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**Official Report  
of Debates  
(Hansard)**

**Thursday 3 November 2016**

**Journal  
des débats  
(Hansard)**

**Jeudi 3 novembre 2016**

**Standing Committee on  
Finance and Economic Affairs**

Protecting Students Act, 2016

**Comité permanent des finances  
et des affaires économiques**

Loi de 2016 protégeant les élèves

Chair: Peter Z. Milczyn  
Clerk: Eric Rennie

Président : Peter Z. Milczyn  
Greffier : Eric Rennie

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES  
ET DES AFFAIRES ÉCONOMIQUES**

Thursday 3 November 2016

Jeudi 3 novembre 2016

*The committee met at 0900 in room 151.*

**The Clerk of the Committee (Mr. Eric Rennie):**

Good morning, honourable members. In the absence of the Chair and the Vice-Chair this morning, it is my duty to call upon you to elect an Acting Chair for the time being. Are there any nominations for Acting Chair? MPP Martins.

**Mrs. Cristina Martins:** I nominate Ms. Vernile.

**The Clerk of the Committee (Mr. Eric Rennie):** Ms. Vernile, do you accept the nomination?

**Ms. Daiene Vernile:** Yes, I do.

**The Clerk of the Committee (Mr. Eric Rennie):** Wonderful. Are there any further nominations? Seeing none, I declare the nominations closed and Ms. Vernile elected Acting Chair of the committee. Ms. Vernile, could you please come and take the chair? Thank you.

**PROTECTING STUDENTS ACT, 2016**

**LOI DE 2016 PROTÉGEANT LES ÉLÈVES**

Consideration of the following bill:

Bill 37, An Act to amend the Early Childhood Educators Act, 2007 and the Ontario College of Teachers Act, 1996 / Projet de loi 37, Loi modifiant la Loi de 2007 sur les éducatrices et les éducateurs de la petite enfance et la Loi de 1996 sur l'Ordre des enseignantes et des enseignants de l'Ontario.

**The Acting Chair (Ms. Daiene Vernile):** Good morning, everyone. I've just had a crash course on being Chair of this committee. I am pleased to be here with you.

As per the order of the House, dated October 20, 2016, we are assembled here for clause-by-clause consideration of Bill 37, An Act to amend the Early Childhood Educators Act, 2007 and the Ontario College of Teachers Act, 1996. The committee is authorized to sit today from 9 a.m. until 10:15 a.m., and from 2 p.m. until 6 p.m. Committee members will know that at 4 p.m. today we are required to interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of Bill 37 and any amendment thereto. At that time, I will allow a 20-minute waiting period, if requested, pursuant to standing order 129(a). From that point forward, those amendments which have not yet been moved shall be deemed to have been moved and I will take the vote on them consecutively.

Catherine Oh from legislative counsel is here to assist us with our work, should we have any questions for her.

A copy of the numbered amendments filed before the deadline is on your desk. The amendments have been numbered in the order in which the sections appear in the bill.

Are there any questions before we start?

As you will notice, Bill 37 is comprised of three sections and two schedules. In order to deal with the bill in an orderly fashion, I'm going to suggest that we postpone the three sections in order to dispose of the schedules first. Is there unanimous consent to stand down the sections and deal with the schedules first?

**Mr. Arthur Potts:** Yes.

**The Acting Chair (Ms. Daiene Vernile):** Thank you. In agreement? Okay.

Before we begin schedule 1, I will allow each party to make some brief comments, if they desire, on the bill as a whole. Afterwards, debate should be limited to the section or amendment under consideration. Any comments? Yes, MPP Coe.

**Mr. Lorne Coe:** Going through this process, and given the length of time that it's been since the LeSage report came forward with its 49 recommendations, our hope as a caucus would have been that more time would have been allocated for this committee to consider delegations from all the interested parties. But we know that we're here today because that's been compressed and we're on time allocation.

Going forward, what we had hoped to see in the amendments coming forward and which we consider today, Chair, is that there would be greater transparency in the investigation and disciplinary matters, a faster complaint resolution, and making the complaint process more accessible to the public, but also that there would be safeguards for teachers and early childhood educators who were falsely accused.

Going forward, I'll be reminding committee members that we've been compressed in our deliberations within this committee. We would have hoped for a greater amount of time to engage with the public, particularly the regulations that will be affected at a later point.

**The Acting Chair (Ms. Daiene Vernile):** Any further comments? All right.

We're now going to move on to schedule 1 of the act. Shall section 1 carry? All those in favour? Opposed? Carried.

All right, members, we now are going to move to schedule 1, section 1.1. This is a new government amendment. We look to a member of the government to move this amendment. Yes, MPP Martins.

**0910**

**Mrs. Cristina Martins:** I move that schedule 1 to the bill be amended by adding the following section:

“1.1 Subsections 19(4), (5) and (6) of the act are repealed and the following substituted:

“Panels

“(4) The Chair of a committee mentioned in paragraph 2, 3, 4 or 5 of subsection (1) may appoint panels in accordance with subsection (5) and authorize them to exercise the committee’s powers and perform its duties.

“Same

“(5) Each panel appointed under subsection (4) shall be composed in accordance with the following rules:

“1. The panel shall be composed of at least three persons.

“2. A majority of the persons on the panel must be members of the committee.

“3. The panel must include at least one member of the committee who was elected to the council under clause 8(2)(a) and at least one member of the committee who was appointed to the council under clause 8(2)(b).

“4. A member of the panel who is not a member of the committee must be on a roster of eligible panellists for the committee established under subsection (5.1).

“Roster of eligible panellists

“(5.1) The council may establish a roster of eligible panellists for a committee mentioned in paragraph 2, 3, 4, or 5 of subsection (1), consisting of such persons as the council considers qualified to serve as members of a panel of the committee.

“Same

“(5.2) The Lieutenant Governor in Council may appoint such persons to a roster of panellists under subsection (5.1) as he or she considers appropriate.

“Same, requirements and restrictions

“(5.3) The inclusion of any person on a roster for a committee is subject to any requirements and restrictions that may be prescribed by the regulations or bylaws.

“Not member of committee

“(5.4) A person included on a roster for a committee is not a member of the committee by reason of his or her inclusion on the roster or his or her service on a panel of the committee.

“Decision of panel

“(6) A decision of a panel appointed under subsection (4) shall be deemed to be the decision of the committee whose Chair appointed the panel.”

**The Acting Chair (Ms. Daiene Vernile):** Thank you, MPP Martins. I’m going to have to rule on the admissibility of this amendment as it proposes to amend a section to a parent act that is not before the committee. This motion is out of order.

**Mr. Granville Anderson:** Madam Chair?

**The Acting Chair (Ms. Daiene Vernile):** Yes, MPP Anderson?

**Mr. Granville Anderson:** I am seeking unanimous consent for the committee to be able to consider the amendment.

**The Acting Chair (Ms. Daiene Vernile):** Is there any discussion on this? Do we have unanimous consent? Thank you.

Any further discussion?

**Mr. Granville Anderson:** Yes, Madam Chair.

**The Acting Chair (Ms. Daiene Vernile):** MPP Anderson.

**Mr. Granville Anderson:** The proposed legislation would allow for a greater efficiency in the establishment of discipline committee panels of the College of Early Childhood Educators and therefore greater efficiency in the administration of discipline hearings. It is about giving the college of ECEs the capacity it needs. The Ontario College of Teachers already has this necessary provision.

**The Acting Chair (Ms. Daiene Vernile):** Any further discussion? Yes, MPP Coe?

**Mr. Lorne Coe:** Madam Chair, a question through you to the mover of the motion: On item 1 under section (5), “the panel shall be composed of at least three persons,” can I, through you, obtain some clarity about the qualifications of those three persons? Is there a criteria?

**The Acting Chair (Ms. Daiene Vernile):** MPP Martins.

**Mrs. Cristina Martins:** I’m going to defer the response to the parliamentary assistant, MPP Anderson.

**Mr. Granville Anderson:** The intent of the bill is to support efficiency by increasing the roster of eligible panellists. The College of Early Childhood Educators would be better able to manage investigations of hearings. This amendment would provide further alignment with the Ontario College of Teachers Act.

**The Acting Chair (Ms. Daiene Vernile):** Are the members ready to vote? All those in favour? Opposed? Carried.

On schedule 1, section 2, is there any discussion? Shall schedule 1 of section 2 carry? Opposed? Carried.

All right, members, we are moving on to schedule 1, section 3. This is a government motion, subsection 3(0.1), subsection 27(1) of the Early Childhood Educators Act, 2007. Do we have a government member who can move that? Yes, MPP Martins.

**Mrs. Cristina Martins:** I move that section 3 of schedule 1 to the bill be amended by adding the following subsection:

“(0.1) Paragraph 3 of subsection 27(1) of the act is repealed.”

**The Acting Chair (Ms. Daiene Vernile):** Is there any discussion, members? I do want to ask you: Shall the motion carry? Carried.

Members, shall schedule 1, section 3, as amended, carry? Carried.

Seeing as we do not have any amendments for sections 4 and 5 in schedule 1, shall we bundle them and vote on them? In agreement? Okay. Shall schedule 1,

section 4, carry and schedule 1, section 5, carry? All those in favour? Opposed? Carried.

Moving on to schedule 1, section 6, we have a government motion, subsection 6(1.1), clause 29(2)(d.1) of the Early Childhood Educators Act, 2007. May I have a person to move that? MPP Martins.

**Mrs. Cristina Martins:** I move that section 6 of schedule 1 to the bill be amended by adding the following subsection:

“(1.1) Clause 29(2)(d.1) of the act is amended by adding ‘subject to the regulations’ at the beginning.”

**The Acting Chair (Ms. Daiene Vernile):** Is there any discussion, members? Are the members ready to vote? Those in favour? Opposed? Carried.

It’s been lovely working with you and I shall now go back to my regular duties.

**The Chair (Mr. Peter Z. Milczyn):** The next amendment is to schedule 1, section 6. Proposed amendment number 4 to subsections 6(2) and (3) of section 29 of the Early Childhood Educators Act, 2007: Ms. Martins.

**Mrs. Cristina Martins:** I move that subsections 6(2) and (3) of schedule 1 to the bill be struck out and the following substituted:

“(2) Subsections 29(2.1) and (2.2) of the act are repealed and the following substituted:

““Personal information

“(2.1) A committee referred to in clause (2)(d) shall not direct, and a bylaw referred to in clause (2)(e) shall not prescribe, that more personal information, within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act and section 28 of the Municipal Freedom of Information and Protection of Privacy Act, or more personal health information, is to be included or kept in the register than is necessary to serve and protect the public interest.

0920

““Personal health information

“(2.1.1) The registrar shall not include in the register, disclose to an individual or publish on the college’s website or in any other publication more personal health information about a member than is necessary to serve and protect the public interest.

““Same

“(2.1.2) In subsections (2.1) and (2.1.1),

“““personal health information” means information that identifies an individual and that is referred to in clauses (a) through (g) of the definition of “personal health information” in subsection 4(1) of the Personal Health Information Protection Act, 2004.

“Removal of specified information

“(2.1) The registrar shall remove from the register, in a timely manner,

“(a) any terms, conditions or limitations imposed on a certificate of registration, as referred to in clause (2)(b), that are no longer applicable;

“(b) any restrictions imposed on a member’s eligibility to practise, as referred to in clause (2)(b.1), that are no longer applicable; and

“(c) information respecting current or previous criminal proceedings referred to in clause (2)(d.1) that are no longer applicable or relevant to the member’s membership, as provided by the regulations.”

**The Chair (Mr. Peter Z. Milczyn):** Discussion?

**Mr. Arthur Potts:** Just a clarification.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Potts.

**Mr. Arthur Potts:** I think I heard the member read, in “Removal of specified information,” “(2.1),” but it’s in fact “(2.2).” This is clarification for the Hansard.

**Mrs. Cristina Martins:** That is correct. Under “Removal of specified information,” I should have said, if I did not say it, “(2.2) The registrar shall remove from the register, in a timely manner” and so forth.

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Ms. Gretzky.

**Mrs. Lisa Gretzky:** I think it’s addressed in here, but just for clarification: What personal health information is included, and who defines that?

**The Chair (Mr. Peter Z. Milczyn):** Who would like to answer that? Mr. Anderson.

**Mr. Granville Anderson:** Who defines—can you rephrase the question?

**Mrs. Lisa Gretzky:** What personal health information is included, and who defines that?

**Mr. Granville Anderson:** Okay, “personal” means information identified by an individual that is referred to in clause (a) through (g) of the definition of “personal health information” in subsection 4(1) of the Personal Health Information Protection Act. Who would define it? The college would.

**Mrs. Lisa Gretzky:** The college would define which personal health information is accessible? The College of Teachers, you’re saying, defines what personal information would be accessible to the public?

**Mr. Granville Anderson:** That would be defined by the act, wouldn’t it? That would be defined by the act.

**Mrs. Lisa Gretzky:** It’s your act, so you have to—it’s not up to me to answer that.

**Mr. Granville Anderson:** That would be defined by the act.

**Mrs. Lisa Gretzky:** Sorry, Chair. For clarification, which act is it clarified by?

**Mr. Granville Anderson:** The Freedom of Information and Protection of Privacy Act.

**Mrs. Lisa Gretzky:** Okay, so it’s under that act that defines what information is—

**Mr. Granville Anderson:** Yes, that is correct.

**Mrs. Lisa Gretzky:** —admissible, accessible and—okay.

**Mr. Granville Anderson:** As well as the Personal Health Information Protection Act, 2004.

**Mrs. Lisa Gretzky:** Okay, thank you.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Coe?

**Mr. Lorne Coe:** Through you, Chair, to the mover: under “Personal information, (2.1),” it’s the last part of the sentence that I need some clarification on: “is to be included or kept in the register than is necessary to serve and protect the public interest.”

