencies to work together and implement its requirements.

The debate on bullying is an emotional one for everyone, and it tends to focus, understandably, on the victims. At the Youth Services Bureau, like other child and youth mental health agencies, our clients include both the victims and the perpetrators of bullying. In fact, it is not uncommon for a young person who bullies others to have been the victim of bullying initially.

Youth who bully often have lower academic performance and may also be involved at times with the judicial system. They may lack empathy, have a hard time accepting defeat, believe that they've been treated unjustly and be impulsive. Bullying behaviour occurs at every age, starting from preschool and kindergarten. These children and youth are part of our community and will progress to adulthood with these attitudes and behaviours unless there is early intervention.

Young people who bully can be helped to develop empathy, make friends, communicate effectively, and deal with underlying cognitive and behavioural problems. Research suggests that 5% to 15% of them have specific behaviour disorders, but only 4% have been diagnosed and received treatment.

In conclusion, the Youth Services Bureau applauds the work of this Legislature to take a comprehensive approach to preventing and addressing bullying in Ontario schools. This will be a step to improving child and youth mental health in our province through prevention, awareness, youth engagement, and appropriate treatment and services. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. We have about nine minutes, so we have more. We'll start with the official opposition. We'll go around and we'll kind of divide the time up between all three for this one.

Ms. Lisa MacLeod: I have a quick question, Chair.

The Chair (Mr. Ernie Hardeman): Yes.

Ms. Lisa MacLeod: We've played around with the calendar a little bit here. I'm wondering if you can give us an update. Have we missed two deputations?

The Chair (Mr. Ernie Hardeman): Yes.

Ms. Lisa MacLeod: And those, are they going to be tacked on when they show up or are they now—

The Chair (Mr. Ernie Hardeman): No. At the present time—I'm at the committee's disposal. Their time has gone by. They were given a slot of time—

Interjection: One cancelled.

Ms. Lisa MacLeod: One cancelled? And which one cancelled?

The Chair (Mr. Ernie Hardeman): —and they didn't come. So part of that time we're using up as we speak, and part of it of course is just not there, but just to go by them—we had the recess because they weren't here. So we'd have to tack them onto the end, if the committee wanted to hear them.

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Ms. Lisa MacLeod: Okay, and just another quick scheduling question: Are you considering bringing other folks who are not on the agenda at this point in time onto the agenda?

The Chair (Mr. Ernie Hardeman): At this point in time—I didn't bring a soul here; it was the committee's choice to hear this delegation.

Ms. Lisa MacLeod: Okay, and we're still looking at the last deputation at 5 p.m.?

The Chair (Mr. Ernie Hardeman): Yes, the schedule is still that way. For the committee's information, there is one this afternoon that has called. We have not got a confirmation that they will not be here, but it appears that they may not be here, and we're waiting for the confirmation of that. So you will have an opportunity to deal with whether you want to put another person who is here into that slot or whether you want to quit 15 minutes before the day is over. That's the committee's choice.

Ms. Lisa MacLeod: My only concern with that is we have turned away a substantial amount of people who would like to have made a deputation.

The Chair (Mr. Ernie Hardeman): I accept that, but we have one day of committee hearings, and the time was filled, and we cannot deal with those who put their names in and then don't show up for the hearing. There's not much we can do about that. It's rather non-productive to suggest that we can call the people who were told they couldn't be here after the meeting has started—

Ms. Lisa MacLeod: I didn't make that suggestion, Chair.

The Chair (Mr. Ernie Hardeman): —to say, "If you were here in an hour's time"—

Ms. Lisa MacLeod: I just want to make sure that people are aware.

The Chair (Mr. Ernie Hardeman): If you would let me finish, Ms. MacLeod. It's very unproductive to suggest that we could call—and I very much appreciate this deputant to be able to be here to present on such short notice, but I don't think that's something you could expect to do this afternoon at 2 o'clock: to call someone, "Could you come and make a presentation at 3?"

Mr. Bob Delaney: Chair, to the point raised by Ms. MacLeod, we will not support any further change in this schedule. We will run on this schedule.

Ms. Lisa MacLeod: Okay.

The Chair (Mr. Ernie Hardeman): I asked the committee before this started whether you wanted to change it. We have some time left, then.

Ms. Lisa MacLeod: Okay. I just wanted to say that is my view that we hold, because I know right now I've already gotten an email.

The Chair (Mr. Ernie Hardeman): Any further comments to the deputation?

Ms. Lisa MacLeod: I just wanted to say thank you very much to Joanne for attending today, Chair.

The Chair (Mr. Ernie Hardeman): The third party?

Mr. Peter Tabuns: Yes, if you wouldn't mind. Thank you very much for coming in and making that presentation.

A question has come up from some about the number of youth who commit suicide as a result of bullying and harassment in their schools, and I was wondering: Do you have a sense of the statistics on that in Ottawa or in Ontario as a whole?

Ms. Joanne Lowe: I don't have the statistics on hand, but in fact, the city of Ottawa's public health department is actually in the process of compiling that very information for youth, grades 7 to 12, and we're actually hoping to hear about those sometime in the next six weeks.

Mr. Peter Tabuns: That would be useful to have. Again, could you just speak to the utility of having clubs where young people facing similar problems can come together, compare notes and build a network?

Ms. Joanne Lowe: Absolutely. The concept of peer support or bringing peers together is fundamentally based on an evidence-based practice that's called youth engagement. What we do know is, for youth who share issues in common or even share strengths in common, having the opportunity to connect with other youth in the same situation will often empower them to really speak to what is on their minds and, more importantly, it will also empower them to seek any help that they might need. So it's a very important concept, and it's one that's heavily embedded in most child and youth mental health services in this community, and I would venture to guess across the province, and now in the school boards even more.

Mr. Peter Tabuns: Okay. Thank you very much. Thanks, Chair.

The Chair (Mr. Ernie Hardeman): We have a little time left for the government.

Mr. Yasir Naqvi: I think Mr. Tabuns asked the question I wanted to ask, and I want to thank Ms. Lowe for attending on such short notice, and thank you, Chair, for accommodating a very important voice in Ottawa to be part of this hearing. Thank you.

Ms. Joanne Lowe: Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation, again, on such short notice.

that they will correct, it as I mispronounced their names. Thank you very much for coming in this morning. The clerk will come and get those, and he can pass them out to the committee.

As with previous delegations, you have 15 minutes to make your presentation. You can use any or all of that time. If you leave time in your presentation for questions, the questions will start with the third party this time. We also ask you if you could give your name, pronounced properly, to the Hansard so they can print it in the record. We thank you again for being here, and we look forward to your presentation. The floor is yours.

Mr. Rene Leiva: Good morning, Mr. Chair and members of the standing committee. I appreciate this opportunity to share my views with you today. My name is Rene Leiva. I work as a family doctor.

I'm here today because of two reasons: First, I am the proud father of five children who attend public Catholic schools; and secondly, I am also a citizen who is truly concerned about the issues being brought up before you today. I acknowledge the issue of bullying is a very delicate, complex and extremely painful one, especially for the victims. I also recognize that you have already been presented with excellent summaries of the benefits and challenges found in the current proposed legislation. Therefore, in short, while I fully support the passing of Bill 14, I find the existence of Bill 13 redundant and unnecessary. I will make three premises to back this up.

First premise: Bill 14 seems to fully deal with most of the issues needed to respond to the problem before us. It addresses the challenge in a direct, yet not totalitarian, way. It leaves room for respecting differences and allowing creative ways to flourish among the different schools and philosophies. Besides, the law already exists in paragraph 6 of subsection 306(1) of the Education Act, which deals with bullying. It only needs to be enforced to truly work. On the other hand, Bill 13 is very narrow in scope and seems to focus in a very unbalanced way on one type of individuals, namely those who experience same-sex attraction. In fact, in a 2006 Toronto District School Board research report, it was found that gender, together with income and religion, was the fifth most important reason for bullying, behind body image, grades, cultural background, and language.

At this point, I would like to briefly clarify that as a Catholic and as a man who values the intrinsic dignity of my neighbour, I view everybody as equal regardless of any background. Unfortunately, all too often, Catholics who are faithful to the official teachings of our faith are characterized in a way that—to paraphrase a late bishop, "Whenever we speak against bullying, they call us defenders of the vulnerable, but if we decide to do it within our doctrinal framework, then they try to silence us by falsely accusing us of being bigots and haters." The latter is nothing more than a calumny.

Second premise: Bill 13 raises a significant number of serious concerns. In summary, to name a few, it has been persuasively shown that: (1) the bill will likely be used to impose gay-straight alliances or similar-content clubs

MR. RENE LEIVA

M^{ME} VÉRONIQUE OUELLETTE FOHR

The Chair (Mr. Ernie Hardeman): Our next delegation is Véronique Fohr and Rene Leiva. I'm sure

which stand in complete disregard to the beliefs of the Catholic faithful to the official church doctrine; (2) it fails to address the involvement of the other serious causes behind bullying by focusing almost excessively on one issue alone; (3) it will transfer the power of decision from parents to higher government in areas where the former hold the greatest rights and responsibility; (4) it uses vague definitions such as “homophobia” and several gender terms which are not even fully defined in the medical and legal literature, and can be easily abused in a derogative way to advance an ideology against the morals and faith of others; (5) it represents a transgression upon the denominational agreements recognized in the Constitution with respect to Catholic schools in Ontario.

Third premise, and what brought me mostly into this controversy today: I have seen and read about the reverse bullying and the ridicule to which sincere people of faith have been exposed for defending their religion and morals. The immense majority of these people abhor the act of bullying, but they are always smeared as the main source of the problem. Their only sin is to adhere to the tenets of their faith and morals that proclaim sexual intimacy within the context of traditional marriage, which is a central tenet of Catholic doctrine.

At the core of this problem is that interest groups want to suffocate the central question of the true nature of human sexuality. Unfortunately, this aggressive ideology of homosexuality becomes a danger to lawful autonomy of thought. Those who do not share it are socially marginalized. Unfortunately, any attempt to publically propose an alternative to this is strongly suppressed, and now it is sought to be imposed in the Catholic schools.

Moreover, what about those young people who truly want to be faithful to their beliefs and have same-sex orientation? They will not feel welcome in groups suggested by this bill.

Christian parents and children are falsely brand-named with the incredible, arbitrary accusation of “homophobic” and are scorned. There are plenty of unfortunate examples. As you know well, Mr. Dan Savage, who is the founder of the It Gets Better project, which Premier McGuinty and our current government have collaborated with, often ridicules Christians. On an Evan Solomon CBC show on February 9, 2011, he specifically targeted Christians as a source of homophobia by grossly generalizing, “when mom and dad drag their kids to church, and ... hear from the pulpit ... God hates fags....”

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If one googles the term “Catholic” on the Canadian site from Egale, mygsa.ca, whose goal is to promote gay-straight alliance groups, one will find statements accusing the Catholic doctrine about homosexuality of being “contradictory and fundamentally homophobic.”

Activist individuals such as those from Internet sites like catholicstudentsforsgas explicitly state that their goal is to ban “harmful” official Catholic teachings in the schools. One will also find support for unrelated areas in conflict with Catholic doctrine, such as the promotion of abortion.

Therefore, all doubt should be removed that part of the intentions of these groups in Catholic schools is to diverge, deride and mislead others from the long-standing official teachings of the Catholic faith.

As a parent with young children in Catholic schools, I strongly oppose this. Bill 13 will make the existence of these groups in schools mandatory, if requested, and it will impose the use of policies in conflict of the students’ and parents’ religious and moral beliefs. In addition, culturally speaking, large numbers of parents and students with traditional views on sexuality and marriage, such as those coming from a Hispanic background like myself, will also feel this bill grossly infringes on our fundamental right of freedom of conscience and religious beliefs.

If Bill 13 passes, it will force an objective violation on Catholics to go against the core doctrines of the sacrament of marriage, the sixth commandment of the Decalogue and other biblical commands. The latter also applies to other religions, notably Jewish and other Christians.

I don’t want to curse in the dark without trying to light a candle first, so I will turn to what I believe are some solutions to the problem of bullying in specific reference to Bill 13 and Catholic schools. Bullying is the problem, so this should be the focus. At the risk of falling on deaf ears, I will state that the objective should be to support approaches that respect the intrinsic dignity of the human person. Specifically, I have three comments.

(1) The Canadian Catholic church, in its document Pastoral Ministry to Young People with Same-Sex Attraction, states: “To assist young persons with same-sex attraction it is necessary to understand the enormous pressures to which they are frequently subjected: unjust discrimination, the sense of invisibility and isolation, and ignorance of their particular situation. We deplore all such attitudes and actions.” By the cultivation of a true, non-selfish friendship and the sharing of the real meaning of sexuality within love and marriage, we can get at the root of our problem. Practically speaking, this paper should be read and discussed in Catholic school classrooms. This dialogue should give rise to a search for the objective truth; otherwise, we may end up debating my right against your right, which leads nowhere.

Religion and reason, if both true, should be the same and be a source of unity. Faithful Catholics abhor violence and suicide of any nature. In fact, in Quebec, where the Catholic schools were removed in 1998, the suicide rate among teens is still the highest in Canada. One thing I have learned in 12 years of medical practice: religion is protective against suicide risk.

(2) The document Respecting Difference, from the Ontario Catholic School Trustees’ Association, details some very useful particulars on how to deal with this problem.

(3) Unfortunately, given the nature of extremely offensive proselytism of some interest groups as previously mentioned, clubs need to be approved and overseen to assure they don’t become a source of contempt against Catholic students and parents loyal to the official church position on sexuality.

In summary, Bill 14 is the legislation we need to help in the fight against bullying. Bill 13 will only create division and resentment in our society, and it potentially can lead to an opposite effect to what it intends to do. Imposition, from whatever side, never works, and this is what Bill 13 does. True and compassionate friendship, charitable and empathetic dialogue and the honest search for the ultimate objective truth by everyone involved will do. Thank you very much.

The Chair (Mr. Ernie Hardeman): Thank you very much.

M^{me} Véronique Ouellette Fohr: Bonjour. Mon nom est Véronique Ouellette Fohr. Je réside à Ottawa dans la circonscription de Dalton McGuinty. Je détiens une maîtrise en économie des Hautes Études Commerciales de Montréal.

I'd like to say, like everyone else, I'm happy to be here today—I'll be honest; I'd rather not be here today, but I am thankful for the opportunity to voice my opinion. I have to say it was painful for an economist like me to pore over law documents on this beautiful long weekend, but the repercussions of this bill are so important that I felt compelled to come and challenge it.

I have five kids. They love action adventures like Star Wars and the Lord of the Rings, and so today I want to talk to you about shields and swords. As an initial comment, efforts for the law to act as a shield to protect students from bullying using reasonable means is a laudable goal. By all means, I agree with Jer's Vision that says nobody should be called "gay," "faggot," "lesbo," "dyke." I wholeheartedly agree with that, and there shouldn't be any physical aggression. However, I disagree with the way to go about the anti-bullying.

Cependant, une proportion des modifications de la Loi sur l'éducation traite spécifiquement de l'intimidation basée sur l'identité fondée sur le genre et l'orientation sexuelle, ainsi que la promotion du conseil de cette vision, tel qu'indiqué dans le sixième paragraphe du préambule et aussi le paragraphe proposé, 303.1(d), et plusieurs références aux incidents fondés sur l'homophobie.

Le but de cette emphase sur l'identité fondée sur le genre semble d'être d'appuyer le plan d'action du ministère de l'Éducation, tel qu'annoncé en même temps que l'introduction du projet de loi 13. Ce plan inclut l'opinion du gouvernement que des actions spécifiques sont requises face au problème d'intimidation basée sur l'identité sexuelle et l'identité fondée sur le genre au sein de la politique d'équité et d'éducation inclusive. Pourquoi?

Well, that's my reasoning. When bullying happens in other situations such as due to race, gender or creed or body size, preventing bullying mostly consists of stopping the aggressive behaviour and protecting the person being bullied. So these parts of Bill 13 essentially use the law as a shield to protect students from such aggressive behaviour.

Cependant, dans le cas d'intimidation basée sur l'identité fondée sur le genre et l'orientation sexuelle, le plan du ministère d'inclure une politique d'équité et

d'éducation inclusive, telle qu'on peut trouver au paragraphe 29.1 du projet de loi 13, laisse clairement supposer que le curriculum sera révisé pour adresser les questions d'identité sexuelle et d'orientation sexuelle.

Le contenu de cette politique n'est pas défini, mais il est clair dans le texte du projet de loi que le contenu de cette politique est entièrement à la discréTION du ministère de l'Éducation. Le document présentement disponible sur cette politique, qu'on peut retrouver sur leur site web, est la Stratégie ontarienne d'équité et d'éducation inclusive. Alors, j'ai regardé ce texte. À la page 26, le document fait mention de la Stratégie pour la sécurité dans les écoles, et cette stratégie comprend la révision du curriculum pour faire en sorte que des sujets comme la violence sexiste, l'homophobie, le harcèlement sexuel et les comportements sexuels répréhensibles fassent l'objet de discussions et d'interventions à l'école dans les salles de classe.

Est-ce que la révision du curriculum présentera ces théories sur l'identité sexuelle et l'orientation sexuelle telles qu'on peut les retrouver décrites dans le projet de loi—LGBTBIQ—comme étant la définition officielle du genre? À quel moment et de quelle façon ces notions seront-elles présentées à nos enfants dans nos écoles?

De plus, le terme « homophobie » est mentionné plusieurs fois, sans toutefois être clairement défini dans la Loi 13, et est considéré comme étant un comportement inapproprié requérant des mesures disciplinaires.

Will questioning these novel theories on gender identity, either by students, teachers or parents, be viewed as homophobia and therefore inappropriate behaviour by the minister that is subject to disciplinary measures? This is our concern, and this is where there could be reverse bullying for those with different views upon the subject based on deeply held moral and religious views—essentially, matters of conscience.

Moreover, the proposed new section 301(3.1) says that an entity wishing to use a public school shall be required to follow a code of conduct which is to be developed in a way that is consistent with the views espoused by Bill 13. This would effectively prevent individuals that disagree with this code of conduct—perhaps due to conscientious objections regarding gender identity views—from using public school property. How is that related to bullying in schools?

This is effectively turning a statutory shield meant to protect students into a sword that effectively says that you can't disagree with the prevailing government's view on contentious moral issues such as how to define gender.

Because of the inclusion of these gender identity viewpoints in Bill 13, ordinary people like me cannot in good conscience support this bill. This is a shame, because I would have been most happy to support a bill which simply shields students from bullying.

An anti-bullying law should act as a shield to protect the student, using widely accepted and reasonable means, not as a sword to impose a thought policy about gender identity, which, if reasonable people disagree with, they will be prevented to use school property.

The shield approach is, "You shall not bully people that come from different backgrounds, ancestry or ways of thinking." The sword approach says, "You shall not have a way of thinking that is different than the government-promoted view."

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That does conclude fully the 15 minutes. Thank you very much for having come in this morning to make that presentation.

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M. GUY DACQUAY

The Chair (Mr. Ernie Hardeman): Our next presenter is Guy Dacquay. Thank you very much for coming in this morning. As you've probably heard from previous delegations, you have 15 minutes in which to make your presentation. You can use all or part of that for making your presentation. If there's sufficient time left at the end of that, we will have questions. The questions begin with the official opposition. With that, the floor is yours, and if you would state your name for the record before you start your presentation. We thank you again for being here.

M. Guy Dacquay: Mon nom est Guy Dacquay. Je suis père de famille. Je fais ma présentation en français, pour vous donner un moment pour mettre vos écouteurs si vous écoutez la traduction.

Cher monsieur le Président et membres du comité, merci de me donner l'occasion de vous présenter mes commentaires au sujet du projet de loi 13, 2012 pour des écoles tolérantes et du projet de loi 14, 2012 sur la lutte contre l'intimidation.

Mon épouse Christine et moi avons vu s'épanouir nos six enfants, qui ont fait leurs études aux écoles du Conseil des écoles catholique du Centre-Est. Je travaille pour la fonction publique du Canada depuis 28 années et j'ai travaillé comme bénévole et animateur pendant plusieurs années dans le mouvement Scout. Je suis présentement parent membre du comité de la participation des parents pour notre conseil d'école.

Avant de vous présenter mes commentaires détaillés sur les projets de loi 13 et 14, j'aimerais aborder quelques points généraux. Au départ, je me demande pourquoi le gouvernement a décidé qu'un projet de loi touchant à l'intimidation était nécessaire quand il y a déjà des lois en place qui protègent les personnes contre les menaces et les agressions, et que toutes les écoles ont déjà des politiques de discipline qui servent à assurer l'ordre et le bien-être des étudiants sur leur territoire.

Je sais qu'il y a eu quelques cas tragiques de suicide dans la province de l'Ontario ces dernières années concernant des élèves qui auraient été victimes d'intimidation. Malgré ceci, il n'y a présentement rien qui empêcherait les écoles et leur conseil de mettre en place des programmes de communication pour aider à sensibiliser les élèves à ce sujet et de former leurs professeurs sur les connaissances et méthodes qui pourraient faciliter l'éducation contre l'intimidation.

Étant victime moi-même d'intimidation physique et verbale durant mes années d'école, je peux vous avouer le rôle important qu'ont joué mes parents et professeurs à cet égard, et je vous en donne un exemple. Quand j'étais en neuvième année, un jour, un de mes professeurs d'école a pris l'initiative de parler à ma classe au sujet d'un incident qu'il avait vu dans les couloirs d'école et qui m'impliquait. On m'appelait souvent des noms et on m'insultait, et je n'avais pas une grande estime de soi. Lorsque la classe débute, le professeur m'a demandé de lui rendre un service et j'ai quitté la salle pendant un court moment. Pendant que j'étais parti, le professeur a questionné les élèves à mon sujet et a fait le point sur ce qu'il a vu se passer dans les couloirs. Il leur a fait un discours sur l'intimidation et les conséquences néfastes que cela pourrait avoir à mon égard dans mon futur, si cela n'arrêtait pas. Étant donné que ce professeur était très populaire avec les élèves, son message a été écouté attentivement et dès ce moment, ma vie sociale a changé du tout au tout. Après cet événement, j'avais beaucoup d'amis et on m'invitait souvent à des sorties. Mon estime de soi a augmenté rapidement et j'ai pu m'épanouir. Je dois énormément à ce professeur et je lui suis aussi reconnaissant de son attention et de son initiative d'intervention à mon sujet. Il n'a pas eu besoin de loi spéciale pour accomplir sa responsabilité d'éducateur.

Alors, comme vous pouvez le constater, je suis contre l'intimidation. Je respecte toutes les personnes, quelle que soit leur race, leur sexe ou leur croyance religieuse. Je respecte aussi les personnes qui sont d'orientation gaie ou lesbienne, quoique je n'accepte pas, vu ma foi catholique et chrétienne, de promouvoir la pratique de ce genre de sexualité. Comme tous les humains, je crois que les personnes gaies et lesbiennes sont des personnes qui doivent être traitées dignement et non pas harcelées ou intimidées.

Cependant, en étudiant le projet de loi 13, j'ai remarqué qu'un très grand accent est placé sur la promotion de l'inclusion et de l'acceptation du style de vie des gaies et lesbiennes, ainsi que sur la mise en place de clubs spéciaux à cet égard par tous les conseils et les écoles de la province, même si cela irait à l'encontre des croyances morales et religieuses des parents. Étant donné que les parents ont la première responsabilité et le droit de choisir l'éducation de leurs enfants, les obligations imposées par ce projet de loi seraient carrément injustes et un affront à leur égard, ainsi qu'à l'égard des églises auxquelles ils pourraient être associés. Par ces règlements, est-ce que l'État veut commencer à contrôler les croyances et les enseignements des églises? Cela, à mon avis, serait une grave injustice envers le droit fondamental à la liberté religieuse des personnes, ainsi qu'une attaque directe contre le système confessionnel en Ontario.

