

**Second Session - Fortieth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Human Resources**

*Chairperson*  
*Mr. Matt Wiebe*  
*Constituency of Concordia*

**Vol. LXV No. 2 - 6 p.m., Tuesday, September 3, 2013**

ISSN 1708-6655

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Fortieth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON HUMAN RESOURCES**

**Tuesday, September 3, 2013**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Matt Wiebe (Concordia)**

**VICE-CHAIRPERSON – Mr. Ted Marcelino (Tyndall Park)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Ms. Allan, Hon. Mr. Chief, Hon. Ms. Oswald, Hon. Mr. Swan*

*Messrs. Allum, Goertzen, Marcelino, Mrs. Mitchelson, Messrs. Schuler, Smook, Wiebe*

**APPEARING:**

*Hon. Jon Gerrard, MLA for River Heights*

**PUBLIC PRESENTERS:**

*Ms. Sandra Trinkies, private citizen  
Ms. Jaryn Trinkies, private citizen  
Mr. Gary Trinkies, private citizen  
Mr. Robert Rivard, Manitoba School Boards Association  
Mr. Peter Wohlgenut, private citizen  
Mr. Robert Hiebert, private citizen  
Mr. Brendan Hiebert, private citizen  
Mr. Kevin Rebeck, Manitoba Federation of Labour  
Mr. Andrew Micklefield, The King's School  
Ms. Kristine Barr, private citizen  
Ms. Naomi Negrych, private citizen  
Mr. David M. Sanders, private citizen  
Mr. Ken Mandzuik, Manitoba Bar Association  
Mr. Harrison Oakes, private citizen  
Ms. Shannon McCarthy, United Church of Canada Conference of Manitoba and Northwestern Ontario  
Ms. Bilan Arte, Canadian Federation of Students of Manitoba  
Mr. Michael Tutthill, private citizen  
Mr. Ken DeLisle, private citizen  
Mr. Albert McLeod, Two-Spirited People of Manitoba Inc.  
Ms. Rita Hildahl, Winnipeg School Division*

*Mr. Gareth Neufeld, UNESCO Associated Schools Network*

*Ms. Sandra Somerville, private citizen*

*Mr. Chris Rigaux, private citizen*

*Mr. Paul Olson, Manitoba Teachers' Society*

*Ms. Kathleen Venema, Augustine United Church*

*Mr. Chris Dsovza, private citizen*

*Ms. Eva Campbell, private citizen*

*Mr. Ken Guilford, private citizen*

**WRITTEN SUBMISSIONS:**

*Kim Dyck, private citizen*

*Jennifer R. Kramer, private citizen*

*Jurgen Penner, Vital Bible Church*

*Mark Wilcoxson and Neil Craton, Bethesda Church*

*Terry Kaufman, Emmanuel Evangelical Free Church*

*Roger Kiska, Alliance Defending Freedom*

*Gerald and Deborah Groening, private citizens*

*Audrey and Jim Friesen, private citizens*

*Raquel Peters, private citizen*

*Earl Moravek, private citizen*

*Sannette and Stephan Engelbrecht, private citizens*

*Natasha Bowlby, private citizen*

*Nancy and Terry Browett, private citizens*

*Cheris and Duane Bakee, private citizens*

*Glen Buhler, private citizen*

*Kevin and Christine Neudoff, private citizens*

*Lori vanderHan, private citizen*

*Bonnie Mitchell, private citizen*

*Bryan Schroeder, private citizen*

*John and Rebecca Roozendaal, private citizens*

*N. Semler, private citizen*

*Kathy Brown, private citizen*

*Ken and Jacquie Waldner, private citizens*

*Dawn Dolloff, private citizen*

*Mark Clark, private citizen*

*Y. Yazew, private citizen*

*P.D. Janse van Rensburg, private citizen*

*Michael Rosumowitsch, private citizen*

*Gregory and Marie Stitt, private citizens*

*Annillee Garcia, private citizen*

*Beatrix Levin, private citizen*

*Nancy Rempel, private citizen*

*Joseph C. Giesbrecht, private citizen*

**MATTERS UNDER CONSIDERATION:**

*Bill 18—The Public Schools Amendment Act  
(Safe and Inclusive Schools)*

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**Clerk Assistant (Mr. Andrea Signorelli):** Good evening. Will the Standing Committee on Human Resources please come to order.

Before the committee can proceed with the business before it, it must elect a new chairperson. Are there any nominations for this position?

**Hon. Andrew Swan (Minister of Justice and Attorney General):** Yes, I nominate Mr. Wiebe.

**Clerk Assistant:** Mr. Wiebe has been nominated. Are there any other nominations?

Hearing no other nomination, Mr. Wiebe, will you please take the Chair.

**Mr. Chairperson:** Our next item of business is the election of a Vice-Chairperson. Are there any nominations?

**Mr. Swan:** Yes, I nominate Mr. Marcelino.

**Mr. Chairperson:** Mr. Marcelino has been nominated. Are there any other nominations?

Having—hearing no other nominations, Mr. Marcelino is elected Vice-Chairperson.

This meeting has been called to consider Bill 18, The Public Schools Amendment Act (Safe and Inclusive Schools). As per agreement of the House, dated June 20th, tonight we will hear from 26 of the presenters registered to speak on Bill 18, and you have a list of those presenters before you.

On the topic of determining the order of public presentations, I will note that we do have out-of-town presenters in attendance marked with an asterisks on the list. With this consideration in mind, what order does the committee wish to hear the presentations?

**Mr. Kelvin Goertzen (Steinbach):** Mr. Chairperson, it appears from my list that the vast majority of presenters are from Winnipeg and very few from outside of Winnipeg. So I would suggest we have the outside-of-Winnipeg presenters first.

**Mr. Chairperson:** Okay. Is the will of the committee to consider the out-of-town presenters first? *[Agreed]*

I would also like to remind members of the committee that, in accordance with the agreement mentioned before, the committee may also, by leave, decide to hear from presenters in addition to those scheduled for tonight's meeting.

Ken Guilford has asked to speak tonight. He's not on the list. Is there leave of the committee to allow Mr. Guilford to present tonight?

**Mr. Goertzen:** I believe there is certainly leave from our side of the table, Mr. Chairperson. Could we just get the spelling of Mr. Guilford's last name?

**Mr. Chairperson:** Is that correct?

**Floor Comment:** Yes.

**Mr. Chairperson:** Okay. G-u-i-l-f-o-r-d. Is there agreement to—for leave? *[Agreed]*

Also, as a note, Robert Rivard is from out of town, even though he is not marked on the list as being so. So we will consider his presentation as well with the out-of-town presenters.

Before we proceed with presentations, we do have a number of other items and points of information to consider. For the information of all presenters, while written versions of presentation are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, if you'd like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allotted for questions from committee members.

Also, in accordance with the rules agreed in the House for meetings hearing from 'presenta'—presenters on Bill 18, if a presenter is not in attendance when their name is called, they will drop to the bottom of the list of tonight's presenters. If the presenter is not in attendance when their name is called a second time tonight, they will be dropped to the bottom of global list per—of presenters.

A number of written submissions on Bill 18 have been received and distributed for the committee's consideration. A list of the individuals providing these submissions has also been distributed to committee members. To save the Chair from having to read these names out, does the committee agree that this list of individuals providing submissions appear in Hansard? *[Agreed]*

*Kim Dyck, private citizen; Jennifer R. Kramer, private citizen; Jurgen Penner, Vital Bible Church; Rev. Mark Wilcoxson and Dr. Neil Craton, Bethesda Church; Rev. Terry Kaufman, Emmanuel Evangelical Free Church; Roger Kiska, Alliance Defending Freedom; Gerald and Deborah Groening, private citizen; Audrey and Jim Friesen, private citizens; Raquel Peters, private citizen; Earl Moravek, private citizen; Sannette and Stephan Engelbrecht, private citizens; Natasha Bowlby, private citizen; Nancy and Terry Browett, private citizens; Cheris and Duane Bakee, private citizens; Glen Buhler, private citizen; Kevin and Christine Neudoff, private citizens; Lori vanderHan, private citizen; Bonnie Mitchell, private citizen; Bryan Schroeder, private citizen; John and Rebecca Roozendaal, private citizens; N. Semler, private citizen; Kathy Brown, private citizen; Ken and Jacquie Waldner, private citizens; Dawn Dolloff, private citizen; Mark Clark, private citizen; Y. Yazew, private citizen; Dr. P.D. Janse van Rensburg, private citizen; Michael Rosumowitsch, private citizen; Gregory and Marie Stitt, private citizens; Annillee Garcia, private citizen; Beatrice Levin, private citizen; Nancy Rempel, private citizen; and Joseph C. Giesbrecht, private citizen.*

And does the committee further agree to have these submissions appear in the Hansard transcript of the meeting? *[Agreed]*

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The process—the, sorry—the proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I have to say the person's name. This is the signal for the Hansard recorder to turn the mics on and off.

Thank you for your patience. We'll now proceed with public presentations.

I will now call on Sandra Trinkies, private citizen.

Good evening, Ms. Trinkies. I hope I have your name—pronouncing your name correctly.

**Ms. Sandra Trinkies (Private Citizen):** You did well.

**Mr. Chairperson:** Do you have any written materials for distribution for the committee?

**Ms. Sandra Trinkies:** No, I don't.

**Mr. Chairperson:** Okay, please proceed with your presentation.

**Ms. Sandra Trinkies:** Okay. Good evening. Thanks for letting me give you my opinion of Bill 18. Bullying is wrong and it hurts, both in the adult world and the child's world. When I was a child, I was bullied for being overweight, wearing dresses, among other things, depending on the day. It made my school years unbearable. I did end up completing high school and was very happy to finish my miserable school routine.

As a parent, I have watched my children experience bullying in their school-age years, and I wish that there was more that I could do to protect them. Bullying is never acceptable under any circumstance for any reason. I believe that something needs to be done to protect our children from experiencing abuse at school.

So, you may ask, why am I here to speak in reference to Bill 18? By all logical thoughts, I should be happy about a bill against bullying. That would make sense, seeing as how I've experienced bullying as a child. While I do have an issue with Bill 18, I do not have an issue with the idea of Bill 18, but I do have a major issue with the wording.

Bill 18 specifically gives protection from bullying in four categories: gender, race, sexual orientation and disabilities. I am happy to agree that all children should be protected and no child should ever be bullied for any one of these things.

\* (18:10)

One of the problems that I see, however, is that religious beliefs, cultural background and body image are not among the priorities in regard to bullying. My children and I were not bullied on the basis of our colour of skin, but we have experienced bullying as a result of our Mennonite culture. I believe that bullying based on cultural background is as harmful as that based on race. As far as I know, there have not been any revisions to the bill to expand and include more vulnerable groups.

In 2006 the Toronto school board did a survey of children about bullying. They found that the biggest reason for bullying was body image, 38 per cent; followed by grades, 17 per cent; followed by cultural background, 11 per cent; followed by language,

7 per cent; and followed by gender and sexual orientation, 5 per cent; and religion, 5 per cent. Protection for children regarding body image and grades are not included in the bill. These are the most frequent reasons why children are bullied, and I fail to understand why they would not be included in a bill that is meant to protect children in our schools. Just as many children are bullied for religious reasons as for gender and sexual orientation, yet specific protection for religious beliefs are not included in the bill.

The second issue that I have with the bill is the weak definition given to the act of bullying. The definition of bullying in Bill 18 includes hurt feelings. Bill 13, a similar bill that is now law in Ontario, defines bullying much more appropriately as aggressive and repeated behaviour.

As a result of these two things—that religious beliefs, body image and a few other things that I've mentioned before are not mentioned and that bullying is defined so loosely as to include hurt feelings—there is a real possibility that children could be accused of bullying merely by talking about their religious beliefs or for engaging in religious activity in school. One of the great freedoms within Canada is the right to religious freedom. This now appears to be at risk in the school setting if this bill goes through, the results of which could be devastating for children of faith and schools of faith. What if my child who is one cultural background happens to have two friends of the same cultural background, and invites only those two children to her birthday party? Could that alone be construed as racism to a child of another cultural background? The possibilities of accusations about hurt feelings are endless.

When I was a student there was numerous clubs in school and none of them were sanctioned or disbanded by the administration of the school. There was a chess club, a drama club, a rook club, a Christian Bible study club among others. I believe that students in schools have the right to form clubs both formally and informally. In fact, there was also a smoking club. They met just off of the school grounds three times a day, and teachers didn't say anything to them. I do not disagree that—with the right of children to form groups or clubs that unite them with goals or common interests as long as the rights of other children are not negated. I believe the school should be supportive of such groups or clubs, but I do not think that the school has a role in forming or promoting them.

Religious freedom and protecting our children from bullying for any reason are both important Canadian values. I believe that if teachers, principals and parents of our province are empowered to creatively tackle bullying in our schools, that there are many solutions to be found on this issue which don't need to infringe on the freedom of religion in the public and faith-based schools of our province, whether Muslim, Jewish, Christian, Hindu or whatever world view. Our children should be protected despite gender, race, sexual orientation, disabilities, body image, religious beliefs, economic status, health status, and the list goes on.

Please consider two things; if you insist on passing this bill, include all the other reasons as to why a child is bullied in your bill and have a clear-cut definition regarding the definition of bullying. If you don't pass this bill, allow the Department of Education to take steps to reduce bullying within their policy decisions.

Thank you for allowing me to speak.

**Mr. Chairperson:** Thank you very much, Ms. Trinkies.

**Hon. Nancy Allan (Minister of Education):** Well, thank you very much for making it here this evening to share your comments. We've—particularly appreciate the fact that you have shared with us this evening your own personal stories, as well as your stories and how you feel about the legislation as a parent. I know that you've come from out of town, from Niverville, I believe. I just want you to know I have been there recently and it's a wonderful town, so—a terrific place to live.

Thank you so much for being here this evening and we appreciate your comments in regards to Bill 18.

**Mr. Goertzen:** Sandra, thank you for coming tonight and for waiting for these hearings to begin. We appreciate you still making time tonight. Lots of questions I'd like to ask you, but I'll limit it to one because I know there's others who want to ask questions as well, so to be respectful of other committee members.

You mention that there are sort of defined groups now that are identified and it seems to mirror the Human Rights Code in Manitoba in terms of the groups that are identified except that it leaves off—which appears in the Human Rights Code—ethnicity. So those living with social disadvantage or religion or creed or other religious beliefs, would you support

including those elements into this bill to provide protection for ethnicity, religion, creed or religious belief or social disadvantage, or do you think it would be better just to find another way to protect all groups and all kids individually as opposed to identifying specific parts of the Human Rights Code?

**Ms. Sandra Trinkies:** Because—I think because we've identified four areas that we're wanting to protect, I think we do need to look at the other areas, which is, you know, religion and, like, religious beliefs, language. Like, I think if we are going to—like, if this bill is going to pass, then it should be included in the bill as part of the ones that we're trying to protect.

**Hon. Jon Gerrard (River Heights):** Thank you for coming tonight and presenting.

Perhaps you could tell us just a little bit more about the concern in terms of religious beliefs. You said, I think, that this was a—one of the common reasons that kids are bullied.

**Ms. Sandra Trinkies:** Yes, I agree.

**Mr. Gerrard:** Oh, I'm sorry. Shall I repeat that? Okay, my fault. I'll lean over this so that it hears. The—you've got a particular concern about religious beliefs and them being included in terms of bullying. And perhaps you could just explain a little bit more about the concern and why it is that the kids are being bullied over religious beliefs.

**Ms. Sandra Trinkies:** Well, I think that religious beliefs is one of the things that kids are bullied about because it might be the way that they are wearing their clothes or it might be the types of books that they choose to read or it could be any variety of some of the beliefs systems they have as a result of their religion that they're taught at home. So, yes, I think they should be protected as well.

**Mr. Chairperson:** I want to thank you, Ms. Trinkies, for your presentation tonight. Thank you.

I will now call on Jaryn Trinkies, private citizen. Hello, Ms. Trinkies, do you have any written material for distribution to the committee?

**Ms. Jaryn Trinkies (Private Citizen):** No.

**Mr. Chairperson:** Okay, please proceed with your presentation.

**Ms. Jaryn Trinkies:** Good evening. I would just like to share my thoughts on Bill 18 with you.

Since I'm a teenager and probably one of the most affected by this bill, I truly hope you will listen to what I have to say with an open mind. I personally have been a first-hand witness and victim to bullying and, as a result, I know what bullying it is.

From a young age I've been ridiculed for my name, how I look, what I weighed and my body type, my hair, what music I listen to and everything else. Recently I have been involuntary labeled with a harmless but rude stereotype. I know what the difference between bullying and harmless, rude childlike behaviour is. People being bullied do not want anyone else to know for the fear of just making it worse. No one will come clean. You can take—there's a quote, you can take the dog from the fight, but you can't take the fight from the dog. It makes things worse.

Bullying is repeated pressing and hurting someone, not stopping. It is the want to hurt them and the bully will go out of their way to make that person personally suffer. At 15 years of age, along with both older and younger, everyone has their own opinion to everything, like what makeup they wear to clothing, even music. At some point someone is going to disagree with what you say, what you like, what you wear and, basically, every opinion that you have. If someone says something negative on what you like, you—and you take it with the wrong perspective, you could be getting those people in a lot of trouble for a harmless opinion. Not everyone has a negative opinion about you or means to hurt you. Sometimes constructive criticism is, in fact, believed to be bullying. This will get a large amount of the adolescent population into a lot of trouble with the law. At this age, everyone has their own opinions. So why say our opinion is wrong?

\* (18:20)

What the people who made this bill don't understand is that we speak without acting. Teens especially voice their opinion loud enough for the whole world to hear. If someone takes that the wrong way, as I said before, they will get into a lot of trouble for no reason.

Another thing that I would like to point out is that there is so much grey area in this bill. Anything taken as offensive or rude is all in perspective. Don't just charge people for no reason. Everyone is going through—to go through bullying. There has been bullying awareness for a long time and nobody really turns it in. Guys bug girls about gender stereotypes because they're immature and do not know how to

show that they have romantic feelings for the girl in a different way. It's just human nature to judge and have our own say. Why take away human nature? You shouldn't. Religion, sexual orientation, and all the other things on the list have always been something that everyone has their own opinion on. Who is to say what's wrong and what's right? No one. You do what you think is fair and everyone has their own opinion. It would be wrong to get a person in trouble with the law for voicing their opinion harmlessly and having an oversensitive or hating person turn it in as bullying.

Yes, bullying is a terrible thing, but I believe it would be the act of causing harm to someone over and over again to show your dominance or hatred towards the person. It could be through words, violence, technology, whatever the case may be, but this bill has created a world where no one can say what's truly on their mind anymore, and it makes a lot of people sick to the stomach.

Everyone has a right to speak out what they feel. Is this not a free country? All harm done repeatedly towards somebody in hate and intent to hurt them must be stopped, yes. But banning all opinions about race, religion, sexual orientation, gender or where you come from and everything else is just ridiculous.

So, concluding this, I would just like to point out how easily this bill can be manipulated. Someone who has a grudge or strong hatred towards someone will have the opportunity to purposely take a harmless thing and—that a person says and turn it against them just for revenge, making what seems to be the victim into the bully. This bill, as written, has the potential to cause more problems than solutions. I'm concerned that anyone of us could be accused of being a bully even if there is no malicious intent to our behaviour.

I'm also concerned that the consequences aren't clear. I agree that bullying should not be tolerated, and those who persist in bullying behaviour should have—should face consequences. The consequences, however, are not clear in Bill 18, and I fear this could result in a lot of trouble for innocent people.

I'm glad that the issue of bullying is being addressed and I think that there is a possibility that this bill may change the school experience for a lot of students for the positive. My hope is that, in trying to protect us, you will consider these issues and amend the bill so that the final product will effectively do that. Thanks.