I step back, and I think we all agree that we want to see greater transparency in the process, but it leaves undefined—and who is defining, protecting the public interest? What does that exactly mean? Is that speaking to transparency and openness, and whose decision is that?

**Mr. Granville Anderson:** That would be speaking to transparency. It's all about transparency, so that's speaking to our transparency.

**Mr. Lorne Coe:** Well, as I read this particular motion, it's silent. You've provided an explanation in part but it's silent otherwise.

**Mrs. Cristina Martins:** Mr. Coe, you're referring to 2.1?

**Mr. Lorne Coe:** Yes I am. Thank you, Mover.

**Mrs. Cristina Martins:** "A committee referred to in clause (2)(d) shall not direct, and a by-law referred to in clause (2)(e) shall not prescribe" etc. Is that the one you're referring to?

**Mr. Lorne Coe:** Yes, that's the one I'm referring to. It's the last part of that sentence—

**Mrs. Cristina Martins:** The last part, which states: "or more personal health information, is to be included or kept in the register than is necessary to serve and protect the public interest." Correct?

**Mr. Lorne Coe:** Yes, so the process of defining what is in the best interest of the public—

**Mrs. Cristina Martins:** Right. There are currently acts in place, as identified here—the Freedom of Information and Protection of Privacy Act; we also referred to the Personal Health Information Protection Act—that actually have definitions for personal health information and for what type of information needs to be identified. It's whatever is necessary, and it's there right now, that would ensure that there is protection in the public interest.

**Mr. Lorne Coe:** That legislative framework, as you stated, would be the test that would be used to define what's in the public interest. Is that what you're saying?

**Mrs. Cristina Martins:** That is my understanding.

**Mr. Lorne Coe:** All right.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Seeing none, then, shall motion number 4 carry?

*Interjection.*

**The Chair (Mr. Peter Z. Milczyn):** Thank you, the mumber from my right.

On motion number 4, all those in favour? Opposed? That carries.

Shall schedule 1, section 6, as amended, carry? Any discussion? No? All those in favour? Opposed? That is carried.

On to schedule 1, section 7, an amendment to subsection 7(3), subsection 31(5.1) of the Early Childhood Educators Act, 2007: Ms. Gretzky?

**Mrs. Lisa Gretzky:** I move that section 7 of schedule 1 to the bill, which amends section 31 of the Early Childhood Educators Act, 2007, be amended by adding the following subsection:

"(3) Section 31 of the act is amended by adding the following subsection:

"Same

"(5.1) The complaints committee shall not direct that a matter be referred, in whole or in part, to the discipline committee unless the complaints committee obtains an opinion from a person authorized under the Law Society Act to practise law in Ontario that there is a reasonable prospect of a finding of guilt of professional misconduct in respect of the matter which the complaints committee refers to the discipline committee."

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** I recommend voting against this motion because it goes against the purpose of the complaints committee, which is to screen complaints.

It also goes against the purpose of the discipline committee, which is to hear and determine matters directed or referred to it.

It also goes against establishing a fair and transparent process for members.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Seeing none, then, on amendment number 5, all those in favour? Opposed? That does not carry.

On schedule 1, section 7, is there any further discussion? Seeing none, shall schedule 1, section 7, carry? All those in favour? Opposed? That carries.

On schedule 1, sections 8 through 11, there are no amendments proposed. Is there agreement that we deal with those sections together? All right.

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On schedule 1, sections 8 through 11, inclusive, is there any discussion? No? All those in favour of schedule 1, sections 8 through 11, inclusive? Opposed? They carry.

On to schedule 1, section 12, an amendment to subsection 12(0.1), subsection 35(5.1) of the Early Childhood Educators Act, 2007: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that section 12 of schedule 1 to the bill, which amends section 35 of the Early Childhood Educators Act, 2007, be amended by adding the following subsection:

"(0.1) Section 35 of the act is amended by adding the following subsection:

"Time of public notice of hearings

"(5.1) The public may be notified of a hearing only after,

"(a) the college has made a decision about whether to withdraw all or some of the allegations; and

"(b) a time has been set for a hearing to finally dispose of the matter."

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** I recommend voting against this motion because it's inconsistent with Justice LeSage's recommendation. The notice of hearing is available to the public and should contain enough information on the matter to be heard, in the interest of transparency.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion?

**Mrs. Lisa Gretzky:** To the point of the parliamentary assistant: The point of this motion is to ensure that hearings are scheduled in a timely manner in order to move the process along, which would then support those making the allegations as well as those accused. The purpose of this is to make sure that hearings are only posted when a hearing is scheduled, and to make sure that those hearings are happening in a timely manner.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion?

**Mr. Granville Anderson:** The OCT began to post outcomes of disciplinary proceedings on their website as of January 2012. In his report, LeSage was very clear: Recommendation 29 prescribes that “the notice of hearing must be posted on the college’s website when it is served on the member. The website must be updated with every scheduling change.”

The purpose of this recommendation is both transparency to the public and fairness to the member. This motion would restrict the public posting of a notice of hearing and limit the transparency of the disciplinary process.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? All right. On amendment number 6, all those in favour? Opposed? That does not carry.

Further amendment: subsection 12(0.2), subsection 35(5.2) of the Early Childhood Educators Act, 2007. Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that section 12 of schedule 1 to the bill, which amends section 35 of the Early Childhood Educators Act, 2007, be amended by adding the following subsection:

“(0.2) Section 35 of the act is amended by adding the following subsection:

“Content of public notice of hearings

“(5.2) Notice to the public of a hearing shall not contain information concerning the allegations except for the provisions of the regulations that define the alleged professional misconduct.”

**The Chair (Mr. Peter Z. Milczyn):** Discussion? No discussion? Ms. Martins.

**Mrs. Cristina Martins:** I recommend voting against this motion. I think that, a little bit like the motion previous, this is very inconsistent with Justice LeSage’s recommendation. The notice of hearing should be made available to the public and should contain enough information on the matter to be heard, in the interest of transparency.

Once again, want to ensure that there is transparency in place and that we are indeed protecting the public interest.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Gretzky.

**Mrs. Lisa Gretzky:** Although we do want to make sure that there is transparency and fairness throughout the entire process, I will disagree with the member opposite when she claims that this is not in line with Justice LeSage’s recommendations.

In fact, if I may quote Justice LeSage, he said, “It must be remembered that, like a pleading, the notice of hearing must contain a concise statement of the material facts and allegations, but not the evidence. The evidence is to be presented in a public forum, where it will be heard and weighed by a trier of fact.”

**The Chair (Mr. Peter Z. Milczyn):** Mr. Anderson?

**Mr. Granville Anderson:** As recommended by Justice LeSage, the notice of hearing should be available to the public and should contain enough information, in the interests of both transparency to the public and fairness to the member. We believe that as it stands now, section 12 is inconsistent with Justice LeSage’s recommendation on striking the right balance between student safety and increased transparency and accountability, while increasing the efficiency of the process.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Seeing none, on the amendment, all those in favour? Opposed? The amendment does not carry.

Now, on schedule 1, section 12, is there any further discussion? Shall schedule 1, section 12 be carried? All those in favour? Opposed? That is carried.

There are no amendments proposed to schedule 1, sections 13 through 16 inclusive. Is there agreement that we deal with those sections together? Is there any discussion on those sections? No? Shall schedule 1, sections 13 through 16, inclusive, be carried? All those in favour? Opposed? Those sections are carried.

Schedule 1, section 17: There is an amendment to section 17, subsection 43(1) of the Early Childhood Educators Act, 2007. Ms. Martins?

**Mrs. Cristina Martins:** I move that section 17 of schedule 1 to the bill be struck out and the following substituted:

“17.(1) Paragraph 2.3 of subsection 43(1) of the act is repealed and the following substituted:

“2.3 governing conflict of interest with respect to members of the council and for members of committees and persons included on rosters for committees, including, but not limited to, prescribing conflict of interest rules or guidelines and setting out procedures for the purposes of determining whether the rules or guidelines have been broken;”

“(2) Subsection 43(1) of the act is amended by adding the following paragraphs:

“2.6 respecting the establishment of a roster under subsection 19(5.1), including regulations prescribing requirements and restrictions that apply for the purpose of including persons on the roster, including,

“i. prescribing qualifications of eligible panellists, and

“ii. requiring persons on a roster to take an oath and prescribing the form of the oath, the manner in which it shall be made and the time period within which it shall be made;

“2.7 governing, for the purposes of clauses 29(2)(d.1) and 29(2.2)(c), whether information respecting current or previous criminal proceedings involving a member

should be included on the register or removed from the register;

“8.5 governing requirements relating to members’ professional learning about their reporting duties under the Child and Family Services Act and governing how members’ compliance with such requirements is determined;”

**The Chair (Mr. Peter Z. Milczyn):** Any discussion?

**Mr. Granville Anderson:** I recommend voting in favour of this motion, Mr. Chair.

**The Chair (Mr. Peter Z. Milczyn):** Okay. Any further discussion? On amendment number 8, all those in favour? Opposed? The amendment carries.

So on schedule 1, section 17, as amended, is there any further discussion? No? Shall schedule 1, section 17, as amended, carry? All those in favour? Opposed? That carries.

On to schedule 1, section 18: There’s an amendment to subsection 44(1) of the Early Childhood Educators Act, 2007. Ms. Martins?

**Mrs. Cristina Martins:** I move that section 18 of schedule 1 to the bill be struck out and the following substituted:

“18.(1) Paragraph 12 of subsection 44(1) of the act is amended by striking out ‘for members of the council, for members of committees and’.

“(2) Subsection 44(1) of the act is amended by adding the following paragraph:

**0940**

“17.1 respecting the establishment of a roster of eligible panellists for a committee established under this act, and the selection, qualifications and training of eligible panelists;’

“(3) Paragraph 21.1 of subsection 44(1) of the act is repealed and the following substituted:

“21.1 subject to subsection 29(2.5), authorizing the removal from the register of information described in clauses 29(2)(b.2), (b.3), (b.4), (b.5) and (b.6) and of ... under subsection 30(3);’

“(4) Section 44 of the act is amended by adding the following subsection:

“Conflict

“(2.1) For greater certainty, in the event of a conflict between a bylaw made under paragraph 17.1 of subsection (1) and a regulation made under paragraph 2.6 of subsection 44(1), the regulation prevails.”

**The Chair (Mr. Peter Z. Milczyn):** Mrs. Martins, I think there’s some discrepancy between what you said and what’s in writing before us.

**Mrs. Cristina Martins:** Where was that, Chair?

**The Chair (Mr. Peter Z. Milczyn):** Under 21.1, the third line in there wasn’t read, and in the final paragraph of “Conflict,” I don’t recall which subsection number you misstated, but I think you stated a different number.

**Mrs. Cristina Martins:** Let me read, then:

“21.1 subject to subsection 29(2.5), authorizing the removal from the register of information described in clauses 29(2)(b.2), (b.3), (b.4), (b.5) and (b.6) and of ... under subsection 30(3);”

“(4) Section 44 of the act is amended by adding the following”—

**The Chair (Mr. Peter Z. Milczyn):** Mrs. Martins, what I have in writing in front of me—after that series of (b) points, it says “and of” and then it goes on: “information regarding.”

**Mrs. Cristina Martins:** Sorry, let me read that again. Should I read the whole paragraph or just that once sentence?

**The Chair (Mr. Peter Z. Milczyn):** Yes, please. Start—

**Mrs. Cristina Martins:** Okay, my apologies. Where do you want me to start?

**The Chair (Mr. Peter Z. Milczyn):** The Clerk advises to just start over with the entire amendment.

**Mrs. Cristina Martins:** You want the entire amendment? Sure.

I move that section 18 of schedule 1 to the bill be struck out and the following substituted:

“18(1) Paragraph 12 of subsection 44(1) of the act is amended by striking out ‘for members of the council, for members of committees and’.

“(2) Subsection 44(1) of the act is amended by adding the following paragraph:

“17.1 respecting the establishment of a roster of eligible panellists for a committee established under this act, and the selection, qualifications and training of eligible panelists;’

“(3) Paragraph 21.1 of subsection 44(1) of the act is repealed and the following substituted:

“21.1 subject to subsection 29(2.5), authorizing the removal from the register of information described in clauses 29(2)(b.2), (b.3), (b.4), (b.5) and (b.6) and of information regarding the removal of a suspension of a certificate of registration under subsection 30(3);’

“(4) Section 44 of the act is amended by adding the following subsection:

“Conflict

“(2.1) For greater certainty, in the event of a conflict between a bylaw made under paragraph 17.1 of subsection (1) and a regulation made under paragraph 2.6 of subsection 43(1), the regulation prevails.”