Un autre volet à considérer à ce sujet est l'effet néfaste que pourrait avoir l'étiquetage d'un club spécial établi pour les élèves gais et lesbiennes. Je crois que cela pourrait apporter une attention particulière et désordonnée envers ce groupe de jeunes qui pourrait les

exposer encore plus à l'intimidation si leur raison de former ce club est basée seulement sur leur orientation sexuelle. Si les écoles veulent créer des clubs ou des groupes pour aider à rassembler et faire participer les élèves qui sont souvent mis à l'écart, des groupes neutres tels qu'un club d'activité pourraient être propices. Et quand je parle de club d'activité, on parle de jeux, de sorties, et cetera. En effet, ce genre de club existe déjà à l'école secondaire où allaient mes jeunes et a connu un bon succès, et continue de l'avoir.

En comparaison au projet de loi 13, le projet de loi 14 est bien mieux élaboré, car il traite strictement des politiques des conseils et écoles touchant à l'intimidation de façon générale, sans apporter une attention particulière à aucun groupe spécifique. À cet égard, le projet de loi 14 n'exige pas que les écoles mettent sur pied des clubs ou des groupes spéciaux pour rassembler les élèves gais, lesbiennes, et cetera.

Les définitions proposées pour l'intimidation dans le projet de loi 14 et les actions demandées des conseils et écoles dans ce projet de loi sont raisonnables et clairement rédigées. Oui, à mon avis, le projet de loi 14, tel que présenté, servirait bien à tous, car il ne contient pas de règlements ayant un enjeu controversé envers aucune personne, quelle que soit leur orientation, leurs croyances morales ou leur appartenance religieuse. Je serais prêt à appuyer le projet de loi 14 dans sa totalité.

Par rapport maintenant au projet de loi 13, je ne pourrais pas appuyer ce projet tel que présenté, et j'aimerais maintenant vous apporter mes commentaires principaux sur des clauses spécifiques.

Dans le préambule, aux paragraphes 5 et 6, au sujet de l'inclusivité et de l'équité des écoles, je ne viserais pas spécifiquement les personnes d'orientation gaie, lesbienne, et cetera, tel qu'indiqué. Cela mettrait une emphase sur l'acceptation du style de vie de ces gens par toutes les écoles, ce qui irait à l'encontre des croyances morales et religieuses des parents qui ne l'acceptent pas. On devrait simplement traiter de l'intimidation en général tel que le fait le projet de loi 14, qui ajoute aussi des faits statistiques pertinents à ce sujet dans son préambule.

Allons aux paragraphes 1(1) et 1(2). Dans la définition proposée pour l'intimidation, l'expression « ou dont l'élève devrait savoir qu'il aura vraisemblablement cet effet » n'est pas bien dite. Quand on traite de l'intimidation, c'est toujours l'intention d'une personne de faire du mal envers une autre qui doit compter. En général, la définition présentée dans le projet de loi 14 à l'alinéa 1.2 est plus claire et mieux abordée.

Au paragraphe 2(1), dans ce règlement les politiques des conseils et écoles par rapport à l'inclusivité et l'équité doivent être conformes aux exigences du ministre. Mais là, je crois que cela donnerait trop de pouvoir au ministre, qui pourrait dicter des positions qui seraient à l'encontre des valeurs morales et religieuses des conseils catholiques et de leurs écoles. A quoi serviraient alors les conseils d'écoles composés de nos membres élus? Le ministre devrait plutôt apporter simplement des lignes directrices auxquelles les conseils

et écoles pourraient se référer pour élaborer leurs politiques à ce sujet, comme c'est proposé dans le projet de loi 14.

Allons maintenant au paragraphe 3(1). Je reconnaiss que la promotion d'un climat scolaire positif doit être inclusive pour que tous les élèves se sentent acceptés et respectés dans leur dignité humaine. Cependant, ce n'est pas de dire qu'on doit aussi accepter leurs actions ou styles de vie si cela est contraire à la moralité et aux croyances religieuses. L'exigence devrait être modifiée afin de prévenir qu'elle soit mal interprétée et qu'elle ne mène pas à des interprétations contentieuses qui ne respecteraient pas les croyances morales et religieuses des personnes.

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Au paragraphe 3(2), l'exigence pour les sondages ne précise pas ce qui serait demandé par le sondage et n'indique pas non plus ce qui serait fait avec l'information du sondage une fois terminé. Plus d'information et de précisions seraient requises à cet égard. Sinon, ça laisse sous-entendre que le ministre n'aurait aucune restriction quant à ce qu'il—ou elle—pourrait exiger dans les politiques et lignes directrices.

À l'article 4, au point (2) de la clause 300.0.1, la violence verbale et physique n'est pas bien abordée. L'accent mis sur les incidents basés sur l'homophobie n'est pas acceptable si on entend par « homophobie » la pensée des personnes qui ne sont pas d'accord avec le style de vie des personnes d'orientation gaie ou lesbienne et qui communiquent leur croyance à cet égard.

Au point (5) de la clause 300.0.1, la description des démarches disciplinaires à suivre est trop vague. La description présentée dans le projet de loi 14 est bien moins ambiguë et plus spécifique à cet égard.

Au paragraphe 7(2), par rapport à une entente faite par un conseil avec un autre groupe qui loue les locaux de l'école, on indique que ce dernier doit respecter les normes qui sont compatibles avec le code de conduite établi. Mais à la suite des politiques qui seraient mises en vigueur par le conseil en vertu du projet de loi 13, est-ce que cela veut dire que les locaux d'une école pourraient être loués par des organisateurs de parade de fierté gaie, mais non pas par des groupes d'église chrétienne qui n'acceptent pas les activités des personnes gaies et lesbiennes? Cette exigence peut mener à des abus et n'est pas nécessaire.

Au paragraphe 7(3), l'expression « comportements inappropriés » n'est pas bien définie dans les clauses présentées. La violence verbale et physique n'y est traitée nulle part non plus, ce qui nuit à l'encadrement des comportements qui seraient inappropriés. En considérant la définition d'« intimidation » telle que présentée dans ce projet de loi, elle pourrait être interprétée de façon à inclure tout comportement, comme, par exemple, le port d'un tee-shirt avec un message chrétien dont certains groupes pourraient peut-être s'offenser. L'expression « comportements inappropriés » devrait donc être bien définie pour éliminer cette possibilité d'abus.

Aux paragraphes 7(4) et 8(2), par rapport aux politiques et lignes directrices du ministre sur la

prévention de l'intimidation et les mesures disciplinaires, le même commentaire que j'ai donné au paragraphe 2(1) ci-haut s'applique. Cela donnerait trop de pouvoir au ministre, qui pourrait dicter des positions controversées contre la moralité et les croyances religieuses des parents et élèves. Je crois que le ministre devrait plutôt simplement apporter des lignes directrices que les conseils et écoles pourraient utiliser comme référence, en mettant sur pied leurs politiques à ce sujet, tel que proposé dans le projet de loi 14. La mise en oeuvre d'un plan de prévention de l'intimidation, tel qu'il serait exigé des conseils d'écoles dans la clause 303.2 du projet de loi 14, est mieux décrite et présentée dans son ensemble et serait plus efficace que ce qui est proposé par le projet de loi 13.

Il est noté que le projet de loi 13 ne fait aucune mention de l'inclusion des parents dans le processus d'établissement des politiques contre l'intimidation. Or, les parents doivent être consultés sur les exigences auxquelles seraient sujets leurs enfants. Ce principe est bien traité dans les exigences du projet de loi 14 dans le point (3) de la clause 303.2.

Enfin, à l'article 9. En général, cet article ne traite pas des élèves qui paraissent différents des autres, par exemple, ceux qui sont obèses ou minces, qui portent des lunettes, qui ont des broches sur les dents ou qui sont maladroits. Ces personnes sont très souvent l'objet de ridicule et ils constituent une grande partie des cas d'intimidation.

Dans le point (d) de la clause 303.1, ça vise la promotion d'activités ou de la formation d'organisations qui appuient en particulier le style de vie homosexuel. Tel que déjà mentionné dans mes commentaires généraux et spécifiques, la mise sur pied d'un groupe de ce genre apporterait une attention trop particulière envers les gais et lesbiennes que je crois pourrait être encore plus néfaste envers eux, et forcerait les écoles à promouvoir les actions ou styles de vie inacceptables par rapport à la moralité et aux croyances religieuses. Par conséquent, cette exigence doit être retirée par respect des croyances morales et religieuses des personnes.

Cela termine mes commentaires au sujet des projets de loi 13 et 14. Merci, messieurs et mesdames, de votre attention. Je me laisse ouvert à vos commentaires.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That does take up the full 15 minutes. We thank you very much for your presentation and we look forward to using all the information in our deliberations as we deal with the bill, as we move forward. Thank you again.

M. Guy Dacquay: Merci.

M. BERNARD COUTURE

The Chair (Mr. Ernie Hardeman): Our next delegation is Bernard Couture. Thank you very much for coming in this morning. We do appreciate it. As with the previous delegations, you'll have 15 minutes in which to make your presentation, and you can use any or all of that time for your presentation. If there's time left for

questions at the end of the presentation, the questions will go to the official opposition. With that, before you start your presentation we would ask you to give your name so it can be correctly pronounced in the printing. If you would just give it to the Hansard, they will put it into the record. With that, the floor is yours for the next 15 minutes. Thank you very much.

M. Bernard Couture: Thank you. My name is Bernard Couture.

Alors, bon après-midi, monsieur le Président, mesdames et messieurs les membres du comité. Je vais faire mon allocution en français, si vous le permettez. Merci de nous donner la possibilité de vous parler aujourd'hui. Comme je l'ai dit, je m'appelle Bernard Couture et j'habite Ottawa. Je suis un simple père de famille. Je n'ai jamais participé à une audience publique par le passé et je suis bien occupé par mes deux enfants et mon travail. Mais si je suis ici aujourd'hui, c'est que l'enjeu dont on discute me paraît tellement important que j'ai voulu m'exprimer à son sujet.

La réalité de l'intimidation à l'école est une réalité dont je peux parler en connaissance de cause, et ce, pour deux raisons.

Premièrement, j'ai moi-même été victime d'intimidation quand j'étais adolescent. Je sais donc quelles souffrances elle peut causer.

La deuxième raison pour laquelle l'intimidation me concerne personnellement, c'est parce que j'ai un jeune enfant handicapé. Je sais bien que mon garçon est vulnérable aux moqueries et aux insultes à l'école—c'est pratiquement inévitable—and je veux l'en protéger le plus possible.

Tout le monde, je pense, s'entend sur l'objectif à poursuivre. Il faut protéger les jeunes vulnérables contre les moqueries, les attaques et les violences, qui peuvent aller jusqu'à pousser à la dépression et au suicide.

Notre expérience à tous nous le montre : les personnes qui sont victimes d'intimidation le sont pour de nombreuses raisons, dont la plus fréquente semble être l'apparence physique.

Comment lutter contre ce problème? Le message que j'ai moi-même reçu de mes parents, et que je donne moi-même à mes enfants, me semble simple et efficace : il ne faut pas rire des autres; il ne faut pas se battre avec les autres; il faut le dire au professeur quand il y a un problème, et les professeurs et le directeur doivent agir quand ils reçoivent une plainte. C'est ce message général que je veux que nos écoles donnent aux jeunes.

Comme parent et comme catholique, je ne veux pas que la lutte légitime et nécessaire contre l'intimidation devienne un prétexte, une excuse, une raison détournée pour faire la promotion de quelque chose d'autre, c'est-à-dire, en l'occurrence, une certaine vision de la sexualité.

Malheureusement, le projet de loi 13 tombe dans ce piège. En effet, tout au long du texte de la loi, on trouve de nombreux articles qui insistent de manière suspecte sur la question précise des tendances homosexuelles. J'aimerais donc passer en revue les principaux articles du projet de loi 13 qui accordent une importance particulière

à cette question des tendances homosexuelles, et montrer en quoi ils posent problème.

Premièrement, dès le préambule de la loi, on peut lire que les élèves « doivent être munis des connaissances ... attitudes et valeurs nécessaires pour ... acquérir une conscience critique qui leur permet d'agir afin de rendre leurs écoles et leurs collectivités plus équitables ... pour tous, y compris les personnes » à tendance homosexuelle.

Comment interpréter ce texte dans le contexte des écoles catholiques? L'école catholique sera-t-elle obligée d'ouvrir ses portes aux nombreux activistes qui, justement, critiquent l'enseignement catholique sur la moralité sexuelle?

Il y a plus. Pourquoi le préambule nomme-t-il expressément à cet endroit les jeunes à tendance homosexuelle, alors qu'il ne nomme aucune autre catégorie de jeunes vulnérables? Les jeunes à tendance homosexuelle forment-ils la majorité des victimes d'intimidation? L'expérience et les études nous montrent que non. Les souffrances de ces jeunes sont-elles pires que celles de tous les autres jeunes victimes d'intimidation? Je ne crois pas. Je trouve qu'il est simplement injuste de mentionner dans le préambule un groupe d'élèves en particulier, sans mentionner aussi tous les autres.

En passant, l'acronyme qui est utilisé à cet endroit pour désigner les jeunes à attriance pour les personnes de même sexe est LGBTTBIQ. Cet acronyme interminable n'est pas utilisé dans la population ordinaire, et les termes qu'il sert à désigner—bispirituel, queer, intersexué, et cetera—sont contestés pour plusieurs raisons par une forte proportion des parents. Cette terminologie vient en fait de certains groupes de pression, ce qui donne à penser que ces groupes ont eu une grande influence sur le texte de la loi. Je crois que toute terminologie à dimension idéologique comme celle-ci doit être retirée du projet de loi et remplacée par des termes objectifs et descriptifs que la population utilise et reconnaît.

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Un peu plus loin dans le préambule et plusieurs fois dans la suite du texte, on emploie le terme d'« homophobie ». Encore une fois, ce terme peut être interprété de bien des façons. Pour beaucoup d'activistes et de militants, par exemple, toute idée ou conviction catholique sur la moralité sexuelle et la chasteté est foncièrement homophobe. Cette loi ne risque-t-elle pas par conséquent de rendre inacceptable, au sein même des écoles catholiques, l'enseignement catholique sur la sexualité? Les allusions à l'homophobie, terme équivoque et chargé idéologiquement et politiquement parlant, devraient être supprimées dans le projet de loi.

Au paragraphe 2(1), on lit que les conseils seront tenus d'élaborer et de mettre en oeuvre une politique d'équité et d'éducation inclusive, et que celle-ci devra être soumise au ministre de l'Éducation. Mais qu'est-ce qu'une politique d'équité? Pourra-t-elle être conforme à l'enseignement catholique, ou devra-t-elle plutôt obligatoirement reprendre la vision idéologique de certains groupes de pression? Le ministre pourra-t-il obliger les écoles catholiques à enseigner le contraire de

ce qui est conforme à la foi des parents? Cette exigence devrait être supprimée.

Au paragraphe 4, on vise la mise en place d'une « démarche disciplinaire qui favorise des comportements positifs et qui emploie des mesures ... pour réagir aux comportements inappropriés ». Qu'entend-on exactement par cette démarche disciplinaire? Dans les écoles catholiques, les élèves qui professent leur foi et prônent la moralité catholique traditionnelle risquent-ils de se faire accuser de ne pas avoir une attitude positive envers l'homosexualité en particulier?

À ce sujet, il ne faudrait pas oublier que dans la société d'aujourd'hui, les jeunes qui décident d'attendre de se marier avant de devenir sexuellement actifs sont eux aussi souvent victimes de moqueries et de méchancetés de la part de leurs pairs. Le projet de loi 13 risque donc de marginaliser encore plus ces jeunes chrétiens, qu'on accusera peut-être d'être homophobes du moment qu'ils expliqueront les raisons de leur chasteté.

Au paragraphe 7(2) du projet de loi, on exige des conseils qu'ils ne permettent l'utilisation de leurs locaux qu'à des entités qui respectent des « normes qui sont compatibles avec le code de conduite ». Cette disposition ne pourrait-elle pas être invoquée pour interdire aux écoles catholiques de prêter leurs locaux à des groupes ou à des personnes qui enseignent la morale sexuelle catholique, puisque celle-ci est considérée à tort comme homophobe, non inclusive ou non équitable par certains? Cette exigence, elle aussi, devrait être supprimée.

Enfin, nous arrivons à l'article 9, qui est peut-être le plus contestable de tous. Les conseils y sont obligés de permettre dans leurs locaux les clubs gai-hétéro sous ce nom ou sous un autre nom. Nous avons là un énorme problème.

Premièrement, il me semble que ces clubs risquent surtout d'exposer leurs membres à encore plus de moqueries, puisqu'ils révèlent publiquement un aspect de leur vie privée et intérieure. Est-il vraiment judicieux, à l'école secondaire, de faire étalage de sa sexualité intime? Ne risque-t-on pas d'empirer ainsi le sort des jeunes dans cette situation?

Deuxièmement, l'adolescence est pour beaucoup une période de confusion émotionnelle, identitaire et sexuelle. Est-il judicieux d'inciter les jeunes à s'identifier si tôt dans leur développement à une orientation, quand il est possible qu'ils se méprennent sur la nature de leurs idées ou de leurs sentiments?

Mais le principal problème lié aux clubs gai-hétéro, c'est que ces organisations, de par leur nature, peuvent très difficilement s'en tenir à l'enseignement catholique. Comment empêcher qu'elles ne dérapent et deviennent des lieux où des comportements, voire des politiques, contraires à la foi catholique ne soient prônés?

À ce sujet, il convient de signaler que la richesse et la beauté de l'enseignement catholique sur l'homosexualité, qui est très éloigné des caricatures et des simplifications qu'on entend souvent à son sujet, a été présenté avec une grande délicatesse et intelligence par la Conférence des évêques catholiques du Canada dans un document intitulé

Le ministère pastoral auprès des jeunes ayant une attirance pour les personnes du même sexe. Tous les intervenants dans le débat sur le projet de loi 13 auraient grand intérêt à prendre connaissance de ce texte de l'église du Canada.

Chose certaine, obliger les écoles catholiques à appuyer des clubs qui vont pratiquement certainement mener à la promotion d'une doctrine contraire au catholicisme, c'est obliger les écoles catholiques à ne plus être catholiques. C'est les condamner à l'incohérence, condamner les élèves à la confusion, et brimer le droit constitutionnel des parents.

De plus, comment l'école catholique pourra-t-elle, dans cette situation, empêcher la création d'une multitude d'autres clubs consacrés à des idéaux non catholiques, voire anticatholiques? Comment empêcher, par exemple, la création de clubs pro-choix ou de clubs athées? Après tout, le même argument fautif qu'on avance pour justifier les clubs gai-hétéro—c'est-à-dire qu'ils sont essentiels au bien-être physique et émotif des jeunes—devrait logiquement s'appliquer à tous les jeunes qui s'identifient à un quelconque groupe, qu'il soit ou non conciliable avec la foi catholique.

Si on compare maintenant le projet de loi 13 avec le projet de loi 14, on constate que tous les problèmes soulevés précédemment sont absents du projet de loi 14. En effet, ce dernier s'en tient à la lutte contre l'intimidation. Contrairement au projet de loi 13, il ne dissimule pas une tentative d'imposer à toutes les écoles, y compris aux écoles catholiques, une certaine vision de la sexualité.

C'est pourquoi, en conclusion, je demande que le projet de loi 13 soit abandonné au profit du projet de loi 14, ou à tout le moins, que toutes ses dispositions problématiques soient supprimées, ou qu'une disposition spéciale soit ajoutée pour protéger explicitement les écoles catholiques de l'obligation d'appuyer l'enseignement de valeurs, d'idées ou de comportements en contradiction avec leur foi. Merci beaucoup.

The Chair (Mr. Ernie Hardeman): Thank you very much. We have about two and a half minutes, so, official opposition?

Ms. Lisa MacLeod: I really appreciate you coming in today. It has been very nice to have a couple of francophone presentations. In Toronto, we often lack that unless we have folks coming from the north or from here, the—as we like to call it, the far east. I really appreciate your—

Interjections.

Ms. Lisa MacLeod: They're laughing at me. John Yakabuski is also from the east, so he gets where we're coming from.

Mr. John Yakabuski: Not the Far East, though.

Ms. Lisa MacLeod: Actually, Jean-Marc Lalonde used to say he was from the far east because he would see the sun before anybody else in Ontario. Since my riding was right next door, we were the second-best, in Nepean–Carleton, at getting the sun.

Just a quick thanks for coming today to present to committee. I really appreciated your views and I think

it's really important that they were expressed in French. No further questions—just to say thank you very much for coming downtown today.

The Chair (Mr. Ernie Hardeman): Thank you very much for your comments. We appreciate you coming in this morning. With that, the committee stands recessed until 1 o'clock.

The committee recessed from 1158 to 1300.

M. JOEL DU BROU

The Chair (Mr. Ernie Hardeman): I call the Standing Committee on social justice back—Social Policy. Why is it I say that? I had, for many years, an organization in my riding called Social Policy. Anyway, we're back in session.

Our first delegation is Joel Du Broy. He's already at the table, ready to go. We thank you very much being here. You will have 15 minutes to make your presentation. You can use any or all of that time to make your presentation. If, at the end of your presentation, there's sufficient time to have questions, we will have questions from the panel, and I believe the first one is the third party.

So, with that, the next 15 minutes are yours, and if you would, state your name for the record at the start of your presentation.

Mr. Joel Du Broy: My name and what?

The Chair (Mr. Ernie Hardeman): Your name before you start your presentation, for the record. Thank you.

M. Joel Du Broy: My name is Joel Du Broy. Je m'appelle Joel Du Broy. Je vais présenter en français, so anglophones, please put on their headphones.

Bon après-midi, monsieur le Président et membres du comité. Je m'appelle Joel Du Broy. Alors, personnellement, je suis convaincu qu'il y a un grave besoin d'imputabilité dans nos écoles en Ontario. J'ai fait mes études dans plusieurs écoles francophones à Ottawa et j'ai été victime de l'intimidation. Malheureusement, je n'avais pas accès à un médiateur pour me défendre. De la maternelle jusqu'à environ la quatrième année, notre bibliothécaire m'embêtait beaucoup. Elle me disait toujours de me taire, même si je ne parlais pas plus que les autres. À un moment donné, je communiquais avec une amie par écrit et elle m'a intimidé, disant que j'échangeais des notes d'amour. Je détestais les heures à la bibliothèque à cause d'elle. Malheureusement, étant donné son ancienneté, je ne pouvais que rêver du moment de sa retraite.

Après la retraite de la bibliothécaire, je m'attendais à un peu de soulagement. Malheureusement, ce ne fut pas le cas. Alors, en cinquième année, un jeune qui était nouveau à mon école primaire a convaincu toute notre classe que j'étais moi-même homosexuel. Il semblait avoir peur de moi pour cette raison. En cinquième année, je confirme que je n'avais pas encore d'attraction sexuelle. Alors, j'étais ni homosexuel, ni hétérosexuel, ni bisexuel, ni quoi que ce soit. Je croyais dans ma tête qu'un jour je serais attiré au même sexe, en fait.

Quelques ans plus tard, j'ai développé des attractions sexuelles au sexe opposé.

En sixième année je me suis inscrit à une autre école pour essayer de renouveler mon environnement social. Ce n'était pas facile, mais c'était beaucoup mieux que de rester dans la même école où j'avais perdu mes amis. Ensuite, arrivé au secondaire, j'avais retrouvé mon ennemi de la cinquième année. Par contre, une fois au secondaire, il s'est déjà déclaré lui-même homosexuel et c'était évident dans son comportement. En cinquième année, je n'avais personne pour me défendre de ce tyran.