**Mr. Chairperson:** Thank you, Ms. Trinkies, for your presentation.

Do members of the committee have questions for the presenter?

**Ms. Allan:** Well, Jaryn, thank you very much for coming here this evening to present. First of all, I'd like to say that I think you have a beautiful name, and I'm very pleased that you, at a very young age, took the opportunity to come here and speak to us about Bill 18. I know all of us appreciate having a young person here because this is exactly what this legislation is about. It's about creating a safe and caring learning environment for our young people, so I truly want to thank you for your personal reflections tonight about Bill 18, and thank you so much for being here.

**Mr. Goertzen:** I echo some of that, and I want to thank you for coming and for the confidence that you showed here at committee. It's not an easy thing to do. There's a lot of people who are—who don't like making public presentations, and I think there's probably a lot of those people here in the room tonight. And so I want to commend you, particularly at your age, for coming.

You know, you mentioned about being bullied in your own school experience, and I've heard from a lot of people your age who are skeptical of whether or not any legislation, you know, can really—can really—would have protected or made their experience any better. You've read the bill and you know what you experienced in terms of bullying in your school at the time that you were being bullied. Do you think this bill would have made a difference for you?

**Ms. Jaryn Trinkies:** I really don't think so because it just depends on how you take it, and if you want—like, if you want to tell—it's always been there. If you wanted to get, like, help—if you wanted them to stop, you could go to someone, but you never really do. It's just something that has always happened and always will happen.

**Mr. Gerrard:** Thank you for coming, and what you say about trying to find the right balance, I think, is tremendously important. And you've got people around this table who are members of the Legislature, who, I think, are trying to see what we can do with this bill to achieve something which is effective but not achieve something which is going to all of a sudden entrap or cause trouble for people who are—you know, just made a mistake in terms of how the words came out of their mouth.

So how do we achieve that balance? What sort of changes should we make to this bill?

**Ms. Jaryn Trinkies:** Well, for me, personally, I think it'd be to change the definition of what bullying is, because you—on the bill it basically just says that if it hurts your feelings, it's considered bullying. That's not really the case, because if you just have a negative opinion, someone might take that the wrong way. So I was thinking, like, you could potentially change that for if somebody intentionally hurts you multiple times just for their own fun, it's—that's considered bullying, in my eyes.

**Mr. Chairperson:** Seeing no further questions, thanks very much, Ms. Trinkies, for coming to present.

I will now call on Gary Trinkies, private citizen. Good evening, Mr. Trinkies. Do you have any written materials for distribution to the committee?

**Mr. Gary Trinkies (Private Citizen):** No, I don't.

**Mr. Chairperson:** Okay. Please proceed with your presentation.

**Mr. Trinkies:** Ladies and gentlemen, honourable members, thank you for giving me and others here the opportunity to speak to the implementation of proposed Bill 18, the amendment to The Public Schools Act.

Bill 18, as I understand it, intends to amend The Public Schools Act in three areas. First, it will include a definition of the term bullying. Secondly, it amends the existing requirement for a policy on appropriate use of Internet and related to electronic media to describe what that policy could include. And finally, this amendment mandates the requirement to create and adopt a policy to respect human diversity.

The definition of bullying is in two parts. Part A is clear and concise: a behaviour that is intended to cause or should be known to cause fear, intimidation, humiliation, distress or other forms of harm to another person's body, feelings, self-esteem, reputation or property. Part B, however—a behaviour that intends to create or should be known to create a negative school environment for another person—is somewhat vague and may be even redundant given the definition in part A. A student could have negative school experience for any number of reasons that do not involve bullying, and I think the second part contributes nothing to the definition and just should be removed.

The appropriate use policy, I have no issues with. The Public Schools Act already mandates that school boards have a policy defining appropriate use. This amendment merely allows provision to prohibit objectionable behaviour related to electronic media, so I won't speak any further to that.

The policy on human diversity, I do have a concern with. The section 41(1.6), which defines the scope of the policy, is commendable and well written. It promotes acceptance and respect for all students. The amendments regarding a respect for human diversity policy could stop right there. Section 41(1.8), however, continues to point out that four human diversity factors must be considered, that being gender, race, disability, sexual orientation. There are far more factors than these that make people individual and diverse, and there are far more factors than these for which individuals are being bullied.

You've already heard the statistics from the Toronto school board survey, the biggest reason for bullying being body image at 38 per cent; grades at 17 per cent; cultural background, 11 per cent; language, 7 per cent; gender, sexual orientation, 5 per cent; and religion, 5 per cent.

I do not believe that this section, 41(1.8), needs to be included at all. But if any specific human diversity factors are to be singled out, the language should include a phrase like, shall include but is not limited to, to give acknowledgement, respect and protection to the diversity of all students. And these other more predominant excuses for bullying should also be explicitly included.

Finally, let me say that there is always room for improvement in ourselves, in our behaviour, in the things that we say and the documents we write. I urge you to consider the things that I have said and what others who are here speaking to this bill have to say, and to make some improvements in this bill before it passes into legislation.

Thank you for your time.

**Mr. Chairperson:** Thank you very much, Mr. Trinkies, for your presentation.

Members of the committee have questions for the presenter?

\* (18:30)

**Ms. Allan:** Well, thank you very much for being here this evening to provide us with some of your thoughts about Bill 18. Thank you as well for

commenting on the section in the legislation that references cyberbullying. I appreciate some of the comments that you've made in regards to the appropriate use of the Internet and the cyberbullying piece of the bill, because that is an important aspect of the bill. And thank you as well for the comments that you made in regards to the human diversity policy, and some of the pieces that you commented on. I appreciate you taking the time this evening to join us here at the committee.

**Mr. Goertzen:** Thank you as well for coming tonight. And I agree with you wholeheartedly. We don't make perfect legislation here in the Legislature, and that's what this process is really, or it should be, about, allowing people to come forward—the opinions and ideas—and then we come back then with amendments to make things better and to make things stronger. And that's what my hope is from this whole process over the next several days, maybe a couple of weeks, that we'll hear from people like you, Gary, and others, who have good ideas, and we'll make the legislation better and stronger to protect all kids.

I mean, one of the things that struck me, in terms of what you're saying, and in terms of the more like—or as likely, in terms of bullying—body image, language, ethnicity, academic performance. I've certainly heard from parents who feel that this bill won't help the kids that they have, who have been bullied for those reasons. Would that be your perspective that this bill won't do anything to address the bullying of kids who are being bullied for those reasons?

**Mr. Trinkies:** This bill doesn't specifically offer any protection to any other individuals. No.

I agree with that. Yes.

**Mr. Gerrard:** Thank you. And I think, I mean, your references to the option to include, shall include, but be not limited to, would certainly provide for a broader definition of diversity, which, I think, would be helpful.

Would you be concerned that it might be too inclusive and capture things which should not be captured?

**Mr. Trinkies:** No, I don't believe so. The policy is still to be created by the school boards. If they were—have to be given the flexibility to create that policy. And, if we tell them what they must include, but don't give the option of including anything else,

I think that's wrong. Everybody should be treated fairly.

**Mr. Chairperson:** Seeing no further questions, thank you very much, Mr. Trinkies, for your presentation tonight.

Before I move to the next presenter, I'd like to inform the committee that we have another individual asking to present tonight. Her name is Barbara Douglas. Is there leave to add Ms. Douglas to the end of the list? *[Agreed]*

Also, for information of the committee, Kevin Rebeck has also said that he is—indicated that he is from out of town and would like to be included on that list. *[interjection]*

Oh, I'm sorry. I haven't—I have not called the next presenter. I'm sorry, I was just informing the committee of adding your name to the end of the list.

**Floor Comment:** Okay. So I'm not called now.

**Mr. Chairperson:** No, not yet.

**Floor Comment:** Oh, I thought I did hear that.

**Mr. Chairperson:** I apologize for the confusion.

I'd like call Robert Rivard, Manitoba School Boards Association.

Thank you, Mr. Rivard. You have a written presentation for the—materials for the committee?

**Mr. Robert Rivard (Manitoba School Boards Association):** Yes.

**Mr. Chairperson:** Okay. You may proceed when you're ready with your presentation.

**Mr. Rivard:** Okay, thank you.

I'm speaking here this evening on behalf of Manitoba School Boards Association. So I'll be presenting our support and our concerns on Bill 18.

As the provincial voice of Manitoba's 37 autonomous public school boards, we know that at times there are limitations on our ability to speak for all of our members. While we strive for consensus in developing policy positions, this is not always achievable; local school boards represent local communities, and communities across the province are not all the same.

That said, there is at least one area where all of Manitoba's public school boards are in agreement. Their primary responsibility is to students, and to their academic, physical, and social development and

well-being. And, while Manitoba school divisions and schools have put in place many policies and practices to ensure that schools are safe and welcoming learning environments for students, public discourse that has emerged since the introduction of Bill 18 suggests that not all children and youth are being afforded equal protection or opportunities in all schools across the province. For this reason, the Manitoba School Boards Association supports the intent of Bill 18.

We would, however, like to speak to two aspects of Bill 18 as it was introduced, and these are the bullying broadly defined. The definition of bullying as proposed in Bill 18 is very broad and as such seems to remove an element of discretion from school boards and school staff. We know from research and experience that zero tolerance policies are rarely the most effective way of responding to serious situations, yet the definition contained in Bill 18 seems to be advocating for that approach in the case of bullying. Schools already have student codes of conduct in place, and these codes include appropriate consequences for various forms of misbehaviour. Defining an inordinate number of interpersonal conflicts as bullying may be neither appropriate nor helpful in assisting students to develop the interpersonal skills and resiliency so essential to success in life.

Extending responsibility and maintaining confidentiality is our other concern. A second matter we would like to highlight relates to the proposed new PSA, section 41 (1.8), which reads in part: that a respect for human diversity policy must accommodate pupils who want to establish and lead organizations. And it goes on from there. As written, this section seems to put the onus for initiating such activities or organizations upon the shoulders of the sometimes vulnerable individuals who may already be negatively impacted by circumstances at school. This is a particular concern when those activities or organizations relate to the awareness or understanding of, and respect for, people of all sexual orientations and gender identities.

Recent research indicates that LGBTQ students are significantly less likely to feel safe at school than is either the general student population or visible minority students. We would not want to compound this situation by requiring them first to shine a spotlight upon themselves before they can create the support mechanisms that may improve their school experience. To address this concern, we suggest that the proposed PSA, section 41 (1.8), be amended to

read: that a respect for human diversity policy must accommodate activities and the formation of organizations that, and, additionally, that a statement be added following 41 (1.8)(b) to the effect that the policy must include a procedure whereby students or staff can initiate such activities or organizations in a confidential manner. We believe these changes would strengthen the legislation by shifting the responsibility to act from vulnerable students only and explicitly empowering staff to initiate appropriate action.

In conclusion, I would like to reiterate that the Manitoba School Board Association supports the intent of Bill 18; it complements the existing commitment of public school boards to the academic, physical and social development and well-being of all students. We have highlighted two areas where we believe minor amendments could strengthen the bill and ensure that school boards themselves are allowed sufficient flexibility to address issues of human diversity and bullying through the policies developed at the local level.

Thank you for your time.

**Mr. Chairperson:** Thank you very much for your presentation.

Do members of the committee have questions for the presenter?

**Ms. Allan:** Well, thank you very much, Robert. It's wonderful to see you, and thank you for making a presentation on behalf of the Manitoba School Boards Association. I appreciate the comments that you have made this evening in regards to Bill 18 and the two suggestions that you've made that you believe would strengthen the legislation. And, as always, you know that myself and the officials of my department value our relationship with the Manitoba School Boards Association and all the trustees, so thank you so much for being here this evening.

**Mr. Chairperson:** Thank you, Minister.

**Mr. Goertzen:** Robert, thanks again for coming tonight. Great suggestions, and I think it's been a bit of a common theme already on the issue around definition and then you added a new, I think, a new element to what we've heard tonight about making sure that vulnerable students aren't made more vulnerable. I think that that's backed up by a lot of the research that I've read already in preparation for this committee, and so I'm not surprised that you have done your research as well and I know—look forward to maybe speaking with you outside of the

context of this committee to get maybe some more specifics on your suggestions and maybe how that can be incorporated into the bill. Thanks again.

**Mr. Chairperson:** Thank you, Mr. Goertzen.

**Mr. Gerrard:** Thank you for your presentation. One of the points that you made is the importance of allowing students or staff to initiate helpful organizations in a confidential manner. Do you want to explain a little bit more how you want this to be open so students know but you want it to be confidential at the same time? How—*[interjection]*

**Mr. Chairperson:** Mr. Rivard.

\* (18:40)

**Mr. Rivard:** The way that I read the wording of the bill is that it would be the responsibility of the student who wishes to start the gay-straight alliance in a school to come forward and be very public about wanting it. We just feel that that's putting the onus on the vulnerable person—the person who already is lacking supports in the school or even possibly at home for the issues they're facing.

We would like to see some mechanism in place where either the student can go to the staff member, staff member could start the proceedings for the gay-straight alliance and the advertising or whatever it takes, or the student could do it confidentially, anonymously, and not have to put their self and their name out to the other students.

**Mr. Chairperson:** Seeing no further questions, once again, thank you very much for your presentation.

Now, I'd like to call Peter Wohlgemut, private citizen, and again I hope I'm pronouncing the name correct. Do I have the name correct?

**Mr. Peter Wohlgemut (Private Citizen):** Yes, you even got the V-sound at the beginning. Well done.

**Mr. Chairperson:** Very good. Thank you very much, Mr. Wohlgemut.

Do you have any written submissions for the committee?

**Mr. Wohlgemut:** Yes, I do.

**Mr. Chairperson:** Okay, thank you. You may proceed when you're ready.

**Mr. Wohlgemut:** Members of the Legislative Assembly, fellow Manitobans, my name is Peter Wohlgemut, and I'm speaking to you today as a private citizen of our province. I am a husband and a

father, and I have lived in southern Manitoba for 20 years. That is where my wife and I chose to raise our three sons, and that is also where I have taught for over 20 years, both in small-town and in small, country schools.

As a parent and a teacher, I have seen first-hand the devastating effects of what I consider bullying. I say, what I consider, because there are various definitions out there, including those that restrict bullying to actions that cause observable, physical harm. Following that old comeback, sticks and stones may break my bones, that is a lie. I have seen words strike at students and wound them very deeply. I've seen kids wield a simple phrase like hello in such a way as to destroy a peer. We need a definition like the one in Bill 18, precisely because there is not currently consensus on what constitutes bullying. This definition gives both parents and schools but, more importantly, students, a place to start to build a common understanding and to address the problem of bullying. Please keep the definition that is currently there.

Likewise, the requirement that divisions develop diversity policy is a start. Currently, in Manitoba, we have divisions who have had such policies in place for years; we have divisions who are in the process of implementing just such policies; and we have others that are only now beginning to think about it because of Bill 18. Such policies begin the process of teaching staff about issues related to human diversity, and they spell out for everyone how existing divisional mandates and expectations relate to issues such as gender identity and attractive identity in the school setting.

About a year and a half ago—almost two years now, actually—my world changed. I organized and attended a workshop on issues faced by LGBT youth in schools, in part because a former student of mine that I had reconnected with suggested it. I had my eyes opened to the very real problem of the exclusion faced by this vulnerable group in our schools. In response, I posted an ally card in my classroom so that students and parents that are part of a sexual or gender minority or who are related to or know people who are part of this minority group would know that there are people in the school who accept them and support them.

I thought I understood some of the discrimination that these people face, but I had no idea. I used a small card, posted behind my desk, to express acceptance and support for a group that is

protected from discrimination by Manitoba law. As a result, I was threatened, I was vilified, I was ostracized—this for overtly taking a stand congruent with the law as a straight ally.

I've been asked if I have any regrets about what happened almost two years ago now. I do. I regret that it took me so long to recognize how serious a problem this is in our province, how virulent the hatred is that is directed at a vulnerable minority group in spite of legislated protection from discrimination. For some community members, it was the mere acknowledgement in the school setting that people exist who are not heterosexual or cisgender that enraged them.

If the books in our schools only portrayed white men like me, that would clearly be seen as discriminatory. Now, imagine: Not only the books, but the posters, the magazines, the lessons, the staff never portray who you are. We have students in Manitoba right now who go their entire school career without ever seeing their identity or the identity of their parents or other loved ones portrayed in schools. In other cases, they do hear or see such portrayals, but it is only negative. How can that student feel included in school?

When I've extended the racial discrimination image to sexual and gender minority youth, I've had people protest that the latter are different; they are moral issues. They may be for some people, just as racism is for some people. But the law in Manitoba does speak to this issue. The Manitoba Human Rights Code clearly draws a parallel between racial discrimination and discrimination on the basis of sexual orientation and/or gender identity.

Unfortunately, many people don't get it. They think that anti-discriminatory law doesn't affect schools in this case or shouldn't affect religious schools. If claiming a religious belief does not exempt you from charges of racial discrimination, neither should it exempt you from charges of discrimination on the basis of sexual orientation or gender identity.

Some people want to make this about sexual behaviour. It is not. It is about accepting people for who they are. It is about their identity, an identity that in many cases cannot even be spoken of in the classroom.

Not everyone is heterosexual and cisgender. I have friends who are not. I have former students who are not. I have colleagues around the province who

are not. I know parents who are not. They have just as much a right to be included in our school system as anyone else. Right now, whether they are or not depends on where they go to school. This cannot be allowed to continue. Requiring divisions to develop and implement diversity policies will begin to change this. It will not happen overnight, but it has to start somewhere. As the saying goes, the best time to plant a tree is twenty years ago; the second-best time is right now.

In some schools, it is the students themselves who are leading this change. That is why the piece about requiring schools to support clubs like gay-straight alliances is so critical. Bill 18 will ensure that students who have the courage to stand up and ask for a club intended to address issues of discrimination and bullying in their school cannot be refused, as they are in so many places right now if that club is to include anything about gender identity or sexual orientation.

A few years ago, our government passed amendments to The Public Schools Act regarding including all students in our schools through appropriate education. Some students are still being deliberately excluded on the basis of their gender identity and/or their sexual orientation or that of their parents or other loved ones. This must stop. We have students who hide who they are until they can leave their community and go somewhere where they can be safe, where they can safely be whom they are. Our children, our students deserve better from our schools and from our communities. Bill 18 is a good first step in that direction.

Some people have expressed concern that, if this bill passes, more people will choose to home-school their children to avoid exposing them to ideas or people that they object to. Having taught in a small country school with a declining enrolment, I'm rather familiar with those kind of blackmail tactics: Do what I say or I'll pull my kids and you'll lose your funding, the school, your job.

Public schools are supposed to include all children. Continuing to discriminate against a minority group to appease certain beliefs means deliberately excluding some children. People do have a right to their religious beliefs. They do not have a right to exclude children from our public school system on the basis of those beliefs.

Sexual and gender minority youth are in our schools right now. Sexual and gender minority people have kids and grandkids in our schools

right now. Depending on where they live, those children may be deliberately included or deliberately excluded.

All students in Manitoba deserve a nurturing, safe, enabling learning environment which an overt recognition of human diversity helps to establish. Please do not amend this bill. Rather, pass it, and begin the process of ensuring that all students, including sexual and gender minority youth, are included in our schools regardless of where they happen to live.

Thank you for your time and attention.

**Mr. Chairperson:** Thank you for your presentation, Mr. Wohlgemut.

We'll now move to questions from the committee.

**Ms. Allan:** Well, thank you very much, Peter, for this presentation, this very well-thought-out presentation, and, obviously, you have had a personal experience in a community and in a classroom and in a school, that you are very comfortable speaking to Bill 18.