**The Chair (Mr. Peter Z. Milczyn):** Thank you.

**Mrs. Cristina Martins:** You’re welcome.

**The Chair (Mr. Peter Z. Milczyn):** Any discussion? Mr. Anderson.

**Mr. Granville Anderson:** I recommend voting in favour of this motion.

**The Chair (Mr. Peter Z. Milczyn):** Any further discussion? Seeing none, on the amendment, all those in favour? Opposed? The amendment carries.

On schedule 1, section 18, as amended, is there any further discussion? No? Shall schedule 1, section 18, as amended, carry? All in favour? Opposed? That carries.

On schedule 1, section 18.1, there is a new section, 18.1, subsection 45(1) of the Early Childhood Educators Act, 2007: Ms. Martins.

**Mrs. Cristina Martins:** I move that schedule 1 to the bill be amended by adding the following section:

“18.1 Subsection 45(1) of the act is amended by adding the following clause:

“(c.1) respecting the appointment of persons to a roster of eligible panellists under subsection 19(5.2), including but not limited to regulations prescribing requirements and restrictions that apply for that purpose, including,

“(i) prescribing qualifications of eligible panellists, and

“(ii) requiring persons on a roster to take an oath and prescribing the form of the oath, the manner in which it shall be made and the time period within which it shall be made;”

**The Chair (Mr. Peter Z. Milczyn):** Committee members, I will rule on the admissibility of this amendment. As it proposes to amend a section to a parent act that is not before the committee, this motion is out of order.

Mr. Anderson.

**Mr. Granville Anderson:** Chair, I am seeking unanimous consent for the committee to be able to consider the amendment.

**The Chair (Mr. Peter Z. Milczyn):** Is there unanimous consent? All right. There being unanimous consent, then the motion is in order.

Is there any discussion on amendment number 10? Mr. Anderson.

**Mr. Granville Anderson:** I recommend voting in favour of this motion because the intent of the bill is to support efficiency. By increasing the roster of eligible panellists, the College of Early Childhood Educators would be better able to manage investigations and hearings. This amendment would provide further alignment with the Ontario College of Teachers Act.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Seeing none, on the amendment, all those in favour? Opposed? That is carried.

There are no amendments proposed to schedule 1, sections 19 through 25 inclusive. Does the committee agree to deal with those sections together? All right.

Is there any discussion on schedule 1, sections 19 through 25, inclusive? Seeing none, shall schedule 1, sections 19 through 25, inclusive, carry? All those in favour? Opposed? Those sections are carried.

**Mr. Arthur Potts:** Chair?

**The Chair (Mr. Peter Z. Milczyn):** Mr. Potts.

**Mr. Arthur Potts:** A quick clarification from the Clerk: We carried a motion to schedule 1, section 18.1, but we didn't carry section 18.1, as amended. Do we need to?

**The Clerk of the Committee (Mr. Eric Rennie):** No. Just to clarify, there wasn't a section 18.1 beforehand, so here's nothing to amend. It was just the motion.

**Mr. Arthur Potts:** I've got you.

**The Chair (Mr. Peter Z. Milczyn):** I am following along, Mr. Potts.

On schedule 1, as amended, is there any discussion? No? Shall schedule 1, as amended, carry? All those in favour? Opposed? That carries.

Schedule 2, section 1: There is an amendment to subsection 1(2), subsection 1(8) of the Ontario College of Teachers Act, 1996. Mr. Coe?

**Mr. Lorne Coe:** I move subsection 1(2) of schedule 2 to the bill be amended by adding the following subsection to section 1 of the Ontario College of Teachers Act, 1996:

“Information for members

“(8) The college shall provide members with information about,

“(a) the definitions of ‘professional misconduct’, ‘prohibited act involving child pornography’, ‘sexual abuse’ and ‘sexual misconduct’ in subsection (1);

“(b) the duties of members to report suspected child abuse or neglect under the Child and Family Services Act;

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“(c) the investigation and disciplinary procedures under this act; and

“(d) any other matter as may be prescribed.”

**The Chair (Mr. Peter Z. Milczyn):** Any discussion? Mr. Anderson.

**Mr. Granville Anderson:** I recommend voting against this motion because providing information about professional matters such as duty to report, sexual abuse and sexual misconduct, on the investigation and discipline processes are inherent in the OCT's legislated duties to govern the profession and provide for the ongoing education of its members.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Mr. Coe.

**Mr. Lorne Coe:** I thank the parliamentary assistant for his comments, but if we step back as a committee and we reflect on the delegations that we heard, people who spoke and the organizations that spoke stressed the importance of greater transparency and openness. They also spoke about the need to bring clarity around the definitions in the act.

The view that we have is that this, through the additions that I've just read, will help bring greater clarity, transparency and openness to a process that, as the LeSage report indicated, needed vast improvements. That was, again, supported by the delegations that we heard for a full day about a week and a half ago.

**The Chair (Mr. Peter Z. Milczyn):** Mrs. Gretzky?

**Mrs. Lisa Gretzky:** I would ask for clarification on section (d) of the motion, “any other matter as may be prescribed.” I'm wondering if the mover is able to explain what would fall within those parameters.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Coe.

**Mr. Lorne Coe:** I'm sorry; I was speaking to my colleague. I didn't hear the question.

**The Chair (Mr. Peter Z. Milczyn):** Mrs. Gretzky, can you repeat the question?

**Mrs. Lisa Gretzky:** I'll repeat it. No problem. I'm just asking for clarification on (d) of the motion, where it states “any other matter as may be prescribed.” I'm wondering if you can clarify what exactly would fall within that.

**Mr. Lorne Coe:** I think we heard from some of the delegations, particularly some of the associations, that there wasn't an all-inclusive list. They wanted more time to provide some additional input that would fall within this area as well.

**The Chair (Mr. Peter Z. Milczyn):** Mrs. Gretzky?

**Mrs. Lisa Gretzky:** Further to the motion, I would appreciate clarification on—just to be certain that what is being asked of this motion, which I think is fair and reasonable when you're expecting education workers to work within certain parameters and possibly be held accountable under this particular legislation, that it's clear to them what is expected of them and what is considered misconduct. I think it's important that they understand that. It is all about education, but I'm wondering if I could get clarification, just to make sure that the powers that are being given to and the expectations of the college are within their mandate, specifically to this particular motion.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Coe.

**Mr. Lorne Coe:** Again, could you restate your question, please?

**Mrs. Lisa Gretzky:** It's just to seek clarification to make sure that through this motion, if it's supported, it's actually giving powers to and putting expectations on the college, and if that actually falls within their mandate. Are we giving them expectations that don't fall within their mandate?

**Mr. Lorne Coe:** We can get that clarification for the committee before the end of our session.

**The Chair (Mr. Peter Z. Milczyn):** Do you want to stand this down? Because we would normally vote on it.

**Mr. Lorne Coe:** Okay.

**The Chair (Mr. Peter Z. Milczyn):** All right. So we'll stand down amendment number 11 for now.

**Mrs. Cristina Martins:** I think we need to vote on this. The recommendation by the parliamentary assistant was actually to oppose this. I think, in line with what Mrs. Gretzky said, there's a little bit of concern on our side here anyhow with regard to the proposed language in the motion, "and any other matter as may be prescribed."

We feel just what you were alluding to, Mrs. Gretzky, if I may, that it's a definition that is very broad and that currently, under the Ontario College of Teachers Act, there is already a duty from the Ontario College of Teachers to govern its members and to provide for the ongoing education of its members. Providing this type of information is part of the administrative functions and duties of the Ontario College of Teachers, and an explicit clause, such as what is being prescribed here or being recommended, is really not required. At least, that's how we feel on this side.

I think that we should vote on this.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Gretzky?

**Mrs. Lisa Gretzky:** I believe that the member opposite actually just answered my question by saying that it is within the mandate of the Ontario College of Teachers to provide this information and the expectations and exactly what the laws and the rules are, as far as misconduct or proper conduct.

I would certainly suggest, then, because they are the discipline body and it does fall within their mandate to provide and make clear the information, the expectations of education workers, that this is something we should be supporting. Because if they are setting out the expectations, if they're the ones enforcing the expectations, then, really, it should be their position to make sure that those expectations are clear to the members.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? I see there is a desire to proceed with the vote on this amendment. Shall amendment number 11 be carried? All those in favour?

**Mr. Toby Barrett:** Recorded vote, Chair.

**The Chair (Mr. Peter Z. Milczyn):** A recorded vote has been requested.

### Ayes

Barrett, Coe, Gretzky.

### Nays

Anderson, Martins, Potts, Rinaldi, Vernile.

**The Chair (Mr. Peter Z. Milczyn):** The amendment is lost.

Further amendment to subsection 1(2), subsection 1(9) of the Ontario College of Teachers Act, 1996: Mr. Coe.

**Mr. Lorne Coe:** I move that subsection 1(2) of schedule 2 to the bill be amended by adding the following subsection to section 1 of the Ontario College of Teachers Act, 1996:

"Policies re training of members

"(9) The college shall develop policies respecting the training of its members in recognizing and addressing signs of sexual abuse of a student, sexual misconduct or a prohibited act involving child pornography."

If I could speak to the amendment now, Chair, through you? Thank you. The amendment will ensure that policies for members around training and education are in place. It would allow for greater clarity and transparency about the expectations—and I stress the expectations—of college members. At the present time, when you look at the mandate as is stated in terms around this area, it's silent in this respect.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Mr. Anderson.

**Mr. Granville Anderson:** Chair, I recommend voting against this motion. Such training goes beyond the mandate of the OCT as a professional regulator.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Gretzky?

**Mrs. Lisa Gretzky:** I was going to point out that, absolutely, training is necessary. If we have education workers who are expected to work in a particular manner, they need to be clear on what their expectations are, absolutely, and we need to make sure that everybody understands what misconduct would be.

But I also have concerns around who should actually be delivering that training. Is this motion assigning duties

and responsibilities outside the mandate of the college? And is it not standard for school boards and the professional bodies that represent education workers to provide professional development and training around these issues? That's my concern. Maybe the member who moved it can address that. Although it's important to have them trained, is this outside the mandate of the Ontario College of Teachers?

**The Chair (Mr. Peter Z. Milczyn):** Mr. Coe?

*Interjection.*

**The Chair (Mr. Peter Z. Milczyn):** Just a moment. Mr. Coe has the floor. Mr. Coe?

**Mrs. Lisa Gretzky:** I asked the question of the mover.

**Mr. Lorne Coe:** Our understanding is that it's not outside the mandate. It would enhance.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Martins.

**Mrs. Cristina Martins:** That's correct. Such training actually goes beyond the mandate of the Ontario College of Teachers as a professional regulator, and that type of training is actually provided at the board level. That's why we have social workers, psychotherapists and police officers, so that some of this sexual misconduct can be, first of all, recognized, and addressed.

Really, the intent of this motion is not in line with LeSage's recommendation, so that's why there is a desire to oppose this particular motion.

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**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Ms. Gretzky.

**Mrs. Lisa Gretzky:** I would just add that, again, we need to be certain that making amendments—that this particular bill is actually addressing the duties and the mandates of the individuals or the organizations. I do have a concern that this would be assigning duties to the College of Teachers that are, indeed, outside of their scope.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion?

**Mr. Lorne Coe:** A recorded vote, please, on the motion.

**The Chair (Mr. Peter Z. Milczyn):** All right. Seeing no further discussion, we'll move on to the vote.

### Ayes

Barrett, Coe.

### Nays

Anderson, Gretzky, Martins, Potts, Rinaldi, Vernile.

**The Chair (Mr. Peter Z. Milczyn):** The amendment is lost.

A further amendment to schedule 2, section 1, subsection 1(2), subsection 1(10) of the Ontario College of Teachers Act, 1996: Mr. Barrett.

**Mr. Toby Barrett:** I move subsection 1(2) of schedule 2 to the bill be amended by adding the following

subsection to section 1 of the Ontario College of Teachers Act, 1996:

“Information, resources to be made available

“(10) The college shall ensure that information about the investigation and disciplinary processes are made available to students who are allegedly sexually abused or the subject of sexual misconduct or of a prohibited act involving child pornography, and that information about resources and supports are made available to those students and their families.”

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Mr. Anderson.

**Mr. Granville Anderson:** I recommend voting against this motion. It is not the role of a neutral regulatory body to provide information about support and resources to students and their families.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Mr. Barrett.

**Mr. Toby Barrett:** Very simply, the amendment was designed to ensure that the victim also has a right to know about and be informed about the process and what the next steps are.

**Mrs. Cristina Martins:** If I may?

**The Chair (Mr. Peter Z. Milczyn):** Just a moment—you're finished, Mr. Barrett?

**Mr. Toby Barrett:** Well, I might add, further to that, that during debate, we heard so much about professionals in the system being falsely accused. I assume that's being covered by regulation. Perhaps this is being covered by regulation, but as a former teacher, I just think it's incumbent on everyone within the system to know what we're talking about, to know what the definitions are—and I know that was voted down—and just to be informed about what's going on, what the process is and what the rights are of all concerned, whether it's someone being accused or someone who has laid a complaint.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Martins.

**Mrs. Cristina Martins:** Thank you, Mr. Barrett. I agree with you in that yes, it's important that everyone is well informed, that people are aware of their rights and that they are knowledgeable as to whom they need to voice their concerns to, and the regulatory body or agency is going to provide that type of support. It's very important that we do protect people and that they know their rights.