Bon, dernièrement, le projet de loi 13 a stimulé pas mal d'articles dans les médias. On a proposé cette loi étant donné le suicide d'un adolescent qui fréquentait une école secondaire en Ontario. C'est vraiment dommage qu'il ait fallu un tel choc pour motiver les politiciens de vouloir résoudre ce problème qui existe depuis toujours. Certes, ce suicide est malheureux, mais on sait que ce jeune avait effectivement des problèmes de dépression. Les activistes qui promeuvent la tolérance envers ceux qui démontrent des attractions sexuelles au même sexe semblent être convaincus que certains individus sont visés à cause de leur orientation sexuelle et que la solution serait de sensibiliser les jeunes, dès l'enfance, qu'il faut accueillir la diversité sexuelle. Cette idée est un vrai choc aux écoles catholiques et juives subventionnées, étant donné que dans les religions abrahamiques les rapports homosexuels ne trouvent aucun contexte moralement légitime.

De plus, les écoles sont un lieu d'apprentissage et non un lieu de manifestations d'attractions sexuelles. Je ne pense pas que raconter aux élèves que l'homosexualité est complètement acceptable changerait quoi que ce soit. Ces jeunes ne sont pas influencés par l'église, la synagogue ou la mosquée, mais plutôt par les dessins animés à la télévision. Ce qui aggrave la situation, c'est que les élèves sont maintenant équipés de téléphones cellulaires et peuvent attaquer leurs victimes davantage.

D'abord, je dois dire qu'avoir un médiateur, ou en bon suédois, un ombudsman, dans les écoles ontariennes est impératif pour défendre les victimes du harcèlement, que ce soit par un autre élève ou même par un enseignant, quelle que soit son ancienneté.

Deuxièmement, je ne crois pas que dire aux élèves qu'il est complètement acceptable de se considérer comme homosexuel change quoi que ce soit. Je ne crois pas qu'en disant aux élèves que l'homosexualité est acceptable qu'ils seraient moins influencés par les dessins animés ou que ça changerait les attractions sexuelles des jeunes. En bref, je trouve que la seule utilité ou la seule fonctionnalité de cette façon de sensibilisation est effectivement d'embêter les fidèles des religions abrahamiques. C'est sûr que, quelles que soient les attractions sexuelles, la couleur de la peau ou la religion du jeune, on ne devrait pas être victime du harcèlement. Il faut aussi comprendre que même si un jeune ne manifeste pas des attractions sexuelles au même sexe, le harcèlement motivé par l'homophobie est toujours grave et il nous faudrait un médiateur, ou en suédois,

ombudsman, non pour confondre les gens avec la psychologie de la diversité sexuelle, mais pour intervenir en situation de harcèlement, quelle que soit la cause. Cet ombudsman aurait le rôle d'imposer une politique anti-harcèlement et pas plus que ça, pas pour confondre quiconque à propos de leurs attractions sexuelles.

Alors, à votre place, estimés membres du comité, je modifierais le projet de loi comme ci :

—Ajoutez le besoin d'avoir un médiateur ou ombudsman à la défense des élèves victimes d'intimidation dans chaque commission scolaire, sinon dans chaque école, connu et accessible à tout élève.

—Laissez tomber la prescription des clubs pour les quatre groupes visés dans l'article 9. Ces clubs n'auront aucun effet positif.

—Laissez tomber tout texte lié à des règles externes, tel que le nouveau paragraphe 301(3.1) de la loi, qui imposerait le code de conduite provincial sur les organismes qui loueraient des locaux des écoles. Cela n'a rien à voir avec la protection de nos élèves, qui serait amplement assurée par un médiateur, paragraphe 7(2).

—Laissez tomber les textes dans les paragraphes 2(1) et 3(1) qui parlent d'équité et d'inclusivité, et laissez tomber toute mention d'homophobie. Franchement, l'homophobie est une condition psychologique de la peur de la possibilité de l'homosexualité en soi. Cela ne peut pas être rayé par une loi. Le mépris des homosexuels est tout à fait différent, mais n'est guère différent du mépris de tout autre groupe visé—soit, par exemple, les bégayeurs, les jeunes avec des drôles de noms, des lunettes, les gens qui portent quoi que ce soit. Les religions abrahamiques doivent demeurer libres à tenir à leur moralité sur le comportement sexuel, étant donné leur grand respect de la dignité de toute personne.

Je vous remercie, membres du comité, de me permettre la parole. Je serais heureux de répondre à vos questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We do have about five and a half minutes. Where did we say we were starting?

Ms. Lisa MacLeod: It's their turn.

The Chair (Mr. Ernie Hardeman): The third party: Ms. DiNovo.

Ms. Cheri DiNovo: I just wanted to out myself as a Christian minister, to start with, as well as a politician. I'm a United Church minister and I have a doctorate in Christian theology. So I guess one of the things I wanted to say is that as a member of the largest Protestant denomination in Canada who have been ordaining gay and lesbian people since 1988, not all Christians think alike. So that's number one.

Also in that regard, we've heard testimony from Catholic teachers who teach within the separate school system, and 90% of them have voted in favour of the ability of students to have gay-straight alliances. That's just the background, and I just say that as a matter of public information.

One of the concerns that went into the drafting of Bill 13 was to protect students whose lives were under threat

of suicide. We've discovered—this is not just our discovery; this is a matter of public record—that LBGTQ students have about four times the attempted suicide rate of heterosexual students, so that's why the emphasis is there.

Did anything that I just said—and I'm sorry I said it in English. I would like your response to any of that information after giving your own testimony. By the way, we in the New Democratic Party think that any bullying is unacceptable, for whatever reason, but certainly we've discovered that about 70% of LBGTQ students experience bullying. That's a pretty high number. I just would like your reactions.

M. Joel Du Broy: Bon, honnêtement, moi-même j'ai fait beaucoup d'essais de trouver des statistiques sur ceux qui manifestent des attractions au même sexe, et franchement, c'est vraiment difficile de trouver des sources qui sont légitimes, non biaisées. On peut dire aussi qu'il y a trop de facteurs à considérer. Le suicide chez les adolescents est beaucoup plus élevé chez ceux qui ont la dépression versus ceux qui n'ont pas la dépression. Il y a trop de facteurs à considérer, et pour moi, ce n'est vraiment pas nécessairement un enjeu, les manifestations d'attraction à un sexe ou l'autre. Vraiment, ce n'est pas approprié de confondre des élèves dans les écoles primaires, surtout, où ils n'ont pas d'attraction sexuelle avant la puberté. Alors, il vaut mieux ne pas les confondre avec ça.

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Ms. Cheri DiNovo: Sure; that's true. This bill does not say anything about curriculum. What it does allow students to do, if they choose—not mandated; if they choose—is to start a gay-straight alliance if they decide that that would help them. That's all it does. It does not mandate curriculum and it does not mandate groups. It mandates the ability of a student to set up a peer group to support themselves; that's all. But thank you very much.

The Chair (Mr. Ernie Hardeman): Anything further? We have a little bit more for the government side. Ms. MacCharles.

Ms. Tracy MacCharles: Just picking up on Ms. DiNovo's comments, our party as well, the government, the Liberals, are very much aligned with your statement that bullying of any kind is unacceptable. I just want to confirm your understanding and just sort of build on a discussion and the facts, I think, that we're providing today that there are many Catholic schools in Ontario that already have gay-straight alliances or other clubs. Are you aware of that?

M. Joel Du Broy: Non, je n'étais pas au courant.

Ms. Tracy MacCharles: If a group of students were to approach the administrator of a school to put a club together—lunch or after school or whatever—as has been done in many schools in Ontario already, including Catholic schools, how do you think the student should be responded to from the administration if they ask for such a club in their school?

M. Joel Du Broy: Bon, ça c'est en fait à la discrétion de l'école pour voir si le club serait approprié. Ma seule

crainte avec le projet de loi 13, c'est qu'en obligeant une école d'accepter un tel club dans leur école le moment où l'étudiant le propose, il n'y a pas vraiment d'imputabilité. Par exemple, moi, si je suis dans un secondaire ontarien et je veux proposer un club d'alliance de ceux qui ont des attractions au même sexe, et cetera, je pourrais opérer sous ce titre et rouler un casino en salle de classe. Il n'y a vraiment aucune limite, aucun contrôle, pas d'imputabilité, parce que la Loi 13 me défendrait bien de pouvoir continuer à avoir des rencontres hebdomadaires dans une salle de classe et l'école ne pourrait pas me prévenir de faire ça.

Ms. Tracy MacCharles: Are you aware that we've had testimony before this committee from students in schools where such clubs currently exist, and they have testified that they have found that process to be a very inclusive one, not divisive of any nature? The reality is, there are thousands of clubs in schools across Ontario, ranging from chess clubs to aboriginal youth clubs to gay-straight alliances or other main clubs. Are you aware that we've had testimony from such clubs and they have shared with us their experiences of how that works in the school system?

M. Joel Du Broy: Non, je n'étais pas au courant.

Ms. Tracy MacCharles: Thank you. No further questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. It's much appreciated and it will be taken into consideration as we move forward with dealing with Bills 13 and 14. Thanks again for making that presentation.

The Chair (Mr. Ernie Hardeman): Our next presenter is Amy Ferguson-Glandon. Is Amy present? It appears not.

ONTARIO PROVINCIAL COUNCIL OF THE CATHOLIC WOMEN'S LEAGUE OF CANADA

The Chair (Mr. Ernie Hardeman): Is the Ontario Provincial Council of the Catholic Women's League of Canada present? Very good. Well, we'll start with yours, then, and hopefully Amy Ferguson will be with us by the time you conclude your presentation.

Thank you very much for not only being here but being willing to move the time forward to have your presentation. As with all presentations, you'll have 15 minutes to make your presentation. You can use any or all of that in your presentation. If at the end of the presentation there's sufficient time left, we will have questions from the committee, and we will start with the opposition party this time around.

As you start your presentation, if you would state your name into the microphone for Hansard to record it. With that, the floor is yours for the next 15 minutes. Thank you very much for being here.

Ms. Colleen Randall: Thank you. My name is Colleen Randall. I do have copies of our presentations for all that can be distributed. I will be making the presen-

tation; with me is Anne Madden. I'll give our status at the end of our introduction, if you don't mind.

The Catholic Women's League of Canada was organized nationally in 1920, received federal incorporation in 1923, and is recognized by the Canadian Conference of Catholic Bishops as a lay organization of Catholic women.

This brief is presented on behalf of the 53,000 members of the Ontario Provincial Council of the Catholic Women's League of Canada. We function in concert with over 90,000 national sisters to further the objects of our organization. A main object of the league is to promote teachings of the Catholic church and to uphold and defend Christian education and values in the modern world.

We come from all walks of life, backgrounds and ages. Some of our members are wives, mothers, grandmothers, teachers, health care workers, social workers, public servants, technicians, chairpersons, business leaders, volunteers, military personnel and community leaders, to name just a few.

The league strives to unite Catholic women in the advancement of their spiritual, cultural and intellectual interests and for the development of social action. Resolutions come from the grassroots of our organization, from women who are passionate, informed and committed to their communities, and are presented to government annually.

Members are women united in prayer and spiritual fellowship, who speak with one voice for those who cannot speak for themselves on a variety of social issues, including poverty and human rights.

We support and value our Catholic schools. In that regard, we appreciate the opportunity to make a presentation to the social policy committee to express our position on Bills 13 and 14.

This brief is presented by the Ontario Provincial Council chairpersons: myself, Colleen Randall, legislation standing committee; and Anne Madden, resolutions standing committee.

The Ontario Provincial Council of the Catholic Women's League of Canada would like to thank the Standing Committee on Social Policy for the opportunity to present our views and concerns on Bill 13, An Act to amend the Education Act with respect to bullying and other matters, and Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools.

In agreement with the Ontario government, we wish to see the elimination of all bullying in all schools. We are particularly concerned, as Catholic women, about our Catholic schools and the some 700,000 students present in our schools in Ontario.

We appreciate the opportunity to express the following concerns about Bill 13, which will amend the Education Act.

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We recognize that the bill requires school boards to support student initiatives concerning anti-bullying

activities. We recognize that, in many cases, groups or committees will be formed. As mothers, we feel that students should be supervised, especially in this case, when dealing with sensitive issues such as the bill indicates. Children face bullying attacks for a variety of reasons, including issues of appearance, social status, gender equality, race, religious background and cultural differences. Given the history of activity in this subject in our schools, to allow students to organize themselves without supervision around these areas could be harmful not only to themselves but to others as well.

We live in a world of technology where student texting is part of teenage lifestyle. Sensitive areas of a student's life could be and have been abused through this medium which could and has resulted in tragic outcomes, which is why such the initiative of the bill was formulated. Therefore, we are in total agreement with the Respecting Difference document of the Ontario Catholic School Trustees' Association, the OCSTA, which outlines the principles that guide the establishment of student groups in Catholic schools.

We are concerned that Bill 13 seems to give an inappropriate amount of power to the Minister of Education with regard to anti-bullying measures and policies implemented in schools.

Therefore, we are concerned that if a Minister of Education is somehow unaware or not in agreement with the principles and philosophy of our Catholic education system and/or our Catholic faith teachings, this minister could then use their power to implement in our Catholic schools various groups, committees or policies that are contrary to our Catholic faith and to the philosophy of our Catholic school system, which has been guaranteed to us by our Constitution.

We believe that our local school boards know best as to what and how policies should be implemented in their schools. The OCSTA has been addressing this issue and we are supportive of their document, Respecting Difference, which is in accordance with Catholic philosophy.

The third concern we have is evident by the number of references made in this bill where particular emphasis is given to bullying against the LGBTTIQ group in the preamble. In addition, reference is made to the term "homophobic," which we consider to be unclear in its definition, and to the use of GSA groups as an anti-bullying measure in our schools.

This emphasis on same-sex orientation seems to have a greater emphasis in the bill than on any other area of anti-bullying. It appears that this bill sets out to isolate children into issue-specific groups, which, in itself, could result in an increase in bullying activity. We believe there are a variety of reasons why children are bullied, and equal emphasis should be placed on bullying in areas of appearance, cultural background, economic background, racial background and religious background.

As mothers of children who have experienced bullying in these areas, the Catholic Women's League of Canada members feel strongly that these areas deserve equal attention, because all students who are victims of bullying deserve to be treated with dignity and respect.

As Catholic women, we, of course, are opposed to any bullying in the area of same-sex orientation in our schools. However, as we have previously mentioned, we believe that this area is quite sensitive and should be handled with compassion and care in the most confidential way by qualified adults and counsellors.

We are in agreement with the government of Ontario to combat bullying in schools and in our society. All students being bullied deserve respect, understanding and assistance.

As members of the Catholic Women's League here in Ontario, we once again wish to indicate our support for the document Respecting Difference, which makes possible the establishment of good policies and directives for all Catholic schools.

We feel Respecting Difference, which is currently in place within our schools, works well. It was researched and implemented with success and does address what we feel is our concern with Bill 13. We pledge our support to our Catholic school boards, trustees, teachers, bishops and families in implementing the policies needed to combat bullying of all kinds.

In conclusion, we respectfully request that the concerns we have expressed regarding Bill 13 and its impact on our Catholic schools will be given serious consideration in your deliberations, and we trust the Legislature will continue to respect the nature and philosophy of our publicly funded Catholic schools as they implement policies in accordance with an amended Bill 13.

Since this committee is also receiving comments with regard to Bill 14, our position is one of support and agreement with the policies put forth in Bill 14.

The Catholic Women's League members of Ontario are grateful for the opportunity to present our concerns to this committee, and we thank you for your attention.

The Chair (Mr. Ernie Hardeman): You are within a minute of reaching the 15 minutes you were allotted, so we thank you very much for coming in and making the presentation.

Mr. John Yakabuski: I have a couple of quick questions.

The Chair (Mr. Ernie Hardeman): No.

Mr. John Yakabuski: No? You said you were within a minute—

The Chair (Mr. Ernie Hardeman): No, I said they were within a minute of having used all their time.

Mr. John Yakabuski: Oh.

The Chair (Mr. Ernie Hardeman): At that point, we say thank you very much for your presentation.

Ms. Colleen Randall: Thank you for your time.

ASSOCIATION DES ENSEIGNANTES ET DES ENSEIGNANTS FRANCO-ONTARIENS

The Chair (Mr. Ernie Hardeman): Our next presentation is the Franco-Ontarian Teachers' Association. I would have tried the whole French pronunciation, but I

would have mangled it so badly. I'd better stay with what I do know. Thank you very much for your—

Ms. Lisa MacLeod: He likes to be picked on.

The Chair (Mr. Ernie Hardeman): We thank you very much for coming in and making your presentation. As with the previous delegations, you will have 15 minutes to make your presentation. You can use any or all of that for your presentation. If there's time left at the end of the presentation, we will have questions from the committee members, and we will start with the third party.

Having said that, we would ask if you would give your name into the microphone to register it with Hansard. With that, the next 15 minutes are yours.

M. Benoit Mercier: Merci beaucoup, monsieur le Président. Ma présentation se fera en français. Donc, je m'appelle Benoit Mercier. Je suis le président de l'Association des enseignantes et des enseignants franco-ontariens et je suis accompagné aujourd'hui de Claudine Laporte, qui est employée cadre à l'AEFO.

Monsieur le Président, mesdames et messieurs, je vous remercie de permettre à l'AEFO de se présenter devant vous aujourd'hui. L'AEFO est un syndicat d'enseignantes et d'enseignants ainsi que de travailleurs et travailleuses dans le secteur de l'éducation. Nous regroupons environ 10 000 membres de la profession enseignante et d'autres professions qui oeuvrent au sein des écoles financées par les deniers publics. Nous sommes dans au-delà de 400 milieux de travail dans la province de l'Ontario, du nord au sud, d'est en ouest. Donc c'est avec plaisir, au nom des quelque 10 000 membres de l'AEFO, que je veux d'abord préciser que nous voyons d'un bon oeil que le gouvernement mette en place des mesures additionnelles pour lutter contre l'intimidation à l'école.

L'AEFO est également heureuse que le Comité permanent de la politique sociale étudie en même temps le projet de loi 13 soumis par le gouvernement, ainsi que le projet de loi 80, autrefois 14, un projet de loi privé parrainé par une députée du Parti conservateur. Selon nous, ces projets de loi se complètent et comportent tous deux des éléments forts valables qui permettront au comité d'élaborer le meilleur texte de loi possible pour adoption par l'Assemblée législative.

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L'intimidation à l'école est un fléau qui continue de faire des victimes, comme l'a bien illustré le suicide du jeune Jamie Hubley, ici même à Ottawa, en octobre dernier.

Ce n'est pas d'hier que des jeunes deviennent la cible de moqueries à cause de leur poids, de leur façon de s'habiller, d'un comportement jugé comme « nerd » ou de leur orientation sexuelle.

Quand moi-même j'étais étudiant au secondaire, il y a bien des lunes passées, les moqueries utilisant des termes dérogatoires comme « tapette » ou « fif » étaient monnaie courante. Mais c'était à une époque où à peu près aucun jeune n'aurait affiché ouvertement son homosexualité, ce qui fait que ces moqueries avaient une portée plus

limitée. On riait, mais sans rien savoir de façon certaine qui était la cible.

Au début des années 2000, à titre d'enseignant en éducation spéciale à Welland, j'ai pu voir de près ce que certains élèves subissent quand ils osent afficher leur orientation sexuelle. À mon école, il y avait un jeune homosexuel qui était devenu la cible d'autres élèves, et un lundi matin il s'est présenté en classe avec le nez brisé et les deux yeux au beurre noir. Pendant toute l'année, ce jeune élève a régulièrement manqué des journées de classe parce qu'il ne voulait pas faire face à ses persécuteurs.

Et en rétrospective, je vous dirais que l'école n'a pas réussi à intervenir très efficacement pour lui venir en aide. Comme bon nombre de mes collègues, je me sentais impuissant et mal préparé pour agir dans cette situation.

Les moyens de diffusion ultra-rapides qu'offrent des outils comme le téléphone cellulaire et Facebook sont venus ajouter une autre dimension à l'intimidation à l'école. Les chicanes qui autrefois étaient confinées à la cour d'école peuvent maintenant être diffusées très largement, et pire encore, peuvent être alimentées par un grand nombre de personnes sous le couvert de l'anonymat. L'impact peut donc être encore plus dévastateur.

L'AEFO n'a pas attendu qu'on légifère sur cette question pour agir. Depuis 2003, nous travaillons en partenariat avec le Centre ontarien de prévention des agressions, connu sous le nom de COPA, pour fournir aux élèves et au personnel enseignant des outils pour prévenir et contrer l'intimidation. Avec notre appui, le COPA a développé et offert des ateliers et des sessions de formation dans les écoles de langue française partout en province.

Grâce à un partenariat avec la Fédération des enseignantes et des enseignants de l'Ontario, le COPA a aussi développé l'excellente trousse qu'on appelle Bien-être à l'école, qui offre plusieurs outils à l'intention du personnel enseignant et des élèves, tant à l'élémentaire qu'au secondaire.

Chers députés, il faut en faire plus. Il est urgent qu'on prenne des mesures pour que tous les jeunes, peu importe leur origine, leur langue, la couleur de leur peau, leur apparence physique ou leur orientation sexuelle, puissent apprendre et évoluer dans un environnement sain, sécuritaire et inclusif.

Il faut que les écoles encouragent et appuient les initiatives, telles que les alliances homosexuelles-hétérosexuelles, qui font la promotion de la tolérance et qui sont susceptibles d'influencer de façon positive l'attitude des élèves et la culture de l'école.

Ceci dit, l'AEFO est de l'avis qu'il ne suffira pas de modifier la Loi sur l'éducation pour régler les problèmes de l'intimidation à l'école. Il faut prendre les moyens nécessaires pour assurer la mise en oeuvre réussie des nouvelles mesures. Dans le mémoire que nous déposons aujourd'hui, vous trouverez une série de recommandations qui, selon nous, clarifieraient certains aspects du projet de loi et répondraient à nos préoccupations relativement aux modalités de cette mise en oeuvre.

Permettez-moi surtout d'insister sur quelques aspects qui nous paraissent essentiels.

Premièrement, il faut bien définir la portée des nouvelles obligations du personnel scolaire en matière d'intimidation, en particulier sa responsabilité face à des actions qui se déroulent à l'extérieur des lieux scolaires et des heures de fréquentation. Par exemple, dans quelle mesure et comment le personnel scolaire doit-il intervenir quand un élève est victime de cyberintimidation, une forme d'intimidation extrêmement difficile à circonscrire, dont l'origine peut ou non provenir de l'école, et qui peut se poursuivre 24 heures sur 24, sept jours sur sept?

Deuxièmement, il est essentiel de fournir au personnel scolaire la formation dont il aura besoin pour s'acquitter de ses nouvelles responsabilités. La formation devrait toucher plusieurs questions : comment intervenir auprès des élèves, tant ceux qui intimident que ceux qui sont victimes? Comment et quoi enseigner dans le but de prévenir l'intimidation? Comment encadrer des clubs d'élèves, comme les alliances homosexuelles-hétérosexuelles, dont l'objectif est de promouvoir la tolérance et l'inclusion? Comment rapporter un incident d'intimidation et s'assurer que les correctifs nécessaires soient apportés?

Troisièmement, il faut mettre à la disposition du personnel scolaire les ressources et les appuis dont il aura besoin pour agir efficacement. Partout en province, il faut s'assurer que les écoles de langue française aient accès à des spécialistes en mesure d'offrir des services en français. Les enseignantes et les enseignants doivent aussi avoir accès à des ressources pédagogiques en français leur permettant d'enseigner et d'agir pour prévenir et contrer l'intimidation.

Quatrièmement, il faut mettre en place des mécanismes clairs, simples et uniformes pour rapporter des incidents en tenant compte de ce qui est déjà prévu dans la loi pour rapporter d'autres types d'incidents, notamment les actes violents.