\*(18:50)

I want to thank you, as well—I want to tell you a story that, about a year ago, I went to visit the Border Land School Division and met with the school trustees in Border Land, and I have to tell you how encouraged I was by—because of that meeting, it was one of the reasons I decided that we needed to move forward with Bill 18 because it was very clear to me that they knew exactly what needed to be done in their schools. They needed to provide a safe and caring learning environment for all kids in all schools.

Thank you so much for being here tonight.

**Mr. Chairperson:** Thank you, Minister.

**Mr. Goertzen:** Thank you, Peter, for coming tonight and for waiting for these committee hearings to begin. We've already heard from a young person. I suspect we'll hear from more who are bullied for different reasons and who don't feel that this bill will do much for them. And I continue to hear from kids and our parents of kids who are getting bullied for body image, ethnicity, language—you'll know all those from your own teaching experience.

What kind of ideas do you have that would protect those kids to make sure that they have a safe learning environment?

**Mr. Wohlgemut:** Those children—there is bullying, as has been mentioned, on various bases. That does happen quite regularly. The issue here, and particularly with Bill 18, I think, is we have an opportunity here to very overtly protect a group that while in terms of overall numbers may not be the largest group that is being bullied, but in terms of the virulence that the people experience, this is a group that needs particular protection. This is a group where, just to use an example, I have not heard other groups being—having their identities used as a put-down. The expression, that's so gay, is very, very present in our schools. I have dealt with it. I know many of my colleagues have. Using somebody's identity as being seen as so negative, as so derogatory that you can use it to apply to other situations to put people down, gives a sense of just how vulnerable and how targeted this particular group is.

Yes, there are other groups that certainly need protection, and, as you mentioned, as a teacher I have dealt with those exact kind of situations. The issue here is dealing with a group that is particularly vulnerable and, at this point, is in particular need of this kind of protection.

**Mr. Goertzen:** But this is an antibullying bill and it's been marketed as an antibullying bill, and I'd hate for parents of kids who are getting bullied for a lot of different reasons to have that false hope.

So you've identified one group, and I appreciate those comments—and they were thought-out comments—but for all those other kids, what kind of ideas do you have, because we want to pass something that'll protect all kids, right? Otherwise we've kind of failed our duty as legislators. So what kind of ideas would you have to protect all the kids?

**Mr. Wohlgemut:** This bill does include a directive to school boards to develop a policy that addresses diversity. That piece right there I think is the critical part that will address the various groups that you are referring to. Now, that does also carry a proviso saying that when they do that, they have to make sure they include sexual and gender minority because these are a group, again, that have largely been left out or have often been ignored.

In looking at diversity, as soon as you start talking about diversity, I think it's very obvious you will include many of these other groups in looking at how diverse is our student population? What are the various areas? And it will start those discussions at the school level, at the school board level. And I

think that is where it will encapsulate some of those other groups.

The concern, as I mentioned before, though, is if this particular group is not included, if they don't have to there are places where they will not, and so that needs to be included very directly.

**Mr. Gerrard:** Thank you. Now, one of the questions—things that you stated was that you don't want to see this bill amended, and I'm just wondering, because we've had people who've come forward and say, can you amend it to include body image? Can you amend it to allow staff to help start organizations in a confidential fashion? Are you opposed to those amendments, or—

**Mr. Wohlgemut:** My concern with starting to make a list of exactly what are all the things that people might be bullied for is—your sessions would go on a lot longer than they already have. This is a beginning, and I mentioned that several times. This is a start. It is certainly not the be-all and end-all. It is not encapsulating everything that possibly could be, but what it does do is direct school divisions that they must get started on this. There are some particular issues they must include, but as they have their discussions, I fully expect that they will include some others. I would not want to delay the start of this by starting to try and make a shopping list of all the areas that students might be bullied on the basis of, because, as has been mentioned, that's a big list.

**Mr. Chairperson:** Thank you very much for your presentation tonight, once again, Mr. Wohlgemut.

I will now call on Kevin Rebeck, president of the Manitoba Federation of Labour—[*interjection*] Oh, I'm sorry, my apologies. I'd like to now call on Robert Hiebert, private citizen. I apologize.

Mr. Hiebert, do you have written materials for distribution to the committee?

**Mr. Robert Hiebert (Private Citizen):** No, I don't.

**Mr. Chairperson:** Please proceed with the presentation when ready.

**Mr. Robert Hiebert:** Good evening, ladies and gentlemen, and I would like to thank you for allowing me to speak today on my concerns regarding Bill 18.

I, along with many others, do not agree with the definition of bullying according to Bill 18 as it is written, along with what the government apparently classifies as bullying right now.

My understanding of the bill is that, if my view or opinion is different than another person and I express my view, this could be classified as bullying. My wife and I have made a decision to raise our children to believe that the Bible is the inspired word of God, and, according to the Bible, homosexuality is a sin, as a slander, lust, greed, and nothing more than that.

I have a friend who is a homosexual and he is actively living that lifestyle. My boys know that he is a homosexual, and I always tell them that, although he is living, according to our beliefs is wrong, he is no different. He's still a friend of ours, and we also have friends that are living against other teachings of the Bible and we consider them friends. We don't look at them negatively either. I look at this as sin is sin, and I don't want to cloud the issue.

I believe that the way the Bill 18 is written it is forcing my children to be silenced in standing up for what they believe is right and from speaking out against sin. I've also taught them to love the person, hate the sin. I agree that no one should be bullied, but I do thing that the way the bill is written it is protecting—it will protect anyone from—it won't protect anyone from being bullied. In fact, this bill may only draw attention to situations where bullying is not happening. A bully may recognize an opportunity if he or she sees a weakness.

My question is why Bill 18 is only addressing bullying towards gay and lesbian minorities. They have been—there have been studies done in other parts of the country, which has been mentioned earlier today, and where both sexual orientation and religion are at the bottom 5 per cent. I am left with the impression that Bill 18 is a platform being used to drive a hidden agenda of equality, and I don't believe this should be done at the expense of our kids.

Another question I had is why the private schools, such as Steinbach Christian High—and there's other ones in the province—need to follow the same guidelines as the public school system. People choosing to send their children to private schools that support their personal beliefs should not be forced to teach and enforce a policy that contradicts their teachings. This is no different than the government going into Jewish or Muslim communities and forcing them to no longer eat kosher or halal because the rest of the province sees all food as okay to eat. Forcing one of these groups to eat pork because the rest of the province eats pork is the same as telling a

private school that they're not allowed to teach or enforce the law that is—conflicts with their belief systems.

In closing, I believe that the bill should protect all children, not just a small minority. My son was bullied—and you'll hear from him shortly—in his early years at school, and it has nothing to do with his gender or abilities. The kids recognized a weakness and decided to focus attention on his sensitivity as they were simply looking to get a reaction out of him. If you're going to make an attempt to protect your kids, please let's try to put some thoughts—thought into it and help all children and not allow a hidden agenda be driven—to be the driving factor behind making this law. Thank you.

**Mr. Chairperson:** Thank you very much, Mr. Hiebert, for the presentation.

We'll now move to questions.

**Ms. Allan:** Thank you very much, Mr. Hiebert, for being here this evening and making a presentation and expressing your perspective in regards to Bill 18, and thank you as well for bringing your son Brendan with you this evening. We look forward to hearing his presentation as well. It's great to have young people here this evening, and we appreciate it when people make a committee hearing at the Legislature a family affair. So thank you so much for your comments this evening.

**Mr. Chairperson:** Thank you, Minister.

\* (19:00)

**Mr. Gerrard:** Yes, thank you for your presentation.

I think that the problem in a sense is how you express your opinion but don't do it in a way that others interpret as hurtful. Right? And so maybe you can just help us a little bit more along—understand this.

**Mr. Robert Hiebert:** Well, I've always raised my kids to be respectful, and I continue to do that. To say things out of respect is one thing, but the way the bill is written is hurt feelings. And, as you know, kids get hurt feelings for various reasons. And to do it respectfully and to speak out against something still may be taken the wrong way, and to go on further with that, you know, I really think that this bill is vague and definitely needs—there's been some really good ideas presented here today, and I support some of the ideas that have been shared. So—

**Mr. Goertzen:** Mr. Hiebert, thank you for your presentation. I'm looking forward to hearing from Brendan on, I guess, his own personal experience. But, as a parent, are you telling me—and it's important to me because I hear from a lot of parents who maybe haven't read the bill, but they hear there's an antibullying bill out there and so that, in itself, sounds good because I think everybody would like to have some sort of protection for their kids. I would, as a parent, if my son was being bullied.

You've read the bill. Is it your experience from what—the experience you had with your son that this bill wouldn't have done anything to help your son in the bullying experience he was going through?

**Mr. Robert Hiebert:** Personally, I don't believe this bill would've helped my son at all. He was first ostracized and then he was kicked and then he was choked, then he was punched. And there's nothing—nothing in this bill that would've protected him from that.

Growing up, I have also seen others, more so because they came from another country—they were punched and beat for no reason, and I don't think this bill would've protected them either. So—

**Mr. Chairperson:** Seeing no further questions, thank you very much, Mr. Hiebert, once again, for your presentation.

I will now call on Brendan Hiebert, private citizen.

Good evening, Mr. Hiebert. Do you have any written materials for distribution to the committee?

**Mr. Brendan Hiebert (Private Citizen):** No.

**Mr. Chairperson:** All right. You may proceed when ready.

**Mr. Brendan Hiebert:** Hello, my name is Brendan Hiebert, and I went to Bothwell School and now the SRSS. I am against Bill 18 for several reasons, but first I'm going to tell you about my bullying experience.

When I was bullied, I was defended by my teacher. She would take me and the bully out to the hall, and we would talk about it. And I was also helped by my friend. He would come and he would help me. He got in trouble for helping me, which—he took the kid and chucked him on the ground, which was helpful and mean to the other kid at the same time. But I lived through it and I didn't let it hurt me,

and me and the kid are now—we're friends and don't remember anything of the past; we laugh about it.

The first reason is that it does not say what bullying is. In school this year we did a mock parliament and there were four bills on bullying, and all of them were deleted because they were too vague. Every kid—after that, our teacher decided to—sat us all down and talked to us about what we thought bullying was. Some of us said that bullying was not when you're with friends and you're joking around about favourite sports teams like—my friend's a Washington Capitals fan; I say I don't like that team.

Bullying is everywhere—at work, at home. It goes back as far as the first year of Earth, so if we have insulted then, well, we're not so far off.

I'm also against it for the gay-straight alliance and having that put in play—private schools like the Steinbach Christian High School. They teach from the Bible, and it says that it's not right to be a homosexual, so if they teach that homosexuality is right in a gay-straight alliance, then they're basically tearing out that one page in the Bible that has that phrase and changing it, which you're basically saying that God changes his mind, which he doesn't.

I do not hate homosexuals; I just hate their sin. My dad always says, don't hate the person; hate the sin. Since being gay is a sin, in Matthew 18:6, it says that if you cause a little one to sin, it'd be better for you to have a millstone tied around your neck and thrown into the sea. So, if being homosexual is wrong, and you cause a little one to become a homosexual because this one kid is and puts his influences on this kid, that's where that verse comes into play.

So, this is—goes into school, like the SCHS, it would cause several little ones to sin, probably. I leave—I will leave you with one last thought. Since this law infringes on religious rights, does that not mean you're bullying Christians and other religions if it comes into play? Thank you.

**Mr. Chairperson:** Thank you very much, Mr. Hiebert, for your presentation. We'll now move to questions.

**Ms. Allan:** Well, Brendan, thank you very much for being here this evening to make a presentation. I know that this can be an intimidating environment and it's not often that we have young people here at the Legislature to participate in democracy. I'm glad that when you had a situation at your school that a

teacher intervened and that at the end of it, that there was a good outcome, and I believe that that's what's important to us is to have teachers that can recognize when these kinds of things are happening.

So thank you once again for being here and have a great school year.

**Mr. Chairperson:** Thank you, Minister.

**Mr. Ron Schuler (St. Paul):** Brendan, further to what the minister said, takes a lot of courage to come and sit in front of professional politicians and the big audience behind you and actually present, and this is a right that is protected by, I believe, The Manitoba Act, and it's good that people take us legislators up on this. It's good that you come forward.

It's troubling when young people come forward and give examples of how they've been bullied. We would think by the year 2013 a lot of this would have been dealt with, and yet it occurs.

Question I have is, do you think that this bill would have protected you from bullying?

**Mr. Brendan Hiebert:** Oh. No, it wouldn't have. No.

**Mr. Gerrard:** Thank you for coming forward and talking about your own experience. I'd like to ask you, based on your experience, what do you recommend to us in terms of would be the most effective way to reduce or eliminate bullying?

**Mr. Brendan Hiebert:** I think the bullying, it comes everywhere in life, so it all matters on how you take it, really. I think we should really fill up our—like, what doesn't kill you makes you stronger. So it's made character out of me and out of other people too. But it's kind of sad when those people don't take it and use it for their own advantage, like some others.

**Mr. Chairperson:** Okay, seeing no further questions, thanks once again for the presentation, Mr. Hiebert.

I'll now call on Kevin Rebeck, president of the Manitoba Federation of Labour.

Mr. Rebeck, do you have any written materials for distribution to the committee?

**Mr. Kevin Rebeck (Manitoba Federation of Labour):** Thank you, I do, and I've passed it to the staff.

**Mr. Chairperson:** You may proceed with your presentation when ready.

**Mr. Rebeck:** All right. Thank you. Thanks for the opportunity to come speak this evening. The Manitoba Federation of Labour is pleased to share its views with the committee on Bill 18, The Public Schools Amendment Act (Safe and Inclusive Schools). For those not familiar with the Manitoba Federation of Labour or MFL, we're chartered by the Canadian Labour Congress to represent the interests of Canadian Labour Congress-affiliated unions in Manitoba, and there are over 96,000 members. Because those numbers include lesbian, gay, bisexual, transgendered and transsexual working people and secondary and post-secondary students and because we advocate on human rights issues, there's a great deal of interest in Bill 18 within our ranks.

Everybody has seen homophobic behaviour in action at some point in their life. I'm willing to bet that some in this room have witnessed or heard homophobic behaviour today. If you've read a newspaper, watched television news or listened to the radio, you're aware of the most horrific examples of homophobic bullying on the streets, in bars and, yes, in our schools. We've heard the gut-wrenching accounts of young people feeling so victimized by homophobic bullying that they've been driven to suicide. The tragedy of a young person taking their own life is heartbreaking.

What does Bill 18 aim to do? One need look no further than the explanatory note attached to the bill. This bill amends The Public Schools Act in the areas of bullying and respect for human diversity. The bill defines bullying. The definition recognizes that bullying can take a variety of forms, including cyberbullying. A school employee or person in charge of pupils during school-approved activities must make a report to the principal if they think a pupil is engaged in or is negatively affected by cyberbullying.

School boards must expand their policies about the appropriate use of the Internet to include social media, text messaging and instant messaging, and the bill also requires each school board to establish a respect for human diversity policy.

\* (19:10)

The policy is to provide the acceptance of and respect for others in a safe, caring and inclusive school environment. The policy must accommodate student activity that promotes the school environment as being inclusive of all pupils,

including student activities and organizations that use the name gay-straight alliance.

It's hard to imagine a nobler endeavour: taking action against bullying and promoting respect. Homophobia and bullying are a daily presence in our lives, from street corners to the electoral process.

Earlier this year, Manitoba became infamous across the country as the province where the gay owners of a restaurant in Morris announced that they're closing down three months after opening because of homophobic persecution by some residents of the town.

It was only last year when Allan Hunsperger, a Christian minister from Tofield, Alberta, ran as a candidate for the Wildrose Party in that province's general election. Here's his take on gays and lesbians as outlined in a 2011 blog posting. He said, accepting people the way they are is cruel and not loving, and gay people are destined to suffer the rest of eternity in the lake of fire. Mercifully, Hunsperger's campaign went nowhere, and the good people of Alberta declined his offer to represent them.

In 2010, the bodies of two lesbian teenagers were found in a wooded area near Orangeville, Ontario. Authorities believe they committed suicide to escape discrimination and bullying.

Weeks later, a gay couple in Little Pond, Prince Edward Island, barely escaped their burning home with their lives as it was firebombed.

In response to relentless and daily bullying, gay and lesbian students in some schools have come together to provide mutual support in the form of student antibullying clubs and gay-straight alliance organizations.

You can only imagine how puzzled I was by the reaction by some when the government of Manitoba unveiled Bill 18 and outlined its goals. Members of the opposition spoke up on behalf of faith-based schools, claiming that Bill 18 impinges on their religious freedoms. I failed to see how tolerance and inclusiveness, the foundations of this bill, can possibly undermine anyone's ability to worship their god. Being inclusive and accommodating the needs of all students, not just the ones that meet your expectations, seems consistent with my understanding of religion, not opposed to it. Preventing homophobic bullying and allowing gay, lesbian and straight students to meet in organized groups builds a stronger society and, I believe, stronger, more relevant religious organizations.

Bill 18 will require all schools to accommodate student antibullying clubs, including gay-straight alliances, should students want them. It'll be a law that addresses bullying. It'll be a law that addresses homophobia. These are objectives that the union movement supports, because it benefits not only workers but our entire society. Schoolyard bullies are the people that become workplace bullies. From our perspective, the place to weed out the bullies is in our school before they even enter the workplace.

Donn Short is a law professor at the University of Manitoba lecturing on human rights law and education law. This is his analysis of the faith-based schools' push back on Bill 18. He says: Permitting students to form a GSA, a gay-straight alliance, has no impact on the belief systems of other students, their parents, a school division or anyone else. The Supreme Court of Canada has stated clearly that merely recognizing the equality rights of one group, sexual minority students in this instance, does not in itself constitute an infringement on the equality rights of another, those asserting religious freedom rights. Bill 18 does not impose religious beliefs on anyone. Any argument that Bill 18 infringes religious freedom, either of students or of a school division, is weak and would have to give way to a Charter equality rights claim. The object of Bill 18 is to ensure that all students, including sexual minority students, have safe and equal access to education.

I must congratulate Minister Allan for the well-thought-out support structure she's putting in place to make the provisions of Bill 18 as effective as possible. We're very impressed when she released the details of a partnership with Egale Canada Human Rights Trust to develop safe and caring schools: a resource for equality and inclusion in Manitoba schools.

The resource guide will provide information to youth, educators, guidance counsellors and administrators in secondary schools, complete with directories and references related to role models, symbols, terms and concepts and community services. The resource guide will include tools for assessing school climate, a step-by-step guide for establishing a GSA to offer a safe space in schools, information and activities regarding the creation of safer school communities, information, strategies and ideas to help educators create and maintain safer school committees, information on challenges frequently faced by LGBTQ—that's lesbian, gay, bisexual, trans or queer—youth and their families, and information on best practices for counsellors

working with those youth, data and analysis explaining the significance of educator-initiated, safer school work and information on Manitoba legislation and policy regarding safe and inclusive schools.

In closing, Minister Allan and her caucus colleagues have taken a bold and courageous step by introducing Bill 18 to protect our children against bullying and homophobic attacks. It's simply the right thing to do. It's a pity we can't legislate tolerance, understanding and acceptance, but what we can do is make it clear that intolerance is not acceptable and we won't put up with it, particularly in our schools.

On the way here I listened to a recent song that's come out by Macklemore, Same Love, a pretty powerful song that talks about homophobia in society today. And in it he says, no freedom 'til we're equal, damn straight I support it. And I'd echo that sentiment. Thank you.