However, I'm not sure that it is incumbent upon the Ontario College of Teachers, as a neutral regulatory body, to provide this type of information. This type of information, these resources and supports to students—really, it's the role of children's aid, social workers, support groups and other like-minded organizations that exist. What is being proposed here, just like the previous motion, goes beyond the mandate of the Ontario College of Teachers as a professional regulator.

What this bill does allow is for the Ontario College of Teachers to disclose information about members to the police and other regulators, respecting the college's mandate while still protecting our children. That's our position on this particular motion.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Seeing none, then, on the amendment—

**Mr. Toby Barrett:** Recorded vote.

**The Chair (Mr. Peter Z. Milczyn):** A recorded vote has been requested by Mr. Barrett.

### Ayes

Barrett, Coe.

### Nays

Anderson, Martins, Potts, Rinaldi, Vernile.

**The Chair (Mr. Peter Z. Milczyn):** The amendment is lost.

On schedule 2, section 1, is there any further discussion? No? Shall schedule 2, section 1 be carried? All those in favour? Opposed? That is carried.

There are no amendments proposed to schedule 2, section 2. Is there any discussion? Shall schedule 2, section 2 be carried? All those in favour? Opposed? That is carried.

Schedule 2, section 3, an amendment to section 3, subsection 17(2.3) of the Ontario College of Teachers Act, 1996: Mr. Barrett?

**Mr. Toby Barrett:** I move that section 3 of schedule 2 to the bill be amended by adding the following subsection to section 17 of the Ontario College of Teachers Act, 1996:

“Same, re sexual abuse, etc.

“(2.3) The powers and duties of a committee mentioned in paragraph 2 or 3 of subsection 15(1) to hear or review a matter relating to an act of professional misconduct that involved sexual abuse of a student, sexual misconduct or a prohibited act involving child pornography, may be exercised by a panel that satisfies the following rules:

“1. The panel must satisfy the rules set out in subsection (2).

“2. The panel must include at least one person who is a psychiatrist, a psychologist, a registered social worker or social service worker, an employee of a children’s aid society or a lawyer.”

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Mr. Anderson.

**Mr. Granville Anderson:** I recommend voting against this motion. The OCT already has the ability to draw on the knowledge of such professionals as expert witnesses for cases as appropriate. It would not be feasible to have one of these professionals be part of the panel for the investigation committee, discipline committee, fitness to practise committee and registration appeals committee. And, I might add, Mr. Chair, this would result in a significant shift in the make-up of the college as it now stands.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Mr. Barrett.

**Mr. Toby Barrett:** It’s not necessarily the make-up of the college. I understand this addresses the make-up of a committee that would be hearing a hearing, to have some experts on this committee. For example, we know the bill is being amended to require a hearing if an offender wishes to be reinstated to work with children. I don’t think it’s necessarily changing the make-up of the college of teachers, but if there was a committee set up for hearings, I would consider it an expert panel. All we’re asking for is at least one expert on that panel who would hear deputants’ arguments for and against whether someone should be reinstated in an early childhood learning centre, in an elementary school or in a secondary school.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Anderson?

**Mr. Granville Anderson:** I believe this would actually hamper and slow down the disciplinary process by forcing OCT to include such individuals on its roster of eligible panellists and to rely on their availability to sit at disciplinary hearings.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Coe?

**Mr. Lorne Coe:** Chair, the discussion is an interesting one, because we heard from delegates, and most of the members on the opposite side were here. The delegations were very passionate and compelling about the addition of what we’re recommending here. I know you all listened very intently, and I didn’t hear any disagreement at that time with the delegations.

So what’s clear is what we’re asking for is an enhancement—not an enhancement, but we’re asking, in terms of the disciplinary panels, that qualified professionals be placed on these. It speaks to the complexity of some of the issues that we’re well familiar with, and that we heard from the delegations as well. This is an added value. This is really going to speak to some of the challenges that we heard during the delegations and, again, there were not any disagreements in what we were hearing, Chair.

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**The Chair (Mr. Peter Z. Milczyn):** Ms. Gretzky.

**Mrs. Lisa Gretzky:** I don’t think anybody here wants to see a victim come forward and have to wait an extended period of time in order to have their case heard and dealt with. I don’t think we want to see, as we have in the past, accused members waiting four years for a hearing and to have their opportunity to defend themselves.

I have great concern that, although we want support for victims—it’s incredibly important that they do have the professional support that they will need—by putting this amendment in, what it will do is actually slow down the process for not only the accused but for the victim, and having to relive what it is that they have brought an allegation over for an extended period of time and the anxiety that brings, while the college tries to assemble a panel that is comprised of one of the professionals listed here.

So I have great concern that out of fairness to due process, specifically to the victims but also to the accused, this is actually going to slow down the process, when

what we should be doing is allowing due process and making sure that any accusations are dealt with in a timely manner out of fairness to all parties.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Martins.

**Mrs. Cristina Martins:** If I just may add to what Ms. Gretzky said, the Ontario College of Teachers currently has the ability to draw on the knowledge of such professionals, so we would not have to wait. As was suggested by Ms. Gretzky and what is suggested by the motion being put forward, we would have to wait and delay, if you will, the process moving forward until such time that the panel was made up of one of these professionals. The college already has the ability to draw on the expertise, on the knowledge of any one of these people listed here, these professionals listed here, to be expert witnesses for cases.

I think what we are trying to do here, with this particular piece of legislation, is to make it more efficient in order to better help and protect students and teachers. This would only be delaying that and opening up that wound once again many years down the line, because there would be delays if we are going to wait for this to happen. That's why we have proposed to oppose this particular motion.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Barrett?

**Mr. Toby Barrett:** I really haven't seen any evidence about how having a psychiatrist, for example, sitting on the panel delays the process. Again, we just advocate that it's important to have necessary experts on either sexual abuse or child pornography on these kinds of panels, just given the seriousness of these kinds of charges, and again, to make sure that we get it right for all concerned, whether it be for the person, the student or the family that have alleged misconduct, or for the early childhood educator or the teacher who may, perhaps, be falsely accused.

I'm not sure where the evidence is on how many extra days it would take. I know during debate there was discussion about the famous McMartin trial. That was based on accusations that were made in 1983 and it took them until 1990 to wrap that up. That was the longest and most expensive criminal trial in US history at the time. Hopefully we don't make those kinds of mistakes again. But I just don't buy the argument that by having a psychiatrist or a psychiatric social worker or someone like that sitting on this panel—I'm not sure how that delays things. If anything, it may well speed things up to bring in an expert witness.

Basically, what we're saying is, sure, we can leave it the way it is. It's voluntary. We could have left the old bill the way it was, where there was no hearing required. It was voluntary. We're asking for it to be mandatory through legislation.

**The Chair (Mr. Peter Z. Milczyn):** Any further discussion? Mr. Anderson.

**Mr. Granville Anderson:** Mr. Chair, can we have a vote on this, please?

**The Chair (Mr. Peter Z. Milczyn):** If there's no further discussion, yes.

**Mr. Lorne Coe:** Recorded vote.

**The Chair (Mr. Peter Z. Milczyn):** A recorded vote has been requested by Mr. Coe.

#### Ayes

Barrett, Coe.

#### Nays

Anderson, Gretzky, Martins, Potts, Rinaldi, Vernile.

**The Chair (Mr. Peter Z. Milczyn):** The amendment is lost.

On schedule 2, section 3, is there any further discussion? Shall schedule 2, section 3, be carried? All those in favour? Opposed? That is carried.

It being 10:15, we will recess until 2 p.m. this afternoon.

*The committee recessed from 1015 to 1400.*

**The Chair (Mr. Peter Z. Milczyn):** Good afternoon. As per the order of the House dated October 20, 2016, we are assembled here for clause-by-clause consideration of Bill 37, An Act to amend the Early Childhood Educators Act, 2007 and the Ontario College of Teachers Act, 1996. The committee is authorized to sit this afternoon until 6 p.m. Committee members will know that at 4 p.m. today, I am required to interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of Bill 37 and any amendment thereto. At that time, I will allow a 20-minute waiting period, if requested, pursuant to standing order 129(a). From that point forward, those amendments which have not yet been moved shall be deemed to have been moved and I will take the votes on them consecutively.

Catherine Oh from legislative counsel is here to assist us with our work, should we have any questions for her.

Are there any questions before we resume our consideration? Seeing none, we left off voting on schedule 2, section 3. The next portion is schedule 2, section 4, an amendment to subsection 4(1), subsection 23(2) of the Ontario College of Teachers Act, 1996, which is amendment number 15: Ms. Gretzky.

**Mrs. Lisa Gretzky:** Chair, I'd like to withdraw the amendment.

**The Chair (Mr. Peter Z. Milczyn):** Is there agreement to withdraw the amendment? All right.

The next amendment is also to schedule 2, subsection 4(1.1), subsection 23(2) of the Ontario College of Teachers Act, 1996, which is amendment number 16: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that section 4 of schedule 2 to the bill, which amends section 23 of the Ontario College of Teachers Act, 1996, be amended by adding the following subsection:

“(1.1) Subsection 23(2) of the act is amended by adding ‘only the following information’ at the end of the portion before clause (a).”

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** I recommend voting against this motion. The section already prescribes what information can be posted in the public registry. This suggested amendment is somewhat redundant.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Then we'll proceed to the vote. All those in favour of the amendment? Those opposed? The amendment is lost.

The next amendment, again to schedule 2, subsection 4(3), clause 23(2)(b.1) of the Ontario College of Teachers Act, 1996, amendment number 17: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that clause 23(2)(b.1) of the Ontario College of Teachers Act, 1996, as set out in subsection 4(3) of schedule 2 to the bill, be struck out and the following substituted:

“(b.1) a summary of any existing restriction on a member’s right to teach that has been imposed by a court or other lawful authority, including the name of the court or other lawful authority that imposed the restriction, and the date the restriction was imposed;”

**The Chair (Mr. Peter Z. Milczyn):** Is there any discussion? Mr. Anderson.

**Mr. Granville Anderson:** Again, Mr. Chair, I recommend voting against this motion. The use of the word “summary” suggests that the information could be limited.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Mrs. Gretzky.

**Mrs. Lisa Gretzky:** This amendment would make the Ontario College of Teachers Act consistent with other professional colleges, like the Ontario dental college:

“The following additional information shall be kept in the register in respect of each member of the college:

“ ... A summary of any existing restriction on the member’s right to practise that has been imposed by a court or other lawful authority, if the college is aware of the restriction, including the name of the court or other lawful authority that imposed the restriction and the date the restriction was imposed.”

As I pointed out, this would make the Ontario College of Teachers Act consistent with other professional colleges, like the Ontario dental college.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Anderson.

**Mr. Granville Anderson:** Again, Mr. Chair, the term, “member’s right to teach,” is awkward and might be misinterpreted. It’s better to use the term “eligibility to teach,” which is used in the bill. Also, this runs counter to the LeSage report theme of transparency.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Seeing none, we’ll proceed to vote. All those in favour of the amendment? Those opposed? The amendment is lost.

Next amendment: Again to schedule 2, section 4, subsection 4(3), clause 23(2)(b.1) of the Ontario College of Teachers Act. This is amendment number 18. Mrs. Gretzky.

**Mrs. Lisa Gretzky:** I’d like to withdraw the amendment.

**The Chair (Mr. Peter Z. Milczyn):** Okay. Mrs. Gretzky will not be introducing that amendment.

The next amendment: Again to schedule 2, section 4, subsection 4(3), clause 23(2)(d.1) of the Ontario College of Teachers Act, 1996, amendment number 19. Mrs. Martins.

**Mrs. Cristina Martins:** I move that clause 23(2)(d.1) of the Ontario College of Teachers Act, 1996, as set out in subsection 4(3) of schedule 2 to the bill, be struck out and the following substituted:

“(d.1) subject to the regulations, information respecting any current or previous criminal proceedings involving a member that are relevant to his or her membership, including any undertakings of the matter in relation to the proceeding;”

**The Chair (Mr. Peter Z. Milczyn):** Mr. Anderson?

**Mr. Granville Anderson:** I recommend voting for this motion, Mr. Chair.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Potts?

**Mr. Arthur Potts:** I just noted that it was read in as “of the matter in relation.” It should be “of the member in relation.” I would just correct the record on that.

**The Chair (Mr. Peter Z. Milczyn):** All right.

**Mrs. Cristina Martins:** I can read it again.

“(d.1) subject to the regulations, information respecting any current or previous criminal proceedings involving a member that are relevant to his or her membership, including any undertakings of the member in relation to the proceeding;”

**The Chair (Mr. Peter Z. Milczyn):** Thank you. Further discussion? Mrs. Gretzky.

**Mrs. Lisa Gretzky:** I would just like some clarity around the publication of information in this bill, so what would be included in the publication.

**Mrs. Cristina Martins:** Sorry, could you—

**Mrs. Lisa Gretzky:** I’d just like clarity on publication of criminal information in the bill. What is it that this is proposing would be published?

*Interjections.*

**Mrs. Lisa Gretzky:** I’m asking anybody on the government side. It’s your proposed legislation. I’m just asking what is it you’re proposing that would then be allowed to be published?

**The Chair (Mr. Peter Z. Milczyn):** Mrs. Martins.

**Mrs. Cristina Martins:** The proposed motion would ensure that the posting of current or previous criminal proceedings, including undertakings such as bail or charges, involving a member that are relevant to their membership is to be subject to regulation. This will be consistent with LeSage’s theme of transparency and protection of the public.