Et finalement, il faut s'assurer que ces nouvelles mesures, si souhaitables soient-elles, ne créent pas de nouvelles problématiques ou une surcharge de travail pour le personnel scolaire, en particulier les enseignantes et les enseignants.

Lutter contre l'intimidation doit être une responsabilité partagée de toute la communauté scolaire : les élèves, les parents et l'ensemble des personnes qui travaillent de près ou de loin dans nos écoles et dans le milieu de l'éducation.

L'AEFO est prête à collaborer à la mise en oeuvre des nouvelles mesures pour en assurer la réussite. C'est pourquoi elle souhaite être consultée, tant par le ministère de l'Éducation que par les conseils scolaires de langue française, au moment de l'élaboration des règlements, politiques et procédures reliées à ces projets de loi.

Mesdames, messieurs, je vous remercie de votre attention, et c'est avec plaisir que je répondrai à vos questions. Merci.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. Contrary to what I said when

you started, we will start the questioning with the official opposition.

Ms. Lisa MacLeod: Thanks very much. Really nice to see you, Benoit. I hope you're doing well. Thanks very much for your presentation. I really appreciated it. One of the nice things about the députants today is that we've had a real eastern Ontario flair. We've had a combination of francophone and anglophone presentations, which is something my colleagues haven't been treated to very often.

I appreciated what you had to say about consultations. I have a quick question: Were you fully consulted on this bill, Bill 13, prior to it being introduced in the assembly?

M. Benoit Mercier: À ma connaissance, non, l'AEFO n'a pas été consultée. Je me souviens que nous avons été appelés pour assister au lancement du projet de loi 13 lorsque je me suis rendu à Toronto avec mes collègues des autres filiales.

Ms. Lisa MacLeod: Thanks very much. That's very important for me. I think that's why so many people want to attend the consultations now: because they didn't feel that they had their say. Of course, we only had five days for public hearings, which has left a significant amount of people out on both sides of the issue because we've now found that this bill has received quite a bit of notoriety in the newspaper.

You speak of the regulations as they are passed down. How do you view that, Benoit, moving forward with the ministry once anti-bullying legislation does pass the assembly?

M. Benoit Mercier: Bien, nous souhaitons être consultés quant à la mise en œuvre, surtout au niveau local. Lorsque les conseils scolaires vont mettre en place leurs politiques et procédures, je crois que les enseignantes et les enseignants et d'autres travailleurs en éducation devraient avoir leur mot à dire quant aux exigences qu'auront les conseils scolaires. Effectivement, les exigences viendront du ministère de l'Éducation, et donc, au niveau provincial, l'AEFO provinciale aimerait être consultée pour donner son grain de sel quant à la meilleure façon de mettre en œuvre cette nouvelle loi. Nous sommes des experts dans le domaine de l'éducation. Nous travaillons dans ce milieu et donc nous avons quand-même une bonne idée de comment devraient être élaborées certaines procédures pour faciliter la tâche aux enseignantes et aux enseignants, et aussi pour assurer que chaque élève puisse connaître le succès à l'école dans un milieu sain et sécuritaire.

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Ms. Lisa MacLeod: One of the things that I wonder—and it's something that we've heard throughout the process—are various techniques that have been used in anti-bullying in the classroom. In fact, the first day of hearings, we had a young fellow—I think his name was Anthony McLean from iEngage, an anti-bullying organization—who was very supportive of Bill 14, and he had some concerns with Bill 13.

One of the things that he talked about, which really hadn't been discussed much in debate in the House, is

this notion of restorative justice. I know, from my own personal experience, that that seems to work in elementary schools. Is that one of the techniques that you're using in your schools right now and your teachers are employing?

M. Benoit Mercier: Je laisserais Claudine répondre à cette question, parce qu'elle travaille de près avec le COPA, l'organisme que j'ai mentionné tout à l'heure.

Ms. Lisa MacLeod: Okay.

Mme Claudine Laporte: Au niveau des interventions que le COPA fait en salle de classe, c'est beaucoup plus pour outiller les élèves qui pourraient être victimes. On travaille beaucoup au niveau de l'« empowerment »—comment je peux être libre, fière, puis comment je peux contrer moi-même l'intimidation?—plutôt que des modes de résolution de conflits. C'est beaucoup plus axé sur la prévention que sur la résolution de conflits. Donc, ils n'abordent pas la question de justice réparatrice dans les formations.

Ms. Lisa MacLeod: Do you have any other best practices or examples—and I think it was you, Benoit, who mentioned it earlier in your speech that we don't necessarily need legislation for everything because there are other techniques so long as we've got—whether it's an appropriate amount of resources or a greater degree of awareness. Are there any techniques being employed in your school system, for example, that might not be employed elsewhere that we could be easily adopting outside of legislation? I'm just curious to know that today.

Mme Claudine Laporte: Je ne pense pas qu'il y ait de formules miracles qui existent, puis que les autres ne seraient pas nécessairement au courant. C'est vraiment la prévention, la prise de conscience, le fait que chacun se sent responsable de ce qui se passe, qui peut faire une différence. On a souvent tendance à réagir, puis de dire : « Ce n'est pas mon problème. C'est un élève d'une autre classe, un élève d'un autre groupe. » C'est plus une prise de conscience globale qui pourrait éventuellement faire—

Ms. Lisa MacLeod: That's an important point to raise responsibility, and I'm glad that you mentioned that because I think that's where we want to go with Bill 14, which is now Bill 80, is actually having some accountability mechanism built in. Benoit?

M. Benoit Mercier: Pour ajouter à cela, vous savez que les élèves aussi sont très bien positionnés pour mettre en place des mesures pour contrer l'intimidation. Ce n'est pas parce qu'il y a une loi qui existe que les jeunes ne vont pas continuer à intimider ou à tenter de harceler les autres. Je crois qu'il faut impliquer les élèves parce qu'ils sont quand-même des parties prenantes à leur éducation et je crois qu'ils sont en mesure aussi de nous aider à trouver des moyens pour contrer ce fléau qui existe.

Ms. Lisa MacLeod: That's great. Thank you very much. Thanks, Benoit.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. It's quite helpful.

Our next delegation is the African Canadian Legal Clinic. My understanding is that they may not be here.

Amy Ferguson-Glandon: Is she present now? It appears not.

The Ontario English Catholic Teachers' Association: Are they here yet? If they're not here yet, then again we will have to have a recess, because obviously—

Interjection.

Mr. Bob Delaney: A 10-minute recess—

The Chair (Mr. Ernie Hardeman): They have at least 15 minutes to get here.

The Ontario English Catholic Teachers' Association is not scheduled to be presenting until 2:15. So we will recess for at least 15 minutes. If they're not present, we'll go for the half-hour. Okay? Thank you.

The committee recessed from 1345 to 1400.

ONTARIO ENGLISH CATHOLIC TEACHERS' ASSOCIATION

The Chair (Mr. Ernie Hardeman): I call the committee back to order. We have our next deputation already in the chair, just anxious to get going. It's the representative for the Ontario English Catholic Teachers' Association. Welcome very much to the committee this afternoon. As you are probably aware, your presentation allotted time is 15 minutes. You can use any or all of that time for your presentation. If you have time left over at the end of your presentation, we will have questions from the committee members, and this time it is the third party that will be asking the questions, if there is time.

With that, if you would put your name on the record through the microphone before you start your presentation, the next 15 minutes is yours.

Ms. Elaine McMahon: Good afternoon. My name is Elaine McMahon and I'm the president of the Ontario English Catholic Teachers' Association, Ottawa unit. I want to thank you for affording me the opportunity to speak with you today on this very important topic.

When I began my teaching career, it was a different time. Although we did have incidents of bullying, we also had a greater participation on how to resolve it. The teachers were included not only in the reporting of an incident but the outcome. We were not left to wonder about resolution or the fear that what we deemed to be appropriate would not happen. We did not speak in legal terms about liability but, rather, responsibility to our students. We taught the person, then the curriculum. We did not excuse bad behaviour with mitigating circumstances because we believed we were preparing our students for the school of life, and the realities they would face there would be harsher than what we imposed at that time.

I would now like to cite two examples.

We had two boys in grade 8 who were threatening students that if they did not give them money, they would beat them up. This went on unbeknownst to any staff. One day, a concerned mother came in and reported that her son's bank account was missing \$248 and she feared that perhaps he was buying drugs. We immediately began an investigation.

A few days later there was a great commotion in the hall as students gathered outside of a closed door to await the outcome of an altercation. One of the students who had been approached by the bullies challenged the leader to a fight. The bully backed down. He consequently returned the money to all the students affected, and it was over.

Another time, a young girl came to see me because, the night before, she had been swarmed by a group of classmates at a bus station. I asked what she wanted to do. She replied, "I want each of them to come to your office and tell me why they did it." The next day, one by one, she confronted the students, and each one said he/she had no idea why, just that one of the girls in the class told them to do it.

In both of these stories, the potential victims had sufficient self-esteem not to be victims. So what is the difference today?

Today, there is so much emphasis on curriculum and scores, there is little time to teach the person. Contrary to today's notion, it is not a level four that prepares our students for life; it is the ability to love oneself and to know that no matter who you are, you are worthy of dignity and respect. It is your responsibility to treat others with dignity and respect. We teach children to become responsible citizens.

When curriculum becomes more important and the person is lost, you will have behaviour problems.

Today when a student misbehaves, we have to take into account mitigating circumstances. What frustrates educators is that now the rights of one person usurp the rights of the collective.

If there is an incident between a student and teacher, the question asked is, "What did you do to upset the student?" An incident report is written and the teacher will receive a slip of paper stating, "Action taken; action not taken." No other information is provided, nor can you question the decision made by the principal.

Allow me to illustrate. A young grade 6 student with behaviour issues brought a six-inch blade from a steak knife to school. The blade had been broken off from the handle. A group of students told the teacher on duty and she immediately went over. The boy, knowing he was not to have a knife at school, buried it in the snow. The principal, at first, refused to sign the incident report until she was advised by her superintendent that it was the law. The principal cited mitigating circumstances as her reason for not suspending the boy. He would, however, spend a day in the resource room as an in-school suspension. The school resource officer would visit the boy's home, as well as his class, and explain the potential dangers of what he did. The teacher and other staff members were very upset, but when they asked to speak about it, they were told it was a non-issue and there would be no discussion.

The concerns they wanted to raise were: What if another child had fallen on the blade? What if the boy had become angry and threatened to use the blade? The response was, "The liability rests with me." That

response would give little comfort if something very bad happened.

In another situation—and we have had several of these—a young boy posted a Facebook account about hating his teacher and inviting other students to join. The teacher was very upset and asked that the boy be suspended. The principal said that, due to mitigating circumstances, there would be no suspension, but the boy's parents assured her that the page would be closed. The mitigating circumstance was a terminally ill parent.

While everyone has great appreciation and empathy for the boy and his situation, what message are we giving this generation? Are we preparing them to cope with life, or developing a sense of entitlement without any form of responsibility and ownership for behaviour?

If I have a bad day, whether due to a family crisis or another personal issue, if I so much as raise my voice in class, I am disciplined. There are no mitigating circumstances for me. Why? Because I'm the adult. If I had not been taught to take ownership or responsibility for my actions as a child, when and how was I to come to these realizations?

I did not want one student to leave my class feeling less than what God created him or her to be.

In our lives, we have five areas of love, which we need to be nurtured, for our love of self. Through this, I formulate the ability to cope with life through the darkness and the light.

I'm sorry, I missed a page here. I'll have to go back.

My concern about the bill is that it needs to make all parties more accountable for the action and all parties aware of and involved in the resolution.

I spoke earlier about self-esteem, and again I want to emphasize that what makes a person a victim is the lack of respect another person has for you.

When you teach a class of 28 students and one person is permitted, due to mitigating circumstances, to usurp your authority, then it does not take a rocket scientist to realize that the others in the class are thinking, "If the teacher, the adult, the protector is powerless over this person, then so am I."

In the course of my 42-year career as a teacher, I've been privileged to have taught young people from all walks of life and all ethnic and religious backgrounds. Throughout it all, I have noticed a common thread: People want to be accepted and loved for their personhood.

As a religion teacher, I was able to openly speak about many subjects and issues. I learned to listen to the other side of "my opinion." I learned to grow as a person, thanks to the students placed in my care. As their teacher, I felt an urgency to ensure that each student learns that it was his or her God-given right to be treated with respect and dignity. I did not want one student to leave my class feeling less than what God created him or her to be.

In our lives, we have five areas from which we receive the love needed to nurture our love of self. Through this, I formulate the ability to cope with life through the darkness and the light.

Love from God tells me I am created in the image and likeness of God, the source of all love.

Love from parents is unconditional, regardless of what I look like or what I do.

Love from siblings reminds me on a micro scale that I am part of something bigger and my existence helps to complete a tight-knit circle of love. Even in times of rivalry, there is a sense of love.

1410

Love from friends shows me that others who are in this world choose to love me for me.

Love from a significant other gives a form of love that allows me to share my most intimate self with another.

These are my primary sources of self-love. I need all areas in order to feel worthy and accepted, for if I doubt any of the five mentioned, it erodes my love of self.

We realize that we have children in our classrooms who do not have fulfillment in their five areas of love. We need to support these children and teach them coping skills. Inappropriate behaviour is the manifestation that something is wrong. To enable inappropriate behaviour sends the message that one does not have to take responsibility for his or her choices. This is the wrong message.

In closing, whether I am born straight, gay, two-spirited or transgender, I am God's creation. It astounds me in a world where the moon walk is but a rocket ride away, where news from around the world enters our homes within minutes of something happening, and in a society that decries that we put an end to racism, that homophobia exists and is supported. For those who believe God does not make mistakes, how can you condemn those born different? For those of you who defend the rights of the democratic process, how can you condemn the rights of the marginalized?

Some argue that people choose to be gay, and I ask you, why? Why would anyone choose to be called "intrinsically disordered"? Why would anyone choose to be something when society says from the moment of birth until you die you are never to experience intimate love? Why would anyone choose to be lonely and an outcast? It makes no sense.

Gay-straight alliances will no more make a straight student gay than a gay student by association will become straight. We should not deny anyone the opportunity of living life to the fullest and contributing the gifts and talents that are God-given to our world.

As an educator, and particularly as a Catholic educator, I believe that no one is unworthy of respect, dignity and love. No one should ever feel isolated and alone. If one area of love denies me the love I need to survive, then if I despair, many others who have loved me will suffer not only my pain but, in some cases, my loss.

It matters not what we call the GSAs; what matters is that we have them. Chess players have clubs. Singers and band members have clubs. Athletes have teams. What are we afraid of? If one life is saved because we had the moral courage to do what is right, then we have nothing to fear. If we fail to have moral courage and do what is

right, the God who created us will stand before us and ask us why. Nowhere did Jesus condemn those deemed different. Nowhere did Jesus accept intolerance shown to anyone. If we profess to believe, then we must live the gospel values. We must set aside what makes us different and embrace all that makes us one.

Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about two and a half minutes left, so the third party.

Mr. Peter Tabuns: Elaine, thank you very much for that presentation. It was quite moving.

Ms. Elaine McMahon: Thank you.

Mr. Peter Tabuns: One of the things that you remarked on at the beginning was the lack of resources for teachers to actually interact with students and go beyond the simple teaching of academic subjects but to interact in a way that taught them life skills. This is an issue that came up for us pretty strongly at the time this bill was being introduced and has always said to me that this is why this bill's impact will be limited, that it's much bigger than these rules. It's also a question of resources in the schools. Can you talk to us about how those resources have changed and how you've seen it change the relationship between students?

Ms. Elaine McMahon: I think one of the biggest changes was that when I first started teaching, we used to have what were called group counselling sessions. We would go through our school class list and we'd decide which students were really in need of just a little extra attention, a little extra encouragement along the way. They would come down in a group, and they did not know each other's experience, but they all shared a commonality through the group discussions that came out.

As teachers, whenever there was a difficulty with a student, we would all sit down collectively and say, "What can we do to help this person?" Today, we don't have the time. Not only do we not have the time, but, because things are so hurried and so hectic, and because, to be honest with you, especially in a high school environment you see so many students in a day, you really don't have the opportunity often to sit down and really get to know who is sitting in front of you, whereas I found in the past that we did have that time. Not only that; even if we didn't have the time, we had the luxury of taking that time. Now, everything is very prescribed as to what we have to do and what we have to cover. The pressure is on that we have to finish it, and if we don't, then there's an accountability that comes back on us. Somewhere in the process, the students are lost.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That concludes the 15 minutes. It's much appreciated.

Ms. Elaine McMahon: Thank you.

KIDS HELP PHONE

The Chair (Mr. Ernie Hardeman): Our next delegation is Kids Help Phone. Thank you very much for

being here this afternoon. As with the previous delegations, you will have 15 minutes to use as you see fit. You can use any or all of the time. If there's more time left at the end of your presentation, we'll have some questions from the committee. The questions will come from the government side this time.

With that, if you could please, before you start your presentation, put your name on record with Hansard through the microphone, we'd very much appreciate that. From there on, the next 15 minutes are yours.

Ms. Alisa Simon: Thank you. My name is Alisa Simon. I am the vice-president of counselling services and programs with Kids Help Phone. You did just receive my written submission. I'll tell you, it's 12 long pages, so I will not be following it. It's for your reading enjoyment later on. I have picked out pieces of it for the oral submission today.

Kids Help Phone is really pleased to be here today to present to the Standing Committee on Social Policy in regard to Bills 13 and 14. For those of you who don't know us, since 1989, Kids Help Phone has been Canada's only national phone line for young kids of all ages, up to 20. We now have web posting and IM/chat counselling services as well, available for all young people in Canada.

Since our inception, we have provided our services to millions of young people, 24 hours a day, seven days a week, 365 days a year, in both official languages. Kids Help Phone has professional counsellors who are there when other services are not. Every day we hear from kids who are experiencing the cruelty of bullying, the loneliness of depression, the paralyzing anxiety of being alone, or feelings of pressure to succeed, compete or conform.

In 2011, kids reached out to us over 5,000 times every month, and approximately 9% of these contacts were related to bullying.

We're here to make this submission today because we hear directly from young people what bullying means. I'm now going to read some of the words—these are directly from young people about what they say for bullying:

"The worst part of the day is trying to get up enough courage to go to school."

"Thinking I could be gay makes me want to die. I almost feel that I would prefer to die than live a self-resenting life as a homosexual. I've been bullied in the past, being called 'queer,' 'faggot,' 'homo' and 'gay.' And that may be a possible contributor to the homophobia and self-hate. I just don't know what to do. I'm worried and scared and frustrated. And I just wanna die instead of living the alternative. Please help."

Another post: "I've been bullied all my life, and I'm sick of it. I just wish there was really someone who could stop all of it, but I don't tell anyone because there's no point; it never stops. It just keeps going on and on."

Another young person: "I don't understand what is wrong with me to make these people want to hurt me.... And because of this, I believe that it is my fault, so I ...

hurt myself. I have no friends. I wake up each day to myself and after living through hell alone, I go to sleep by myself."

Another young person: "Every day of my life, ever since I joined this school, they have come on MSN and have started making fun of me. This all started when I was in grade 9. These girls would come online and start making fun of me. They would call me names, say things like, 'You're a fag, gay, stupid, loser.'"

Another post: "I am a Muslim and so is my friend. So all the cool guys tease him, not me, that he is a terrorist because he knows Arabic."

Finally: "I've tried walking away, ignoring them, telling them to back off, and telling an adult. None of this is working."

In my written submission today, you will see that there are more posts from young people.

What these posts tell us is that bullying and cyberbullying are serious and pervasive issues that require attention, understanding and responsiveness. The struggles that these young people are describing cause serious damage socially, psychologically, academically and even physically. They set victims on a path of continued distress and self-blame and can cause mental health challenges. In addition, bullies, those young people who are bullying, are more likely to sexually harass, become involved in delinquent behaviours or engage in dating violence, so they also need our attention.

1420

In my written submission, I've provided a lot of research and background on bullying, but I'm going to skip that for today and talk a little bit about what Kids Help Phone is doing to respond to bullying.

First, we provide high-quality counselling services. Because of the importance of the fact that our counsellors are speaking every day directly with young people, we ensure that they all have the latest clinical information and research on issues, including bullying, that are impacting young people. They have access to a knowledge mobilization system on over 50 topics.

All of our counsellors also have access to the largest database of community-based resources for youth in Canada with over 37,000 referral resources where they are able to connect young people to resources in their community.

Another critical thing that we do is we provide anonymity and confidentiality to all young people. Young people tell us the reason they contact Kids Help Phone is because they know their secrets are safe with us. They can talk to a trusting adult, and their anonymity and confidentiality will remain.

We also use new technology to support young people. So we have our IM/chat counselling. We also have four websites for kids and teens in both French and English where they can find self-help tools, prevention and intervention strategies and clinically informed information on cyberbullying, bullying, suicide prevention and 50 other topics. These websites provide online counseling services with age-appropriate language and are

designed to meet the clinical, cognitive and social needs of each defined age group. In 2011, we had five million visits to our website.

Kids Help Phone is also committed to raising awareness of bullying and cyberbullying. In 2011, we distributed over one million wallet cards—which you all received today—and over 200,000 posters—which you also received—to 14,000 schools and non-profits around Canada.

There's some important things I want you to think about in terms of bullying.

As an organization that has unfettered access to young people, I am here today to speak on their behalf. Young people are at a loss as to what to do. The young people who contact us tell us that they feel that the adults and the larger systems they are part of have let them down.

Young people don't even know how to name their experience as bullying. Often, they contact us because they think someone's being mean to them, but they don't necessarily say it's bullying. In connection with this, many young people lack the language to effectively advocate for themselves when they experience maltreatment.

Also, kids are suffering in silence because they don't feel safe reporting. We have a report that was just released called Cyberbullying: Reality Check, where we did a survey, and a third of our survey respondents said that they find reporting bullying and cyberbullying as ineffective. They said that they actually think if they reported, they would make the situation worse. Young people said things like, "I wouldn't say anything. No one would listen," or "I keep it to myself. It's my problem, and it's best to keep it that way."

In that same survey, we asked young people who they would talk to if they were cyberbullied: 65% said they would tell a friend versus a parent, teacher or counsellor, and 15% said they wouldn't tell anyone.

Also, we need to know that adults don't often recognize bullying. Kids tell us that even when the bullying happens in front of adults, adults don't necessarily notice it, and when they do, they're often at a loss as to how to effectively deal with the bullying.

Finally, in terms of things that I think are important to consider is that cyberbullying is really increasing. Our survey found that 65% of respondents have experienced cyberbullying at least once, and the reason that's important is that 85% of young people who are cyberbullied are also being bullied at school or in other places.

Our recommendations on Bills 13 and 14:

(1) We need to educate adults. Both bills state that teachers, staff members and volunteers working in schools who observe an act of bullying are obligated to report it. That's great, except, as I said earlier, research shows that acts of bullying go unrecognized by adults even when they happen right in front of them. So we need to train teachers and other staff to learn to identify and effectively respond to acts of bullying.

(2) We need to specifically define and address cyberbullying. Bill 14 explicitly addresses and defines

this, and this is absolutely critical to curb bullying. We believe that for schools to take a proactive approach in promoting a positive school climate, we need to address cyberbullying in both bills.

(3) We need to promote safe reporting. Unfortunately, neither Bill 13 nor Bill 14 addresses the issue of encouraging young people to report in a safe manner without retaliation. Some of the young people who contact Kids Help Phone have referred to the adage “snitches get stitches” in talking about reporting bullying and cyberbullying. In order for students to feel safe reporting bullying, it is critical that they know their information will be kept confidential if they desire.