**Mr. Chairperson:** Thank you very much, Mr. Rebeck. We'll now move to questions.

**Ms. Allan:** Well, thank you very much, Kevin, for your presentation tonight on behalf of the Manitoba Federation of Labour and all of the organizations that you represent throughout the province of Manitoba. I'd like to thank you for the comments that you have made in regards to Bill 18, and I would also like to take this opportunity to thank you for all of the work that you have done all-in creating safer workplaces for our workers here in the province of Manitoba. I know that makes a difference to workers and it also makes a difference to families and communities. So thank you.

**Mr. Chairperson:** Thank you, Minister.

**Mr. Goertzen:** Thank you for coming out to the site and for waiting for the presentations to begin.

We've already heard from a number of presenters, including the Manitoba School Boards Association who expressed concern with the definition that seems to be at the early stages, I grant you, but something of a common theme.

When you surveyed your members, did they express the concern with definition or—and then did you send the definition in that survey to your members, as well?

**Mr. Rebeck:** There hasn't been concerns raised with the definition. Among some talk with the executive and hearing some of the debate tonight, I think there

would be broad support to say that they've looked to allowing teachers to take the initiative to set up a gay-straight alliance would be a good change that would strengthen the bill. I think the bill's definition defining bullying is well thought out and doesn't prescribe that it just deal with homophobia but it lends itself to apply to a number of situations and circumstances, and it's framed in a way that does that.

**Mr. Goertzen:** Did you survey your members, though, specifically on the bill?

**Mr. Rebeck:** We didn't send a survey out. There's certainly been a fair bit of discussion and a number of conferences and events where this bill has come up and there's been discussion of it. But we don't survey our members of every piece of legislation that government deals with.

**Mr. Gerrard:** One of the things that was discussed earlier on, it was the concerns about bullying over issues around body image. And I wonder whether you would be opposed to amendments that would include body image, or do you think that they are already included under this bill?

**Mr. Rebeck:** I think the language in the bill lends itself to cover that. I think getting too prescriptive in trying to name every type of instance that bullying manifest says becomes a problem and then you start finding ways that it doesn't. I don't read in the bill, in the language that defines bullying, how that would be excluded. So I think the way that it's defined now captures that.

**Mr. Chairperson:** Okay, see no further questions. Thank you once again for your presentation, Mr. Rebeck.

I will now call on Andrew Micklefield, principal of King's School.

Mr. Micklefield, do you have written materials for the committee?

**Mr. Andrew Micklefield (The King's School):** Yes, I do.

**Mr. Chairperson:** Okay. I'll just have the staff help you to distribute those and you may proceed when you are ready.

**Mr. Micklefield:** Dear committee members and other guests, thank you for the opportunity to share The King's School's concerns about Bill 18. We are grateful for your time and hope our contribution aids

the well-being of the children we all love and seek to protect.

\* (19:20)

The King's School models inclusivity with a diverse population that is home to students from 40 nations, about a third of them are refugees and many are from war-affected countries, offering—offer—often suffering from trauma and the memories of war. Some are orphans; others have horrific stories that are so far-fetched, one wonders if they are even possible.

We bus nearly 60 students to our school from the core area each day, costing us nearly \$30,000 every year. Families wanting to come to The King's School who embrace the values are never turned away because of finances. In the 2011-2012 school year, we forgave \$160,000 in tuition, and this year 41 per cent of our students pay a reduced tuition, which is already among the lowest in this city. Though we do not hide our Christian faith, people of other religions have found a home at The King's School, and we currently have Hindus, Sikhs, Buddhists and agnostics, who do not identify as Christians, yet are grateful for our school and very comfortable with how we present our Christian values. Our teachers could make tens of thousands of dollars more in the public system, but choose to work with us because of the unique environments that The King's School offers.

Unlike other independent schools, The King's School is not underwritten by a team of significant donors, yet each year grade 11s fundraise to travel to build a house in Mexico and grade 9s visit Ottawa to see Canadian politics first-hand. They were even mentioned in Parliament during this year's visit.

When any kind of bullying happens, it is investigated, documented and followed up appropriately. We want all students to be treated with equality and fairness. Parents are included in discussions about the best course of action and even collaborate with us, so that home and school responses can complement each other. We have good relationships with Child and Family Services who have even paid for students to attend The King's School because of our positive environment. One university faculty member said we were one of the few A+ schools in Winnipeg. A province-wide survey of our students found, to our shock, 100 per cent of them felt safe at school, a number attained, I believe, though I may be corrected, by no other school in the province.

We are grateful for the positive relationship between independent schools and the government of Manitoba and appreciate the letter of comfort from 1990, in which the Province acknowledged parental choice in educating their children and committed to respect the unique religious perspectives, cultural objectives and values of the faith-based school communities.

We were grateful to read in February, 2013, the following from Minister Allan to the Manitoba Federation of Independent Schools, and I quote: Manitoba Education acknowledges that for many of the MFIS member schools, faith-based instruction is core to their mission and mandate and essential in meeting the needs of parents whose children attend them. The legislative framework in place in Manitoba respects the right of parents, through independent schools, to access provincially approved curricula, with the learning—within the learning milieu, suffused by the tenets of their faith. End quote.

However, Bill 18 has raised fresh concerns that such tenets and independence could be compromised if the Province requires faith-based, independent schools to promote values that contradict their freedom of religion enshrined in the Canadian Charter of Rights and Freedoms, the Manitoba Human Rights Code and acknowledged repeatedly in more than 100 years of the Province's interaction with faith-based, independent schools.

We are unsure what promoting the understanding of entails and feel it would be neither responsible nor helpful to leave such ambiguities for the courts. We wish to raise concern about this point of ambiguity because it is our view that when the courts must interpret, legislators could have done a clearer job and run the risk of being misunderstood or misrepresented.

We have been told and appreciate that the intent of Bill 18 is to give school administrators leeway to form their own judgments in situations. We respect the minister's assurances that Bill 18 is not about trampling our religious freedom, but surely this must be reflected in the wording of the legislation if it is to match the minister's apparent intent. Legal counsel tell us that the courts will not look at someone's recollection of a comment regarding the apparent intention of people no longer in office, and there are other comments in writing to contradict such assurances, but that courts will look at the actual wording of the law.

Bill 18 does not provide the kind of clarity that gives assurances to our stakeholders that the courts will remember or know apparently good intentions that are not reflected in the bill's wording. Thus, we are left with the weight of a lingering concern about the status of our independence as an independent school in Manitoba as to just how far promotion and acceptance of values outside our religious perspective will be forced on us. Clarity would be much appreciated, especially as our agreement with the Province to exist acknowledges that independent schools often form around religious or faith-based values.

Hundreds of parents have committed to join our school community as it reflects their conservative Christian faith values. In a diverse culture, we feel there should be room for such differing opinions between the state and private groups without either side being labelled as hateful, unsafe or uncaring.

We wish to build bridges with those able to recognize and maturely discuss the complexities and nuances of this discussion. We feel such an approach of seeking mutual understanding and finding a way through is what makes Canada a safe, robust and accepting democracy.

Sections 80 and following of The Public Schools Act permit religious instruction and religious exercises within public schools, provided significant regulations, requirements and restrictions are followed. Boards can even veto religious exercises, yet no such powers exist in Bill 18 to refuse a gay-straight alliance. For many people of faith, Bill 18 is a religious matter and threatens the very foundation of our status as independent schools.

These concerns were heightened in a news article published on February the 26th, 2013, where Minister Allan was quoted as saying, quote: There will be no compromise on the rights of students taking precedence over the violation of religious rights. We feel strongly that all students deserve to be in a safe and caring learning environment. End quote.

We also feel strongly that all students deserve to be in a safe and caring environment, yet we feel the minister's commitment to no compromise erroneously pits religious rights against safety and care in schools. We see no conflict between the rights of students to be in a safe and caring learning environment and the religious rights of the school and its members. We feel to pit the discussion in either-or language is unhelpful to the dialogue. We

do not believe this dichotomy reflects the perspective of families who choose independent education for 14,000, or 8 per cent, of Manitoba's students. These parents choose to have their children educated in schools that comply with provincial requirements in every other way and are often model schools which also reflect the faith values of a common community.

We would ask if no compromise is the same as no accommodation, and how the minister will respond to those schools who, for the sake of their religious conviction, will be unable to comply with her requirements? Thank you.

**Mr. Chairperson:** All right, thank you very much, Mr. Micklefield, for your presentation. We'll now move to questions.

**Ms. Allan:** Well, Andrew, thank you very much. It's nice to see you again. I haven't seen you since you dropped by with a couple of students for a visit to my office in the spring. I appreciate you being here this evening and making a presentation and outlining pretty clearly what your concerns are.

I just want to make sure you know that we will continue to work with the Manitoba Federation of Independent Schools, which is the organization that represents the schools—the private, independent schools here in the province of Manitoba, and that we'll continue to work with them. They've been a partner with ours in creating safe schools across the province, and we'll continue to work with them. And thank you so much for your presentation, Andrew.

**Mr. Goertzen:** Thank you for your presentation.

One of my frustrations in this whole process has been, you know, we have so little data about bullying in the province of Manitoba. The department, you know, doesn't really have any sort of data we can rely on in terms of how prevalent and the nature of bullying, although we all know it exists.

And the other concern, of course, that I have is parents want this bill to do something, and I think we've already heard from some today who've been bullied who don't feel this kind of legislation would have helped them, and that's concerning. But you, you know, talked about in your presentation how hundred per cent of your students in a survey said that they felt safe. That's remarkable. That's almost unbelievable. But can you tell us a bit about what you do in your school to create that safe environment so maybe we can have some ideas?

\* (19:30)

**Mr. Micklefield:** Well, I'd certainly like to invite any of you to visit our school and see first-hand the things that we're doing.

I think that combatting bullying is really an environmental thing, and I think that's been pointed out already. We would probably want to address heart issues more than labelling things as bullying or people as bullies. We would say how is that respectful, how is that kind, how is that loving? And by sowing these values constantly, as part of the ethos of our school, after O Canada, we read a verse of Scripture—which I appreciate can't and probably shouldn't happen in all public schools—we read a verse of Scripture. This year's theme is love and so every morning, all the students, from pre-school to grade 12, are getting a thought about love, about loving each other, loving your neighbour and loving all people.

I think it's these kinds of environmental things that we seek to undergird as part of our Christian expression of education that sow to the environment, where certainly the time that those students were asked, a hundred per cent of them said that they did feel safe at school.

So, I don't know if that answers your question, but we're open to new ideas, as well, and certainly would want to collaborate with all who are concerned about this issue.

**Mr. Gerrard:** Yes, thank you for your presentation.

You said you have seen bullying in your schools, in your school. And tell us a little bit more about how you deal with that bullying.

**Mr. Micklefield:** Well, I think the first thing that needs to happen, anytime there's an allegation of bullying, is to really investigate what is going on. It's all too easy for a child to say, I was bullied, when that may not necessarily be the case. And, quite often, in our experience, the definition even on the schoolyard is used rather liberally. Sometimes, students have provoked each other; other times, students misinterpret something.

But when there is behaviour which is unacceptable, we want to get to the heart issue behind that behaviour. We're not just wanting to slap someone on the wrist for a behaviour but rather address why are you doing this; what's going on inside of you that is doing this? We want to work with the bullies. Every child and every student has the potential to be a bully. I did things when I was a child which I'm not too proud of, and I was on the

receiving end of things that I hope others aren't too proud of. All of us can probably say that.

The issue is that in the hearts of all of us, we need to be sensitive to other people. That's true on this committee, that's true with me and my staff, and that's learned on the schoolyard. What children don't learn, adults won't know. And what we're trying to do is teach children what is respectful behaviour, at a very basic level, so that we can avoid escalations into things which cause much more grave trouble later on.

**Mr. Chairperson:** Seeing no further questions, thank you once again for your presentation.

I will now call on Kristine Barr, private citizen.

Welcome, Ms. Barr. Do you have written materials for distribution to the committee?

**Ms. Kristine Barr (Private Citizen):** Yes. I've got a copy of my notes that'll be distributed.

**Mr. Chairperson:** Thank you very much. You may proceed with your presentation, then, when ready.

**Ms. Barr:** Okay, thank you, Mr. Chair.

My name's Kristine Barr and I'm presenting this evening as a private citizen. I wear a number of different hats, so I'm a school trustee in the Winnipeg School Division, where I've served for the last 16 years. I'm a lawyer, working with the Canadian Union of Public Employees, and I'm a member of the lesbian-gay-bisexual-transgender community.

The official presentation by the Winnipeg School Division will be provided to you later this evening by the chair of our board, Ms. Rita Hildahl, but I wanted to come out and speak to you as a private citizen today.

To members of the Legislature, friends and community members, I'm coming out this evening in support of Bill 18 that amends The Public Schools Act in the areas of bullying, adding provisions on cyberbullying and respect for human diversity, and I wholeheartedly support this.

My initial comment, though, is here we go again. And so many of you who have gathered tonight in this room to come and share your thoughts on Bill 18 may remember another distant debate that took place approximately 15 years ago about human rights and about anti-homophobia education in the Winnipeg School Division.

At that time, in 1999, I had introduced a motion to my board to create a subcommittee on diversity to help the Winnipeg School Division identify what could be done to address homophobia that we knew was occurring in our schools, and wanted to meet with key stakeholders in order to look at what types of measures and research has been done by other school boards across Canada and in the US, to see what type of solution might be workable in the Winnipeg School Division, in our own local school division, to make schools safer for all students, including those who identify with, or who are perceived to be part of, the LGBT community.

Now, this motion passed by a strong majority of trustees in the Winnipeg School Division, but what happened next is really what this tale tonight is about because, after this motion passed with a strong majority, there was a lot of public outcry and criticism about what the Winnipeg School Division was trying to do and how I was trying to implement my own personal gay agenda and recruit kids into my lifestyle, which was far, far from the truth, in terms of the type of safety initiative that we were trying to put forward, to make sure students, regardless of their sexual orientation or gender identity, were safe in the public school system.

And so we had special board meetings where the public could come out, very similar to the type of committee hearing that you have here this evening. And so, for a period of approximately three months, we heard from hundreds and hundreds of delegations, and we had special board meetings each week at R.B. Russell High School, where trustees heard from folks on both sides of the issue.

And, now, as the mover of the motion and a member of the LGBT community, I received the brunt of the opposition from the speakers who were coming out opposed to the initiative on safe schools that was coming forward. I received death threats; there were discriminatory characterizations that were made about me by two local shock-jock radio hosts, and it was a very difficult personal experience and one which, I might add, I successfully took legal action against, with the radio station, at least, and won, and able to donate money to support gay-straight alliances that were happening within the Winnipeg School Division and the Rainbow Resource Centre locally.

But I just want to say that I know that many of you who have been responsible for bringing this legislation forward from the government, that you

may be enduring some of these same things right now, and I hope neither you nor your family have to endure the same type of personal attacks that I did throughout my protest—my, sorry, throughout my process with the Winnipeg School Division, and, in particular, I want to commend the honourable Minister Allan for your courageous stand that you've taken in supporting this legislation for the LGBT community because I know it has not been easy for you.

Now I believe that much has changed in the last 15 years, in both the Manitoban and the Canadian landscape. Same-sex marriage is now legal; adoptions can occur by anyone, regardless of their sexual orientation; and people in common-law relationships have the same property rights as married couples.

And so, even at a time before those rights were in place, in the Winnipeg School Division and our struggle for equality, our efforts resulted in the implementation of mandatory half-day training sessions for all staff on human rights on how to address homophobia. Basically, teachers and all staff were given tools, from the custodians down to the support staff to the educational assistants to those that work in the office, on how to name it, claim it and stop it. So, when they see something that's happening, they'd have the tools to address it quickly, because we found that was a gap that was existing within our own school division, and helping all of our staff to understand the realities facing LGBT youth, because these weren't issues that were openly talked about prior to the implementation of the programming in the Winnipeg School Division. We now have improved human rights policies, stronger antibullying programs and curricular resources that include the realities of LGBT youth.

Part of the efforts that occurred 15 years ago led to resources being provided to each school for the purchase of books with LGBT themes in every school library. So that might be storybooks in elementary schools, or our parents for how to deal if your child tells you they think they might be gay or they're struggling with their sexual orientation or their gender identity.

We also have always supported GSAs in our schools where students want to organize one. And so that doesn't mean every single one of our schools has a gay-straight alliance. It's dependent on the students involved at the time, but we've trained staff so that they can support students in any initiative that they

want to take forward if they want to form a group to be able to come together in a safe space.

So it was a difficult struggle, but the Winnipeg School Division came through it with a strong majority of the trustees of the day united together, and I believe you'll come through this struggle as well. While I know that many other school divisions have taken leadership on these important human rights issues, some right after we did, some very recently, either through improved antibullying programs, policies or staff training, and it took Winnipeg School Division and other divisions real political courage to introduce these changes.

\* (19:40)

But, as Minister Allan and all of you are aware, not all school divisions have implemented measures such as these. And, as we've heard already this evening, there's equality versus religious rights arguments that are real, that people continue to raise, and, of course, these always need to be considered, but this bill does not infringe on anyone's religious rights.

There are some school divisions where communities do hold strong religious values. But the reality is that there are LGBT youth in those communities and for those school boards who know that some of those kids are struggling with their own school environments. The thought of introducing resources that address homophobia likely creates fears in the minds of local decision makers who know they may face backlash when they introduce any type of initiative. And it's particularly in these communities where LGBT youth need our help and the Province needs to provide leadership to all divisions across Manitoba so that LGBT youth have safe spaces to turn to regardless of where they reside, and every student in Manitoba should have the same supports and resources available to them.

Now over the years I've had the opportunity to meet with students that have been involved in GSAs, and I can say without a—I can say, absolutely, without a doubt that gay-straight alliances save lives. LGBT youth may be facing homophobia or bullying in their lives; this leads to greater isolation. Now, often, when you have kids who are experiencing something like racism in schools, they can return home to their families for support. If they're in a community with very strong religious values and they think they might be gay, lesbian, bisexual, transgender and want to talk to someone about it, if they go home to their families, and I'm not saying all

religious families prescribe to these values, but I'm aware of some families who have kicked their children out. And so, not only are they facing isolation in their school environment but from their families, as well, when it comes to homophobia and heterosexism.

So LGBT kids can face getting kicked out of home, and when they're feeling isolated in their school environment, it's more likely they're going to drop out of school and not succeed and graduate from high school. And we all know of the realities and the horror stories we hear about LGBT teens who are committing suicide or attempting suicide because of the level of discrimination and bullying that they're facing.

Gay-straight alliances provide a safe space where they can come together. They can tell their stories, they can find support and maybe work to try and change the school environments for the better.

If students want to have a GSA in their local school, they deserve to have one, and with the passing of Bill 18, they will know that they can, regardless of where they live in the province of Manitoba. All students deserve to have a safe space where they can connect with other students and supportive staff.

I know that stories that have been told in GSAs have helped our staff to better understand some of the realities faced by LGBT youth so that the staff can then help to make changes to the system where necessary, to help keep these kids in school and to get them through to graduation. And this, I believe, is all of our shared goal.

GSAs are one small measure to remind youth who are being bullied because of their real or perceived gender identity or social-sexual orientation that it truly does get better, and they need to hang in there and get through this period of their lives.

So I commend you for introducing this legislation, and I urge you to listen closely to all of the presentations. And if you are anything like my board was in the Winnipeg School Division, even those who speak against this bill may help you to better understand the absolute necessity of it from an education perspective.

So thank you for taking leadership on this important human rights issue. It's taken you courage and I'm hoping that we won't have to do this again in another fifteen years.

So thank you for allowing me the time to come and speak tonight.