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**The Chair (Mr. Peter Z. Milczyn):** Ms. Gretzky?

**Mrs. Lisa Gretzky:** Just again, for more clarification: Is this directly related to misconduct as a teacher, whether that’s past or present? Or is this relating to other criminal charges? Is it just specific to within the educa-

tion system or would this relate to outside of the education system, when it comes to previous—

**The Chair (Mr. Peter Z. Milczyn):** Mr. Potts?

**Mr. Arthur Potts:** It's very clear in the motion: "relation to the proceeding;" so it has to be a proceeding with a teacher. This information then would have to be posted as part of the proceeding. So it's just part of a review in a proceeding in which action is being taken. It becomes relevant information for the purposes of the proceeding.

**Mrs. Cristina Martins:** And it's relevant to their membership. I guess what we've heard are concerns of certain groups that have come in that the term "relevant" may be interpreted by the college in an overly broad manner, so we're proposing the motion that I just read to allow for clarification, if necessary, through a regulation that we will work with our partners to develop.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Gretzky?

**Mrs. Lisa Gretzky:** I know the member opposite thinks it's clear. It's not clear, or I wouldn't have questions. Who then decides what is relevant? And is this giving the college of teachers the ability to set regulations to decide what is relevant to current allegations against a teacher? Who is deciding what is relevant to the current proceeding? Who is deciding what previous charges get brought into a current hearing? Who is setting the regulation and can that regulation change at any time, or is this set in stone?

**Mrs. Cristina Martins:** It will be subject to regulation, and that regulation will be developed in conjunction with the partners. That's how I understand this motion to work. Is that clear?

**Mrs. Lisa Gretzky:** So at some point, at a later date, somebody—I'm assuming from the college of teachers; I'm not clear—would then come up with a regulation that would define what past criminal proceedings would make it into a current hearing?

**Mrs. Cristina Martins:** That's right. So it's our regulation that will set the parameters that the college will need to follow to determine what type of information needs to be posted.

**Mr. Arthur Potts:** Okay?

**The Chair (Mr. Peter Z. Milczyn):** Ms. Gretzky?

**Mrs. Lisa Gretzky:** Are regulations set solely by the government? So there is no assurance that those regulations would actually work for the stakeholders that we're talking about? I'm talking about the education sector as a whole. The government has the ability to set the regulations without actually speaking to those from the education sector—I'm not just talking about education workers. I'm talking about school boards as well—to make sure that the regulation that is being brought forward would actually work as far as governance of a school board.

**Mrs. Cristina Martins:** The regulation that will be set forth by the government would be a regulation that would be worked on with our partners to ensure that there is transparency and protection to the public.

**Mrs. Lisa Gretzky:** Is there any guarantee in the bill, anything set in stone in the bill or through this amend-

ment, that would guarantee that regulations would be set along with school boards, that they wouldn't just be consulted, that their recommendations and their views would be included in any regulation?

**The Chair (Mr. Peter Z. Milczyn):** Mr. Anderson?

**Mr. Granville Anderson:** Well, the school board would be a stakeholder. It will be regulations set by the government, not by the college—they wouldn't be governed by the college. They would follow the regulations and the school board would be consulted as part of the process.

**Mrs. Lisa Gretzky:** But there is nothing in the amendment or in the bill that would say that the boards would absolutely have a say. It would then be left to the government to honour the commitment to speak to the boards. There's nothing set in stone that would include the school board's voice in this.

**Mr. Granville Anderson:** The school board would be a stakeholder, so they would have that ability to do that.

**Mrs. Lisa Gretzky:** Right, but there's nothing in the legislation or the amendment that states that they have to be, that it's mandated.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker?

**Mr. Yvan Baker:** I'm just going to add that I don't think it's convention that every stakeholder who is going to be consulted is stipulated in amendments to a bill, or in a bill. It's just not convention. I think the government has proven, through its past work, that when it consults with a sector, it consults broadly, and a number of parties would be included, including school boards that would have the opportunity to weigh in on that.

The other thing I'll say is that the regulation would be developed by the government, but would also have to be approved by the college.

I think we have probably answered your question.

**Mrs. Lisa Gretzky:** Okay. To that, though, boards also play a role in disciplining education workers when it comes to misconduct. So I would hope that you would understand that I have concern that it's left open-ended. The government, who can unilaterally set regulations, is saying that you would consult boards, rather than it being set in stone that boards would have to be involved in drafting regulation that directly affects a role that they are also involved in. But I appreciate the answers.

**The Chair (Mr. Peter Z. Milczyn):** Okay. Further discussion? No? Then on the amendment, all those in favour? Opposed? The amendment is carried.

The next amendment to schedule 2, section 4, subsection 4(3), clause 23(2)(d.1) of the Ontario College of Teachers Act, 1996, amendment number 20. Mrs. Gretzky?

**Mrs. Lisa Gretzky:** I would like to withdraw the motion.

**The Chair (Mr. Peter Z. Milczyn):** Mrs. Gretzky will not be introducing that amendment.

The next amendment is, again, schedule 2, section 4, subsection 4(4.1), subsection 23(2.0.1) and (2.0.2) of the Ontario College of Teachers Act, 1996, amendment number 21. Mrs. Gretzky?

**Mrs. Lisa Gretzky:** I move that section 4 of schedule 2 to the bill, which amends section 23 of the Ontario College of Teachers Act, 1996, be amended by adding the following subsections:

“(4.1) Section 23 of the act is amended by adding the following subsections:

“Prohibited content

“(2.0.1) The registrar shall ... contain,

“(a) information respecting any current or previous criminal proceedings involving a member that is not relevant to his or her membership; or

“(b) information arising out of a member’s criminal conviction for which the member has been granted,

“(i) a freedom pardon,”

“(ii) a conditional pardon that has not been revoked, or

“(iii) a record suspension that has not been revoked and has not ceased to have effect.

“Removal of prohibited content

“(2.0.2) The registrar shall remove the information described in clause (2.0.1)(b) from the register as soon as reasonably possible.”

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Potts?

**Mr. Arthur Potts:** I’ll just note, as I’m reading the motion that was put in front of us, that I think the member neglected to use the word “not” in 2.0.1 and added “-dom” to the word “free” in subsection (b)(i). Maybe you want to reread the submission?

**Mrs. Lisa Gretzky:** Did you want me to read the whole—

**The Chair (Mr. Peter Z. Milczyn):** I couldn’t really follow that, so maybe it’d be easier if you just reread it.

**Mrs. Lisa Gretzky:** Absolutely. I move that section 4 of schedule 2 to the bill, which amends section 23 of the Ontario College of Teachers Act, 1996, be amended by adding the following subsections:

“(4.1) Section 23 of the act is amended by adding the following subsections:

“Prohibited content

(2.0.1) The registrar shall not contain,

“(a) information—

**The Chair (Mr. Peter Z. Milczyn):** I’ll stop you there. You said “registrar.”

**Mrs. Lisa Gretzky:** Sorry.

“(2.0.1) The register shall not contain,

“(a) information respecting any current or previous criminal proceedings involving a member that is not relevant to his or her membership; or

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“(b) information arising out of a member’s criminal conviction for which the member has been granted,

“(i) a free pardon,

“(ii) a conditional pardon that has not been revoked, or

“(iii) a record suspension that has not been revoked and has not ceased to have effect.

“Removal of prohibited content

“(2.0.2) The registrar shall remove the information described in clause (2.0.1)(b) from the register as soon as reasonably possible.”

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** I propose that we oppose this motion. The proposed motion would specify content that is prohibited from the public register. Further to that, clarification of the information that should be included or excluded from the public register is more appropriate for a regulation. Government motion 19 addresses this issue.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? On the amendment, all those in favour? Those opposed? The amendment is lost.

Just a housekeeping note for you: The next three amendments, 23, 24 and 22, will be dealt with in that order because number 22 was misnumbered originally. So we’re dealing with 23 first, then 24 and then we’ll do number 22.

The next one then, subsection 4(5), clause 23(2.3)(b) of the Ontario College of Teachers Act, 1996, amendment number 23: Mrs. Gretzky.

**Mrs. Lisa Gretzky:** I’d like to withdraw the amendment.

**The Chair (Mr. Peter Z. Milczyn):** Mrs. Gretzky is not introducing that amendment.

Next amendment is subsection 4(5), clause 23(2.3)(c) of the Ontario College of Teachers Act, 1996, amendment number 24: Mrs. Gretzky.

**Mrs. Lisa Gretzky:** I’d like to withdraw that amendment.

**The Chair (Mr. Peter Z. Milczyn):** Next amendment, subsection 4(5), section 23 of the Ontario College of Teachers Act, 1996, amendment number 22: Mrs. Martins.

**Mrs. Cristina Martins:** I move that subsections 23(2.2) and (2.3) of the Ontario College of Teachers Act, 1996, as set out in subsection 4(5) of schedule 2 to the bill, be struck out and the following substituted:

“Personal information

“(2.2) A committee referred to in clause (2)(d) shall not direct, and a by-law referred to in clause (2)(e) shall not prescribe, that more personal information, within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act and section 28 of the Municipal Freedom of Information and Protection of Privacy Act, or more personal health information, is to be included or kept in the register than is necessary to serve and protect the public interest.

“Personal health information

“(2.2.1) The registrar shall not include in the register, disclose to an individual or publish on the college’s website or in any other publication more personal health information about a member than is necessary to serve and protect the public interest.

“Same

“(2.2.2) In subsections (2.2) and (2.2.1),

“‘personal health information’ means information that identifies an individual and that is referred to in clauses

(a) through (g) of the definition of ‘personal health information’ in subsection 4(1) of the Personal Health Information Protection Act, 2004.

“Removal of specified information

“(2.3) The registrar shall remove from the register, in a timely manner,

“(a) any terms, conditions or limitations imposed on a certificate of qualification and registration, as referred to in clause (2)(b), that are no longer applicable;

“(b) any restrictions imposed on a member’s eligibility to teach, as referred to in clause (2)(b.1), that are no longer applicable; and

“(c) information respecting current or previous criminal proceedings referred to in clause (2)(d.1) that are no longer applicable or relevant to the member’s membership, as provided by the regulations.”

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** Mr. Chair, I recommend voting in favour of this motion.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Coe?

**Mr. Lorne Coe:** Chair, through you: When we had the Ontario College of Teachers before us, they made a couple of points. They talked about, as they should have, public access to information being critical to their mandate, and transparency and accountability. They also talked about the importance of retaining the information about current and previous criminal proceedings from their public register and the effect that they felt that would have. Through you, to the government: They were here listening to that delegation, and it’s not reflected—in fact, a contrary view is taken in this particular amendment.

I’m sure you would have received a letter that was addressed—I received a letter on November 2. On the second page, it talks about what I’ve just raised.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Anderson.

**Mr. Granville Anderson:** Mr. Chair, I disagree. The proposed motion will ensure that the public register does not contain more personal information, including personal health information, than is necessary to protect the public interest.

**Mrs. Cristina Martins:** If I—

**The Chair (Mr. Peter Z. Milczyn):** Ms. Martins.

**Mrs. Cristina Martins:** Mr. Chair, sorry, and if I can add that this is an amendment that was actually requested by the college and respects teachers’ rights to have their privacy respected while at the same time protecting public interest. So this was something that was actually requested by the college.

**Mr. Lorne Coe:** Well, Chair, not to enter into cross-debate and to take more time in committee, I can only relate what is in front of me here in writing.

**The Chair (Mr. Peter Z. Milczyn):** Further debate? Seeing none, then on the amendment, all those in favour? Opposed? The amendment is carried.

The next amendment is to subsection 4(5), subsection 23(2.4) of the Ontario College of Teachers Act, 1996, amendment number 25: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I’d like to withdraw the amendment.

**The Chair (Mr. Peter Z. Milczyn):** Okay. Ms. Gretzky will not be introducing that amendment. There are no further amendments to this section.

**Mr. Arthur Potts:** Chair?

**The Chair (Mr. Peter Z. Milczyn):** Yes, Mr. Potts?

**Mr. Arthur Potts:** Maybe I can ask the Clerk: If Ms. Gretzky doesn’t want to bring the motion forward, may we? What’s the protocol in respect to that?

**The Chair (Mr. Peter Z. Milczyn):** The amendment has been filed in the requisite time with the committee, so it can be moved by any member of the committee.

**Mr. Arthur Potts:** I would like to move the motion. Can I read it into the record, then?

**The Chair (Mr. Peter Z. Milczyn):** All right. So Mr. Potts, you wish to introduce amendment number 25?

**Mr. Arthur Potts:** Yes. Thank you, Chair. I move that subsection 23(2.4) of the Ontario College of Teachers Act, 1996, as set out in subsection 4(5) of schedule 2 to the bill, be amended by striking out “may” and substituting “shall”.

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Potts.

**Mr. Arthur Potts:** Yes. I wanted to support this motion, and I appreciated the NDP bringing it forward, because it actually makes the bill more directory, makes it stronger, and we think that is important and it reflects the spirit of what we’re trying to do here.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Ms. Gretzky.