(4) We need to connect discriminatory bullying and oppression. Bullying and cyberbullying intersect with discrimination and oppression, as young people who are perceived as different because of religious or ethnic identity, sexual orientation, race, citizenship or disability are more frequently the victims of bullying than their peers. It is critical that we recognize this type of bullying, which is known as discriminatory bullying, because when young people perceive bullying to be discriminatory, they are at an even greater risk for depression, peer victimization and lower levels of perceived control. Because certain groups of young people have been shown to experience higher rates of bullying and more negative outcomes, Kids Help Phone supports the position taken in section 303.1 of Bill 13, which prioritizes support for activities or organizations that promote gender equity, anti-racism, people with disabilities and people of all sexual orientations and gender identities.

(5) Bullying prevention and policy should emphasize non-punitive, whole-school approaches that focus on creating a positive school culture.

(6) I know I'm running out of time, so I will move on to our sixth, which is that we need to engage young people with adult allies. No one has their finger on the pulse better than young people themselves. In fact, research has shown that youth are more able than adults to provide appropriate, credible solutions to the problems they face. Thus, effective policy should be grounded in the recognition that young people are experts, and it's critical that we develop clubs and safe places for young people, such as gay-straight alliances and equity clubs and other clubs, to help us promote a positive school climate. However, we also have to ensure that these young people need adult allies to stand with them so that they have the resources and tools that they need.

In conclusion, we are pleased that this committee is looking into addressing bullying in schools and that the perception of bullying has shifted dramatically, that tolerance is no longer the norm, that “tough it out” is no longer acceptable advice. Bullying is a serious issue with devastating consequences.

We recognize that any strategy moving forward to address bullying must be premised upon the experiences and realities of young people from all walks of life. We know that bullying and cyberbullying intersect with different forms of oppression, such as sexism, racism and

homophobia, as well as with harassment, to create a qualitatively different experience for young people. We are committed to supporting the future development and implementation of national strategies, policies and programs through our access to young people and their real lives and words throughout Canada. Kids Help Phone is helping young people learn every day that if they are witness to or experience bullying in any manner, they must reach out. It is the responsibility of all of us, as adults, to ensure that these young people have somewhere safe to turn for help. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. It was timed out almost perfectly.

Ms. Lisa MacLeod: Mr. Chair, if I could say, on behalf of all of us, thank you very much. The Kids Help Phone does enormous work for our communities. I thought your presentation was value-added and I wanted you to know that before you left.

Ms. Alisa Simon: Thank you very much.

The Chair (Mr. Ernie Hardeman): Thank you very much for coming.

Ms. Tracy MacCharles: I just wanted to say thank you for the materials you shared. It's very helpful for our constituency offices.

Ms. Alisa Simon: And if you would like more materials, you can contact Kids Help Phone at any time. We have more.

Ms. Tracy MacCharles: Thank you.

The Chair (Mr. Ernie Hardeman): On behalf of everyone here, thank you very much for all you've done.

MS. KATHLEEN MURPHY

The Chair (Mr. Ernie Hardeman): Our next presentation is Kathleen Murphy. Kathleen, welcome to the committee. I noticed that you have been watching others too, so you'll know that you have exactly 15 minutes to use any way you see fit—all or any of it. At the end of it, the questions will be coming from the government caucus first, depending on how much time is left. With that, if you can just include your name at the front of your presentation, from there on, the 15 minutes is yours.

Ms. Kathleen Murphy: Thank you, Mr. Chair. Thank you, members of the standing committee. My name is Kathleen Murphy and I am speaking today simply on my own behalf as the mother of two girls in the Conseil des écoles catholiques du Centre-Est.

In February, I sent every MPP a letter expressing my concerns on the subject of Bill 13. The best response I got back was from Mr. Jerry Ouellette, the MPP for Oshawa. It was obvious from his response that he had read my letter, and I wish to thank him on the record for having taken the time to get back to me, particularly as I am from outside his riding. I was very impressed.

I would like to further note that I did not get any response from my own MPP in Ottawa South, Mr. Dalton McGuinty.

1430

Bullying causes great suffering and distress and can have the most tragic of consequences. Students should never face harassment, intimidation or violence at school, and all students deserve dignity and respect because of what we share in common as human beings.

Bill 13's definition of bullying in section 1 says that bullying is "based on factors such as size, strength, age, intelligence, peer group power" and so forth. This is a limiting definition. Some, perhaps most, bullying victims do not fall into these neat categories, and yet they are bullied relentlessly nevertheless. I greatly prefer the definition that is given in Bill 80—or Bill 14—as it focuses on the bullying behaviour itself and not on limiting the victims to only certain categories.

In fact, Bill 80 is overall a much better document. It applies generally to all situations of bullying, and it admirably serves the purpose of providing protection to pupils. Bill 13, on the other hand, contains an admixture of anti-religious initiatives and LGBT activism that, in my opinion, weakens its overall efficiency and effectiveness as an anti-bullying measure.

Popular anti-bullying advocate Dan Savage, of the It Gets Better Project, seems to think that traditional Christian morality is a key source for anti-gay bullying. He seems to assume that all opposition to his approach is motivated by bigotry and hatred on the part of Christians.

In fact, traditional faith-based morality can be the solution to bullying. Here is a scenario: Child A says her parents are gay, and Child B says something disrespectful to Child A because of it. Child B was childishly expressing an immature and only half-understood religious perspective on sexual morality. Even as an adult, it is sometimes difficult to make sure that one's meaning is fully clear when making the distinction between accepting a person as a fellow human and refusing to accept certain sexual practices as being morally good. Children are not likely to get it right the first time they try to express themselves.

This could be handled in a Christian or Jewish context via impressing upon children the seriousness of the Ten Commandments. The eighth commandment, that you shall not bear false witness, prohibits rash judgement, detraction, harming another's good name and lying, all of which are involved in bullying. The fifth commandment, you shall not kill, covers physical violence: shoving, hitting and so forth.

Assuming that Child B has reached the age of reason, and depending on the nature and frequency of B's harassment of A, Child B is certainly sinning, perhaps even mortally.

In non-Catholic schools or with a non-religious child, the golden rule—do unto others as you would have others do unto you—can be used to similar effect: Child B must treat Child A with respect because of their shared common humanity. It does no good to simply chastise or shame Child B for holding the wrong opinions.

The point is, there is no need to force Catholic schools to repudiate the catechism or for public schools to

prohibit Christians from expressing biblically based morality in order to protect LGBT students. Yet Bill 13 does exactly that in several ways, and I would like to emphasize two of them: first by emphasizing equity and inclusive education, which itself seems to be implemented in a problematic way; and second, by insisting on gay-straight alliances upon student request, even in Catholic schools. Both of these seem innocuous, yet these can be troubling in a context where traditional faith-based morality is seen as being homophobic by nature.

First, Bill 13's section 2, would "require boards to develop and implement an equity and inclusive education policy." The ministry already has documents on this subject: Realizing the Promise of Diversity: Ontario's Equity and Inclusive Education Strategy, 2009, and the associated guideline for policy development and implementation.

These documents are problematic in that they impose a value system incompatible with many traditional faiths or principled non-religious philosophies. Page 4 of the strategy defines inclusive education as being "based on the principles of acceptance." Will traditional-principled students be required to accept homosexual sexual activity as a good, lest they be accused of homophobia? This would seem to be the case.

On pages 16 and 17, the strategy lauds the Toronto District School Board for celebrating the Gay Pride Parade, which is included in a list of cultural events. Many people, religious or non-religious, gay or straight, would object to having schoolchildren celebrate an event which itself celebrates sexual promiscuity.

On page 58 of the guidelines, the ministry tells teachers to "assume responsibility for examining and taking steps to modify personal beliefs and biases that are inconsistent with equity and inclusive educational principles." Could this mean that teachers with traditional values, religious or not, are not wanted in the Ontario school system? By specifying the equity and inclusive education strategy, which itself has curriculum implications, Bill 13 will undermine the rights and duties of traditionally minded parents to form their children in their faith. It will cause confusion in children from traditional-values families when they are exposed to an environment in conflict with the values taught at home and church.

If Bill 13, section 2, wants schoolchildren celebrating the Gay Pride parade and teachers modifying their personal beliefs and biases about this not being a good thing, then surely Bill 13 is hostile to traditional faith and morals. Bill 80, which limits itself to addressing bullying, is a much better approach.

Bill 13, section 9, says that "Every board shall support pupils who want to establish and lead,

"(a) activities or organizations that promote gender equity;

"(b) ... anti-racism;

"(c) ... awareness and understanding of, and respect for, people with disabilities; or

“(d) … awareness and understanding of, and respect for, people of all sexual orientations and gender identities, including organizations with the name gay-straight alliance or another name.”

Section 9 allows only these four categories of activities or organizations. Activities or organizations that would fight all bullying, in a generic sense, would not fall into the type of groups allowed by section 9. Given the various statements from education minister Laurel Broten in the media, it would appear that she would not permit the formation of generic anti-bullying groups. This is particularly problematic for Catholic schools, since the recent Catholic school trustees' association document, *Respecting Difference*, proposes a way of fighting bullying with generic anti-bullying clubs within the context of the Catholic catechism.

Because of the name recognition factor, the LGBT community greatly values GSAs as a symbol of LGBT activism. They are not only anti-bullying clubs. GSAs were developed by the Gay, Lesbian and Straight Education Network in the United States starting in 1988, according to the GLSEN website. In Canada, GSAs are networked and promoted through Egale Canada's MyGSA website, and in Ontario through the Ontario GSA Coalition. These organizations provide materials, support and speakers for GSA events.

I recognize that belonging to a GSA would give a same-sex-attracted youth a peer group, but only by indoctrinating them into gay identity politics as interpreted by GLSEN and Egale. This concerns me for three reasons. First, when people are encouraged to self-identify primarily as gay, lesbian, bisexual and so forth, they are reducing their whole being to their sexual attractions. Secondly, basing one's politics on group marginalization, be that sexual, racial, linguistic or whatever, prevents one from seeing others as part of one shared civil society and, paradoxically, magnifies marginalization. Finally, some same-sex-attracted youth want to: live chastely; develop the self-mastery that leads to inner freedom; cultivate honest friendships; grow in spirituality, in prayer and by sacramental graces; and thus gradually and resolutely approach Christian perfection. Frankly, some opposite-sex-attracted youth want to do this as well. A GSA would not necessarily support such a person. I've included some excerpts from websites in the appendix.

GLSEN and Egale are inspired by and wish to promote a governing philosophy that homosexual sexual activity is natural, healthy and good and that one's identity as a same-sex-oriented person is fulfilled when one engages in same-sex sexual activity. This is in contrast to the approach taken by Courage, for example, a group for same-sex-oriented Catholics, which says that “By developing an interior life of chastity … one can move beyond the confines of the homosexual identity to a more complete one in Christ,” which is the universal call of all Christians.

Yet the Ontario government has said that schools may not present any pro-chastity messages to gay students,

even in Catholic schools. Under these conditions, then, it would be logically impossible to have a Catholic GSA, for it is impossible to simultaneously hold two contradictory ideas: that in the one instance, the idea that homosexual sexual activity is good and something to be pursued, and in the other instance, the ideas of the catechism of the Catholic church, which classifies homosexual sexual activity, along with fornication, adultery, masturbation, oral sex and artificial contraception, as being mortal sins to be avoided.

1440

In my opinion, Bill 80 handles this much better. Bill 80, section 7, requires boards to establish bullying prevention plans. In preparing such a plan, a board is to consult widely, including with parents—subsection (3)—and allow, in subsection (4), for different bullying prevention plans that apply with respect to different schools. This approach is much more flexible. It would allow Catholic schools the opportunity to approach the subject of bullying from within a traditional Catholic context, as proposed in the document *Respecting Difference*, and non-Catholic schools to provide a similar generic anti-bullying approach.

I believe Bill 80 will also provide more practical tools for teachers in a way that Bill 13 does not. In 2007, the Education Act, section 306, was revised to include bullying in a list of activities that could lead to suspension, and there are a number of policy documents on the ministry website on the subject of bullying and how to manage it.

Teachers and principals already have complete legal and policy justification for stepping in to protect a victimized child. What I think teachers would most benefit from would be improved training for new teachers in faculties of education in Ontario and from developing additional professional development courses for current teachers related to the subjects of childhood mental health, autism, ADHD, the developmental maturity of children and the identification and management of bullying situations.

Note that section 4(1) of Bill 80 actually establishes such training programs, whilst Bill 13, in section 7, subsections (3) and (4), only mentions that the minister may establish various policies and guidelines for teacher training. Bill 80 handles the subject better.

In summary, I am concerned that Bill 13 attempts to redefine religious beliefs about sexual behaviour and substitutes a world view antagonistic to a more traditional faith-based sexual morality, through the way equity and inclusive education is being defined and implemented and through GSAs. If additional legislation must be passed, Bill 80 is a much better model than Bill 13. An anti-bullying bill need not be an anti-religious bill. In fact, I don't believe that any additional legislation at all in this regard is required, but rather, assistance to teachers in practical ways of protecting the children that parents have placed in their care.

Thank you for this opportunity to share my views, Mr. Chair and members of the standing committee. I would be happy to answer your questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. If we were to put questions, we would not possibly have time for both a question and an answer. We thank you very much for your presentation.

Ms. Kathleen Murphy: Thank you.

MS. EMILY WEHBI

The Chair (Mr. Ernie Hardeman): Okay, our next delegation is Emily Wehbi.

Interjection.

The Chair (Mr. Ernie Hardeman): Oh, she just stepped out?

Mrs. Jane McKenna: There she is.

The Chair (Mr. Ernie Hardeman): We have to drag them in from the hallways. Welcome. I know we're slightly ahead of schedule and we very much appreciate you being here to do that. If you want to just give the printout to the clerk, he'll make sure that all the committee gets it. If you will take a seat at the microphone there—as all the other delegations, you will have 15 minutes to make your presentation. You can use any or all of the time that you have. If you do not use all your time, questions will come from the committee, but they will start with the government caucus.

Having said that, if you could give your name for the record in the microphone before you start, and from there on the floor is yours for the next 15 minutes. Thank you.

Ms. Emily Wehbi: Thank you very much. My name is Emily Wehbi. Good afternoon, Mr. Chair and the standing committee. I'm here today to speak to you as a citizen of Ontario, as a youth leader at a local parish, as well as a concerned parent.

First, I would like to state at the forefront of my presentation that my preference is for Bill 80 over Bill 13. In order to give you a better context for my presentation, I'd like to begin by making a few preliminary remarks. First of all, I despise all forms of violence and harm experienced by children, and I fully recognize the importance and support your attempts to end the suffering experienced by the victims of bullying.

The preamble of Bill 13 states that “all students should feel safe at school and deserve a positive school climate that is inclusive and accepting.” I too want this for my son when he enters school. I am concerned that the proposed Bill 13 will create an environment where my son's sincerely held religious beliefs will not be welcomed and possibly punished. I'm concerned that he will be denied the safe space and positive school climate that this bill is trying to achieve. By identifying special, protected groups, Bill 13 creates two tiers of victims. Unfortunately for the children that I am in contact with who are bullied because of their religion, their economic status and/or physical experience, they find themselves in the second tier.

As a youth leader, I can tell you first-hand how devastating acts of bullying can be to children and how, with today's hyper-connected society, with Facebook and all the social networking sites, bullying can be extremely

invasive and powerful and follow children everywhere they go.

I can honestly say that every time I hear a story of a child who was bullied, it breaks my heart. However, when I read this bill, I read it through the lens of a mother and try to place my son in it.

I understand that many parents want this legislation to go through to protect their children, and I too want to protect my child. I want to ensure that he has a healthy, safe and inclusive learning environment where he can feel accepted so that he can succeed.

My fear is that my son's religious beliefs will not be welcome in the school and that he will be punished if he manifests them. Ultimately, I am concerned that this bill will create an environment in which he will be made to feel insecure and intimidated about his sincerely held religious beliefs and, through intimidation, he will be constrained from voicing them.

In the Supreme Court of Canada's seminal decision on freedom of religion, *Her Majesty v. Big M Drug Mart Ltd.*, Judge Dickson said, “The essence of the concept of freedom of religion is the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest religious belief by worship and practice or by teaching and dissemination.”

At its core, freedom of religion encompasses both a positive dimension—freedom to believe and to manifest one's religion—as well as a negative dimension—no one can be forced, directly or indirectly, to act contrary to what he or she believes.

Freedom of religion in Canada has also been interpreted as necessitating the reasonable accommodation of minorities. Bill 13 is not accommodating to students of the Shia, Sunni, Jewish, Orthodox, Catholic, Evangelical or Sikh communities who would disagree with the scope of “inappropriate behaviour” that has been set by the bill.

If manifesting Christian beliefs with regard to sexual orientation and gender identity is deemed inappropriate behaviour, what means for developing their critical consciousness will schools be providing students, as mentioned in the preamble, paragraph 5? What type of early intervention would be required? What resources will they be supplied with? How will they be assisted in building healthy relationships and making good choices? Is that to say that students that hold religious beliefs necessarily have unhealthy relationships and make wrong choices?

There is a fundamental difference between an innocent child, speaking without malice or intent to harm from a faith-based perspective, and a student who is targeting another student, intending to harm. I do not feel that this bill represents that. I especially feel that including the term “ought to know” in subsection 1(a) is overly burdensome to children. As an adult, I often question how I—when, how and to whom—should respond to questions regarding religion and sexual orientation and gender identity. I believe that it is inappropriate to draft a piece of legislation that can so obviously capture innocent children trying to reconcile their religious

beliefs that they have been taught at home with the environment that surrounds them. A child either knows what they are doing is wrong or they do not.

In my faith, parents have the primary responsibility for educating a child, and when a school negatively identifies the position of a parent who believes that certain individuals should be protected but their sexual activity is wrong, it not only attacks the position of the parent but it demonizes them and it attacks the cultural and religious background of the child.

I teach my son to differentiate between an individual and their behaviour. This is a fundamental part of our faith: that a person can be made in the image of God—and everyone is and everyone deserves love and respect—but that their practices may fall short. The way Bill 13 has been drafted captures our faith's deepest beliefs about who we are and who God is by touching on gender identity and sexual orientation. Will my son be accused of being homophobic because he believes that homosexual activities are wrong? If he manifests his belief without intent to harm, will he be punished? Will the school teach him otherwise? If so, this bill is limiting his ability to grow in his faith and is interfering with my role as his primary educator.

If you will allow me, I have a few comments based on the bill. I would even prefer—if any of you have any comments or questions about what I've said already, I could answer those.

1450

The Chair (Mr. Ernie Hardeman): The floor is yours for the 15 minutes, but I would suggest that what you want the committee to know, you relay to the committee.

Ms. Emily Wehbi: I've also noticed that in the bill the word "creed" is used twice and the word "religion" is used twice. The context in which the word "creed" is used is when it's describing a ground for bullying, and when the word "religion" is used, it's used to describe a bias or a contributing factor to bullying. That was something I noticed that I thought was particular and peculiar, and I was hoping that they could be reconciled. If there was a reason behind that, a distinction between "creed" and "religion," maybe that could be considered for change.

A second comment that I have is that in the preamble, paragraph 5, it says, "Believe that students need to be equipped with the knowledge, skills, attitude and values to engage the world and others critically, which means developing a critical consciousness that allows them to take action on making their schools and communities more equitable and inclusive for all people, including LGBTTIQ." I completely agree that that group of people should be included. However, if one group is mentioned, I feel that all the groups should be mentioned. And if all the groups are not mentioned, then perhaps it could end after "all people." The reason for that change would be, like I mentioned in my presentation earlier, I believe that it creates a two-tiered group of victims, where one group is more protected than another. It also leads one to believe that in order to be critically conscious, you should

specifically promote equity and inclusiveness for that group.

My next comment is just to go a little bit deeper with the term "ought to know." I feel like this is very burdensome, especially for children who are raised in different homes and whose parents have the responsibility to be their primary educator. Who is it who's going to be determining what a child ought to know, and what is it that a child ought to know? Are we expecting a child at what age to be able to determine the causal effect between something that they would say that could likely cause harm, not necessarily even cause harm?

My next comment is just a general comment that I noticed throughout the bill, that it talks about the minister's prerogative to implement changes to a school's policy or to train teachers. My comment here would be specifically about the Catholic school board, just wondering whether or not these changes that would be coming out of the minister's office would be respecting the Catholic moral teaching of the Catholic school board, as per their constitutional right.

My final comment is about the use of the concept of "inappropriate behaviour" that seems to go beyond bullying. Here it says, "To encourage a positive school climate and prevent inappropriate behaviour, including bullying, sexual assault, gender-based violence and incidents based on homophobia." My comment here would be, in terms of inappropriate behaviour, it seems like it's a much larger scope than a more targeted definition of bullying. Where would this definition of inappropriate behaviour end? Incidents based on homophobia would be an example that I would want to raise. Would someone whose sincerely held religious beliefs, which would say that homosexual activity, homosexual actions are wrong—would that student be considered to have committed an incident that is based on homophobia? Would they then be subject to punishment? Would that be considered bullying? Because as it reads, the incidents are outside of bullying; they're not within. The incidents based on homophobia are not the motivation for bullying. They're a separate activity.

I know the topic of GSAs has probably come up a lot so far—a few times—so I will raise it, and I hope I don't sound like a broken record. The reason I am raising it is not because I think that students who want to be able to find peer support not be allowed to. The reason I'm raising it is because GSAs are part of a larger network outside of the school system, and I think it's a concern to have an outside organization that has other political motivations and other ties to be placed within a school environment with students.

I also believe, as I mentioned in the preamble, that if a board is going to be expected to support clubs or allow pupils to establish and lead certain clubs, all clubs should be listed or none at all. Again, it goes back to the original comment I made about creating tiers of victims or tiers of bullying.

The Chair (Mr. Ernie Hardeman): We have about two minutes left. The government side: Mr. Delaney.

Mr. Bob Delaney: Are you aware that many student-led groups such as gay-straight alliances already exist in Catholic schools under a variety of names? For example, at St. Francis Xavier school in the greater Toronto area, it's called "embracing Xavier equality."

Ms. Emily Wehbi: Yes.

Mr. Bob Delaney: Could you tell me what you feel you need to protect children from and what it is in this bill that you feel will cause children to require protection?

Ms. Emily Wehbi: What I feel is that this bill has not struck the right balance between protecting groups. We live in a country where there are multiple different opinions and ways of life, cultural backgrounds, creeds, faiths and religions, and in our society, we need to balance the rights of each so that one group doesn't overstep another. I feel that right now, this bill is placing the rights and protection of the LGBTTIQ community above the rights of other students who would wish to voice and manifest their religious beliefs, which might be interpreted, through this bill, as being inappropriate behaviour.

Mr. Bob Delaney: If I were to give you a copy of the bill, could you tell me exactly which section gives you that impression?

Ms. Emily Wehbi: Yes. I have it right here; it's okay. Under section 300.0.1, "Purpose," clause 2, "To encourage a positive school climate and prevent inappropriate behaviour, including bullying, sexual assault, gender-based violence and incidents based on homophobia."

My question would be, in terms of "incidents based on homophobia," would a student voicing or manifesting their sincerely held religious belief, as per their freedom of religion under the charter, be committing an "incident based on homophobia"? Because subclause 1(1)(a) in the bill says that a child "ought to know," would a student who voices their religiously held belief, even if they were doing it without malice or intent, be told that they ought to have known that that was likely to cause harm and then be accused of having committed inappropriate behaviour, and then, under 300.0.1, have that behaviour addressed and have early intervention and all of those ramifications? What would early intervention be if their comment—

Mr. Bob Delaney: I think we're out of time.

Ms. Emily Wehbi: Oh, sorry.

The Chair (Mr. Ernie Hardeman): Thank you very much for your time. The time has been used up. Thank you for your presentation. It's much appreciated.

Ms. Emily Wehbi: Thank you very much for the opportunity to speak.

1500

ONTARIO STUDENT TRUSTEES' ASSOCIATION

The Chair (Mr. Ernie Hardeman): Next is the Ontario Student Trustees' Association. Is the Ontario Student Trustees' Association present?

Ms. Lisa MacLeod: He's outside.