**Mr. Chairperson:** Thank you, Ms. Barr, for your presentation. We will now move to questions.

**Ms. Allan:** Well, thank you very much, Kristine. I want to congratulate you and thank you for your leadership, the leadership that you showed at the Winnipeg School Division 15 years ago. You truly are a champion for human rights in the LGBTQ community. Thank you for sharing the history of what happened and how it rolled in the Winnipeg School Division, but at the end of the day, thank you for making your schools inclusive places where young people felt safe and they could reach their full potential. Thank you once again for being here at the committee hearings this evening. We really appreciate it.

**Mr. Goertzen:** Again, thank you for your presentation, for coming out to the presentation here tonight.

I know your presentation focused on one particular group that's being bullied, but I think we're trying to, as best we can, to try and find legislation to protect all kids, and I hope that that's everybody's motivation here tonight and through the committee hearings.

So maybe my question's more towards your role as school trustee. I know you're here as a private citizen, but in your experience as a school trustee, one of the suggestions that's come forward from the Western Premiers' Conference out of British Columbia to California is the ability to have anonymous reporting of bullying either online or some other form of anonymous reporting of bullying, either online or some other form of anonymous bullying, to protect all kids who are being bullied, whether it's body image or language or whatever the reasons are.

In your view, in your experience as a school trustee, would that be something that could be helpful to all kids who are being bullied, an ability to have anonymous reporting so they're not concerned about retribution, either if they've seen somebody bullied or if they're the ones being bullied themselves?

**Ms. Barr:** I think that having a mechanism in place that school divisions can implement for reporting to either someone who's designated on a staff, I think it's up to local school divisions to determine how that procedure would work on reporting bullying. And

I believe that every school division across the province of Manitoba has general antibullying policies already that are in place that have the types of tools like what you're talking about so that there can be confidentiality in terms of coming forward and reporting.

And I think that, when we're looking at Bill 18 here, here right now, you know, I don't think there's anything in here that takes away from the general antibullying programs that are already in place and being implemented. And I think school trustees and school administrations fully support antibullying in general and the—what this bill does is sort of takes it to include a group that may have been left out of the equation.

**Mr. Goertzen:** I just mean more specifically, because the minister has actually said that this is about cyberbullying, and so this bill is—you know, is a response to some of the cyber—terrible cyberbullying and things we've seen in Canada.

So I think more specifically about, you know, on being able to report online anonymously for kids, and that's what they're doing in BC and California. So not necessarily going to somebody in the school, but that ability to report anonymously, maybe using an online mechanism as sort of a counter to cyberbullying, is—do you think that that could be something that could be helpful?

**Ms. Barr:** You know, I haven't looked at that issue, so I can't really answer that in the specific sense you're asking me right now, but thank you.

**Mr. Gerrard:** Thank you very much for your presentation and your work. Perhaps you can help people here to understand gay-straight alliances a little bit better. What grade are they starting, how many kids are often in them, what sort of things are discussed in a positive way and whether you've done surveys to show that you've actually seen a reduction in bullying as a result?

**Ms. Barr:** In terms of gay-straight alliances in the Winnipeg School Division, they've went by different names over the years. You know, they—when I'd first put forward my motion at the time, there weren't any gay-straight alliances per se in the Winnipeg School Division. There was what was called the multi-school diversity action group. And so it was actually a group where kids came from different schools and met with some youth-friendly adults to talk about issues, and they organized Pink Triangle Day services, trying to raise awareness about the

violence that happens against people who are LGBT, wearing pink triangles or rainbow flags to raise awareness on that, and just to hear each other's stories, right?

And I—you know, I was invited out as a guest speaker to some of them, and what—at the beginning, in that format, there was about 15 or 20 students that were involved at the time, and then they kind of went back to their own schools and started local gay-straight alliances after they knew that they had the support of the school division to do so. And there was four or five of them that were operating for—quite consistently, and some that have come and gone. Sometimes it's as few as three or four kids that are getting together; sometimes they get 50 kids out, depending on the school environment and what's happening at the time. And so, you know, it really varies.

In my experience, the students who are taking leadership often are the allies, so they don't get labelled. And they are supporting their LGBT students and sort of taking a stand as a heterosexual ally who is open—openly speaking out about how this is all of our issue and we need to work together to affect change and make school safer for everybody. So some of the activities would be poster campaigns; sometimes they'd have guest speakers; sometimes they just have education workshops. And in my experience that's how gay-straight alliances have operated.

In the last few years in Canada through Egale, there has been national conferences that are taking place, and I know in Manitoba we're hosting the conference in 2015. And so the one in Toronto just took place last year, and every two years will be a national gathering where students will get tools on how to support their local gay-straight alliance and different activities they may want to consider implementing.

\* (19:50)

**Mr. Chairperson:** Time for questions has expired. Thank you very much for your time, Ms. Barr.

I will now call on Naomi Negrych, private citizen.

Good evening, Ms. Negrych. Do you have written materials for the committee?

**Ms. Naomi Negrych (Private Citizen):** I don't, not this evening.

**Mr. Chairperson:** Okay, then you may proceed with your presentation when you are ready.

**Ms. Negrych:** Good evening. I am very grateful for the opportunity to speak before you today. I am here specifically to address Bill 18 and the implications of this bill on me as a Christian in Manitoba. And just to give you a bit of background, I was a teacher in Winnipeg School Division. I was a student in the Winnipeg School Division, and I was also a director of religious education in public schools for the past two years.

There's been a lot of controversy over this proposed bill that attempts to create a safe, inclusive learning environment for LGBTQ students. As I tried to understand the controversy, I read a report in the Manitoba Association of School Superintendents Journal. It was entitled "A Canadian Thaw? Signs of Progress in the Struggle for LGBTQ-Inclusive Schools." Catherine Taylor, a professor at the University of Winnipeg, explains the vast majority of schools, school divisions and ministries had done little or nothing to address the exclusion and harassment of sexual and gender-minority students. But slowly students—schools are beginning to take measures to ensure that they are safe and inclusive environments for LGBTQ students.

I assume that Bill 18 is the attempt by this government to ensure that Manitoba schools are thawing, as well, and I absolutely agree that schools need to be safe and inclusive of all. But I see this bill as attempting to normalize the behaviour that is inconsistent with my religious convictions. I'm not willing to concede that the LGBTQ lifestyle needs to be promoted or embraced in our public and private schools.

And, as I understand this bill, if it's passed the way it is written, Christians might be prohibited from sharing a Biblical perspective of sexuality with children and youth at any school setting because it could potentially be construed as bullying. I'm just not willing to concede that right either, not because I want to be hateful or judgmental, but because the Biblical perspective on sexuality is a very helpful and enlightening perspective.

God created sex. He created sexuality and He created gender. He made a man and woman, and He ordained the marriage covenant. His good design for sexuality is that it would be freely and unashamedly expressed between a man and a woman in a monogamous, lifelong, committed marriage. He made it and it is good.

But, because man chose to rebel against God, we are suffering from the consequences of that rebellion. What was originally good and perfect is now broken. Morally, physically, emotionally, spiritually, sexually we are broken people and we are separated from God. We need restoration and healing, but more than that we need to be reconciled with God. And, because of His love for us, God sent His only son, Jesus Christ, down to earth. He lived a perfect life. He was arrested. He was beaten. He was humiliated and degraded. He allowed himself to be because He had to complete the job of bringing reconciliation between God and man. Jesus died on the Cross taking the punishment and the weight of our sins, satisfying the wrath of God, and after three days He rose again, and He lives today. And, as we put our faith and trust in the finished work of Jesus Christ, we can be safe from the weight of our sin. We can be reconciled to God and we can have the same power that raised Christ from the dead work in our lives. He came to fix what was broken. He came to restore us.

One day Jesus was in a synagogue in His hometown of Nazareth. He stood up to read the Scriptures, and He read this portion out of the Book of Isaiah: The spirit of the Lord is upon me because He has anointed me to proclaim good news to the poor. He has sent me to proclaim liberty to the captives and recovering of sight to the blind and to set at liberty those who are oppressed to proclaim the year of the Lord's favour. He rolled up the script. He gave it back to the attendant and He sat down. Everyone in the synagogue was looking at Him and He went on to say to them: Today the Scripture has been fulfilled in your hearing. Jesus is the Son of God who came to set people free, to give people sight, to relieve oppression, to heal our brokenness.

And we are a broken people, all of us, me included. The difference between me and what the Bible says about someone who is living in a homosexual lifestyle is this: I've agreed with God about my brokenness. I turn from my sin. I've received God's free gift of salvation. I'm still no better than anyone else. I have no goodness apart from Christ. I rest completely in what Christ has done for me. This gift of salvation is free to all who would acknowledge their brokenness, turn from their sin and put their faith and trust in Jesus Christ as their Lord and Saviour.

Romans 10, verse 13 says that for everyone who calls on the name of the Lord will be saved. Jesus has the power to save and bring healing. We don't

have to accept things as they are. We can turn to Christ for hope and healing.

Now, even as I was reading that and as I was preparing this, I realized that this is not a popular viewpoint. It is not something that many people would ascribe to these days. In fact, some people would call it hateful and intolerant, but it's a message that hasn't changed for over 2,000 years. And I would appreciate your efforts to ensure that those who hold this viewpoint are allowed to have a safe and respectful school environment as well.

In order to do this, the wording in the bill must change. And, as a student growing up in the Winnipeg School Division and as a Christian, I did not feel comfortable always sharing my faith. And I heard teachers and I heard students using God's name in vain, and to me, that was an attack on my faith.

The definition of bullying needs to be more succinct and other groups should be mentioned in the bill. And I agree, as I've heard the stories about how LGBTQ youth are being bullied, that they need to be protected. But, along with their protection, please consider those who have religious convictions as well.

I can't support this bill as it attempts to normalize behaviours that are contrary to God's good design for sexuality and gender. I can't support a bill that would seek to mislead our children and youth as to what normal sexual relations are. I can't support a bill that would silence or question—silence people who question or critique the LGBTQ lifestyle. And I can't support a bill that could potentially penalize or suppress religious consciousness—conscience or opinion. It's my hope that together we could find a way to make our schools safe for every student, regardless of the ethnicity, their gender, their sexual orientation or their religious convictions.

**Mr. Chairperson:** Thank you very much, Ms. Negrych, for your presentation.

We'll now move to questions from the committee.

**Ms. Allan:** Well, thank you very much, Ms. Negrych, for sharing your very personal reflections this evening. We appreciate you being here, and I hope you're still teaching as a teacher because it certainly is a wonderful profession, and thank you so much for being here.

**Mr. Chairperson:** Thank you, Minister.

**Mr. Goertzen:** And we thank you for your presentation, for being here this evening as well. Probably other things you could be doing on an evening like this, one of the last days of summer perhaps. You mentioned that you were teaching—I don't know if you still are teaching, and also talked about the broad definition of the bullying portion of this bill. I personally have heard from a number of teachers who've written me, emailed me, concerned that they themselves feel they might be labelled as bullies because the definition is so broad.

From your own experience, could you see that happening with such a broad definition?

**Ms. Negrych:** I was put in a sort of a difficult position. I was teaching, and one of my students came up to me and said, Ms. Negrych, do you think I'm gay? And, at that point, I just didn't know what to say. I knew what my personal convictions were, but I also knew that I wasn't free to express that, and so what I said to this student was you are exactly what you're supposed to be, which is kind of a cop-out answer.

But, really, this bill and what's being pushed forward, puts me as a Christian in a very difficult position, and my intent is not to have LGBTQ students ostracized, absolutely not, but there has to be a better way so that those of us with religious convictions will feel safe to express our opinions as well.

**Mr. Gerrard:** One of the things you've talked about, and others have expressed this a little bit, is the need in some fashion to protect people with religious beliefs, whatever they may be on the spectrum, from being bullied because of those beliefs. And one of the things about religious beliefs is that we've got, you know, religions which have, in certain instances, quite different doctrines—right?—although there may be some fundamental similarities often. And what you're trying to say, I think, and maybe you can help me understand what you would like to put in there, is that, even though you have very different doctrines, you can respect the other doctrines because that's who—those—that person believes, and you would like what you believe and your doctrine that you believe in to be respected. Is that right?

\* (20:00)

**Ms. Negrych:** I think why I'm here is because Bill 18 has the potential to silence my opinion from being heard, and I think we can still have respectful dialogue about these issues. I think we need to and

I'm glad that this has been brought to the forefront, but we have to do it in such a way that we are allowed to disagree. And I don't think that, as the bill is written, I don't think it allows for people to disagree with that specific lifestyle. And I'm just asking that you would consider religious convictions when you're thinking through this bill.

**Mr. Chairperson:** Seeing no further questions, thank you, Ms. Negrych, for your time.

I'll now call on David M. Sanders, private citizen.

Mr. Sanders, do you have written material for the committee? You may proceed whenever you are ready.

**Mr. David M. Sanders (Private Citizen):** Thank you, Mr. Chairman. My name is David Sanders, and I'm appearing as a private citizen in support of Bill 18.

I think we all understand what it is like to be bullied or intimidated. Many of us have probably behaved as bullies or intimidators ourselves, in our homes, peer groups, schools, sports and in social activities and especially in the workplace—maybe even in politics and government. I am sure that, at some time or another, every one of us has participated in or encouraged the bullying and intimidation of others as bystanders and observers when we should have intervened. We all, all of us, need to stop it.

Bullying and intimidation is literally killing people, vulnerable people at all stages of life from the very young to the very old. And so we are moving on all fronts, in education, prevention, intervention, support and disciplinary action to create a safer, more caring and inclusive environment for everyone.

Bill 18 is just one step of many we need to take to reduce the frequency and impact of bullying and intimidation in our society.

We do need to enhance and enforce the many relevant provisions of the Criminal Code of Canada. In particular, I would urge members of this Legislative Assembly to consider the recent excellent report and recommendations of the Cybercrime Working Group presented to the federal, provincial and territorial ministers responsible for Justice and Public Safety regarding Cyberbullying and the Non-Consensual Distribution of Intimate Images. I have copies here for each caucus.

Today we have the Human Rights Code and many other laws designed to define and enforce standards of behaviour deemed acceptable by our community as represented by the elected members of the Legislative Assembly from time to time. But, unfortunately, just putting a law on the books does not in itself have much effect. That is why we have to put our money where our mouth is to support proactive education, prevention, intervention, support and disciplinary action to achieve real results.

Since I was called to the Manitoba bar after articling in the Public Interest Law Centre of Legal Aid Manitoba in 2001, I've maintained my status as a practising lawyer solely to conduct pro bono cases of my choosing. Access to justice, or rather the lack of access to justice, is a huge issue in our society, and whenever I have acted for someone in an administrative, civil or criminal matter, I have asked myself how many other citizens are being bullied into accepting injustice in similar situations. Many people are unaware of their legal rights, and most can't afford the cost in money, time and energy to assert them. And this is why we need to continue to strengthen our public institutions and support them in improving the environment for everyone involved.

The bill before you now, Bill 18, is intended to do just that for a particular set of public institutions, our schools. The proposed amendments to The Public Schools Act are intended to provide clear direction to school boards, administrators, teachers, parents and students, that bullying and intimidation are no longer acceptable in the school environment and that respect for human diversity is required in our public schools.

Bill 18 is one more step in the public school context, following on the safer schools regulation, the 2011 amendments, the regulation Reporting Bullying and Other Harm, and the very recent regulation regarding Appropriate Disciplinary Consequences in Schools.

I think the provisions of Bill 18 represent a wise and flexible approach to the problem, establishing our society's fundamental expectations and responsibilities and requiring school boards and schools to develop their own individual codes of conduct and policies and procedures which are both consistent with the law and practical and effective in their particular school-based situations. In fact, I think there has already been a huge improvement in how many of our school boards and schools have

begun to address these issues in an ever-changing world.

A very long time ago, when I went off to boarding school at the age of 11, I was two years younger than all of my classmates and I learned what it meant to be bullied and how important it is for teachers, administrators and other students to stop bullying. And I also learned that the bullies themselves need help.

When I enrolled my own children in the first public French immersion school in Winnipeg at École Sacré-Coeur and then led the parent-parental campaign for the rapid expansion of immersion programs in the 1970s, I saw and heard many bullies in action in the schools and on the streets. But the worst were the adults with closed minds and intolerant attitudes.

Today I have grandchildren in school, and I have to say that I have been very impressed with the fact that school boards and administrators are much more accepting of their responsibility for creating safer and more inclusive schools. For example, one of my grandchildren had endured repeated bullying in elementary school until he finally told his parents, and instead of brushing him off they went to the principal. And instead of brushing the parents off, as this happened far, far too often, the principal took the matter seriously, intervened with the bullies and their parents and made it safe for my grandson to go to school again. And now he attends a middle school where he reports that the principal and staff go the extra mile to ensure that students are always supervised in the hallways and on the school grounds, and other students have immediately reported incidents of bullying and the teachers are trained and committed to listen to students' concerns and to deal with them appropriately. My grandson now loves to go to school where he is able to learn in safety.

My two oldest grandchildren have two initial pieces of advice. First of all, teachers and parents need to really listen to their students and children and then to support them effectively; and secondly, teachers need to take positive action to promote inclusion of everyone in school activities by accepting responsibility for organizing student groupings in the class and in extracurricular activities so that no one is isolated and left behind. I would add that both teachers and parents are equally in need of better understanding and support. Teachers and

parents are both liable to be victims of bullying and intimidation too.

So I urge all members of this committee and the Legislative Assembly to approve the passage of Bill 18 as a necessary and desirable step further towards the creation of safe and inclusive schools in Manitoba.

In preparing to make this presentation, I've tried to understand why the opposition has been so opposed to Bill 18 and has voted against it at second reading. The member of Steinbach, who I hoped would be here, has submitted for debate his own private member's Bill 214, The Cyberbullying Prevention Act, and has spoken about Bill 18 at length on second reading. And I'll be interested in seeing if his concerns actually give rise to any amendments, because it appears to me that virtually all of his concerns are or will be covered by the language of Bill 18, by existing legislation, regulations and codes of conduct and related school policies, by present and proposed criminal law and by the Canadian Charter of Rights and Freedoms. As I suggested earlier, to produce better results we need to devote more financial and human resources to the many matters that he, Mr. Goertzen, has identified.

Frankly, it seems that the opposition has simply been grasping at straws to find excuses for opposing Bill 18 so as to curry favour with the leadership of the Evangelical Fellowship of Canada, which is completely misrepresenting and attacking legislation such as this not only here, but elsewhere on the grounds that it infringes on their members' constitutional right to freedom of religion. And I've got copies of some of the relevant documents here for each caucus as well. In my opinion, there's nothing in Bill 18 which infringes on the right to freedom of religion of any person as interpreted by the Supreme Court of Canada.

\* (20:10)

And, contrary to what you've heard, Bill 18 does not require school boards or schools to promote student groups that may be in direct contradiction of their faith principles. What Bill 18 does say is that school boards must have a respect for human diversity policy which accommodates pupils who want to establish and lead activities and organizations that promote gender equity, anti-racism, respect for the disabled and/or respect for people of all sexual orientations and gender identities.

School boards are not being obligated to promote student groups with different views not shared by church sponsors, but at the same time they may not discourage or discriminate against pupils who may not share the views of the church on matters such as sexual orientation, and the schools must now accommodate them, and that's all.

I completely support the purposes of Bill 18 to make it clear that bullying and intimidation are no longer acceptable in the school environment and that respect for human diversity is required in our public schools. Thank you.

**Mr. Chairperson:** Thank you very much, Mr. Sanders.

We'll now move to questions from the committee.

**Ms. Allan:** Well, thank you very much, David, for your presentation. We appreciate you being here tonight, certainly, sharing your legal perspective, and thank you for the documents that you have brought for each caucus from the FPT ministers responsible for justice and public safety. I can tell you that our Attorney General (Mr. Swan) has those documents and has been keeping us apprised as a caucus in regards to that initiative at the federal level.