**Mrs. Lisa Gretzky:** We actually have another amendment further in what will address this issue.

**The Chair (Mr. Peter Z. Milczyn):** In another section?

**Mrs. Lisa Gretzky:** Yes.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Potts.

**Mr. Arthur Potts:** Maybe you want to point that out and we can vote this down and deal with it later? Before I don’t have this come forward, I’d like to know what it is we would be moving forward.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Gretzky, which amendment is it that you’re going to be introducing that you think—

**Mrs. Lisa Gretzky:** Chair, we’re comfortable with dealing with this one. That’s fine.

**The Chair (Mr. Peter Z. Milczyn):** All right. So the amendment has been moved. Is there any further discussion? On the amendment, all those in favour? Opposed? The amendment is carried.

There are no further amendments to schedule 2, section 4, as amended. Is there any further discussion? Shall schedule 2, section 4, as amended, carry? All those in favour? Opposed? It is carried.

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Moving on to schedule 2, section 5, an amendment to subsection 5(2), subsection 26(1.1) of the Ontario College of Teachers Act, 1996, amendment number 26: Mrs. Gretzky.

**Mrs. Lisa Gretzky:** Thank you, Chair. I move that subsection 26(1.1) of the Ontario College of Teachers Act, 1996, as set out in subsection 5(2) of schedule 2 to the bill, be amended by adding “and no later than the end of the day on which the registrar receives the complaint” after “complaint” in the portion before clause (a).

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** I recommend voting against this amendment. The proposed motion would require that by the end of the day, the registrar provide the complainant with confirmation that a complaint was received, notify them and then provide a copy of summary after the complaint.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion?

**Mrs. Lisa Gretzky:** What we’re asking for is that everyone involved in the alleged misconduct case is provided the same information in a timely manner, so that they have an opportunity to respond to that in a timely manner. We think it’s a matter of fairness to all parties that that information is shared through the complaint process from the College of Teachers to the person who has allegedly engaged in misconduct.

**The Chair (Mr. Peter Z. Milczyn):** Mrs. Martins?

**Mrs. Cristina Martins:** I agree that it’s important that we make sure that everyone is notified. However, I think that the proposed wording by the NDP motion is overly prescriptive and that the current wording in subsection 26(1.1) already makes very clear the intention that complainants and members be notified as soon as possible. Really, this motion would not align itself with the Early Childhood Educators Act of 2007, so for that reason, we will be opposing this motion.

**The Chair (Mr. Peter Z. Milczyn):** Mrs. Gretzky?

**Mrs. Lisa Gretzky:** First, I’d like to draw attention to the fact that we’re not talking about the Early Childhood Educators Act. We’re actually talking about the Ontario College of Teachers Act, 1996.

Again, I would say that to use the language as “soon as possible” is very open-ended. When you’re talking about allegations as serious as what we are discussing, I think that it is only fair that those who have had allegations waged against them have an opportunity to have all that information before them, and have an opportunity to make their case in a timely manner. I think it’s only fair.

I think in this case, because of the seriousness of the allegations the college would be dealing with, prescribed language is in order. We shouldn’t be open-ended, as the government side is suggesting.

**The Chair (Mr. Peter Z. Milczyn):** Mrs. Martins?

**Mrs. Cristina Martins:** And I agree that it’s very important that all parties, complainants and members are notified as soon as possible. I just think that mandating that confirmation, copies or summaries must all be provided to complainants and members on the same day that a complaint is received or by the end of that day is sometimes administratively burdensome and unreasonable.

I think that what is currently in the act right now makes it very clear that the intention is that everyone needs to be notified as soon as possible.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Then, on the amendment, all those in favour of the amendment? Those opposed? The amendment is lost.

The next amendment, to subsection 5(2), clause 26(1.1)(b) of the Ontario College of Teachers Act, 1996, amendment number 27: Mrs. Gretzky?

**Mrs. Lisa Gretzky:** I move that clause 26(1.1)(b) of the Ontario College of Teachers Act, 1996, as set out in subsection 5(2) of schedule 2 to the bill, be amended by striking out “or, if the registrar considers it appropriate in the circumstances, a summary of the complaint” at the end and substituting “and of any document received with it”.

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** The proposed motion would require the registrar to provide the member with a copy of any documents received with a complaint against him or her. The wording of the motion suggests that the registrar indiscriminately copy and share the documents that might be received with a complaint, without regard for the relevance of the documents to the complaint or to the confidentiality or safety of individuals who may be identified in those documents.

**The Chair (Mr. Peter Z. Milczyn):** Mrs. Gretzky?

**Mrs. Lisa Gretzky:** In the past, stakeholders have come forward and mentioned cases where, initially, information was shared with the member who has been accused of misconduct. But further into an investigation, information that has come forward to the college has not been forwarded to the member or the member’s counsel and, therefore, they haven’t had access to it, or the information that comes forward is not fulsome information. There are things that are redacted or not shared with the accused.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion?

**Mr. Granville Anderson:** This motion could jeopardize the integrity of ongoing investigations. The motion results in the mechanical disclosure of information without the ability to consider safety and fairness of those involved.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Gretzky?

**Mrs. Lisa Gretzky:** I would argue that in criminal proceedings, when it’s before a court, defence has the right to all information brought against someone who has been accused in order to provide a fair defence.

What the government side has just argued is saying that someone who has been accused of an offence does not have the right to have all the information about the allegations against them and, therefore, cannot have a fair defence.

**The Chair (Mr. Peter Z. Milczyn):** Any further discussion? No? Then on the amendment, all those in favour? Opposed? The amendment is lost.

The next amendment is to subsection 5(2), subsection 26(1.4), of the Ontario College of Teachers Act, 1996, amendment number 28: Mr. Coe.

**Mr. Lorne Coe:** I move that subsection 5(2) of schedule 2 to the bill be amended by adding the following subsection to section 26 of the Ontario College of Teachers Act, 1996:

“Policy re communication with complainant

“(1.4) The investigation committee shall establish a policy for how it will maintain regular communication with a complainant and the policy shall be published on the college’s website.”

Chair, the background to this amendment is transparency around the process for complainants and that they have a full understanding of the steps in the process.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Anderson.

**Mr. Granville Anderson:** With a view that, yes, transparency is key, the investigation committee needs to be a neutral arbiter of complaints against members. Its role is not to communicate directly with complainants.

Further, it is not appropriate for a statutory committee such as this to set policies for the OCT.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion?

**Mr. Lorne Coe:** A recorded vote, please.

**The Chair (Mr. Peter Z. Milczyn):** A recorded vote has been requested on the amendment.

#### Ayes

Coe, Smith.

#### Nays

Anderson, Baker, Dong, Martins, Potts.

**The Chair (Mr. Peter Z. Milczyn):** The amendment is lost.

The next amendment is to subsection 5(3.1), subsection 26(2.0.1) of the Ontario College of Teachers Act, 1996, amendment number 29: Mr. Coe.

**Mr. Lorne Coe:** I move that section 5 of schedule 2 to the bill be amended by adding the following subsection:

“(3.1) Section 26 of the act is amended by adding the following subsection:

“Consultation before making regulation re clause 26(2)(c)

“(2.0.1) Before a regulation may be made for the purposes of clause 26(2)(c), the council shall hold public consultations, in the manner that the council considers appropriate, with any persons or bodies that are interested in the content of the proposed regulation.”

Chair, we heard from numerous delegations of the importance of consultation to this process. What this amendment speaks to, and what it ensures, is that interested parties are consulted with and that there is transparency, once again, around the process before regulations are made around the panel’s ability to cease investigations if it deems it in the public interest. Again,

Chair, through you, we heard this consistently in terms of the discussion on the regulations and this particular aspect.

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**The Chair (Mr. Peter Z. Milczyn):** Mr. Anderson.

**Mr. Granville Anderson:** We will be supporting this amendment. Thank you for your input.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? On the amendment, all those in favour? Opposed? The amendment is carried.

The next amendment, subsection 5(4), subsection 26(2.1), subparagraph 2 ii of the Ontario College of Teachers Act, 1996, amendment number 30: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that subparagraph 2 ii of subsection 26(2.1) of the Ontario College of Teachers Act, 1996, as set out in subsection 5(4) of schedule 2 to the bill, be amended by adding “and the member” after “the registrar”.

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** Government motion 32 would address this by including a 30-day deadline for the employer to give a copy of all the information to the member. The motion would be difficult for employers to implement. LeSage recommended that information is shared in a timely manner and not at the same time.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Gretzky.

**Mrs. Lisa Gretzky:** Chair, this amendment is meant to address the sharing of the information and what information is shared. It’s meant to compel any information that comes forward to the college to then also be shared with the member who has allegations brought forward against them. Again, it’s about making sure that it’s a fair and transparent process and that all parties involved have an opportunity to present the best case that they possibly can.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Seeing none, on the amendment, all those in favour? Opposed? The amendment is lost.

The next amendment to subsection 5(4), subsection 26(2.1), paragraph 3 of the Ontario College of Teachers Act, 1996, amendment number 31: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that paragraph 3 of subsection 26(2.1) of the Ontario College of Teachers Act, 1996, as set out in subsection 5(4) of schedule 2 to the bill, be amended by striking out “do so” and substituting “provide the information to the registrar and the member”.

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** The intent of the bill is to align with the recommendations put forward in the LeSage report. The LeSage report recommended that the Ontario College of Teachers Act be amended to require school boards to provide the OCT with all relevant information relating to a complaint, within a defined timeline. This motion does not align with the LeSage recommendation. The bill already addresses the recom-

mendation that a timeline be imposed on school boards for providing information related to a complaint to the OCT.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Gretzky.

**Mrs. Lisa Gretzky:** Again, this is addressing the collection and sharing of information. What we need to ensure, for all parties involved, is for everybody to have fulsome information.

In the past, it has been experienced that, once initial disclosure has been made and there has been a response by the member who has been accused, any further information that comes forward pertaining to the allegation that has come forward to the college may not have been fulsome information. There may have been things that were missing or have not been forwarded. As I pointed out, when you're talking about legal proceedings, court proceedings, the defendant has every opportunity to receive all the information for all the allegations against them in order to provide a defence. I believe that under the bill, as it sits, it does not provide an opportunity for the person accused, the member accused, to see all of the information that is being used to render a decision, whether that's for or against them. That is not a fair process.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? On the amendment, shall the amendment be carried? All those in favour? Opposed? The amendment is lost.

The next amendment, subsection 5(4), subsection 26(2.1) of the Ontario College of Teachers Act, 1996, amendment number 32: Ms. Martins.

**Mrs. Cristina Martins:** I move that subsection 26(2.1) of the Ontario College of Teachers Act, 1996, as set out in subsection 5(4) of schedule 2 to the bill, be amended by adding the following paragraph:

"3.1 Within 30 days of providing information to the registrar under subparagraph 2 ii or paragraph 3, the secretary of the school board shall provide a copy of such information to the member."

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** This motion aligns with the LeSage recommendation that the Ontario College of Teachers Act be amended to require school boards to provide OCT with relevant information relating to a complaint within a defined timeline. This motion will ensure consistency in the process in which employers file complaints or reports with the OCT.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Gretzky?

**Mrs. Lisa Gretzky:** I would argue that motions I brought forward would have done the exact same thing, which would have limited the timeline for that information sharing.

I'm not clear on why it would take 30 days for information that comes to the registrar to then be forwarded to the member, and I would like clarification on "copy of such information." What if that information was shared orally with the college? How is that communicated to the member as well?

**The Chair (Mr. Peter Z. Milczyn):** Ms. Martins.

**Mrs. Cristina Martins:** What would be communicated orally when we're talking about these types of charges or allegations? I would imagine that, given the seriousness, it would all be in writing—just to get clarity for my end.

**Mrs. Lisa Gretzky:** What if information is shared with the college around the allegations orally? How, then, do they record that, and how is that shared with the member? Is there a possibility for that information to be shared orally with the member or does that have to be in written form? Is there some sort of record that way?

**Mrs. Cristina Martins:** I would imagine that if you want to keep a record, it would have to be a written record and that report would have to be provided to the member with a copy of anything else that was submitted to the registrar. So if it's submitted, it's submitted not orally, but by paper, right?

**Mrs. Lisa Gretzky:** So the College of Teachers would be required to keep a written record and it would be forwarded to the member in writing.

My other question for clarification was, why 30 days? Why does the registrar need 30 days to then forward information that has been shared with them?

**Mrs. Cristina Martins:** I think it's to keep in line with what LeSage recommended, that the Ontario College of Teachers be amended to require the school boards to provide the college with the relevant information relating to a complaint within a defined timeline. Why 30 days, I guess, is what you're asking, right?

**Mrs. Lisa Gretzky:** Yes, why 30 days? And I'm sorry; can you repeat that? Did you say with the board, with the employer?

**Mrs. Cristina Martins:** The motion aligns with the LeSage recommendation that the Ontario College of Teachers Act be amended to require school boards to provide the Ontario College of Teachers with relevant information relating to a complaint within a defined timeline.

**Mrs. Lisa Gretzky:** Okay. I guess my question is, how was it decided that 30 days is a reasonable timeline? Where did the 30-day number come from? Why would it take 30 days to report? It's your recommendation, but nobody can explain why you would suggest 30 days is needed.

**Mrs. Cristina Martins:** I would imagine that it would be to provide everyone with enough time to get all of their documentation in order and then submit that information to the registrar. I think that we've seen in previous motions that we want to make sure that any type of information or any type of complaint or allegation of any sort would be brought forth and communicated as soon as possible, within a reasonable time frame. This would provide, for any type of report that the employer does have to provide, sufficient time to get all of that information in order and then submit it to the registrar, hence the 30 days.