The Chair (Mr. Ernie Hardeman): Okay. We'll just wait a moment while they—
Interjection.

The Chair (Mr. Ernie Hardeman): Sometimes it happens, when you have every chair filled, that people wait in the hallway, but it seems we have to go and get everybody in, in spite of the fact of having plenty of chairs here that they could sit in.

Ms. Lisa MacLeod: Because it's so warm in here.

The Chair (Mr. Ernie Hardeman): But anyway, we'll wait just a moment. We are just slightly ahead of the time that their presentation was actually to start.

Ms. Lisa MacLeod: So, Chair, we're running about 15 minutes early.

The Chair (Mr. Ernie Hardeman): Yes.

Ms. Lisa MacLeod: Okay. That's great.

The Chair (Mr. Ernie Hardeman): This is the Ontario Student Trustees' Association? Very good. Have a seat. As with previous delegations, you will have 15 minutes in which to make your presentation. You can use all or any part of those 15 minutes for the presentation. If you leave time at the end for questions, we will have the questions from the committee members. The questions will start with the opposition side. Prior to starting your presentation, if you would put your name on the record, we'd very much appreciate that. With that, the next 15 minutes are yours.

Mr. Kareem Ibrahim: Fantastic. Thank you, Mr. Chair.

I'd just like to begin by introducing myself. My name is Kareem Ibrahim. I am the communications officer of the Ontario Student Trustees' Association, l'Association des élèves conseillères et conseillers de l'Ontario. Today, I am representing the two million students we represent here in Ontario, the largest student stakeholders in education.

Basically, what we're here to emphasize and reiterate is the students' perspective on Bill 13. Bill 13 is a fantastic piece of legislation that our organization was more than thrilled to receive when we received this news. It's something that we want to help further in Ontario's education system.

As you may already know, OSTA-AECO, which is the organization I'm here representing, has been very involved and at the forefront of the anti-bullying effort here in Ontario with respect to different awareness campaigns, discussions, surveys and things of the like that have promoted this kind of atmosphere that caters to a more inclusive and equitable environment both in Ontario's community as a whole and the education system.

I'd just like to reiterate that we do represent the students. Although there may have been different groups that have been here as delegations which may have also been of a similar persuasion to represent the students of Ontario from a different point of view, we'd just like to reiterate that as the largest student stakeholder in Ontario's education system, it is truly us who go to the effort to consult with our students through our network of

student trustees, who go back to their school boards and so on and so forth to really gather student opinion and see: What are students thinking? How do students feel about bullying? Is it something that needs to be addressed?

In 2011, the Ontario Student—and parent—Survey was a project that we piloted here in Ontario. It was the second annual survey of its kind. We surveyed over 7,000 students and over 2,000 parents concerning various different social issues such as water bottles and how they impact the environment in school boards, anti-bullying, sex education and things of the like.

Something that we found when we surveyed students, asking, “How would you feel if a student in your school were to establish a gay-straight alliance, a GSA? Do you believe that they should have the right to do so in and of themselves?” was that 88% of students agreed that this is something that must happen in schools, while 79% of parents believed that students should have that right to establish a GSA in their schools. It speaks to the idea that students truly do believe in the inclusive environment that education must truly embody. Bill 13 is something that we believe will help further these efforts at a more concrete level when represented by the powerful voices of the provincial government of Ontario.

Another clarification that the Ontario Student Trustees’ Association wishes to make with respect to how we see Bill 13 going forward is simply that the whole controversy surrounding the clause of the gay-straight alliance is really crucial. The fact that an initiative so positive in our education community and something that we really don’t want to see hesitate when we go forward with—it’s something that really pains us a little bit to see. When we see Bill 13, we think of positive change; we think of all the different things that’ll come of it that will benefit students in Ontario and continue that cycle of positive change that will eventually lead to what we—ideally, some might say, but realistically—like to think of as no bullying whatsoever.

Our thoughts on the whole idea of removing the GSA clause from directly within Bill 13, as was proposed in the alternative Bill 14, is something that we’re a little bit hesitant to accept. The reason behind this is that we believe that the three-word phrase “gay-straight alliance” is not a title of an organization. Something that we noticed in Bill 13 is that it wasn’t capitalized. Although it might be a minute detail, it really goes to say a lot, because it shows that this is simply a common name that goes to reference a group that might not have that name in their school. It might be an equity club; it might be a rainbow alliance. Whatever it might be, it simply goes to serve as an example and a universally understood symbol of exactly what the club represents: an alliance between gay and straight students.

That’s why we, as students of Ontario, simply want to continue to enforce that we love the work that’s being done with Bill 13. We love it. We encourage everyone here sitting around this table to vote in favour of it because genuinely it’s what the students want and it’s

what will continue to better our education system as a whole.

In the 2010 student survey that we piloted as the Ontario Student Trustees’ Association, we didn’t target the parent community. We simply asked students, because this was back when the Ontario Student Survey was in its infancy. One of the questions we asked was, “Have you been bullied as a student?” You’d be surprised to know that over 50% of the respondents said yes.

Simply to reiterate and kind of capture all that I’ve said in a little bubble: Bullying is an issue that we have to continue to talk about, to be proactive with respect to in our community, and it’s something that we can’t really hesitate around when it comes to implementing different practices and different policies and bills like Bill 13 that will continue to benefit our students and education system.

Thank you for your time. I appreciate the opportunity to be able to come and speak in front of you today. I do believe genuinely, although I am one person, through the diverse system that we’ve come up with over the past 10 years of the Ontario Student Trustees’ Association’s existence, that I do represent right now the voice of thousands of students in Ontario who do believe that Bill 13 is something that needs to happen and something that will be a definitely positive step in the right direction with respect to this long journey that we’re only beginning but we hope will soon end. Thank you.

The Chair (Mr. Ernie Hardeman): Very good. Thank you very much for your presentation. We do have about seven minutes left, so I guess we’ll start with the official opposition.

Mrs. Jane McKenna: Thank you so much. Your passion in your voice was phenomenal, sitting here listening to you.

You said that you see a lot of positive change in Bill 13. Did you not see any positive change in Bill 14?

Mr. Kareem Ibrahim: Thank you, by the way, for your kind words. I do see them as being very two very similar documents that have a similar purpose, the only difference really being that Bill 14 is, of course, a little variation of Bill 13. The thing is, when we see something like Bill 13, it’s a very positive approach to the anti-bullying initiative that the government is putting forward. Bill 14 is the exact same thing. There’s one very subtle difference, and the subtle difference is the attempt to take out the GSA clause. Although it might seem like a small difference—it’s only three words with a hyphen in between; what can it really mean?—but the message that it sends, knowing that those three words coin a phrase that is slightly frowned upon in different communities throughout the province, through different religious groups per se, is sending, I think, the wrong message to students, saying that if we were to use those words quite explicitly in the name and providing it as a precedent for the name that could be proposed for a club, it goes to say that, “Although you may establish it, that may be not quite the extent to which the group might go,” if you know what I’m trying to say.

Mrs. Jane McKenna: Thank you so much.

The Chair (Mr. Ernie Hardeman): Thank you. Ms. DiNovo.

Ms. Cheri DiNovo: Yes, thank you, Mr. Chair. Thank you, Kareem. Thank you for your support. I'm obviously speaking as a member of the New Democratic Party, but also as a United Church Christian minister with a doctorate in Christian theology. I like to reiterate that. I like to put myself in that regard, because we've heard from a lot of folk coming forward who want to speak for all Christians or want to speak for all members of another faith.

I wanted to ask you if you are aware of, for example, the Ontario English Catholic Teachers' Association and their support. Maybe you could say something about that.

1510

Mr. Kareem Ibrahim: Thank you. Absolutely, I completely agree that the different teacher unions, both public and Catholic, that have supported Bill 13—the support really is remarkable. It goes to show that Ontario's community is thriving in the sense that we do want to come together and we do want to work in a united way to truly build that kind of support for students who need it in our education system right now, who are suffering at the hands of bullying. I do believe that that support is very crucial. The only subtle difference that I see between the support that is received for Bill 14 and Bill 13 is that with Bill 14, once again, there's that very slight modification that goes to send a message that doesn't quite nail it home as it does with Bill 13.

Ms. Cheri DiNovo: Also, from the Muslim community and others there has been support for gay-straight alliances as well, and I just want to put that on the record too, so it's not like people of faith versus people with no faith. This is a particular point of view put forward, and we thank you for speaking for students, because that's a voice we haven't heard a lot of at this committee. Thank you very much.

Mr. Kareem Ibrahim: Thank you.

The Chair (Mr. Ernie Hardeman): Thank you.

Mr. Yasir Naqvi: Chair, I just want to take this opportunity to thank Kareem for the passion he brought today. I see him working in the community as a student trustee, and he is always as passionate as you saw today. I also want to note for the record that he spoke without a single note in front of him. It speaks to his beliefs and strong conviction. Thank you, Kareem, and thank you to your association and all your members for the hard work they do on behalf of the students across the province.

Mr. Kareem Ibrahim: Thank you, Mr. Naqvi.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation and for coming in today.

Mr. Kareem Ibrahim: Thank you, Mr. Chair.

MS. JOHANNE BROWNTRIGG

The Chair (Mr. Ernie Hardeman): Our next delegation is Johanne Browntrigg. Very good. Thank you very much for coming in this afternoon to share your

presentation with us. As with the previous delegations, you will have 15 minutes to make your presentation. You can use any or all of it for your presentation. Any time you leave—and I guess we made the full circle that time with questions, so the questions will start again with the official opposition the next time around. With that, if you would state your name as you start your presentation, the next 15 minutes are yours. Thank you.

Ms. Johanne Browntrigg: Thank you. My name is Johanne Browntrigg. I come to you as a parent. I still have two children in the school system. I'm a mother of five. I want to thank you, Mr. Chairman, for this opportunity to address the group and for how welcoming and relaxed you're making everyone feel—those of us who are not accustomed to this environment. I intend to show you, with the pages of the government documents themselves to be codified in law by Bill 13, the curriculum changes that are of serious concern to so many parents.

Emily Wehbi and Kathleen Murphy said it very well and I will echo some of their concerns. Just as the three of us are not speaking for all Christians, there are student associations and school board associations that aren't speaking for all students and all teachers.

Several changes to the Ontario school curriculum will be driven by section 2 of Bill 13. This clause codifies in law a controversial policy of the Ontario government, the equity and inclusive education strategy. The Ontario government's guiding documents on the EIES, in turn, contains several definitions, guidelines for classroom lessons and instructions for teachers and staff that will both sexualize the curriculum in Ontario and suppress religious freedom.

The Liberal government's EIE strategy consists of three primary documents, as you're aware: The PPM 119; Realizing the Promise of Diversity, Ontario's Equity and Inclusive Education Strategy, which I will refer to as the EIE strategy from now on; and the Equity and Inclusive Education in Ontario Schools Guidelines for Policy Development and Implementation, which I will refer to as guidelines from now on.

By codifying in law the government's EIE policy, many radical, sexualized agenda items contained in the documents will seep into the curriculum, the classroom lessons and the school environment, placing these controversial ideas on the lips of every classroom teacher, in the name of equity, inclusivity and, somehow, anti-bullying.

So let's look. I have excerpts of the documents for your convenience, really. On page 89 of the guidelines it provides a definition that says a child's gender "may be different from birth-assigned sex." Also on page 89, it teaches that gender is "socially constructed." Are these radical ideas related to protecting students from bullying, or related to something else?

On page 17 of the document EIE strategy, the government recommends that schools celebrate the Gay Pride Parade. Is this committee fully aware that full nudity, bondage and mock sex acts are on full display at the Toronto Gay Pride Parade? The Toronto District

School Board has already followed the government document's recommendation on page 17 by including this in its own equity and inclusive education policy. Grade 3s are encouraged to attend the Gay Pride Parade, to cut out images from it or to hold one in their own school.

On page 21 of the guidelines, it instructs teachers to use texts written by gay and lesbian authors. This implies that gay themes will be present in those texts and discussed in the classroom, really regardless of what the actual subject being taught is, whether it's geography or math or something else.

On page 90 of the guidelines, it shows the disputed gender theory which refers to LGBT as different kinds of people. Again, do we want to cause psychosexual confusion amongst children? Do we want children to identify themselves by their sexual attraction? And how does this prevent bullying?

On page 89 of the guidelines, it provides the official government definition of homophobia, which makes no exception for sincerely held religious beliefs, the Bible or other sacred scriptures. This definition of homophobia reads, "A disparaging or hostile attitude or a negative bias, which may be overt or unspoken and which may exist at an individual or a systemic level, towards people who are lesbian, gay, bisexual, or transgendered." This definition has been deliberately made so broad that innocent comments made by students, teachers and parents out of sincerely held religious belief will be classified as disparaging and containing a negative bias. These people will be labelled as homophobes and bigots, and teachers who dare express their biblical beliefs about marriage will find that doors to advancement will probably be closed to them. This definition, which will be codified in law by Bill 13, and the anti-Christian ideology it contains will create systemic discrimination against teachers who hold a traditional, biblical view of human sexuality.

On page 58 of the guidelines, it provides a classroom self-reflection tool for teachers, which states, "In my classroom, I assume responsibility for examining and taking steps to modify personal beliefs ... that are inconsistent with equity and inclusive education principles." But this is unconstitutional.

Then on page 29 of the guidelines, it directly attacks the rights and reputation of traditionally principled parents by asserting that it is wrong and harmful to have only traditional gender identities accepted and reinforced in schools and at home. It sets the school system and the teacher against my belief system. It also sets the school system against the teachers' belief system.

On page 28 of the guidelines, it introduces the disputed theory of heterosexism. The government has elsewhere defined this term as "The assumption that everyone is or should be heterosexual and that heterosexuality is the only normal, natural sexual orientation." In fact, this is what millions of Christians, Muslims, Jews, Sikhs, Hindus and Buddhists believe. This definition labels all of them as carrying a false and

discriminatory belief. The government ought to leave this sensitive moral issue to families and not undermine them by codifying this controversial term in law and in the school curriculum with Bill 13.

On page 91 of the guidelines, it adds the word "queer" to the curriculum, so Bill 13 will codify in law a government policy which effectively tells teachers that they ought to help students self-identify as queer. This is not the role of a school; it is indoctrination.

On page 2 of the EIE strategy, it talks about "moving beyond tolerance to acceptance." Then on page 5 of the same document, it says, "We must ensure that we ... value the full range of our differences." So the government is instructing teachers that we must not only tolerate views and lifestyles with which we disagree, but we must also accept them, and we must not only respect people but we must value the full range of differences. Since we know this policy is focused on the LGBT issues, it's abundantly clear that the government is saying that we must accept and value—which is to say we must celebrate—everybody's sexual preference. But this is an attack on freedom of conscience, freedom of religion and parental rights. Parents and teachers with religious faith do not agree with this proposition. It amounts to another attack on them.

1520

On page 26 of Realizing the Promise of Diversity, the government admits that it intends to revise curriculum to ensure that homophobia is addressed in the classroom. Given the deliberately ambiguous, prejudicial government definition of "homophobia" and the desire to promote acceptance of the gay lifestyle, it is no wonder that parents fear the curriculum changes that will flow out of Bill 13.

Many parents are also convinced that Dalton McGuinty will eventually bring back the radical sex ed curriculum that he temporarily shelved in April 2010. Why? Because the government equity documents that will be codified in law by Bill 13 tell us so. On page 4 of the Realizing the Promise of Diversity document, it defines "inclusive education" as requiring that all students "see themselves reflected in their curriculum, their physical surroundings, and the broader environment...."

Then again, on page 60 of the guidelines, it instructs school staff to evaluate curriculum, library and classroom materials to determine what has been omitted and assess whether any discriminatory bias is present.

The government directive to have all students see themselves reflected in the curriculum is primarily talking about students who identify as LGBTTIQ. Since this directive will be codified in law by Bill 13, the sex ed curriculum will be brought back, no doubt.

Therefore, I ask you as a mother: Is it the role of the schools to eradicate from children the beliefs and values instilled in them by their parents? I ask you, what does anything I have read to you or shown you in these documents have to do with protecting children and teens from bullying? And I ask you finally, please strike from

Bill 13 clause number 2, which will require by law all schools to have an equity policy and give the minister power to rewrite that policy; or enact Bill 14 as is.

Thank you for your attention.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about seven minutes left. Again, we'll start with the government. Mr. Yakabuski—the opposition.

Mr. John Yakabuski: A Freudian slip, I'm sure, Chair.

The Chair (Mr. Ernie Hardeman): You never know.

Mr. John Yakabuski: You're hopeful, as I am, I know.

Thank you very much, Johanne. Thank you very much for your presentation.

Do you believe, Johanne, that students who have self-identified as being gay or homosexual, queer, whatever they choose to call themselves, should be protected in our schools?

Ms. Johanne Brownrigg: No more than anyone else, the same as everyone else.

Mr. John Yakabuski: But they should be protected.

Ms. Johanne Brownrigg: As anyone who has a big nose, who's poor, who is a different ethnicity should also be protected from bullying—all equally.

Mr. John Yakabuski: But could you just answer that question? Those students who I've identified should be protected.

Ms. Johanne Brownrigg: From bullying?

Mr. John Yakabuski: Yes.

Ms. Johanne Brownrigg: Yes.

Mr. John Yakabuski: Okay. And that is the essence of what anti-bullying legislation should be, correct? It should protect students.

Ms. Johanne Brownrigg: All students. Bill 14 does a good job of that.

Mr. John Yakabuski: The bill that we have before us, as I've listened to deputations for part of today—and my colleagues in our party, but also the other two parties, have listened for several days. But the ones I've heard today and the ones I've been able to pick up by monitor in our offices while the hearings were going on in Toronto—would it be fair to say that this has become not a discussion any longer about bullying, but a discussion about sexual orientation and sexuality?

Ms. Johanne Brownrigg: I think that's an excellent assessment. Unfortunately, that's what it's become. That was perhaps a deliberate plan, and it's easily remedied with Bill 14, which does seek to protect students without engaging in controversial and somewhat damaging approaches to bullying.

Mr. John Yakabuski: Would it be your contention that Bill 13, if passed in its present form, would very seriously infringe upon your right as a parent to raise your children in the religion you believe in and follow, and that it would restrict your ability to raise them in that religion, given the influence the school can have on children?

Ms. Johanne Brownrigg: Yes. I bet you didn't think I could answer in one word.

Mr. John Yakabuski: Yes. You did. You caught me off guard. I expected a little more. I now have to think of my next question.

There has been a suggestion from some people who have testified today, or spoken—"testified" is a strong word—that if Bill 13 is enacted without the kind of amendments they've talked about, or where it specifically talks about protecting students—all students—equally and inclusively, that in its present form it would likely be challenged in the courts, which of course would tie the bill up for some time and maybe prevent the implementation of not only Bill 13 but any bill that may be designed to protect students against bullying in the classroom, or outside the classroom as well, but certainly within the environment of the school.

Do you share the view that it could be the case that it could be challenged in the courts, and if it's held up it would actually prevent the implementation of what we're trying to do; that is, protect students against bullying?

Ms. Johanne Brownrigg: Yes, indeed, an unnecessary delay in protecting children. It would tie up—I didn't know that it would tie up other bills. It certainly will tie up a lot of money.

Mr. John Yakabuski: Thank you very much.

The Chair (Mr. Ernie Hardeman): That concludes the questioning.

Thank you very much for your presentation. Much appreciated.

Ms. Johanne Brownrigg: Thank you.

The Chair (Mr. Ernie Hardeman): Our next presentation is Elvira Varriale. Is she here? Is Elvira Varriale here? No. Are Dawn Moore and Ariel Troster here? That's the one beyond. It seems we have one not here yet, but we're ahead of time.

MS. ARIEL TROSTER

MS. DAWN MOORE

The Chair (Mr. Ernie Hardeman): If you want to come forward, we'll do yours. Thank you for coming this afternoon to make your presentation. As with the previous presenters, you will have 15 minutes to use as you see fit. You can use all or part thereof for your presentation. If, at the end of the presentation, there's time left for questions, this time they will start with the third party. When you start your presentation, would you include your name for the record so they can write it in properly? With that, the next 15 minutes are yours.

Ms. Ariel Troster: Thank you. Good afternoon. My name is Ariel Troster, and I'll be sharing my time with Dawn Moore, who is here to represent Camp Ten Oaks. I'm speaking as an individual, as a long-time activist in the LGBT community and as a very soon-to-be parent. My wife, Caitlyn Pascal, was on the way here, but I guess I'm presenting a little early. We're expecting our first baby in about five weeks.

I felt compelled to come forward and speak in favour of Bill 13 after reading about some of the truly vile and

homophobic rhetoric that was expressed at previous meetings of this committee in Toronto. I want to state clearly and unequivocally that I believe that legislation of this nature is urgently needed in Ontario's schools. I don't want to have to make a presentation of this nature in 14 years when our own daughter enters high school.

1530

You've already heard from some really excellent, established organizations with some criticism of some of the language in the bill: the omission of gender identity, gender expression and biphobia and transphobia. So I'll leave that to Egale and to the Ontario GSA Coalition. I just want to state that I support their analysis.

That being said, I'm here to tell you why I support the bill on a personal level. LGBT youth are targets of bullying, and they need protection. Lesbian, gay, bisexual and trans youth, or those perceived to be, are targets for bullying, and they're at risk of depression and suicide. There have been quite a few high-profile suicide cases in recent years, including—I understand that Jamie Hubley's father was here this morning. When I attended the vigil following his suicide, I pledged to do everything I could at a personal level to support queer youth in high schools. Even one death is too many.

Again, I would reference the presentation made by Egale and the Ontario GSA Coalition for more detailed data. But, really, it's indisputable that LGBT youth face a very specific kind of bullying, and they face a very specific kind of torment. Despite attempts by fundamentalist groups to gloss over their specific treatment, I believe that they merit specific mention in the law for a very good reason.

The second reason I support this bill is because LGBT youth are demanding the right to form GSAs, and it's our job to listen to them. The strongest and most convincing advocates for GSAs continue to be the youth themselves. Andrea Houston has spent the last couple of years documenting in Xtra the relentless and brave fight by LGBT youth in Catholic schools to have their rights respected. In one case, students were banned from displaying rainbows in their Catholic high school, and instead they subversively baked them into cupcakes, which I thought was kind of genius. They have done everything in their power to advocate for themselves, and now it's our time to advocate with them and for them.

To my knowledge, "gay-straight alliance" is the only club name formed by high school students that's being discussed at this level and that an entire school board refuses to acknowledge. That really says something, because it's certainly not the words "straight" or "alliance" that people are objecting to. The right to name ourselves is a crucial part of our liberation and our struggle for human rights. High school students should be able to name their clubs whatever they deem to be appropriate. They shouldn't have to adopt a generic name. Frankly, by erasing the name of their groups and attempting to neutralize their right to self-identify, trustees are telling LGBT youth to erase their identities. We can't sit by and allow this to happen.

The third reason I support this bill is because LGBT rights only exist on paper if our youth can't exercise their rights in schools. Our community has fought for more than 40 years to achieve legal equality, and we're almost there. The legalization of equal marriage across Canada in 2006 was a crucial victory after decades of street protests and court battles. And just this month, in Ontario, there was all-party support to add human rights protection for trans people to the Ontario Human Rights Code, and I applaud all of you for that.

But it's unbelievable to me that there seems to be all-party support for formal rights on paper, but we can't get agreement to let high school students form their own clubs and name them whatever they want. I mean, it's quite unbelievable to me, because these legal rights have no effect on the lives of vulnerable teenagers if young people are not permitted to exercise their rights at school, if they're told that their identities are dangerous and that adults don't support them. That's why legislation of this nature is so crucially needed.