Thank you so much, as well, for telling us that your grandchildren are happy in school. It's always wonderful to hear that when a grandparent tells us that, that they've been through some challenges and that they are adjusting and they're doing well in school. And thank you, also, for slipping in some pieces of advice from your two oldest grandchildren. Very nicely done. Thank you so much for being here, and we appreciate your comments.

**Mr. Sanders:** Thank you. I'd just like to advise that they are present tonight. I invited them to come because I wanted to demonstrate to them that in this province everybody has the right to come and say their piece here and that they should know that they can do that.

**Mr. Gerrard:** Thank you for your presentation. And I—one of the interesting points that you make deals with that bullies themselves need help. And, I mean, I think that that's an important observation, and, in following it up, maybe you can provide a little bit of understanding about how that needs to be incorporated in an approach that addresses bullying but helps the bully so that they can learn that that's not the way to act.

**Mr. Sanders:** Perhaps I could refer you to some of the policies of the existing school board, particularly Winnipeg No. 1, which do make very clear that in addressing a problem of bullying not only are you concerned with the victim, but the school should try to understand why the bully is behaving that way because it is often the case that they have problems that they're trying to deal with and they should be addressed equally, because the objective is to stop the bullying behaviour.

**Mr. Schuler:** Thank you very much for coming out to committee, and if I remember correctly you were also out on Bill 20, so your grandchildren should know you do come fairly often and make your opinions known, and that's very important. And I believe we're the only legislature in the country that actually has this where all legislation must go in front of the public. So, good for them to be here.

My question is do you find there is a concern at all that the groups covered, it's very specific, yet the discipline, if you will, or how we react to bullying tends to be very vague?

**Mr. Sanders:** Well, I'm glad you asked me the question because the definition of bullying in this act is not based on the basis for it or the cause, it's the behaviour and the intent to behave in such a way as to cause fear, intimidation, humiliation or stress or other forms of harm to another person for any reason. So all the reasons that people referred to that can lead to bullying are covered by this provision. What they are referring to is a quite different section dealing with the question of the diversity policy, and the diversity policy is not limited either, but it makes the point that, among other things, the specific items that are listed, they must be allowed, but this no way restricts the school division from properly considering diversity on the basis of all of the other requirements.

So I believe that a lot of the concerns that have been raised by people are, in fact, covered by the legislation and by the policies that exist or will exist when they're implemented.

**Mr. Chairperson:** Seeing no further questions, thank you very much, Mr. Sanders, for your presentation.

I will now call on Ken Mandzuik, Manitoba Bar Association.

Evening, Mr. Mandzuik, do you have written materials for distribution for the committee?

**Mr. Ken Mandzuik (Manitoba Bar Association):** No, I don't.

**Mr. Chairperson:** Okay, you may proceed with—when ready, then.

**Mr. Mandzuik:** Thank you. My name is Ken Mandzuik, and I'm here on behalf of the nearly 1,400 members of the Manitoba Bar Association, which is a branch of the Canadian Bar Association, and that's the voice of the legal profession. I am a past president of the MBA and I'm a current co-chair of our Sexual Orientation and Gender Identity Conference.

I am pleased to be here tonight to speak in support of Bill 18, as it is vitally important to Manitoba's LGBT youth. My remarks are brief, and to keep them briefer, I'm going to use LGTB as a catch-all to refer to lesbian, gay, transgendered, two-spirited, queer and questioning youth.

If we're being honest, there is one reason and one reason alone that this bill has attracted so much attention. It's not that it's the so-called weakest antibullying bill on the continent. It is not that it doesn't list out consequences for bullies. It is not that it is vague. It's that it includes sexual orientation. It's include—it's that it includes gender identity. It's that it includes gay-straight alliances. Pretending anything otherwise is simply intellectually dishonest.

Canadian studies have shown 68 per cent of trans students, 55 per cent of lesbian or bi female students, 42 per cent of gay or bi male students report verbal harassment because of their LGBT status; 20 per cent of LGBT students report physical harassment because of LGBT status; 49 per cent of trans students, 33 per cent of lesbian students, 40 per cent of gay students report sexual harassment; 64 per cent of LGBT students— compared to the 15 per cent of the broader community—report feeling unsafe in their schools. There are also higher rates of depression, suicide and suicidal ideation among I-LGBT students.

It is sad to see so much opposition to this bill and sadder still that so many people have come seeking to abolish the law rather than see it fulfilled. Studies have shown that GSAs provide education and safety for LGBT youth, interpersonal support, leadership development, advocacy training and they provide a place where youth can better develop better attitudes for themselves. Students in schools with GSAs report having fewer homophobic remarks, having less harassment and bullying based

on sexual identity or gender identity—or sexual orientation or gender identity. They are less likely to miss school and they are more likely to feel they belonged.

This is what GSAs can do. This is why the bill is important. This bill will not force progressive religious interpretations on conservative religions. This bill will not force students to join a GSA. This bill will not create LGBT students. People are or are not LGBT, irrespective of legislation or religious oppression or wishes to the contrary.

There are some saying that these legislative changes will fail a Charter challenge. This is highly doubtful. The Supreme Court has said the mere recognition of equality rights cannot in itself constitute an infringement of others' rights. To constitute a violation of someone's religious rights requires something more than a trivial infringement. Recognizing that LGBT students exist and need protection from bullying is no infringement, trivial or otherwise.

This bill doesn't say one cannot believe homosexuality is a sin. Even if there were to be found a violation of religious freedom, which I think is hard to see, that infringement would be saved by a section 1 balancing. It's a reasonable limitation, given the benefits and protections that GSAs offer, that I've already talked about.

It's worth saying again; this bill does not infringe on religious freedoms. Teachers, parents, students, schools can believe that LGBT students are sinners and they're deserving of eternal torment and damnation. What this bill provides is a place for LGBT students to find support and help in face of such beliefs. Carving out an exception for this bill for religious schools or private schools, as some have offered, suggests only that some students are less deserving of protection than others. It's not difficult to imagine that LGBT students in those schools might be in particular need of the support a GSA provides.

\* (20:20)

There are LGBT students in private schools. There are LGBT students in religious schools. This bill will not create more, but it will help protect them. It will help it to support them. It is shameful in 2013 to suggest that they not be provided the same rights and protections as other students. It beggars belief to think that one cannot recognize the need to

protect and support LGBT students, irrespective of one's beliefs on homosexuality.

Again, on behalf of the bar association, I'm grateful for the opportunity to speak. Thank you.

**Mr. Chairperson:** Thank you very much, Mr. Mandzuik, for your presentation. We'll now move to questions.

**Ms. Allan:** Well, thank you, Ken, very much for being here this evening and sharing your perspective on Bill 18, and thank you for being here on behalf of the Manitoba Bar Association and the work that you do for the association. It's been a pleasure to hear your presentation this evening and I wish you all the best. Thank you.

**Mr. Schuler:** Yes, thank you very much, and, Ken, appreciate you coming out.

And we here respect all divergent opinions no matter what they are and we accommodate them. It's one of the things we do as a committee.

One of the comments coming up—and it's come up over the months since the bill has been introduced—is that there isn't really a recourse laid out in the legislation towards those who actually are caught or deemed to be bullies. Do you feel that the legislation could be more proactive in—when somebody is felt to be a bully, what should be done to deal with that individual? What kind of discipline or what kind of action should be taken?

**Mr. Mandzuik:** I think there's something to be said for having a flexible approach, letting the schools and school boards do that sort of thing. Having a long prescription of what to do and what not to do in the bill, making it very formulaic, takes a lot of flexibility away from the schools. I don't think that's going to help anything. The bar association has been a consistent supporter. There has been—consistently opposed to the idea of mandatory minimum sentences, looking at the criminal model. And that's what happens when you take away the flexibility that, you know, people ought to have when dealing with things like this.

**Mr. Gerrard:** Yes, thank you for a very clear presentation and putting the case very eloquently, in terms of the proportion of people in the LGBT community who are being bullied and suffering as a result.

You know, one of the things that people have talked about is—concerned about people who are being bullied because of their body image or of their

religious beliefs. And what would you say to people who have those concerns?

**Mr. Mandzuik:** I'm particularly sensitive to the body image. I was—been bullied for being short for my entire life. I'm not sure if that applies to the tall people—the Attorney General (Mr. Swan)—but I—it's something that I'm sensitive to personally.

As far as the bill not covering that, it does. Section 1 talks about what bullying is. It doesn't say bullying is only if you are gay or a racial minority or what have you. You don't need to have the laundry list of things that it addresses, so body image, religion, all of those things are already covered by the act.

**Mr. Chairperson:** Seeing no further questions, thank you very much for your presentation.

Now call on Harrison Oakes, private citizen.

Evening, Mr. Oakes. Do you have a written submission for the committee?

**Mr. Harrison Oakes (Private Citizen):** I do.

**Mr. Chairperson:** You may proceed when you're ready.

**Mr. Oakes:** Honourable members of the standing committee of Bill 18, The Public Schools Amendment Act, thank you for the opportunity to come and speak to you today.

My name is Harrison Oakes, and I'm a senior psychology student at the University of Winnipeg here in the city. I'm a member of PREVNet, Canada's authority on bullying research. PREVNet, for those of you who aren't familiar with it, is a leading national network of researchers and organizations working together to stop bullying in Canada. In collaboration with PREVNet and Family Channel, I'm also the first author of a teacher's guide on bullying awareness which has been nationally distributed last year for the first time and it will be again this year in the fall. But today I would like to speak to you as an informed private citizen.

Bill 18 is contested most vocally for its inclusion of subsection 41(1.8)(b), the so-called GSA subclause, and it's this subclause that I wish to speak to you about today.

I've heard it said that the subclause represents the erosion of religious rights and freedoms and that it unfairly establishes special treatment of four specific groups and especially for LGBTQ students. While I respect individuals' rights to hold and

express such opinions, I must fundamentally disagree with them. Bill 18 is neither about religious freedom nor preferential treatment but rather it is about providing safe school environments for all children, regardless of any distinguishing characteristics.

When I was a student, I believe that I would have benefited greatly from a bill like Bill 18. I was born into a very religious and conservative Mennonite family in the colonies of Mexico. Growing up in Canada, I struggled to fit in at all levels of school, from elementary all the way through high school. When I was 12 years old my parents left Steinbach, Manitoba, and we moved to Ontario to start a church. I found the transition rather difficult, and I struggled to adjust to life in Ontario and to life as a pastor's child. I was frequently bullied by my peers at church, mocked for my effeminacy and told that I should not have been born a boy because I sucked at being a guy and I should have been born a girl. In grade 9, the situation got much, much worse. Two peers from my church decided to jokingly spread a rumour in my high school that I was gay. It wasn't long before the rumour caught on. Other students began to make fun of me in the hallways, the cafeteria, the school grounds and eventually even in my classes while teachers were present. Matters continued to worsen until I felt that there was not a single hallway in my high school that I could walk through without being teased and tormented. This toxic environment took its toll on my mental health rather quickly. I had no one to talk to. There was absolutely no one that I could identify that would be able to understand any of the things that I was experiencing, and I felt very, very much isolated and alone.

Near the end of grade 9, when I was 14 years old, I began to have nervous breakdowns regularly as a result of the bullying. During the days I would often hide in a wooded park on the edge of town until school was over and I could go back home on the school bus and escape the toxic environment of school. When I was at the park, I would often climb to the top of the tallest trees and I would sit there for hours crying because I couldn't stand my school. I frequently fantasized about hiding in the woods for the rest of my life so that no one could hurt me because I didn't feel safe anywhere except for in the woods when I was by myself.

When I was 15, my parents sent me to live with relatives in Manitoba, hoping the move would help me to escape the toxicity of my environment. Unfortunately, by that point, I was so severely

depressed that within three months of arriving here I tried to commit suicide. Ultimately unsuccessful, I did eventually return to Ontario to live with my parents, but the scars from my experience were far from healed. I attempted to return to school, but it took me more than a year and a half before I was able to work up the courage to return to school. Simply opening the doors and stepping foot in the hallways brought back such anxiety of the torment that I had endured that I could not handle the thought of spending any more than a few minutes within a school building.

My struggle with anxiety and depression lasted well into my adulthood. More importantly, it took me more than 10 years to overcome internalized hatred and homophobia and to finally accept myself as the person that I am. I don't share my story with you because I think it is in any way unique or special; I share it because of all the opinions represented here at the table, I feel the one that is missing is the voice of the student who actually experienced homophobic bullying.

In an effort to highlight the reality of homophobic bullying with you, I would like to share with you a few facts from research done by our own Dr. Catherine Taylor and Dr. Tracey Peter from here in Winnipeg. They found that part of students' everyday school experience includes hearing language that insults the dignity of LGBTQ people. Whether or not students are LGBTQ, 70 per cent say they hear expressions like, that's so gay, every single day in school, and 48 per cent hearing—48 per cent report hearing words like, faggot, lesbo and dyke used as insults every day in school; 86 per cent of LGBTQ students and 58 per cent of non-LGBTQ students say that such language upsets them. Students report that teachers often look the other way when they hear homophobic and transphobic comments and some teachers even make these kinds of comments themselves.

\* (20:30)

It's not unknown within research that LGBTQ students face more discrimination, homophobic bullying and face more victimizing experiences within the context of their school education than non-LGBTQ students. Most LGBTQ students and students with LGBTQ parents do not feel safe at school. Forty-nine per cent of LGBTQ students and 42 per cent of students with LGBTQ parents reported feeling unsafe in their gym change rooms, which is quite bothersome when you consider the fact that, up

until certain grades, these courses are required, mandatory courses that you enrol in, and you are, therefore, required to be subjected to the areas of the school in which you are least safe. Forty-three per cent of LGBTQ students and 41 per cent of students with LGBTQ parents feel unsafe in their school washrooms. Can you imagine what it must be like to be in a building that you are required to go to five days of the week, eight months of the year where you cannot use a washroom facility in safety?

LGBTQ students are especially vulnerable to bullying and other abuse if they also belong to another group that suffers from systemic discrimination. I, myself, experienced this as I am both Mennonite and LGBTQ. And within the community where I grew up in Ontario and went to high school, to be Mennonite was only a step above being gay.

But I would be remiss if I would not speak to the situation for trans students and acknowledge that it is especially bad for them. Trans youth are a small but highly visible group of students. They are frequent targets of harassment and discrimination, even from LGBTQ youth. To make matters worse, transphobia is not commonly discussed and is frequently overlooked among even the LGBTQ community. Trans youth are particularly vulnerable to bullying and in need of adult support at school. Ninety per cent of trans youth hear transphobic comments daily or weekly from other students. Seventy-four per cent of them are verbally harassed about their gender expression. Seventy-eight per cent of trans students feel unsafe at school and 44 per cent of trans students report skipping school because of feeling unsafe.

There's a lot of research out there that tackles the issue of homophobic bullying from different viewpoints. In addition, I would like quote Dr. Paul Poteat from Boston College who ran a study examining homophobic bullying among students in grades 7 through 12. His results indicated that homophobic victimization predicted suicidality for most LGBTQ and heterosexual students. The key here is that it predicted it for heterosexual students as well, and so providing a bill that speaks out against LGBTQ and homophobic-based bullying does not only seek to protect LGBTQ students, it protects the student body in general. The author also examined the importance of parental support as a buffer against the negative effects of homophobic victimization. Results showed that although homophobic bullying is devastating for all youth regardless of sexual

orientation, parental support is most reliable as a buffer only for heterosexual youth. In general, LGBTQ youth are not buffered from the negative effects of general and homophobic bullying by parental support.

Of critical importance, safe school policies that do not specifically include measures against homophobia have been found to be completely ineffective at improving school climates for LGBTQ students. However, schools that have specific anti-homophobia policies have far fewer LGBTQ students who report physical harassment as compared to schools that do not have specific anti-homophobia policies.

It is clear from the research in bullying that GSAs are effective. They're effective not only for LGBTQ students in providing them with a safe place where they can congregate, where they can meet other like-minded individuals, where they can see themselves represented in other individuals, GSAs also help to promote a more tolerant and healthy school environment for all students.

**Mr. Chairperson:** Mr. Oakes, I'm so sorry to interrupt, but if you could wrap up your comments. You have about 30 seconds left.

**Mr. Oakes:** Absolutely. I'm at the end anyway. Thank you.

In closing, I would like to ask each of you to examine the empirical facts of homophobic bullying seriously. Protecting LGBTQ students from homophobic bullying is not a matter of religious belief, ideology or political stripe. Instead, it is a matter of improving children's lives, of preventing students from being driven to harm themselves, to consider suicide, and of preventing students from living a life in which they are taught to hate themselves and which they are taught that they do not exist.

Thank you.

**Mr. Chairperson:** Thank you very much, Mr. Oakes, for your presentation. We'll now move to questions.

**Ms. Allan:** Harrison, thank you so much for being here this evening. Thank you for sharing your personal story. Also, thank you for the work that you do with PREVNet at the University of Winnipeg and, of course, the work that you have done and the data collection that has been done in regards to homophobic bullying, with Catherine Taylor. We

really appreciate you providing the committee with those statistics this evening, and thank you again.

**Mr. Goertzen:** Thank you for your presentation, for coming tonight and for waiting this long even this evening.

You know, one of the things that concerns me so far, and it's early, I know, in the presentations. We've got days to go yet, I suppose, but, you know, it seems that there's sort of this divide. Those who are bullied for homophobic reasons seem to feel the bill will help them. And those who are bullied for other reasons kind of feel that they're on their own, and they're not—they're kind of abandoned by the bill and, you know, trying to find ways to bridge that, because, I mean, I think the importance is that all kids feel protected. And I think you'd agree with that, based on your own experience, and I appreciate the sentiment you brought on that.

Just a quick question, maybe a follow-up: Are any of these statistics Manitoba-based, or are they sort of national or throughout North America?

**Mr. Oakes:** Sorry. The majority of these statistics would be based in North America, and in Canada, specifically. I would refer you, for Manitoba-specific statistics, to Dr. Catherine Taylor and Tracey Peter's research which breaks it up by regions in Canada and can provide you with very specific statistics by province.

**Mr. Goertzen:** Yes. Well, one of the concerns I've had is I've been trying to get information in terms of bullying and the—it's prevalence, its—the nature of it—very difficult to find that in Manitoba, and the antibullying bills that I've studied across North America, almost all of them have some sort of provision where there's a requirement to report bullying, even—either individually by schools or collectively by divisions, to the department. And then there's an analysis every year to see if things are getting better, to see if legislation is improving things or if things are getting worse, for whatever reason.

Is that kind of data collection something you'd support?

**Mr. Oakes:** Finding out whether our antibullying initiatives are successful or not would definitely be an initiative that I would support, for many reasons. And I would quote Efficiency and Economy: There is no point in promoting programs that are ineffective.

So I would say that when we are implementing different programming and different legislation we should be checking whether it is effective at achieving its results. At the same time, I would say it's extremely important to consider the way in which that collection is done.

**Mr. Gerrard:** Thank you and thank you for sharing your personal experiences.

One of the issues that has come up a little bit with this bill is this: That it puts legal protection, but the effective protection will certainly depend on the leadership within the school, right? And one of the concerns is that where that leadership is not very effective, is not ready to make the changes, that there maybe should be some sort of appeal process, beyond the school itself, in a way that could effectively address the concerns, and maybe you could speak to that.

**Mr. Oakes:** If I could just ask for clarification: Are you asking or referring to appeals process on the behalf of students in those schools who feel that they are not being fairly treated by the administration?

**Mr. Gerrard:** Yes, precisely. That if you're in a situation where you're a student, be it on the basis of LGBT or to—or on the other basis, that you're being bullied but you're not getting the help or the redress or the ability to—you know, I mean, you don't want to have to go to the courts every time there's a problem. What would you suggest, based on your experiences and your looking at this situation?