**Mrs. Lisa Gretzky:** Okay, but this is actually stating that the registrar has 30 days to provide the information

to the member. I guess what I'm asking is, why does the registrar need 30 days to forward information relevant to a case against a member?

1450

**The Chair (Mr. Peter Z. Milczyn):** Mr. Anderson.

**Mr. Granville Anderson:** Because 30 days is consistent with most legal statutes. So 30 days, it's out—or you could say 60, and you could say, “Why 60 days?” But 60 days is consistent with most legal statutes in matters such as these at other boards and tribunals.

**Mrs. Lisa Gretzky:** Okay. I'm not a lawyer, but I actually have concerns around that, because I'm not certain that that is an accurate statement when you're talking about someone—who has been accused of something—having access to information that's going to be used against them. I do have concerns about that claim.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** Just to reiterate what MPP Martins was saying, the 30-day timeline is just a reasonable timeline, and it's consistent with the other timelines that are in the act as well. That would be the rationale.

**Mrs. Lisa Gretzky:** Okay, but I guess my argument is, who deems it reasonable? Who gets to decide that 30 days is reasonable? I guess that's my argument—and I don't need any answer to that.

**The Chair (Mr. Peter Z. Milczyn):** The Legislative Assembly of Ontario gets to decide.

**Mrs. Lisa Gretzky:** It's a rhetorical question.

**The Chair (Mr. Peter Z. Milczyn):** Any further discussion? On the amendment, all those in favour? Opposed? The amendment is carried.

The next amendment, subsection 5(5), clause 26(3)(b) of the Ontario College of Teachers Act, 1996, amendment number 33: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that clause 26(3)(b) of the Ontario College of Teachers Act, 1996, as set out in subsection 5(5) of schedule 2 to the bill, be amended by striking out “60 days” and substituting “a time period of 60 days after full disclosure of the complaint, including any document gathered in the investigation and any document that will be submitted to the committee”.

**The Chair (Mr. Peter Z. Milczyn):** Discussion? No discussion? Ms. Martins.

**Mrs. Cristina Martins:** Our recommendation is that this motion be opposed.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Ms. Gretzky.

**Mrs. Lisa Gretzky:** Again, in fairness to any member who is accused of wrongdoing, I believe that it is only fair that any information that comes forward is provided to the accused before the 60-day timeline for them to have to submit an explanation; so before the member has to respond, that they be given all the information and have the time to be able to submit a fulsome response.

The way the bill is currently written, the clock, so to speak, starts ticking as soon as the member is made aware of an allegation and there is information received by the college. We're asking, out of fairness to the accused, that they have an opportunity to receive all in-

formation regarding the allegations against them before the 60-day timeline begins for them to have to submit their explanation to the college.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Ms. Martins.

**Mrs. Cristina Martins:** I think this was discussed a little bit earlier, and I think this argument was brought forth a little earlier, with regard to the expediency with which these allegations or these charges need to be dealt with.

In all fairness to all parties involved, I think that having this motion would actually increase the amount of time that it would take to dispose of complaints. I think that the proposed motion you've put forth here would state that the 60-day period of time for a member to submit explanations or representations concerning a complaint made against him or her would not begin until such time that that member would have received full disclosure of, and all, documents associated with the complaint. It would increase the amount of time before there was any action that would need to be taken.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Gretzky.

**Mrs. Lisa Gretzky:** To that point, but on the flip side of that, should the college decide that they do need to proceed with a hearing around the allegations and that it does need to go forward, you have to provide—you should be providing—someone with adequate time to prepare their explanation of what's been alleged. If the time frame of 60 days begins before they have the information to then provide an explanation and start preparing for their defence, that's not really a fair process. It's not meant to slow the process down because, frankly, I believe some of my amendments actually were trying to move it along faster, because in some cases it has dragged on for years. But out of fairness to the person that's being accused, should the College of Teachers decide that it is warranted to move forward, the person who has an allegation brought against them should have the opportunity. The clock should not start, and start taking up their time, until they have had all the documents before them in order to be able to prepare a fulsome explanation to the college, a fulsome defence.

**The Chair (Mr. Peter Z. Milczyn):** Mrs. Martins?

**Mrs. Cristina Martins:** I don't have much more to add than what I have already said, but I think that the concern here would be that the motion would increase the amount of time that it would take to dispose of complaints. As you so rightfully said, we had a little bit of that debate this morning. We want to make sure that we are addressing some of these issues in a timely fashion. We wouldn't want to delay that, so that's our stand on it right now.

**Mrs. Lisa Gretzky:** Chair, I know it's argumentative, but one of the things is that you are actually trying to forward information to a complainant faster, as in one of my amendments that the government didn't support but that would actually also move the process forward, which was the member's argument.

**The Chair (Mr. Peter Z. Milczyn):** So the process is that you can ask questions of clarification; you receive

answers, which you may or may not like. Any further debate on the amendment? All those in favour? Opposed? The amendment is lost.

The next amendment, to subsection 5(6) of the bill, subsection 26(4.4) of the Ontario College of Teachers Act, 1996, amendment number 34: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that subsection 26(4.4) of the Ontario College of Teachers Act, 1996, as set out in subsection 5(6) of schedule 2 to the bill, be amended by striking out “a description of the additional information” at the end and substituting “full disclosure of the additional information including any document gathered in connection with the additional information”.

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** It’s like the previous motion. This would likely increase the amount of time it would take to dispose of complaints.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Seeing no further discussion on the amendment, all those in favour? Opposed? The amendment is lost.

The next amendment, to subsection 5(8.1), subsection 26(5.1) of the Ontario College of Teachers Act, 1996, amendment number 35: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that section 5 of schedule 2 to the bill, which amends section 26 of the Ontario College of Teachers Act, 1996, be amended by adding the following subsection:

“(8.1) Section 26 of the act is amended by adding the following subsection:

“Same

“(5.1) The investigation committee shall not direct that a matter be referred, in whole or in part, to the discipline committee unless the investigation committee obtains an opinion from a person authorized under the Law Society Act to practise law in Ontario that there is a reasonable prospect of a finding of guilt of professional misconduct in respect of the matter which the investigation committee refers to the discipline committee.”

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** The OCT has already implemented the practice of obtaining a prosecutorial liability assessment from its legal counsel before investigating committees’ panels when referring matters to discipline. In other words, a motion is unnecessary as OCT has already implemented this practice.

**The Chair (Mr. Peter Z. Milczyn):** Discussion? No further discussion? Then on the amendment, shall the amendment be carried? All those in favour? Opposed? The amendment is lost.

There are no further amendments to schedule 2, section 5, as amended. Is there any further discussion? Then shall schedule 2, section 5, as amended, carry? All those in favour? Opposed? That is carried.

On to schedule 2, section 6, amendment to section 6, subsection 26.2(2.1) of the Ontario College of Teachers Act, 1996, amendment number 36: Mr. Coe.

**1500**

**Mr. Lorne Coe:** I move section 26.2 of the Ontario College of Teachers Act, 1996, as set out in section 6 of schedule 2 to the bill, be amended by adding the following subsection:

“Consultation before making regulation re clause (2)(a)

“(2.1) Before a regulation may be made for the purposes of clause (2)(a), the council shall hold public consultations, in the manner that the council considers appropriate, with any persons or bodies that are interested in the content of the proposed regulation.”

Through you, Chair, I’d just provide a brief explanation. The amendment ensures the transparency around the regulation-making process for timelines in a situation where the registrar refers a matter to an investigation-stage complaint resolution process. Once again, this is based on the input that we received when we heard delegations, and it is in the spirit of the previous amendment that I had, which was adopted by committee.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Mr. Anderson.

**Mr. Granville Anderson:** I would like to thank the member for bringing this amendment forward. We will be supporting this motion.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? On the amendment, all those in favour? Opposed? The amendment is carried.

There are no further amendments to schedule 2, section 6. Is there any further discussion? Seeing none, shall schedule 2, section 6, as amended, be carried? All those in favour? Opposed? It’s carried.

Next is schedule 2, section 7. There are no amendments proposed to this section. Is there any discussion? Shall schedule 2, section 7, be carried? All those in favour? Opposed? That is carried.

Schedule 2, section 8, amendment to subsection 8(0.1), subsection 30(1.0.1) of the Ontario College of Teachers Act, 1996, amendment number 37: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that section 8 of schedule 2 to the bill, which amends section 30 of the Ontario College of Teachers Act, 1996, be amended by adding the following subsection:

“(0.1) Section 30 of the act is amended by adding the following subsection:

“Case under investigation

“(1.0.1) Despite clause (1)(a), if a matter is referred to the discipline committee under section 29 but the matter is under investigation by the member’s employer, the discipline committee shall stay the proceedings.”

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** If the OCT initiates a complaint upon receiving an employer report, it would be inappropriate to stay the proceedings based on an investigation undertaken by a separate entity. Employers have their own procedures to follow when investigating a complaint, and this would take time. The motion would

result in delays in disposing of complaints if the OCT must wait until an employee investigation has concluded.

Justice LeSage recommended that OCT investigations should not be placed on hold pending completion of other investigations, unless requested by the police. Each investigation into a member's conduct is measured against a different set of criteria: employment, professional, criminal. This motion would not align with the Early Childhood Educators Act, 2007.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Seeing none, on the amendment, all those in favour? Opposed? The amendment is lost.

There are no further amendments to schedule 2, section 8, as amended. Is there any further discussion?

**Mr. Arthur Potts:** Just for the record, you said "as amended," but it wasn't amended. I think I knew what you meant, though.

**The Chair (Mr. Peter Z. Milczyn):** Yes, you're correct. I apologize.

There being no further discussion on this, shall schedule 2, section 8, be carried? All those in favour? Opposed? That is carried.

There are no amendments proposed to schedule 2, sections 9 and 10. With the committee's concurrence, we'll deal with those two together. Is there any discussion on schedule 2, sections 9 and 10? Seeing none, shall schedule 2, sections 9 and 10, be carried? All those in favour? Opposed? They are carried.

Schedule 2, section 11, an amendment to subsection 11(2), subsection 32(5.1) of the Ontario College of Teachers Act, 1996, amendment number 38: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that subsection 11(2) of schedule 2 to the bill, which amends section 32 of the Ontario College of Teachers Act, 1996, be amended by adding the following subsection:

"Time of public notice of hearings

"(5.1) The public may be notified of a hearing only after,

"(a) the college has made a decision about whether to withdraw all or some of the allegations; and

"(b) a time has been set for a hearing to finally dispose of the matter."

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** It is inconsistent with Justice LeSage. It would limit access to the notice of hearing by the public. If any allegations are withdrawn, the notice of hearing would be updated accordingly.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Seeing none, on the amendment, all those in favour? Opposed? The amendment is lost.

The next amendment is subsection 11(2), subsection 32(5.2) of the Ontario College of Teachers Act, 1996, amendment number 39: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that subsection 11(2) of schedule 2 to the bill, which amends section 32 of the Ontario College of Teachers Act, 1996, be amended by adding the following subsection:

"Content of public notice of hearings

"(5.2) Notice to the public of a hearing shall not contain information concerning the allegations except for the provisions of the regulations that define the alleged professional misconduct."

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** Again, it is inconsistent with Justice LeSage's recommendation. The notice of hearing is available to the public and should contain enough information on the matter to be heard, in the interest of transparency.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Ms. Gretzky.

**Mrs. Lisa Gretzky:** In fact, Justice LeSage was quoted as saying, "It must be remembered that, like a pleading, the notice of hearing must contain a concise statement of the material facts and allegations, but not the evidence. The evidence is to be presented in a public forum where it will be heard and weighed by a trier of fact." Since the member quoted Justice LeSage, that was a quote from Justice LeSage.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? No? Seeing none, on the amendment, all those in favour? Opposed? The amendment is lost.

There are no further amendments to schedule 2, section 11. Is there any further discussion? No? Shall schedule 2, section 11, be carried? All those in favour? Opposed? That is carried.

There are no amendments proposed to schedule 2, sections 12 through 16 inclusive. With the committee's concurrence, we'll deal with those sections together. Is there any discussion? Shall schedule 2, sections 12 through 16, be carried? All those in favour? Opposed? They are carried.

Schedule 2, section 17, amendment to subsection 40(0.1) of the Ontario College of Teachers Act, 1996, amendment number 40: Mr. Coe.

**Mr. Lorne Coe:** Through you, Chair, I'll withdraw that particular motion. It was dependent on the passage of motion 11.

**The Chair (Mr. Peter Z. Milczyn):** All right. You won't be introducing that.

Amendment to subsection 17(2), subsection 40(1) of the Ontario College of Teachers Act, 1996, amendment number 41. Ms. Martins.

**Mrs. Cristina Martins:** I move that paragraphs 14.2 to 14.9 of subsection 40(1) of the Ontario College of Teachers Act, 1996, as set out in subsection 17(2) of schedule 2 to the bill, be amended by adding the following paragraph:

"14.2.1 governing, for the purposes of clauses 23(2)(d.1) and 23(2.3)(c), whether information respecting current or previous criminal proceedings involving a member should be included on the register or removed from the register;"

1510

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Seeing none, on the amendment, all those in favour? Opposed? The amendment is carried.

The next amendment, to subsection 17(2), paragraph 14.7 of subsection 40(1) of the Ontario College of Teachers Act, 1996, amendment number 42: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I'd like to withdraw the amendment.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Gretzky will not be introducing the amendment.