The fourth reason is, sometimes children need protection from adults and from the adults who purport to represent them. I've followed the last three meetings of this committee with great interest, both in the mainstream media and on Twitter. While I was impressed at how articulate and passionate LGBT youth were in advocating for their rights, it was the adults whose behaviour appalled me. One person who presented to this committee referred to homosexuality as a "toxic delusion." Another trotted out the false and unsubstantiated notion that homosexuals have a higher likelihood of committing murder. Another suggested that the best that queer youth could hope for is tolerance, because "acceptance is unacceptable." And to top it all off, as has now been reported in the media, Catholic school trustees have confirmed they will never allow students to use the term "gay-straight alliance."

If this doesn't make the argument in favour of implementing this legislation, I don't know what else does. Clearly, LGBT youth need protection from the adults who would shame them or wish them harm. Ensuring their safety and the quality of their learning environment should be our primary and paramount concern. If anything, the reaction from some parents and some religious leaders underscores why this law is so important. There is nothing criminal or immoral about young people's need to get together with each other, to share resources and to plan social events. Really, these groups are rather innocuous. If anything, the fear that this bill provokes is proof of its necessity.

I just also want to say that these hearings have been dominated by people claiming to represent organized religion when in fact there are many people of faith who are entirely accepting of LGBT rights. My uncle and two of my cousins are rabbis. They were all at my wedding. They are all very strong and forceful advocates for gay rights. There's a real diversity of opinion when it comes to people within religious communities.

As a citizen of this province, I am appalled that publicly funded schools continue to act with impunity

against queer youth. I understand the question that you asked the previous presenter. If Bill 13 lands the province in court with the Catholic school board, so be it. I urge you to be brave and to stand up for LGBT youth who both need and deserve protection under the law. I sincerely hope that when my daughter starts high school, this struggle will be long behind us. Thank you.

Ms. Dawn Moore: Members of the Standing Committee on Social Policy, my name is Dawn Moore and I am the vice-president of the Ten Oaks Project. The Ten Oaks Project runs summer camp programming for LGBTQ youth and for children of LGBTQ families. We service the GTA as well as the national capital region.

The debate over gay-straight alliances and anti-bullying is not theoretical. It is about addressing very real needs of very real children and youth. We work with children and youth in the LGBTQ community throughout the year. We see first-hand how regularly they encounter homophobia and transphobia out in the community, and especially at school.

Some of the youth we work with have experienced homophobic discrimination because they are lesbian, gay or bi. Some are victims of transphobia because they sit somewhere on the gender spectrum between male and female. Some have two mums or two dads or, as one of our campers put it, “one mum for now, but we’re looking for another one” and open to suggestions. These children, who we call coming from rainbow families, are often taunted with homophobic slurs at school because of their family structures. These encounters are different from the kind of bullying those opposed to this legislation believe is already dealt with in Ontario’s schools. This bullying and discrimination is fuelled by a historical and enduring homophobia and transphobia. In Ottawa, we know all too well the extreme end of what this kind of bullying can do to a child’s sense of self-esteem and self-worth.

At the Ten Oaks Project, we see the less extreme but far more common homophobic and transphobic bullying. We see how it impacts both children and youth who identify as LGBTQ as well as those, like my own sons, who are children of the LGBTQ community.

Every year at camp, we have an activity called “across the grass.” The campers stand at one end of a field and a counsellor asks them to step forward every time they identify with an experience or statement that is read out. At first, the kids step forward revealing fairly basic things about themselves: Step forward if you are a camper. Step forward if you are afraid of bugs. Step forward if you are part of a family.

As the activity moves on, though, the questions get a bit tougher: Step forward if you are afraid to be “out” about yourself or your family. Step forward if you’ve ever lied to somebody about your family because you’re afraid of what they’ll do to you if they find out who your family really is. Step forward if you’ve been called a homophobic name.

Once everyone has moved across the grass, the campers begin a conversation with their counsellors about homophobia, about why it exists and, importantly

for our youth, about what they can do in their own lives to take care of themselves and to work globally to stop homophobia.

The children and youth come out with lots of great suggestions, but the one that we hear time and time again is that they, and we as the adults who help to guide them, need to create safe spaces where these children and youth can feel loved, welcomed, cared for and protected.

The lucky few children and youth we get to serve for a week of every summer get this feeling of safety and acceptance when they come to camp. Many more, I’m happy to say, are able to continue on creating safe space if they are fortunate enough to live in a bigger city or go to a school that has an active GSA and has already worked to create a more welcoming environment for LGBTQ community members. But I know that there are still thousands of kids who cross the grass to school every day with those same feelings of fear, shame and confusion, and there is sadly no safe space waiting for them on the other side. Indeed, this committee has been told exactly this by youth who have spoken out about their own need for GSAs in their schools.

1540

I’m not the first and I will not be the last to speak to this committee in order to advocate for the proposed legislation. While I believe these acts could go further to consistently name homophobia and transphobia, and to spell out as clearly as possible students’ rights to form GSAs in their schools, I believe that the sentiments expressed in Bills 13 and 14 move us several steps forward in creating safe spaces that are universally accessible to children and youth in the LGBTQ community.

Alongside my role as the vice-president of Ten Oaks, I’m also an academic and a mother of two. That makes me need to be sensible and realistic by nature. My sensibilities remind me that this legislation isn’t going to make it better overnight for children and youth in LGBTQ communities. Bullying will still happen, but at least these children and youth know that their mentors, their teachers, their school officials and yes, you, their government, are all doing what they can to make it better.

Many youth from the LGBTQ community have already addressed this committee, and you’ve heard from them, in their own words, the importance of what the Ontario Legislature is about to do. I am an adult who cares about these youth, as well as the children in our community. These kids need your protection today so that they can go across the grass tomorrow with a bit more hope. I ask that you move to pass these bills and show our children and youth that they matter, that they are valued and cherished for who they are and that the adults charged with their care and education will help them or, at the very least, not stand in their way as they work to make it better right now for themselves and their peers. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. There’s about two minutes left. Ms. DiNovo.

Ms. Cheri DiNovo: Thank you, Mr. Chair. Thank you, Dawn and Ariel. You should know that the New

Democratic Party are firmly on your side and that we will be putting forward amendments to strengthen this in terms of transphobia etc. But also, more personally, I just wanted to acknowledge your bravery. My husband's two children have two mothers and they live here in Ottawa; one should probably be arriving any moment. I performed their wedding. What we've heard here, much of the testimony, is not indicative of most people of faith and not indicative of most people, period, in this province. So thank you for bringing forth what has seemed to be in these hearings a silent majority. It's not so silent anymore, thanks to you. That's all I have to say. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. Thank you very much for your presentation.

Ms. Lisa MacLeod: Chair, if I may also say, that baby has been so good through the 15 minutes.

Ms. Dawn Moore: Another reason to vote in favour of the legislation.

Ms. Lisa MacLeod: Honestly, my daughter was that age when I got into politics, and if she saw a microphone—and she still does it—she grabs it and goes—

Mrs. Jane McKenna: It's genetic.

Ms. Lisa MacLeod: Maybe it's just genetic.

The Chair (Mr. Ernie Hardeman): That is well said. Very well behaved. Thank you very much for your presentation.

Ms. Dawn Moore: Thank you.

MR. STU SCHWARTZ

The Chair (Mr. Ernie Hardeman): For the committee's information, we had a cancellation for the 3:45 appointment and we have our 5 o'clock appointment here, who is prepared to make a presentation now to fill in from 3:45 to 4 o'clock. With that, if we could ask Stu Schwartz to come forward to make his presentation.

Ms. Lisa MacLeod: Chair, just if I may, for those of my colleagues that aren't from the city of Ottawa, this is Stuntman Stu. He's best known for his morning show on Majic 100, but he's also very famous because he's the Sens PA announcer, and of course for all those Toronto Maple Leafs fans, he actually got to announce some games after the season ended. We actually made it into the playoffs here in the city of Ottawa, the Senators.

The Chair (Mr. Ernie Hardeman): Thank you very much. With that, I won't take that off your 15 minutes, but any further and it all comes off your time, sir. You know, being a radio announcer, it's very critical that you stay right on time.

Mr. Stu Schwartz: I'm aware.

The Chair (Mr. Ernie Hardeman): So thank you very much for being here. You will have 15 minutes to make your presentation, to use any or all of it for the presentation. Any time left over after you have finished, we'll have questions from the committee. The government side will be asking the questions in this one. So with that, we would ask you to give your name into the

microphone as you start your presentation, and the next 15 minutes are yours.

Mr. Stu Schwartz: Good afternoon, everyone. My name is Stu Schwartz, and I host the morning show at Majic 100 here in Ottawa with Angie Poirier and Trisha Owens. Last fall, there was a local bullying story that we talked about on our show, and it brought back memories of my own childhood, when I was bullied. We broke format that morning and took non-stop calls from frustrated parents, and a few hours after the show, we were still getting emails.

I tweeted that day that if I had to go to every school in Ottawa and preach an anti-bullying message, I would, and then added the hash tag #NoMoreBullies. A few hours and a few thousand re-tweets later, the No More Bullies tour was born.

We never anticipated how big No More Bullies would get, and were shocked at the hundreds of frustrated emails from parents who had had enough of bullying in their own kids' schools. Our plan was not to enter the schools and tell the kids they've been learning it the wrong way, but to complement the message the students were already getting, and we teamed up with some people in the community to help us spread that message—more on them in a moment.

My own story of bullying started innocently enough in the 8th grade, where some other students were playing rough in gym class and I took the abuse. It continued afterwards in the locker room and went on to last almost two years. It became a regular occurrence where I had to avoid certain hallways or risk having my books pushed out from behind me or shoved in a locker, all this because during that period, I really didn't fit into any groups.

I was embarrassed and never told my parents, and the few friends I did have most likely knew but didn't say anything. It was a difficult stretch for me, and I kept it inside. I was never at a point of taking my own life, but there were plenty of times when I hated going to school because I knew, after a weekend of trying to forget about it, that I was going to have to deal with it again on Monday morning.

I remember breaking my leg playing hockey and thinking, "Well, at least I don't have to deal with the bullies. I'll get driven to school."

After almost two years of dealing with the constant teasing, name-calling and occasional shoving match, I marched into the principal's office, walked right past his assistant—which you never did—and demanded he do something. He called one of the bullies into his office and asked him right in front of me, why was he putting me through this? The bully's response was, "I don't know." My thought was, "Are you kidding me? I've been dealing with this for almost two years, and the best you can come up with is 'I don't know'?" The principal told him that it was ending that day and to leave me alone. Much to my amazement, it did. My only regret in life is letting it go that long.

That's part of the message to students: No matter how bad you think it is, someone is there to help you. But as

we keep hearing, the zero-tolerance policy is not being followed in every school. I'm not sure if it's a lack of resources, but the problem is getting worse. Kids need to understand that their words can kill.

As a father of two, I can deal with the rude emails on occasion, the fake Twitter accounts and assaults we sometimes get on social media, being in the media. I can't imagine what it must be like for an 11-year-old who has something written about them on Facebook which they know isn't true, but their friends would think otherwise.

We've visited many schools with our No More Bullies tour. With the permission of one frustrated mother whose child is dealing with a current bullying issue, here's a part of her email to me last week:

"My concern for other families who are victimized by bullying and violence stems around the ability and knowledge to fight on behalf of their child who is the victim. In our society we are taught to respect the police and schools, and to not be selfish. Therefore, many parents follow the advice presented to them (unhappily) without forcing that their child be treated appropriately. I would like all families to be supported by our government. This may be done by our government imposing more focus on the victim."

She has asked to remain anonymous, but there are sadly many more emails like hers that have made their way into our radio station's No More Bullies email account.

At this point, I'd like to introduce some of the members of the #NoMoreBullies team. They're not here with me today, so I'll read all of their parts.

First up is a piece written by Angie Poirier from the Majic Morning show. She writes:

"No child should ever be afraid to go to school, but for many ... children, this is their reality. Since we began the No More Bullies campaign at Majic 100, we have had the opportunity to connect with hundreds of parents on this topic as well.

"They have sent emails, social media messages and have called us in tears, asking for help. Some are at a loss, feeling helpless and don't feel their cries for help for their bullied children are being heard. Parents have told us there is no consistency from school to school, teacher to teacher and principal to principal on how to properly and effectively deal with bullying. More needs to be done to educate, remedy and ultimately, save lives.

"There is no denying that the mental torment of bullying is affecting children now more than ever, to the point that some are harming themselves as a means of dealing with the pain.

"As a parent," Angie writes, "I know more needs to be done. We all know more needs to be done. Turning a blind eye is no longer an option. There are cries for help from the younger generation, and we all need to listen and do our part."

The next part I'll read is from Trisha Owens, also from the Majic Morning show, who is on our No More Bullies tour. She writes:

"I've been a broadcast journalist for more than a decade, and in all my years of reporting, I have to say that this past year seems to have been one of the worst when it comes to stories of young people being bullied and the drastic measures many of them are taking to escape it all."

1550

"We hear from the experts that bullying can't be solely blamed for a young person taking their own life, that there were likely other factors involved, but to think that it played a role in a child or young person making that heart-wrenching decision to end their life before it even had a chance to really begin is so incredibly tragic.

"Schools have their own anti-bullying programs in place, but clearly ... more needs to be done to put an end to this vicious cycle. As one city councillor said to me, bullying is about the mental and physical abuse of another human being. He went on to say that unless something is done to stop it, we will continue to bury more kids.

"The No More Bullies tour aims to draw awareness not only to these severe cases but about the effects of bullying in general. It is our mission to keep the conversation going and encourage young people to take a stand against bullying. We want to help them find the courage to speak out, whether they are being bullied or know someone who has.

"This is an issue that is very near and dear to me," writes Trisha, "not only because I have reported on it over the years but also because I lived with it, and I know the damage it can do. Being picked on and called names when you're growing up and struggling to find out who you are and where you belong has such damaging effects. Those hurtful words follow you for years and years. Elementary and high school are difficult enough for young people without the added stress of being bullied or feeling that they aren't good enough. Imagine waking up in the morning and being afraid to face the day because you have no idea what is waiting for you when you walk through those doors at school. The classroom should be a place where kids feel safe, not threatened."

She concludes with, "Bullying is certainly nothing new, but it definitely has gotten much, much worse over the years, and I wonder how many more lives need to be ruined before something is done to put an end to it once and for all. I don't profess to have the answers, but I do know that parents, teachers and community leaders can only do so much to help fix the situation, and perhaps now is the time for more affirmative action to be taken by the people we have elected to keep our cities and towns safe."

Now I'll continue with a piece from Faron Gogo. She's with Youth Net and also joins us for each of our school presentations for No More Bullies. She writes:

"Youth Net/Réseau Ado [YN/RA] Ottawa is a for youth, by youth, mental health promotion program run out of the Children's Hospital of Eastern Ontario. The goal of Youth Net is to promote positive mental health and the destigmatization of mental illness and its treat-

ment. Our programs and initiatives aim to provide alternative support programs for young people, while allowing access to a clinical social worker at all times if additional support is necessary.

Youth Net joined the No More Bullies team in October 2011. Youth Net's part in the tour is to speak about the effects of bullying on youth mental health (such as increase of risk of anxiety, depression and self-harm, along with the decrease in self-esteem/self-worth), the stigma and barriers to receiving help, and where young people can access resources and programming if needed. Youth Net also provides each school with an information table" at our No More Bullies presentations "where young people can connect with a trained Youth Net staff member and with clinical support. Youth Net also makes connections within the schools to provide additional resource lists and information on youth mental health as well as additional mental health presentations or focus groups if requested.

"Being a youth-focused organization," Faron writes, "bullying is a major theme that impacts the young people that access our programs. When approached with the opportunity to engage youth through a dynamic presentation and allow for connections to resources they may not have been aware of, Youth Net made it a point to ensure our ongoing support of the No More Bullies tour. Youth Net also supports the passing of Bill 14 to ensure such necessary in-school programs as bullying prevention, remedial support for victims and perpetrators of bullying as well as ongoing professional development programs for teaching staff. Bullying is not only an issue of young people, but a systemic issue needing support at all levels."

Finally, I'll read a piece from Erin deJong, who closes out our presentation. Erin is from the Red Cross and also joins us for our No More Bullies tour, which is made up of all these people, including one more which I'll tell you about at the end.

Erin writes: "I write this letter with regards to the proposed Bill 14. I am writing from three perspectives, all of which have come to be very intertwined. I write from the perspective of a participant in the Ottawa area's No More Bullies tour, from the perspective of a trainer for the Canadian Red Cross's Respected (anti-bullying) program, and from my own personal experience.

"In terms of Bullying Awareness and Prevention Week, I believe that this is an important step in the right direction. What never fails to surprise me in my role as a bullying-prevention trainer is how often students tell me that basic information on bullying is new information for them. I distinctly remember one student telling me that they sincerely did not know how much harm they could cause by calling another student a 'slut.' On several occasions, students have reacted in shock whenever I informed them that bullying behaviours are often criminal behaviours if the perpetrator is over the age of 12. These facts that may be well known to some are completely unknown to others, and disruptive, hurtful behaviours are sometimes the result of a lack of edu-

cation. Having a Bullying Awareness and Prevention Week is an important first step to ensuring that students are educated and aware of issues surrounding incidents of bullying."

She continues, "I have a similar opinion with regards to the proposed remedial programs for victims, and perpetrators of bullying, professional development programs for teachers and information for the public. I once again refer to the importance of education. Remedial programs for victims and perpetrators of bullying and aggression offer an outstanding opportunity for those involved to learn and grow from the incident. Perpetrators are forced to see and talk about the effects that their negative behaviours have had on others, hopefully opening their eyes to consequence of a scope greater than themselves. Victims also can learn from such an experience. Most importantly, they will see first-hand that the situation is being taken seriously and that, opposed to negative messages they may be receiving in other areas of their lives, they are important and people do care about their well-being.

"Also proposed are professional development programs for teachers." Erin writes that she firmly believes that "such programs are essential components in the process of creating safe learning environments for students." Often she works with teachers in an anti-bullying context, and they express concerns of a large variety: "I regularly hear that teachers are unaware of the specifics of their school's policy on bullying, which alone is concerning. Another common comment I hear is that teachers feel frustrated with the current process for dealing with bullying, because often no action is taken when they report what they see—either because of a lack of effort or because of a lack of ability. Educating teachers on what the schools' policies are, and what the process for dealing with bullying is, is vital in terms of addressing the issue of bullying behaviours occurring in a school context. If the teachers do not know and are not confident in the policies and procedures, the capacity of these powerful, front-line bystanders to take action against bullying is undermined."

Lastly, she "would like to speak to the proposal that all persons who work in a school be required to report any acts of bullying they observe to the principal, and the principal's obligation to investigate and take action. The issue of reporting bullying behaviours is one that is of particular importance. Teachers and students alike have repeatedly expressed to me that reporting bullying or aggressive behaviours is not something that they are comfortable with, nor is it a process they fully understand. When a person observes bullying or aggressive behaviours and does not report it and/or take action against it, they are—through their silence—tolerating the behaviour. The lack of reporting that is occurring in our school system is perpetuating an environment in which bullying behaviours are ignored and therefore permitted, creating an unsafe learning environment for many of our students. Education on reporting is certainly needed, but reporting also needs to be mandatory for any person

involved in a school setting. Of course, mandatory investigation and action following reporting is a crucial component of this process as well."

She "would like to conclude that I offer complete support for Bill 14. It has many strong components that, if implemented, can and will make our schools a healthier and safer place."

Now back to me. When I was in high school, they preached the drinking-and-driving message to us at every opportunity they could get. It was in school assemblies, class presentations, field trips to the police station, posters around school, ads on the radio, TV and newspaper, and even though 20 years later there are still stories of drinking and driving, most get the message and don't even think twice.

This is where we need to take bullying. We need to educate kids to get them to a place where they don't even want to type something hateful online. We have a responsibility as parents, educators and lawmakers to make the future safer for our kids.

On behalf of the Majic 100 #NoMoreBullies tour, I thank you for the opportunity to speak to you today. Our tour also includes Scott Haggard, a communications undergrad at the University of Ottawa and an active member of both our campaign as well as You Can Play. We certainly appreciate it.

Please do what's right for our kids so that we can keep them safe. Any child who is afraid to go to school because of bullying by their peers is one child too many. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. Now it's time for the news because it's right on—the time is up. So thank you very much for your presentation. We're really pleased to have you here.

1600

Mr. Yasir Naqvi: Chair, may I quickly thank Stu for the presentation today and for his community involvement in a lot of issues. Also, using his radio show and his personality as a radio personality in Ottawa toward the No More Bullies school tour has been extremely helpful and has raised the profile of this very important issue that we all need to deal with. Thank you, Stu, for your hard work.

The Chair (Mr. Ernie Hardeman): Thank you very much again, and thank you again for making the presentation.

MS. ELVIRA VARRIALE

The Chair (Mr. Ernie Hardeman): We're right on time here for Elvira Varriale. Thank you very much for being here. As you find your seat behind the microphone, as with other presentations you will have 15 minutes to make your presentation. If you just give it to the clerk, he will distribute it to the committee. You can use all of the time for your presentation. If there is time left at the end, there will be questions from the committee. I believe it is the government side that starts this time.

I would also ask, as you start your presentation, that you give us your name on the microphone so that Hansard can spell it properly. They have no trouble pronouncing it, but they need to know how to spell it.

Thank you very much for being here. With that, the floor is yours for the next 15 minutes.

Ms. Elvira Varriale: Thank you. My name is Elvira Varriale. Honourable Chair and members of the committee, I'm here as a Catholic teacher.

I have been at the other committees until I learned that my uncle passed away. Then everything stopped at that point. But I did manage to drive down, not having even enough time to have a conference call.

I want to say that it's not as polished as I would like it to be. I'm not going to give you a speech, but I have some points for serious consideration. What I'd like to do is perhaps talk about those points, and then afterwards, give my own witness. I'd like to leave some time for questions. Hopefully, there will be time for questions.

Those of us who oppose Bill 13 and favour Bill 14 have evidence that Bill 13 hurts teachers, who involuntarily hurt students and their parents.

The reason for this rationale? There is already proof of principled teachers who are silently being bullied by their employers and colleagues in a culture of silence and fear of retaliation. Why? Simply because these teachers practise their faith openly in Catholic schools that no longer tolerate such teachers—or students, for that matter.

The reason why the Catholic school board system does not tolerate such principled teachers of faith is precisely because Bill 13 has already been in discussion for some time through the memorandum of the equity and inclusive strategy policy.

There is evidence that the school boards have already been prepared by the government to usher this Bill 13 into the system. We know this to be true because of what has been done to these principled teachers who live and work in fear of reprisal, who unwillingly compromise their faith in order to keep their jobs and put food on the table, who are persecuted for standing up for their faith in an already compromised system, or who are ostracized for trying to hang on to their faith or are literally pushed into early retirement.

If MPPs would like to have a meeting with such teachers and give them a listening ear because of concern, I could do my best to arrange such a meeting. I know these teachers, and I'm one of them. The system, as it is at the present time, has only failed us all.

This harassment of principled teachers is all to re-engineer a new attitude in our society, beginning in our school systems, not solely pertaining to people with same-sex orientation, but also to create a new attitude pertaining to morals and values.

Therefore, the equity and inclusive strategy memorandum that has led to this Bill 13 has not only hurt principled teachers who value a moralistic society based on the common good of all individuals, it has also

deprived students of all that is true, good and beautiful. Everyone is deserving of love, not just the few.

The document presented by the Catholic trustee association entitled Respecting Difference presents the solution, with the strategies we need to put into place to maintain the dignity of all individuals, based on the principle of love which is so lacking in our world today.

As a result of this memorandum, which Mr. McGuinty wants to seal with Bill 13, we have evidence that these teachers are not only hurting, but are actually being bullied out of their classrooms, out of their departments and, literally, out of their jobs. A law such as Bill 13 could seal the injustices that are presently occurring in our Catholic school board system, producing a godless society that allows all to act impurely and on one's whim, ignoring the rules of love. God is love.