**Mr. Oakes:** Well, my suggestion, first of all, would be to recognize that not everyone is going to be as on-board with implementing new policy and new legislation as some will be.

And there's a saying that I frequently refer to in my own life that I got from my father, and it's that you can't really steer a parked car. So unless you are actually going somewhere, you cannot make changes to be effective and tweaking the procedure to be better suited to accomplishing the goal that it is after.

\* (20:40)

I would also say that the Legislature, as is it written right now, provides students with an outlet to hold their school boards accountable. As to the process by which they do that, that would be commenting on something that is beyond the scope of my education and expertise, so I wouldn't feel comfortable leaving a comment on that.

**Mr. Chairperson:** Seeing no further questions, thank you very much, Mr. Oakes, again, for your presentation.

Now I'll call on Shannon McCarthy, United Church of Canada conference of Manitoba and northwest Ontario.

Good evening, Ms. McCarthy. Do you have written materials for the committee?

**Ms. Shannon McCarthy (United Church of Canada Conference of Manitoba and Northwestern Ontario):** No.

**Mr. Chairperson:** Okay, you may proceed when ready.

**Ms. McCarthy:** Honourable Chairperson and committee members, I'm the executive secretary of the Conference of Manitoba and Northwestern Ontario and the United Church of Canada, and I'm here today to speak in favour of this bill as a representative of the United Church in Manitoba, both our urban and rural congregations.

The provisions of Bill 18 recognize that bullying can take a variety of forms. The bill promotes the acceptance and respect for others in a safe and caring, inclusive school environment. We applaud the respect for human diversity, human rights, gender equality, anti-racism, awareness of and respect for people who are disabled and for people of all sexual orientations and gender identities.

With the added reality of widespread use of technology and social media, bullying is becoming much more of a concern in contemporary society and needs to be addressed at all levels of society. As Christian people, we believe that all people are created in the image of God and are to be treated with dignity and respect. We are called to project—protect the vulnerable and give voice to the voiceless. Ignoring bullies and bullying behaviour does not make it go away. In fact, in my experience it encourages the bullies to persist.

Bullying couched as religious freedom is still bullying and should not be tolerated in our schools or our society, just as bullying someone based on their religious beliefs should not be tolerated. Having a written policy within schools to help give concrete steps and actions to help children who bully recognize their behaviour for what it is and helps those children who are being bullied to have a voice in a situation where they often feel their voice isn't heard.

We believe that it is a good thing for schools to have a respect for human diversity policy and have the important conversations and dialogue about how they live that policy out each and every day. A positive school environment where students understand issues regarding gender equity, anti-racism, awareness and understanding of and respect for people who are disabled, and where all students are included and respected, can only help our young people grow up into adults who are willing to have meaningful dialogue with those who are different from themselves, rather than dividing us into groups of us and them. Thank you.

**Mr. Chairperson:** Thank you, Ms. McCarthy, for your presentation. We'll now move to questions.

**Ms. Allan:** Thank you very much for being here this evening and for your presentation on behalf of the United Church of Canada, the Manitoba and northwestern region. We appreciate having you here and your reflections on Bill 18. Thank you very much.

**Mr. Chairperson:** Thank you, Minister.

**Mr. Goertzen:** Thanks for you being here and your presentation tonight, and I appreciate the work that you're doing. Thank you.

**Mr. Gerrard:** Thank you for your presentation and for your thoughts on this bill.

We've heard a fair bit of concern about bullying on the basis of differences in religion, and I wonder, given your expertise and knowledge, if you would comment a little bit about that and how you address that.

**Ms. McCarthy:** Well, we, in the United Church of Canada, believe that we all have a right to speak our beliefs but we also must respect the beliefs of others. And so, therefore, having groups that celebrate diversity does not impinge on my right to believe something different than what someone else believes.

So, therefore, groups—I mean, we specifically—gay-straight alliances are named in this, and the United Church has taken a very proactive stance in speaking out for the rights of that segment of society. But we would believe that any group should have a right to have a voice, especially those who are vulnerable and feeling isolated and on their own.

**Mr. Chairperson:** Seeing no further questions, thanks once again for your presentation.

I will now call on Bilan Arte, chairperson, Canadian Federation of Students of Manitoba.

Good evening. Do you have a written presentation for the committee? Okay. Please proceed with your presentation.

**Ms. Bilan Arte (Canadian Federation of Students of Manitoba):** Good evening committee members and the public audience.

First off, I wanted to thank you all for having me today, for giving me the opportunity to speak with you. My name is Bilan Arte, and I am the Manitoba chairperson for the Canadian Federation of Students.

*Mr. Vice-Chairperson in the Chair*

Our organization represents over 42,000 post-secondary students at all four universities in this province. Many of our members have dealt with and continue to deal with harassment and threatening words and actions from others on the basis of other identity or perceived identity and have often experienced this consistently during their time in school. We believe this to be unacceptable. Education is supposed to expand our horizons to increase our understanding and appreciation for the world and to improve our society. Harassment stops this from happening.

The primary purpose of this bill is to mandate that schools and communities develop policies and procedures around how to deal with harassment among students and teachers. Given the impact that harassment and assault in schools have had whether that is overt violence or ignoring and erasing an issue or an entity or an experience, it is obvious that our communities need to be having real conversations about this. Bill 18 is an important step in fostering community discussions about how to deal with harassment in schools.

It would be wonderful if we didn't need this bill and if all people could thrive in their schools and in their communities without being treated as second-class by their teachers and by their peers for whatever reason. However, this isn't a reality, and it's time for us to actually empower youth rather than ignore the problem and leave youth out on their own, and this reality doesn't belong to one part of the province or another. These issues are as real and as troubling in Thompson and Neepawa and Morris as they are in the North End or Southdale or River Heights here in Winnipeg.

All communities are impacted by harassment and discrimination, and all communities need to figure out on their own how best to build safe, inclusive and supportive schools that embrace and welcome diversity. But this isn't just a matter of principle, this is also a matter of fact. It's a matter of one third of Canadian youth experiencing harassment at school. It's a matter of Canada having some of the highest rates of harassment among adolescents in the industrialized world. It's a matter of nearly half of all Canadian parents reporting that their child has experienced harassment at school or from their peers.

Of those who harass and bully others being more likely to have suicidal thoughts. Of those who are identified as lesbian, gay, bisexual, trans or queer experiencing three times as much discrimination as the average Canadian student. Of these experiences leading to higher rates of stress, mental-health problems, depression, antisocial behaviour and suicide. It is a matter of us consistently failing to foster communities that will lead to the success of all of our youth and allow for a system that will hinder their long-term development and ability to contribute to their communities. All people in Manitoba should be able to pursue education free of barriers, free of discrimination and free of harassment.

We support this bill and the conversations and actions that it seeks to foster. The road to an inclusive and supportive Manitoba is a long one and we've seen—and as we've seen with the debate tonight on this bill, one that has a lot to consider. We've seen some communities choose to block the development of support groups for youth and how this reinforces and supports existing discrimination and harassment. We've also seen other provinces take similar steps and we're not alone in addressing this issue. This bill starts a conversation in communities across Manitoba about how to build inclusive, diverse and supportive communities where everyone can learn and everyone can grow. We look forward to the adoption of this bill and, more importantly, we look forward to getting to work on making Manitoba schools safer, more welcoming and better equipped to fight harassment and discrimination. Thank you.

*Mr. Chairperson in the Chair*

**Mr. Chairperson:** Thank you very much, Ms. Arte.

We'll now move to questions from the committee members.

\* (20:50)

**Ms. Allan:** Well, thank you, Bilan. Thank you so much for being here this evening to make your presentation on behalf of 42,000 students here in the province of Manitoba; I just wanted to clarify that. Thank you so much. We appreciate you being here and it's wonderful to hear from someone who is enrolled in our schools here in the province in our post-secondary education system, and it's—I appreciate your comments. Thank you.

**Mr. Goertzen:** Thank you very much for being here tonight and for your presentation, and I've heard from a number of young people and it's been very enlightening to hear those comments representing a lot of different views, obviously.

You talked about the importance of empowering students, and I wanted to ask your views. I know the federal Conservative government recently brought forward an initiative to partner with, I think it's the Salvation Army, and they're going to be mentoring with young people that are in the school system right now and in going to try to reduce bullying by not just one kind of bullying, but all bullying, by—to working with these young people. So we're in the school and having them be mentors in their school. So the federal Conservative government has done is that we want to have these young people be mentors in their own schools to stop all bullying. Is that the kind of approach you'd support?

**Ms. Arte:** So I'm not entirely familiar with that particular example, but I think that our organization would be supportive of any type of legislative policy that would support and empower students' ability to organize on their campuses. Our organization is based primarily of students; it's a student-run. And we really value and place a high importance on students being able to really lead the change on building a more socially just and equitable world around them.

So I think that oftentimes we don't give youth the credit that they deserve in terms of being able to perhaps come up with creative ideas on how to better address some of the social issues and some of the most pressing social issues they might be facing today.

**Mr. Gerrard:** Thanks so much for coming, and I've got a question for you which relates to this bill which focuses on the bullying which is occurring toward students. And one of the issues which has come up about school environment is that there is bullying—when surveys are done of teachers—bullying of teachers by other teachers, bullying of teachers by

students, bullying of teachers by parents. And the issue really is, if you're going to create a bully-free environment, that you have to be thinking not just about students, but also about teachers who are being bullied. And, you know, you have a unique perspective from the students, so I think maybe you're a person who would be able to comment on this.

**Ms. Arte:** Well, I think that what you've readily identified is that what we're dealing with when we're dealing with discrimination and harassment is a systemic issue rather than one that's isolated to a particular community. And I think that in some of what I said tonight, I tried to highlight the importance of building communities, and that doesn't mean that it's a community of students; it means that it needs to be a community of the entire school and a community of our city and of our province and, hopefully, in our country too.

I think that it's important to also recognize that students are in a very different situation as opposed to teachers in the public school system. I think that what you're sort of suggesting is a matter that would be more related to employment standards and some of the rights that teachers would have in terms of feeling comfortable and—in—and not bullied in their place of employment and in their place—in the place that they work. So I think that that might be better suited with legislation coming from a labour perspective, and I think that it is important there is something in particular that's in—about and the ways in which students are able to access those rights because I think that that is something that's really lacking.

**Mr. Chairperson:** Seeing no further questions, thanks very much for your presentation tonight.

Now, call on Michael Tutthill, private citizen.

Mr. Tutthill, do you have a written submission for the committee tonight?

**Mr. Michael Tutthill (Private Citizen):** I do not.

**Mr. Chairperson:** Okay, you may proceed when ready then.

**Mr. Tutthill:** Thank you for having me here and for hearing all the folks before us, and over the next few days you're going to have some very long evenings ahead of you. So thanks for sticking it out.

I think it's interesting that there's so many people that have registered to speak on this bill. First of all, I believe that it's evidence-based, and the fact that

we've been looking at studies—people that are bringing them forward tonight to support this legislation moving forward, and also to question the legislation moving forward. And I think that it's important as part of the evidence process that all of that comes forward and that you hear from the communities that you serve to move this forward. So thank you for letting that happen. I wish that maybe some more policies that you would implement would be a little bit more evidence-based, but we can talk about changing health care to illness care on a different day of the week.

So, based on the research that's been presented, we know that gay-straight alliances save lives. There was recently a study that said that they would actually lower harmful substance use among students, whether they be LGBT or not, within schools where GSAs are present. That was a study that was done—just issued in July, so it's fairly recent—out of UBC and in preventative medicine.

I grew up in Arthur-Virden and if there was a GSA when I was growing up, I would've known that it was okay to be gay and lesbian—gay or lesbian. If that policy was in place, I would've known that it was okay to be myself. It may have saved some trouble for some of the girls that I dated—sorry, to them. It may have even made my rural community a safe place to stay once I finished, instead of waiting for grade 12 and that line to hit and for me to get the heck out of town. For lots of people that I know from rural Manitoba, not only have they left their rural communities but they've left the province to go to places like Toronto, Calgary, Vancouver, Montréal—places where they feel accepted and safe and free to be who they are. I would've had a better sense of self, I'm convinced. I would've actually known what it meant to have a healthy and budding sexuality and know that it was okay to have those feelings inside of me.

A lot of the stuff that's come up tonight has been about religious freedoms, and I absolutely agree this is extremely important and needs to be considered when we look at this bill. People shouldn't be bullied for their religious expression, the same way they shouldn't be bullied for being lesbian, gay, bisexual, transgendered or any of the other things that have come up this evening. However, we also can't create environments where it's okay to run around telling people that they're going to hell, that they're committing a sin or—because we don't believe in whatever the belief might be.

Saying that I believe in religious freedom, I also believe very strongly in the separation of church and state, perhaps not to the extent we see in Québec, but at the same time moving forward, thinking about what's the role of the state and of the church as we move forward.

Thinking about religious freedom, we also have to think about which religions are being put forward. We live in a colonial society. We live in Manitoba. The lot of the laws that are bay—that were based on Christianity that are implemented here. If Christians think that they're being persecuted against, I suggest they check a calendar for what holidays they get off during the school year.

We also have to keep in mind, when we talk about religious freedom, that we live on Turtle Island and that if we're really to go back to the traditions of the land, then we'd have sweat lodges in our schools and kids would be smudging before classes, and I don't think that's going to happen anytime soon.

I find it interesting that members of the opposition would talk about religious accommodation. The last time that I heard about religious accommodation coming up was about the foods for prisoners and that—not allowing kosher and halal foods in prisons, and that the Justice critic hadn't had chili con carne. This was something that he couldn't afford to feed his family. Chili is available at Tim Hortons. So I thought that was very interesting to hear the previous speaker mention food.

One of the other things that came up was we talked about how we'd been here 15 years ago having this same discussion, and it's really interesting how the discussions have changed in that amount of time. I've not been—I've not heard of churches being forced to perform same-sex marriages, even though that was a fear. The sky has not fallen. The Anglicans are currently debating this—this is my own religious tradition—which I find funny, because, of course, their answer to religion was just to chop off her head, with marriage, when it didn't work out so well.

The other thing that's come out is that there's a lack of clarity in the bullying definition and the consequences. I would say this: that teachers are forced to make judgments every day. They're good at doing this. We trust them to do that with our kids or we wouldn't be sending them there. I don't have kids; I've got nieces and nephews. I care about them a lot.

Again with the ambiguity, this isn't different than sexual harassment legislation when it was first introduced. We had the same arguments come up about, no one's going to know how to enforce it. And, you know, a few years later, we're still having some of those discussions. It's still happening, but it's an important discussion to have and those protections have been put in place to protect people from sexual harassment as we move forward. In fact, many organizations have to have sexual harassment policy on their books now in order to get liability insurance, so it's a change that's happened. And again, there was fear there around ambiguity.

And I just want to go back to mentioning again that how things have changed over time and it's time for this legislation to be put forward. I commend the minister for putting this legislation forward. As I already said, I think that it would've helped me growing up. That was a long time ago. I'm happy to be here in the city now and not in rural Manitoba. I ain't ever going back, to be perfectly honest.

\* (21:00)

As I mentioned, things have changed a lot. This evening I only felt that I've been told I'm going to hell three times, and 15 years ago it would have been more than half of the speakers that would have told me that, at this point in time. The decorum of this room has changed, and as a society, and it's time implement this bill. Thank you.

**Mr. Chairperson:** Thank you very much, Mr. Tutthill.

Time for questions—Honourable Minister.

**Hon. Theresa Oswald (Minister of Health):** Thank you very much for your presentation tonight and your, if I may say, incredibly engaging style, your personal reflections on your journey and also academic, thoughtful, historical observations. We'll debate, I suppose, who is the great arbiter of where we shall go when we shall depart this vale of tears; I just know that I want to go wherever you are.

**Mr. Goertzen:** We've had good discussions already about different concerns that people have, and I want to thank you for adding yours.

One of the challenges, and I—at the risk of being repetitive, and that sometimes happens in this business, is very concerned that there's something that's going to protect all kids. As you know, the bill's been put forward as an antibullying bill, and so, we heard from lots of parents whose kids are being

bullied for a lot of different reasons, and they don't see anything that's going to make their kids' lives better. And in some ways, they feel they're being sold a false bill of goods, and we see it in the presentations today where some of the people who've been bullied for homophobic reasons feel good about the legislations, and others who are being bullied for other reasons feel they're kind of on their own.

And I know you wouldn't want that. Do you have any suggestions for us about how we can better this bill so that those who are, sort of, who are being bullied, as you may have been, but for different reasons, could find some protection for themselves?

**Mr. Tutthill:** I think, as already has been stated, that there are things listed out here, and they're listed out there because we know that there's school divisions that aren't going to implement them. I don't think that my—I would be surprised if my own school division were to—would be okay with GSAs in every single school, if they were to come forward at this point in time. As has already been mentioned, I don't think that it's helpful to create a shopping list, and school divisions will have at their own provision to make the legislation—or their own policies as they see fit, providing that those provisions are there, and I think it's well spelt out in the legislation, as it currently exists.

**Mr. Goertzen:** So I'm just confused, because it—there's—I think, you know, some who are being bullied feel that there's protection for them because there's specific provisions for them, but there's a whole group of kids who really worry about—who feel they're not—there's nothing in it for them, and we'll leave it to the discretion of the school boards in that case but not in other cases. And I'm just really struggling with how we can sort of say to the other kids, well, you know, good luck to you, we hope you can find protection somewhere.

Any other ideas in terms of how we can help those kids?

**Mr. Tutthill:** I think, as already been mentioned, oppression happens in society at various different levels and from very different facets and affects people in different ways. And as I've mentioned, I think that the important pieces, from my perspective, are here. I think that things like religious freedoms are already protected within the Charter of Rights and Freedoms, as well as in the Manitoba schools act. I mean, I think it was interesting, earlier, that we kept talking about language and how language was important, along with religious

freedom. In a province that had the Manitoba schools act, and, you know, did away with French language to suppress the Catholic faith, I think, is very interesting to have that discussion in this room, so—I'd just say that.

**Mr. Chairperson:** Seeing no further questions, thank you very much, Mr. Tutthill, for your presentation.

I now call on Ken DeLisle, private citizen.

Good evening, Mr. DeLisle. Do you have written submission for the committee?

**Mr. Ken DeLisle (Private Citizen):** Yes, I do.

**Mr. Chairperson:** You may proceed when ready.

**Mr. DeLisle:** Honourable Chairperson and committee members, I come to speak in favour of Bill 18.

In the past years, I've appeared at similar public hearings concerning the rights and protection of gay, lesbian, bisexual, transgender and two-spirited people, GLBTT. I've addressed those committees as a religious gay activist or as a staff member of a GLBTT ministry or as a minister of the United Church.

But today, I speak as a foster parent. Specifically, I wish to address the section 41, as a respect for human diversity policy must accommodate pupils who want to establish and lead activities in organizations that promote the awareness, understanding of and respect for people of all sexual orientations and gender identities, and that the use of the name gay-straight alliance or any other name that is consistent with the promotion of a positive school environment that is inclusive and accepting of all pupils.

Over the years, my partner and I have been parents to eight teenagers and young adults: two identify as straight, two as gay and four as transgender or two-spirited. It's essential that all of our youth have a safe place to question, discuss, and explore what it means to be and to be allies for those who are GLBTT.

One of our gay foster sons was verbally and physically abused at his Winnipeg high school. On more than one occasion we had to take him to a medical clinic and make reports to the Winnipeg police. There was no gay-straight alliance at that school at the time and despite support from some of his teachers, the bullying continued. No charges were

ever laid and he dropped out without finishing high school. The school now has a gay-straight alliance partly because of what he went through.