There are no further amendments to schedule 2, section 17, as amended. Is there any further discussion? No?

Shall schedule 2, section 17, as amended, be carried? All those in favour? Opposed? That is carried.

Schedule 2, section 18, an amendment to subsection 18(2), subsection 41(1) of the Ontario College of Teachers Act, 1996, amendment number 43: Ms. Martins.

**Mrs. Cristina Martins:** I move that subsection 18(2) of schedule 2 to the bill be struck out and the following substituted:

“(2) Subsection 41(1) of the act is amended by adding the following paragraph:

“27.1 subject to subsection 23(2.6), authorizing the removal from the register of information described in clauses 23(2)(b.2), (b.3), (b.4), (b.5) and (b.6) and of information regarding the removal of a suspension of a certificate of registration under subsection 23(3);”

**The Chair (Mr. Peter Z. Milczyn):** I think you got those numbers wrong.

**Mrs. Cristina Martins:** Are you going to make me repeat all those numbers again?

**The Chair (Mr. Peter Z. Milczyn):** No, just get the numbers right.

**Mrs. Cristina Martins:** All of them?

**The Chair (Mr. Peter Z. Milczyn):** Just the last number there, at the very end.

**Mrs. Cristina Martins:** “Under subsection 24(3);”

**The Chair (Mr. Peter Z. Milczyn):** Thank you.

**Mrs. Cristina Martins:** Okay. I thought that's what I said. Probably not.

**The Chair (Mr. Peter Z. Milczyn):** Discussion? No discussion? Then on the amendment, all those in favour? Opposed? The amendment is carried.

There are no further amendments to schedule 2, section 18, as amended. Is there any further discussion? Seeing none, shall schedule 2, section 18, as amended, be carried? All those in favour? Opposed? That is carried.

There are no amendments tabled for schedule 2, sections 19 and 20. With the committee's concurrence, we'll deal with those two together. Is there any discussion on schedule 2, section 19 and section 20? Shall schedule 2, section 19 and section 20, be carried? All those in favour? Opposed? They are carried.

Schedule 2, section 21, amendment to subsection 21(4), clause 43.2(3.1)(b) of the Ontario College of Teachers Act, 1996, amendment number 44: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that clause 43.2(3.1)(b) of the Ontario College of Teachers Act, 1996, as set out in

subsection 21(4) of schedule 2 to the bill, be amended by adding “and the member” after “the registrar”.

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** Chair, the bill has already been amended to add a 30-day timeline for the member to receive all information on the report. The motion would be difficult for employers to implement. LeSage recommended that information is shared in a timely manner, not at the same time.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? On the amendment, shall the amendment be carried? All those in favour? Opposed? The amendment is lost.

The next amendment is subsection 21(4), subsection 43.2(3.3) of the Ontario College of Teachers Act, 1996, amendment number 45: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that subsection 43.2(3.3) of the Ontario College of Teachers Act, 1996, as set out in subsection 21(4) of schedule 2 to the bill, be amended by striking out “Within 30 days of” at the beginning and substituting “At the same time as”.

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** Chair, again, the bill has already been amended to add a 30-day timeline for the member to receive all information and all reports. The motion would be difficult for employers to implement. LeSage recommended that information is shared in a timely manner, not at the same time.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Seeing none, on the amendment, all those in favour? Opposed? That is lost.

Next, an amendment to subsection 21(4), subsection 43.2(6) of the Ontario College of Teachers Act, 1996, amendment number 46: Mrs. Gretzky?

**Mrs. Lisa Gretzky:** I move that that subsection 43.2(6) of the Ontario College of Teachers Act, 1996, as set out in subsection 21(4) of schedule 2 to the bill, be amended by striking out “where an employer is considered under subsection (7) to employ or to have employed a member” in the portion before clause (a).

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson?

**Mr. Granville Anderson:** This motion is inconsistent with the provisions in the bill. The motion would limit employer reporting requirements to school employers. The motion does not recognize that members must behave professionally toward children and students in all employment settings, not just schools.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Then on the amendment, shall the amendment be carried? All those in favour? Opposed? The amendment is lost.

Next, amendment to subsection 21(4), subsection 43.2(8) of the Ontario College of Teachers Act, 1996, amendment number 47: Mrs. Gretzky?

**Mrs. Lisa Gretzky:** I move that subsection 43.2(8) of the Ontario College of Teachers Act, 1996, as set out in subsection 21(4) of schedule 2 to the bill, be struck out.

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson?

**Mr. Granville Anderson:** Again, Chair, the motion is inconsistent with other provisions in the bill. The motion would limit employer reporting requirements to school employers. The motion does not recognize that members must act in accordance with the professional standard of the college in all employment settings, not just school settings.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Seeing none, on the amendment, all those in favour? Opposed? The amendment is lost.

The next amendment, to subsection 21(4) subsection 43.2(11) of the Ontario College of Teachers Act, 1996, amendment number 48: Mrs. Gretzky?

**Mrs. Lisa Gretzky:** I move that section 43.2 of the Ontario College of Teachers Act, 1996, as amended by subsection 21(4) of schedule 2 to the bill, be amended by adding the following subsection:

“Same

“(11) For greater certainty, this section does not apply in the case of suspensions or restrictions imposed on a member’s duties pending the completion of an employer’s investigation into allegations of an act or omission by the member that would, if proven, cause the employer to terminate the member’s employment, to suspend the member or to impose restrictions on the member’s duties for reasons of professional misconduct.”

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson?

**Mr. Granville Anderson:** Again, this amendment is inconsistent with Justice LeSage. Each investigation into a member’s conduct is measured against a different set of criteria: employment, professional and criminal.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Seeing none, on the amendment, all those in favour? Opposed? The amendment is lost.

There are no further amendments tabled to schedule 2, section 21. Is there any further discussion? Shall schedule 2, section 21 be carried? All those in favour? Opposed? That is carried.

Schedule 2, section 22, amendment to subsection 22(2), clause 43.3(1.2)(b) of the Ontario College of Teachers Act, 1996, amendment number 49: Mrs. Gretzky?

1520

**Mrs. Lisa Gretzky:** I move that clause 43.3(1.2)(b) of the Ontario College of Teachers Act, 1996, as set out in subsection 22(2) of schedule 2 to the bill, be amended by adding “and the member” after “the registrar”.

**The Chair (Mr. Peter Z. Milczyn):** Discussion? Mr. Anderson.

**Mr. Granville Anderson:** Without sounding rhetorical, the bill already includes a 30-day timeline for the member to receive all information on the report. The motion would be difficult for employers to implement. LeSage recommended that information be shared in a timely manner, not at the same time.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? All those in favour of the amendment? Opposed? The amendment is lost.

The next amendment, to subsection 22(2), subsection 43.3(1.4) of the Ontario College of Teachers Act, 1996, amendment number 50: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that subsection 43.3(1.4) of the Ontario College of Teachers Act, 1996, as set out in subsection 22(2) of schedule 2 to the bill, be amended by striking out “Within 30 days of” at the beginning and substituting “At the same time as”.

**The Chair (Mr. Peter Z. Milczyn):** Discussion?

**Mr. Granville Anderson:** The bill includes a 30-day timeline for the member to receive all information on the report. The motion would be difficult for employers to implement. LeSage recommended that information be shared in a timely manner, not at the same time.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? On the amendment, all those in favour? Opposed? The amendment is lost.

The next amendment, to subsection 22(4), subsection 43.3(3) of the Ontario College of Teachers Act, 1996, amendment number 51: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that subsection 43.3(3) of the Ontario College of Teachers Act, 1996, as set out in subsection 22(4) of schedule 2 to the bill, be amended by adding “and the member” after “provide the employer”.

The parliamentary assistant doesn’t need to read his notes. I think we’ve all heard it a hundred times.

**The Chair (Mr. Peter Z. Milczyn):** Discussion?

**Mr. Granville Anderson:** The member will be notified if the employer report is turned into a formal complaint by the registrar. The member already has a copy of the report and the OCT would notify the member of the outcome as a matter of procedure. The motion only addresses one section in the bill, not the two other identical sections in the bill.

**The Chair (Mr. Peter Z. Milczyn):** Further discussion? Seeing none, on the amendment, all those in favour? Opposed? The amendment is lost.

There are no further amendments proposed to this section. Is there any further discussion?

Shall schedule 2, section 22, be carried? All those in favour? Opposed? That is carried.

There were no amendments tabled for schedule 2, sections 23 through 30, inclusive. With the committee’s concurrence, we’ll deal with these sections together. Is there any discussion? Shall schedule 2, sections 23 through 30, inclusive, be carried? All those in favour? Opposed? They are carried.

Schedule 2, section 31, amendment to subsection 63.1(3) of the Ontario College of Teachers Act, 1996, amendment number 52: Ms. Gretzky.

**Mrs. Lisa Gretzky:** I’d like to withdraw the amendment.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Gretzky will not be introducing that amendment.

The next amendment, to section 31 (subsection 63.1(3) of the Ontario College of Teachers Act, 1996), amendment number 53. Ms. Gretzky.

**Mrs. Lisa Gretzky:** I'd like to withdraw the amendment.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Gretzky will not be introducing that amendment.

There are no further amendments suggested for this section. Is there any discussion? Shall schedule 2, section 31, be carried? All those in favour? Opposed? That is carried.

There are no amendments to schedule 2, section 32. Is there any discussion? Shall schedule 2, section 32, be carried? All those in favour? Opposed? That is carried.

For schedule 2, as amended, as a whole, is there any further discussion? No? Shall schedule 2, as amended, be carried? All those in favour? Opposed? That is carried.

We now return to sections 1 through 3. Is there any discussion on section 1? Shall section 1 be carried? All those in favour? Opposed? That is carried.

Section 2, commencement: Is there any discussion? No? Shall section 2 be carried? All those in favour? Opposed? That is carried.

Section 3, short title: Is there any discussion? Shall section 3 be carried? All those in favour? Opposed? That is carried.

Shall the title of the bill be carried? Is there any discussion on that? No? Shall the title of the bill be carried? All those in favour? Opposed? That is carried.

Shall Bill 37, as amended, be carried?

**Mr. Arthur Potts:** Can we have discussion first?

**The Chair (Mr. Peter Z. Milczyn):** Certainly.

**Mr. Arthur Potts:** I'd like a quick comment on the bill as a whole. I've appreciated very much this committee hearing and the opportunity to get some debate from the members opposite and to have them listen to the amendments we brought forward, as we have to theirs. I'm delighted that we were able to accept some of the members' amendments and support them and, in one case, even support an amendment that was withdrawn by one of the members so we could bring it forward, because I think it's helped make a better bill. Thank you to all the members opposite.

**The Chair (Mr. Peter Z. Milczyn):** Any further discussion? Mr. Coe.

**Mr. Lorne Coe:** Thank you, Chair, and through you and to the committee members and those who might be watching: From the very beginning, starting with the delegations, what we, I think, as a committee were striving toward was greater transparency in investigation and disciplinary matters, faster complaint resolution and making the complaint process more open and transparent to the public, but also, at the same time, to put in protections and safeguards for teachers, whether it be early childhood educators or otherwise, of whom my daughter is one.

Are we 100% satisfied? Probably not, but I think we're closer to it than when we started. I thank all the participants for that process.

**The Chair (Mr. Peter Z. Milczyn):** Thank you. Ms. Gretzky.

**Mrs. Lisa Gretzky:** I would just like to reiterate that from the beginning, the idea was to make sure that students are safe when at school. But I think it also needs to be pointed out that it needs to be a fair process for all sides. The more fulsome and the quicker the process moves through, the better for not only those accused, but for the victims themselves.

I would also like to take the opportunity to point out that this legislation would only come into play for a very small portion of teachers and ECEs; it's not the majority. I would hope that when members are out in the community or speaking to the media, they draw attention to that fact, that the majority of our teachers and our ECEs are indeed professionals who have only the best interests of students at heart.

It's unfortunate that we have to have legislation like this, but it is necessary.

**The Chair (Mr. Peter Z. Milczyn):** Thank you. Further discussion? Ms. Martins.

**Mrs. Cristina Martins:** If I can add, I just want to thank everyone who did come forward and present to the committee and also thank all of the teachers, early childhood educators and everyone who watches over our children every day. I know that as a mother of two young children myself who are with the Toronto Catholic District School Board, I recognize and appreciate the fact that we have teachers who are caring, supportive, instructive and provide safe environments for our children every day, so I wanted to thank them as well.

I thank the opposition for their words here today, wrapping up this committee this afternoon, recognizing that the government is moving forward to ensure that our children are safe and that we do have the proper safeguards in place as well for those who watch over our children. I wanted to thank them for their co-operation today and their recognition of the government's good work. Thank you.

**The Chair (Mr. Peter Z. Milczyn):** No further discussion?

Shall Bill 37, as amended, be carried?

**Mr. Arthur Potts:** Recorded.

**The Chair (Mr. Peter Z. Milczyn):** A recorded vote has been requested.

### Ayes

Anderson, Dong, Gretzky, Martins, Potts.

**The Chair (Mr. Peter Z. Milczyn):** Bill 37, as amended, is carried.

Shall I report the bill, as amended, to the House? All those in favour? Opposed? That is carried.

Is there any other business for the committee? No? We stand adjourned.

*The committee adjourned at 1531.*







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