We already heard from so many parents who have expressed their deep fear of being bullied by this government's proposed bill. When both principled parents and teachers no longer have a say in this society, who are lost in endless processes that go nowhere, the moral fibre of our society will suffer. Ultimately, it will be the majority of our children and students who will get hurt in such a system and who will also, in turn, get bullied for the same reasons.

There is much evidence that the climate for Bill 13 has already been created and reflected in the curriculum of many school boards, and the attitudes have already been shaped so that the thoughts of a few are imposed on others. This is discrimination. It is unjust and unlawful according to our Charter of Rights, and freedom of conscience and speech.

If teachers are bullied and hurt by Bill 13, how could teachers possibly help your children and grandchildren? If Bill 13 is passed instead of Bill 14, it will only serve the agenda of a minimal few and hurt and bully the vast majority of teachers, parents and children who are working towards the common good of all in a just society. Hence, we will have a society with an increased number of bullies who will promote anything but love. Where would that lead us as a society? May God help us all.

I have not prepared what I'm going to witness, but I'm here to witness as a Catholic teacher. And perhaps I do it for a number of reasons. I've been listening and I don't hear too many, if any at all, teachers speaking out about being bullied, and that's precisely because of my explanation. It's a silent, quiet culture, and I think that silence needs to be broken. Perhaps, if anything, by coming out it might help others to also tell their stories.

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Of course, in a few minutes, I can't tell you my story, but it really is with a lot of great disappointment that I have heard OECTA representing us so unjustly, talking as if they represent the mass, all of us teachers, and in fact it's really just a very small minority. That attitude is not the attitude of all the teachers, and we may not hear it because of the silent culture. People are trying to protect their jobs. OECTA is going ahead doing what they feel is right, and they're also going against the Ontario Catholic

trustees and bishops with their Respecting Difference. They do not accept that.

So, why do we call ourselves Catholic? I need to express to you that, as a result of trying to carry out the teachings of Christ, the teachings of the church, I have experienced bullying, and in such a dramatic way that I'm lost in a process that's lasted for two years, almost. I am not given a just trial. I'm not allowed my own witnesses. I have to deal with lies, contradictions, fabrications and just downright disrespect for the dignity of the person I know God created me.

This is not right, and Bill 13 would clinch it. It would leave us all in greater jeopardy. We have nothing against a certain group—I know I don't—but I think it's important to look at all groups, and if teachers are going to get bullied, your children and your grandchildren will be affected too, unless we all lose our jobs, and maybe that's where we're headed.

Are there any questions? Perhaps by knowing what kinds of questions you would like to ask me, I can proceed for the remaining time.

The Chair (Mr. Ernie Hardeman): If you would like questions, the government gets to ask questions at this time. We only have about two minutes to ask questions.

Mr. Bob Delaney: Thank you for coming out, Elvira. Can I ask you a couple of clarification questions? They're just simple yes or no questions. In looking through your deputation, do you think students should be allowed to establish a respecting difference group in a school that specifically addresses the needs of students who identify themselves as lesbian, gay, bisexual, transgendered or queer?

Ms. Elvira Varriale: I've done a lot of work in this area. In terms of stigmatization and putting themselves in a group like that, I think that they would be jeopardizing their own dignity, because of the world we're in. I think that would be an unsafe way of going about doing it, whereas if you have a group of all students who are bullied in one way or another, that is addressing the common concern and it's safe for the students so they do not get retaliation of any kind.

Mr. Bob Delaney: Okay. Earlier you identified a document by the Ontario Catholic School Trustees' Association, which is entitled Respecting Difference, and they've issued a clarification on it. Chair, just to conclude this deputation, in the document it says, and I'll read it specifically—as their question and answer guide:

"Can students establish a Respecting Difference group that specifically addresses the needs of students who identify themselves as lesbian/gay/bisexual/transgendered/queer?"

"Answer: Yes. Respecting Difference groups can address a variety of issues or can be issue-specific and address only one type of issue e.g., the well-being and safety of students who identify themselves as L/G/B/T/Q."

"Will students be able to speak about their" LGBTQ "identity in these groups?"

"Answer: Yes."

Would the clarification of the Ontario Catholic School Trustees' Association affect the reference you made to the document they originally issued?

Ms. Elvira Varriale: Have you read Respecting Difference?

Mr. Bob Delaney: I've got it right here.

Ms. Elvira Varriale: Have you read it?

Mr. Bob Delaney: Yes. Would their clarification change the remarks that you made?

Ms. Elvira Varriale: From what I have read in terms of Respecting Difference, it's my understanding that they are not to make a specific group. So I don't know why the director of the Toronto Catholic District School Board said that.

The Chair (Mr. Ernie Hardeman): That concludes all the time we have. We thank you for making your presentation today. It's much appreciated, your being here.

MR. ALAN JANE

The Chair (Mr. Ernie Hardeman): Our next presentation is Alan Jane. Thank you very much for being here, sir. We much appreciate your attendance. Yes, you can hand that to the clerk and he will make sure that the committee all gets a copy.

As with the delegations that we've been hearing, you will have 15 minutes to make your presentation. You can use any or all of that time for your presentation. If, at the end of your presentation, there is sufficient time left, we will have questions from the committee. This time the questions will be from the official opposition. With that, if you will start your presentation by giving your name for Hansard, we'd very much appreciate that. With that, the floor is yours for the next 15 minutes.

Mr. Alan Jane: Thank you. Good afternoon, committee members. My name is Alan Jane. I am a Catholic who is very concerned about Bill 13. I'm a lawyer. I'm married. I have two daughters, ages 12 and 14. I thank you for giving me the opportunity to voice my views about Bill 13.

Everyone is against bullying in our schools. However, in my view, section 9 of the bill needs to be amended. It is contrary to Catholic teaching and should not be imposed on Catholic schools, in particular the promotion of same-sex attraction and gender identity clubs.

Before I talk about the wording of my proposed amendments, I want to tell you what they seek to accomplish.

First, Catholic schools must have the right to rule clubs out of bounds if they conflict with Catholic religious views.

Second, gender identity is an inappropriate issue for open-forum discussion controlled by students. Some students are very impressionable and young. This topic is best dealt with privately and confidentially with proper counselling and chaplaincy staff.

Third, the activities and organizations of all groups or clubs formed within Catholic schools must be respectful

of and consistent with Catholic teaching, as otherwise the bill is bullying Catholic schools into violating their own doctrines.

Fourth, Catholic schools cannot support any clubs that seek to undermine Catholic teaching on the institution of marriage.

With these Catholic perspectives in mind, here are my proposed amendments, and I've handed them out. I must tell you, I haven't had a chance to review Bill 14. I don't know if my amendments mirror those of Bill 14 or not. In any event, my preferred amendment is a new section 303.1, which would read:

"Every board shall support pupils who want to establish and lead activities or organizations that promote anti-bullying and such activities and organizations shall be guided by and under the control of the school administration."

This amendment does two things. First, it takes the focus off of single-issue clubs. To enumerate the four specific types of bullying that Bill 13 does actually undermines the importance of all the other forms of bullying, such as bullying because of:

—people's names: Take me. I was bullied in school because my last name is Jane;

—people's appearances: people are obese, too skinny, too short, too tall, irregular visual features;

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—people's mannerisms;

—people's backgrounds or socio-economic class: too poor or too rich; or where they live: their neighbourhood;

—bright students, conscientious students, those who always do their homework;

—those who do well academically bullying those who do not do well academically, etc.

It could go on and on.

Anti-bullying clubs must be open to all students and apply to all types and forms of bullying. The student clubs must cover any and all differences between kids that lead to bullying.

Secondly, the amendment that I'm proposing allows schools to have control over what kind of clubs and organizations can be formed and under what conditions. This is crucial for Catholic schools. Student clubs in Catholic schools must be respectful of and consistent with Catholic teaching. They must have mentors who know and are committed to Catholic teaching and only use outside speakers who are respectful of Catholic teaching. To summarize, school administration must have an oversight role in what goes on at the school, and my proposed amendment does that.

My preference is for this proposed section 303.1 to apply to all schools: public, Catholic, other faith-based. But if that cannot be supported, then it should apply to Catholic and other faith-based schools.

However, if my amendment to section 303.1 is not acceptable to the committee, then I have an alternate amendment that is on the page that you have before you, and that is to create two subsections, 303.1(1) and 303.1(2). Subsection 303.1(1) is the same as my pre-

ferred amendment for section 303.1. However, my proposed subsection (2) lists as examples of bullying the four enumerated types of bullying that now exist in the present form of section 303.1 of the bill. Since these are only examples, it does not undermine the importance of other forms of bullying. That would read:

"303.1(1) Every board shall support pupils who want to establish and lead activities or organizations that promote anti-bullying and such activities and organizations shall be guided by and under the control of the school administration.

"303.1(2) Without restricting the generality of the foregoing, activities for the purpose of subsection 303.1(1) may include

"(a) activities that promote gender equity

"(b) activities that promote anti-racism

"(c) activities that promote the awareness and understanding of, and respect for, people with disabilities

"(d) activities that promote the awareness and understanding of, and respect for, people of all sexual and gender identities."

That concludes my presentation. I hope the committee will study and report on my proposed amendments.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We do have a bit of time left, so we'll start with the official opposition. Ms. MacLeod.

Ms. Lisa MacLeod: Thanks very much, Mr. Jane. We appreciated your appearance today. You say you practise law—here in the city of Ottawa?

Mr. Alan Jane: Yes, I do.

Ms. Lisa MacLeod: Which firm?

Mr. Alan Jane: I'm employed by the federal public service.

Ms. Lisa MacLeod: Okay. And you've spent a great deal of time, obviously, looking through Bill 13 and you've made some amendments which are consistent with some of the ones that we'll be putting forward in the official opposition.

I have a quick question for you: Do you foresee litigation following the passage of Bill 13?

Mr. Alan Jane: As it exists now?

Ms. Lisa MacLeod: Yes.

Mr. Alan Jane: Well, I don't have any crystal ball. I'm sure there will be. My guess is there would be, but I can't elaborate. I don't know what could happen. I don't like Bill 13, and I think not only would we have litigation that would cause disaster in the schools, it would cause endless problems.

Ms. Lisa MacLeod: I just want to say thanks very much for coming here today and looking at your amendments. It's good of you to be here. We've had a great deal of people appear before this committee—I think we're close to 85 now who have appeared over a five-day period, four of which were in Toronto. Today, you're our second-last deputant and then we're going into clause-by-clause. Your views are important, as are all deputants' views, and must be considered by this committee.

I wondered if you had any final advice for the committee.

Mr. Alan Jane: No, it's all in what I said. If you want me to send you a copy of my presentation, I could do that.

Ms. Lisa MacLeod: I'm sure that the clerks' office would appreciate it, but we also do have Hansard, so it'll be—

Mr. Alan Jane: Okay.

Ms. Lisa MacLeod: So, thanks very much.

Mr. Alan Jane: You're welcome. Thank you.

The Chair (Mr. Ernie Hardeman): We have about four minutes left.

Ms. Cheri DiNovo: I was going to first of all ask: Are you aware that the Ontario English Catholic Teachers' Association voted 90% in favour of essentially just Bill 13, including GSAs? These are the teachers that will be, I presume, teaching your children. I was wondering what your reaction was to that.

Mr. Alan Jane: I wasn't aware of that.

Ms. Cheri DiNovo: I also wanted to ask you—I'm a United Church minister, a Protestant minister. I was invited every year into my local Catholic school, on World Religion Day, to talk about the differences, including our differences around same-sex marriage at the time. I was aware that there were a number of Islamic students that were also part of the Catholic education pantheon. Clearly, both I and they do not subscribe to all of the Catholic moral teachings, yet we were part of the curriculum. I was wondering if you'd like to comment about that.

Mr. Alan Jane: Well, I think Catholic schools should follow Catholic doctrines. If they're not, they should be. Otherwise, I don't see a point in having Catholic schools, if they're not going to follow the official Catholic doctrines.

Ms. Cheri DiNovo: Even with their Islamic students?

Mr. Alan Jane: Well, they don't have to attend a Catholic school if they don't want to.

Ms. Cheri DiNovo: That's true.

Mr. Alan Jane: It's their choice.

Ms. Cheri DiNovo: And just finally, are you aware that there are gay-straight alliances already in Catholic schools, many of them? They may not be called that, but essentially they are that, under other names as well.

Mr. Alan Jane: No, I wasn't aware of that. That's why I think the school administration should have control over the clubs that are established in the school. What people do outside school property is something else, but within the Catholic school, the administration should have control over the clubs, organizations and activities that go on.

Ms. Cheri DiNovo: Thank you.

Mr. Alan Jane: You're welcome.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation.

MS. EDNA DU BROU

The Chair (Mr. Ernie Hardeman): Our last presentation is Edna Du Broy. Thank you very much for

being here. I guess that's a distinction you will have, as the last presentation of the public hearings on Bills 13 and 14. Thank you very much for being here. As with the previous delegations, you will have 15 minutes to make your presentation. You can use all or part of that for your presentation. If you have time left at the end of the presentation, we'll turn it to questions and it will be the government's side that gets to ask the questions. With that, we would ask you to put your name on the record as you start your presentation, and then the 15 minutes are yours.

Ms. Edna Du Broy: Thank you. Good afternoon, Mr. Chair, and members of the standing committee. My name is Edna Du Broy and I went to school in Windsor, Ontario.

Bullying is a serious problem and has never been dealt with properly, in my experience. Everyone deserves to be respected and not have their dignity violated. However, I feel that the reasons for which some children attract bullying should not be the focus of attention.

I was bullied during three periods in my childhood. In grade 2, I was frequently beaten by classmates on the way home from school. I had visible bruises. They also teased me for having freckles. That year I asked my parents to have me transferred to a school that had been recently built close to my home. Within the first year at the new school, my friend told everybody that I had impetigo, a skin disease. For some reason, she did not want me at her school. My classmates shunned me because of this malicious rumour.

The third time was in grade 9 gym in the changing rooms. Coming from European parents, where it was common for women to wear undershirts, I wore an undershirt. A girl in my class saw that and made fun of me to everyone in the changing room. I was devastated with embarrassment. I myself was a bully in grade 6. I always wanted to fight the same girl in the park because I knew I could win.

At no time did school staff or other adults intervene. Yet, these were teachable moments, when bullies, driven by fear, insecurity and their need for power and control, could have learned that their worth is not established by oppressing others. Looking back, the kids who bullied me should have been helped. Also, I would have needed help to heal from the violation. In addition, I would have needed help the year I bullied.

I see now that I tried to overcome my own weakness by exploiting the weakness of my victim. I do not think it would have been good for the victims, including myself, to have public attention drawn to them for the reasons of the bullying. I believe that would have just made me feel more different. Every child wants to be accepted and to fit in. The victim should not have to pay twice.

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When a six-year-old comes home using bad language, such as the F-word, that they heard on the street, parents simply teach them that these are not good words to use. It would not be appropriate to give a detailed explanation of what the word means at this age. As a parent, when I read

about how to teach my children about sex, I learned only to answer the questions they ask and no more, and that's because that's all they're asking and they don't have any interest to know more.

I am quite concerned about the perceived need to educate children about homosexuals and have them identified in a gay club at school. Before adolescence, children prefer to have friends of the same sex. This is normal, and they have an innocence and ignorance about sex. Is too much information too young not going to hurt their innocence, which is meant to protect them from becoming curious about sex before their time? Is a gay club not going to make gays stand out even more, and is it what they really need to feel healthy?

How about the child who gets called gay before adolescence, who would not normally have had same-sex attraction after puberty? Would the attention on homosexuality not make that child start to believe he or she may be gay? There is a natural sexual confusion at this age. Should our schools exacerbate that and promote sexual experimentation that could lead to misery? Should we also start a heterosexual club? This is not the solution.

I feel that we should not load young minds with too much information that they cannot process. Instead, parents and educators need to help young children respect themselves and others and to overcome the need to violate another child.

I also feel that a policy on bullying would have to specify that professional, gender-neutral help be available in schools where a child who is bullied can get the help they need. This should not be about discovering or promoting a sexual orientation; this should be about affirming self-worth.

There should also be guidance in place for teachers who bully a child. Teachers need to learn not to have favouritism. This does not help the other children feel good about themselves. They believe the lie that they have no value. All children know who the favourite kids are and why.

One of my children's grade 3 teachers loved all kids; she saw the good in every one of them. Such teachers are rare. One of my children was picked on by the school librarian. I asked her what my son was doing wrong. She laughed and said she was just having fun. Teaching can be a power trip that is easily abused.

Victims attract the attention of bullies for many reasons, but bullies are motivated by only a few reasons. It comes down to fear and insecurity. It wasn't about my freckles or my undershirt or a false rumour about a skin disease. It's not about obesity, religion, ethnicity or sexual orientation.

I find that Bill 13 places too much attention on sexual orientation, whereas being fat, skinny, wearing glasses, hairstyle and not wearing certain types of clothes are not mentioned. You will see from my appendix that a 2006 survey of 105,000 Toronto students showed that body image is the leading cause for being bullied, more than six times the prevalence of gender issues—surely only a fraction of even those gender issues would involve

homosexuality—yet body image is not mentioned in Bill 13. Either it should be given prevalence in the bill or all other reasons should be taken out, because it is currently missing the mark.

I understand that the regrettable suicide of 15-year-old Ottawa homosexual James Hubley in October of last year inspired Bill 13. This was truly a sad waste of a precious young life, following a period of depression. Is it a goal of Bill 13 to prevent suicides? It has been empirically found that 90% of suicidal teens perceive a lack of parental interest, and 20% to 50% involve alcohol or drug abuse. A factor is that adolescents do not have the same grasp of the finality of death as adults. In 2000, suicide accounted for 22% of all deaths among aboriginal youth aged 10 to 19 years in Canada—10% higher than the general population. Bill 13 does absolutely nothing to address these factors.

“Homophobia” has been a misused term since it was coined by George H. Weinberg in 1973. At its root, it means an irrational fear of homosexuality. Let’s be careful not to hang that label on good Canadians who believe everyone has intrinsic worth and merits dignity but who rationally believe that the homosexual act is not morally acceptable; in other words, people who respect all homosexual persons but who believe that celibate homosexuals are on a surer path of physical, emotional and spiritual health than practising homosexuals.

If you Google the word “homophobia,” you will find a broad range of definitions. Some refer to contempt toward people, but others apply the word to merely disagreeing with the morality of homosexual relations. No two people agree on what “homophobia” means. I strongly recommend that you drop the word from the bill, along with all references to sexual orientation, equity and GSAs. However, if you keep the word “homophobia” in the bill, I strongly advise you to define it explicitly, something like “an irrational contempt of one or more homosexual persons causing them harm.”

I believe we must make the distinction between the person, who should always be respected and treated with dignity, and sexual behaviour, which should always be a fair subject of civil discourse by moral authorities.

It is time for some intellectual honesty on the part of the Ontario government and the Ministry of Education. If this process is truly intended to address bullying, there is absolutely no need for the bill to refer to the sexual orientation of pupils. If, however, the goal is to promote homosexual behaviour in all its flavours, to encourage sexual experimentation among our children, and to hamstring religious schools and churches from teaching sexual purity, please have the courage to say so. Presenter after presenter has come before you with clear, level-headed assessments that Bill 13, as currently written, will have those effects within a few years. If this is what the government wants, please tell us, just as clearly. I don’t want a smile and a firm handshake and a kiss to our babies at election time. I want the straight goods now.

My heart breaks for the pain felt by homosexuals, and that pain is mostly an internal, spiritual and emotional

malaise. The Ontario GSA Coalition has asked you to add “biphobia” and “transphobia” to the wording of the bill. I can tell you right now that coming up with a name for every imagined prejudice and every increment along the sexual orientation spectrum will not ease that pain. No law can heal a soul.

Part 9 of Bill 13 says that “Every board shall support pupils who want to establish and lead activities or organizations that promote gender equality.” Again, let’s be honest. You know that Catholic and conservative religions teach that extramarital sexual behaviour, including homosexual behaviour, is a serious sin. This does not mean that homosexuals have any less value as persons. Indeed, having the courage to lovingly but firmly warn about immoral sexual behaviour shows how much the church cares about homosexuals. It would be much easier to say that anything goes.

Bill 13, as currently written, would prevent Catholic schools from giving its basic teachings on marriage and sexuality. Catechism teaches that outside of marriage, every Catholic is to abstain from sexual activity and that marriage is between one man and one woman. Homosexual activists would say that this position is homophobic and not equitable. You and I know that this language is in Bill 13, which would inevitably lead to conflict.

If you want this conflict, please tell the electorate. If you don’t, and you sincerely care about bullying, please remove all wording related to sexual orientation.

Another option would be to simply extend the workplace harassment provisions of the Ontario Occupational Health and Safety Act to cover pupils.

Again, the bully needs the attention rather than the victim. We need to have counselling available for the bully as well as consequences for their actions. Naturally, the victim should be affirmed in their self-worth to receive healing from the violation they received.

If someone continues to bully, the principal should force the bully to leave the school. In the past, my experience was that victims had to change schools for the problem to stop. Let’s correct this. Focus on zero tolerance on the bully and give most of the attention to them. Having gay clubs would single out the victim, which would make them stand out more. This is not what the victim needs. All children want to fit in. No one deserves to be bullied. However, I do not believe that teaching children too young about different choices of sexual activity is going to help protect them. It is too much information, too soon. This is not the solution to getting people to stop bullying homosexuals or calling kids by homosexual slurs.

Thank you, Mr. Chair and members of the standing committee, for allowing me the opportunity to share my observations. I would be happy to answer your questions.

The Chair (Mr. Ernie Hardeman): Thank you very much. We have about one minute left. Ms. MacCharles?

Ms. Tracy MacCharles: Thank you for your comments today. I’m just wondering if you could provide some clarification to a couple of your comments. At the end, you said you do not believe that teaching children

too young about different choices of sexuality is going to help protect them. Can you identify anywhere in Bill 13 that specifies that requirement?

Ms. Edna Du Broy: Well, weren't they going to add more knowledge on homosexuality, on oral sex and anal sex, to kids younger?

Ms. Tracy MacCharles: In this bill, no.

Ms. Edna Du Broy: Not in the bill, but the bill will lead to that.

Ms. Tracy MacCharles: Thank you. Also, are you aware of the suicide rates of teens who are gay, who are bullied in a school environment, or the rates at which students consider suicide who are gay and are school-aged?

Ms. Edna Du Broy: Yes, but let's also consider all the other people that commit suicide. Let's look at the aborigines.

Ms. Tracy MacCharles: Are you aware they're four times higher than other groups?

Ms. Edna Du Broy: That's irrelevant. This is about bullying. This is not about sexual orientation; it's about bullying and protecting everybody that's bullied, and you're not, with this bill, protecting the other ones.

Ms. Tracy MacCharles: Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation and thank you, everyone.

Obviously, that's the last deputant for the bills, Bills 13 and 14. From here on, we will move forward.

I want to thank all the people who have presented to us over the five days of hearings we've had. I also want to thank all the committee members for all the efforts that they put into being here to hear all the things that people brought forward as we consider moving forward with the bill. I think it's appropriate to thank everyone involved. I want to thank the host here in Ottawa for a job well done today. It could almost make a day of committee hearings pleasant.

Ms. Lisa MacLeod: So you want me to cook lunch for everybody, every time. Is that what you want?

The Chair (Mr. Ernie Hardeman): I think we'll stop there. Thank you very much. I do want to point out for the committee that the deadline for filing amendments to Bill 13 is Thursday, May 24 at 5 p.m. So all the amendments for Bill 13 must be in at that time. With that, the committee will adjourn until Monday, May 28 for clause-by-clause consideration of the bill. Thank you again, all, for participating and putting forward your opinions and your efforts. We will move forward to the next step of the process in dealing with Bills 13 and 14. Thank you to the committee.

The committee adjourned at 1644.

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