One of our transgender teens went to a different school, dressed as a female. She was harassed by some of her fellow students and complained to the teachers. Nothing changed. One day while being verbally attacked she lost her temper, threw a book at the bully and was charged with aggravated assault. She was found guilty and ordered to stay 50 feet away from her fellow student. That meant she could not go back to classes. She has not finished high school.

Another of our transgender teens was at a third school and when she was dressed as a female she was called to the principal's office. She was given a pamphlet on transgenderism, asked what name she wished to use as a female and asked which washroom she wanted to use as a female. There was a gay-straight alliance at this school and she was never harassed. Proper school decorations and the presence of a gay-straight alliance do affect how our GLBTT students accept themselves. Acceptance creates a healthier and a more mature person. The presence of such a group helps others learn how to be allies and how to be supportive. They can ask all their questions in a safe environment. Without them, GLBTT students can suffer from greater depth of depression and thoughts of suicide or attempts at suicide than other youth.

I understand that some Christian denominations fear that this is an attack on religious freedoms. I urge all parties to be clear in this discussion that there is no one unified Christian response. No one denomination speaks for all Christians, just as no one politician speaks for all political parties.

We Christians are diverse in our understanding and acceptance of homosexuality. As I understand it, this bill allows those denominations who oppose homosexuality to continue to preach what they believe in their churches and schools but if students, after being taught their denomination's belief, still wish to have a gay-straight alliance then they need and have a right to a safe place where they can deal with those questions. They need a place as well to discuss how to love others not like yourself. They may have cousins, friends, teammates who are GLBTT and want to know how to—and want to continue to be supportive of them and wonder how to do it. Those groups provide safe places for those and other questions.

As I sat here this evening there's three other points I want to add to my presentation. Our eight foster sons have become from First Nations, Metis, African and Canadian backgrounds, their bullying came because of their orientation and gender identity. There seems to be an assumption by many people that only GLBT people are interested in starting a gay alliance. We have to be careful. You go out of this room with that assumption then everyone, even their straight allies who decide to start a committee, will be seen as GLBTT. Don't assume.

\* (21:10)

The other part, and I found this surprising for myself, to remember that sexual orientation includes heterosexuality, and believe it or not, there are people who hate heterosexuals. Some of them were our foster kids because of the way they were treated by their parents and by their schools; they came to us hating every heterosexual. And we had to deal with that heterophobia to get our children to understand the hate is not the answer. Hating anyone is not the answer. How do we respect differences and learn to live with each other?

Thank you for your time.

**Mr. Chairperson:** Thank you very much, Mr. DeLisle, for your presentation. We'll now move to questions.

**Ms. Allan:** Well, thank you very much, Ken, for being here this evening and sharing your story and the stories of your—of the transgendered teens that you are raising with your partner. You must be a very special person, I have to tell you. Just hearing your presentation and hearing what you have done for these young individuals is truly remarkable. So thank you so much for being here.

**Mr. Goertzen:** Thank you, Ken, for being here tonight and for spending your time with us and sharing your story as well.

So one of the things I'm trying to do is trying to work towards a bill that'll protect all kids. I know, you spoke specifically to one group of kids who were being bullied and I appreciate those comments. But sort of broadening it out a bit, when I've looked at the legislation across North America that was effective in terms of antibullying legislation, almost universally there's something within those pieces of legislation that deals with education for parents and pupils just on bullying more generally and how to

identify it and how to deal with it, and this legislation doesn't have any of that.

I mean, would you support a provision in the legislation that would speak to parents and to pupils, to students about bullying specifically and ensuring that they had the resources to deal with that?

**Mr. DeLisle:** I support anything that's going to give education to all those people who need it: teachers, parents, foster parents, grandparents, friends. I don't know that it needs to be legislated, but if that's what's required then, yes, go for it.

**Mr. Chairperson:** Seeing no further questions, thank you very much, Mr. DeLisle, again for your presentation.

I'll now call on Albert McLeod, Two-Spirited People of Manitoba Inc.

Good evening, Mr. McLeod, do you have a written material for the committee tonight?

**Mr. Albert McLeod (Two-Spirited People of Manitoba Inc.):** Yes, I do.

**Mr. Chairperson:** You may proceed with your presentation when you're ready.

**Mr. McLeod:** Members of the Standing Committee on Human Resources, the intersection of perceived race and gender is a dangerous place to be.

Divas David Boulanger originally came to Winnipeg from Berens River First Nation to attend high school. Similar to Helen Betty Osborne who left Norway House to attend school in The Pas, Divas was murdered when she was 28 years old. Her body was found near Portage la Prairie on November 3rd, 2004. Because Divas did not find safety in our education system and society, the Two-Spirited People of Manitoba organization supports Bill 18, The Public Schools Amendment Act (Safe and Inclusive Schools).

While Bill 18 is not applicable to First Nations, many students attend schools in other jurisdiction where it will impact their lives in a positive way. As of April 2013, there are nine First Nation schools administered by a school division under an education agreement reporting to Manitoba Education. The Frontier School Division administers several of these schools.

In 2001 the Assembly of First Nations endorsed the following recommendation: that First Nations recognize the role of two-spirit, gay, lesbian,

bisexual and transgender First Nations peoples. The solution to discrimination is to educate people on their traditionally respected role that Two-Spirit First Nations play—people played in most communities and to thus remove the stigma that has been associated with this group.

In 2004, the Urban Native Youth Association in Vancouver, British Columbia, released its report on its two-spirit youth survey. The report showed that 38 per cent of the respondents didn't feel accepted in their communities. Forty-three per cent stated that they were suffering from depression. Thirty-four per cent of the respondents felt that they were more likely than non-two-spirit people to think about and attempt suicide. Thirty-four per cent agreed that they were more likely to become dependent on either alcohol or drugs.

It is apparent that First Nations, Inuit and Metis youth are vulnerable to racism, exploitation, homophobia and transphobia. This act will make Manitoba schools safer places for two-spirit youth, who have a right to a good education and a future.

**Mr. Chairperson:** Thank you very much, Mr. McLeod, for your presentation. Now we'll move to questions.

**Ms. Allan:** Well, thank you very much, Albert, for making this presentation on behalf of Two-Spirited People of Manitoba. I appreciate you having—being here tonight and sharing your perspective in regards to this legislation. And I also want to thank you so much for the section in—at the end of your presentation that talks about some of the data in regards to two-spirited youth and how they feel in regards to how they can be protected better. So thank you so much for being here this evening.

**Mr. Chairperson:** Thank you, Minister.

**Mr. Goertzen:** I would thank you for your presentation, for being here, for your thoughtful comments. Also appreciate the data. We look forward to trying to get some more data in Manitoba on the issue specifically of bullying, but other issues as well, and it's certainly something we lack right now and it sort of makes this discussion a bit more difficult. But so I appreciate you coming forward tonight and for your comments.

**Mr. Chairperson:** Thank you, Mr. Goertzen, and thanks for your presentation tonight.

I will now call on Rita Hildahl, Winnipeg School Division board chair.

Good evening, Ms. Hildahl. Do you have a written submission for the committee?

**Ms. Rita Hildahl (Winnipeg School Division):** I do indeed.

**Mr. Chairperson:** May proceed when you're ready.

**Ms. Hildahl:** Thank you. Yes. I'm Rita Hildahl, chair of the board of trustees of the Winnipeg School Division, and very proud to be a member of the board of the Winnipeg School Division.

The Winnipeg School Division appreciates having the opportunity to appear before you this evening to comment on Bill 18, safe and inclusive schools. It is our understanding that this amendment to The Public Schools Act is designed to address bullying and respect for human diversity.

As you are aware, the Winnipeg School Division is the largest division in the province of Manitoba. We have an enrolment of approximately 34,000 students representing a very diverse population. We are committed to providing innovative, strong programming where all students can achieve success in a safe learning environment. For many years the Winnipeg School Division has implemented a number of measures through policy creation and classroom instruction to help develop students' capacity as responsible citizens while maintaining a safe learning environment.

The Winnipeg School Division supports a philosophy of inclusion as a way of thinking and operating that allows every student to feel accepted, valued and safe. This philosophy is grounded in the expectations of the Appropriate Educational Programming in Manitoba: Standards for Student Services. An inclusive school develops its capacity to respond to the varying learning styles, abilities and talents of all students. The Winnipeg School Division is committed to an educational philosophy that recognizes and supports the fundamental equality, acceptance, respect and appreciation of people of all origins and abilities.

\* (21:20)

Through the implementation of the Winnipeg School Division's Diversity and Equity Education policy, all educational programming will reflect a belief of the basic equality of all people, regardless of gender identity, sexual orientation, age, ethnic origin, ancestry, culture, socio-economic status, religion, family status and mental or physical challenges. The Diversity and Equity Education

policy of the school division endeavours to provide students the opportunity to enjoy and participate within diverse and inclusive learning environments that will prepare students with the knowledge and skills to function socially, emotionally, politically and economically within their communities and in Canadian society.

The purpose of this policy is (a) to promote and enhance a safe and inclusive learning environment, the acceptance of and respect for others, and the creation of a positive school environment. Furthermore, the (b) part, we address the training for teachers and other staff about bullying prevention and strategies for promoting respect for human diversity and a positive school environment. In addition, the Winnipeg School Division has implemented workshops on human rights, anti-homophobia for all staff, since May 1999, regarding the enforcement of existing anti-racist, anti-harassment policies and to ensure that strategies were in place to address these matters.

And, as of November 2012, there are nine schools in the Winnipeg School Division that have established a gay-straight alliance diversity club, and many schools have established PULSE clubs, People Understanding Love Suits Everyone, PULSE, which is a place for students and staff of the LGBTQ community, their families and their friends to come together and feel safe. As well, many schools promote activities such as a day of silence, which protests the bullying and harassment of LGBTQ students and their supporters. Students take a vow of silence to symbolically represent the silencing of LGBTQ students and their supporters.

There are also many opportunities within the health, physical education and family life curricula, where issues relating to gender identity, sexual orientation and anti-homophobia are addressed. The Winnipeg School Division also has a number of programs to support school-based antibullying efforts. Several initiatives are ongoing. We have a bully-proofing series for grades nursery to 12; a cyberbullying series for grades 3 to grade 12; a Don't Laugh at Me program for nursery to grade 8; a No Name-Calling program for grade 7; a Roots of Empathy program for grades K to 8; and Second Step for grades nurse—from nursery to grade 8.

The Winnipeg School Division supports the forthcoming legislation that ensures all staff and students use technology appropriately. The division's appropriate use of communication devices and online

information resources policy requires all staff and students to respectfully use technology for educational reasons. A review of the division's policy is currently being undertaken to update the language to include the responsible use of social media and text messaging that will address the requirements of Bill 18.

The Winnipeg School Division is also committed to creating a diverse and inclusive community where every person can work and learn in an environment that is supportive of productivity and academic achievement and respects the dignity and worth of all the members of the Winnipeg School Division community.

The Winnipeg School Division would also reiterate the statement in the letter from the Manitoba School Boards Association, dated February 8th, 2013, that consideration be given to amending clause 41(1.8) to clarify that the school board policy should allow students or staff to initiate such activities or organizations in a confidential matter, which we also believe will empower staff to take appropriate action.

In order to ensure that the intent of Bill 18 is able to be implemented consistently across the province, the Winnipeg School Division would encourage that consideration be given to include clear definitions in the legislation that students or staff can initiate such activities.

The Winnipeg School Division is proud of the vast array of programs and services we are able to provide for our students and staff that combat all forms of bullying, and, of course, the Winnipeg School Division supports the amendments to The Public Schools Act contained in Bill 18. Thank you.

**Mr. Chairperson:** Thank you, Ms. Hildahl, for your presentation. We'll move to questions.

**Ms. Allan:** Well, Rita, thank you very much for being here. You know, it's quite a job to be the chair of the board of the largest school division in the province of Manitoba, and we've always had a terrific working relationship. Thank you to the Winnipeg School Division for the leadership that you have shown in creating diverse and inclusive communities in schools where everyone is respected. I really appreciate you being here this evening and taking time out of your busy schedule to—so that the committee members can hear your kind words. Thank you.

**Mr. Goertzen:** Thank you very much for coming this evening and your presentation.

I noted on your presentation, I think page 2, the division's Diversity and Equity Education policy basically sort of mirrors the Human Rights Code, I think. I don't have the Human Rights Code right in front of me, but it seems to me that it would.

The bill itself excludes certain things that you have in your Human Rights Code—or, sorry, in your Diversity and Equity Education policy. So the bill excludes—and this is found in the Human Rights Code—ethnicity, awareness and understanding and respect for people living social disadvantage, religion or creed and religious belief, and each of those appear in your Diversity and Equity Education policy. Would you be opposed to those things which you already have in your policy appearing in the bill?

**Mr. Speaker:** Ms. Hildahl.

**An Honourable Member:** Would you be—

**Mr. Speaker:** Oh, I'm sorry. Mr. Goertzen.

**Mr. Goertzen:** I would get confused by that too. Would you be opposed to the issues of ethnicity, social disadvantage, religion or creed, which appear in the Human Rights Code and which appear in your division's Diversity and Equity Education policy, appearing in the bill?

**Ms. Hildahl:** Oh, no, we are proud of being leaders.

**Mr. Speaker:** Honourable—or, sorry, Dr. Gerrard.

**Mr. Gerrard:** Thank you, Rita, and for a well-thought-out presentation. And your school division has clearly done a tremendous amount of work in this area.

Can you tell us a little bit about what the experience has been, whether you've had fewer complaints about bullying in recent years as a result of all the efforts that you've taken?

**Ms. Hildahl:** Yes, indeed we have seen an evolution in the school division. Staff are more aware, students are more aware. They know where they can go to for help if anything happens. Sure, things still go on, but I know I, myself, did take the anti-homophobia—the half-day workshop that they offered. And I noted that if you hear any gay slurs at all, everyone in the school division, including non-teaching employees, are expected to step in and say, no, we do not allow that kind of talk or behaviour in our school. So, when you keep repeating that message, the students get it. And I remember hearing Dr. Taylor at the forum that Ms. Allan organized, and she was saying that the discrimination is broad but it's not deep, and so

legislation will help this along and decrease things very quickly.

So I applaud the government on Bill 18, and, sure, put as much that we have in our school division that's working into it.

**Mr. Gerrard:** Just to follow up, I mean, there's been a fair bit of attention recently as well to concerns about racism directed toward Aboriginal people. And has that been a concern in terms of something that you've had complaints about or concerns with because you have quite an Aboriginal population?

\* (21:30)

**Ms. Hildahl:** And that's part—you know, I'll go into our policy that's so clear. In the back of my brief we've—we have all of the policies, but one in particular, it—the diversity in equity education is the process of making education reflect a belief in the basic equality of all people irrespective of gender identity, sexual orientation, age, ethnic origin, ancestry, culture, socio-economic status, religion, family status, et cetera. So that is covered in that and we are always—the teachers are trained and educated to be aware of racism and racist comments, and to act immediately upon hearing them, so that we can educate our students as to what is appropriate and inappropriate behaviour. And I—and we are evolving as a division and, certainly, as a society.

**Mr. Chairperson:** Thank you. Our time for questions has expired. Thank you very much, Ms. Hildahl, for your presentation.

Before I call the next presenter, I'd like to ask the committee for leave. Sandra Somerville has asked to present to the committee tonight. And, if there's leave of the committee, we'll add her name to the bottom of the list. Is there leave for the committee?  
*[Agreed]*

I'd like to call Gareth Neufeld, UNESCO Associated Schools Network.

Mr. Neufeld, do you have a written submission for the committee?

**Mr. Gareth Neufeld (UNESCO Associated Schools Network):** I do.

**Mr. Chairperson:** Great, thank you. You may proceed when ready.

**Mr. Neufeld:** Good evening, all. What an evening it is. Have you all had a chance to stand at least for a moment? My pedagogical background says you need

to be able to. Your brain will work better if you walk around every once in a while.

**Floor Comment:** Oh, that's what we're doing wrong.

**Mr. Neufeld:** I didn't know you were doing anything wrong.

My name is Gareth Neufeld and thanks for this opportunity to speak to you.

Two years ago I retired from a 35-year career, about two thirds of it as a teacher and the last third as a vice principal and then principal. And that long history means that a number of the people around this table intersect my career, one of them as a grade 8 social studies student of mine, many, many years ago. I'll let you try and figure out who that might have been.

Right now I'm not in a school; I'm a consultant. And I mention this—I work for the Manitoba School Improvement Program, which has been around for about 20 years and is committed to fostering social justice and educational equity. Another word for equity is inclusion. So, certainly, MSIP would be interested in this discussion.

But I'm speaking tonight on behalf of UNESCO schools—the UNESCO Associated Schools Network of Canada. And I've been in touch with the provincial chairs. Linda Mlodzinski was here earlier this evening, but she was here by bike and wanted to cycle home before it got dark. Otherwise, she would have been here as well.

UNESCO schools has about 9,000 schools around the world. You have a document in front of you, but I think in the interest of brevity, I'll just kind of—and it will be shorter this way, trust me.

UNESCO schools has about 9,000 schools around the world. Sixty of them are in Canada and 21 of them are in Manitoba. So about a third of Canada's UNESCO schools are in Manitoba. Manitoba was a lead province in establishing the Canadian network, and it was founded and launched here in the Manitoba Legislature in 2002. So Manitoba has a strong history with that.

If you think about that in terms of student numbers, Manitoba has about 10,000 students in UNESCO schools, Canada about 30,000, and there must be millions across the world.

UNESCO schools are committed to building cultures of peace through a focus on human rights, learning for a sustainable future, intercultural

learning, and then focusing on global crises and how the United Nations agencies respond to them.

And I'd also like to mention that UNESCO is the agency that is primarily responsible in the UN system for reaching the millennium goal of education for all. And I mention that because that connects to what Bill 18 is about, and I'll explain why in a minute.

In their role, UNESCO reports annually on educational progress worldwide. The millennium goal of education for all is supposed to be reached in 2015. So every year they come out with a report tracking progress towards that goal. And they focus on a theme, so they've—in recent years, they've focused on marginalization; they've focused on the results—or the effects of armed conflict and so on. Gender equity's a big report.

So you can see that UNESCO is deeply invested in ensuring that all children have equitable access in order to achieve their personal potential through education. And, given these deep and long-standing philosophical commitments to educational equity, it probably doesn't surprise you, then, that the Canadian network would choose to go on record in support of Bill 18.

In the network's commitment to supporting a culture of peace, all participating schools around the world find inspiring ways and varying ways to advocate for human rights and encourage intercultural learning, knowing that these two focuses are key to establishing a climate of respect and mutual understanding. A climate in which all students—and I repeat—all students feel welcome and included and it is this focus that most directly relates to the importance of Bill 18.

Let me just give you a few examples, two from Canada and two from beyond our borders. Here in Manitoba for a number of years, five of Manitoba's UNESCO schools have collaborated in the cultural diversity project and I'd like to—it's not specifically about Bill 18 but it gives you a sense of the ethos of UNESCO schools. Grade 5 and 6 students from five schools in Manitoba get together and do activities together, one group from the Brock-Corydon Hebrew Bilingual program, a group of students from Alhijra, a Muslim school—Islamic school, a group of students from Niji Mahkwa Aboriginal school, students from St. Emile Christian school and the John Pritchard School, which has a large EAL student population, and they come together and through these contacts

they dismantle the cultural and historical barriers that often separate their respective groups.

A different example, very different, is that this past December, Winnipeg hosted an international human rights conference here in Winnipeg and students came from as far away as Germany. Minister Allan was there for the closing day, right? You were there on the closing day?

But successful peace-building doesn't just happen in countries like Canada. Let me give you an example from Lebanon, so you will know—when we think of Lebanon we know 40 years of civil strife, much of it based on, or having roots in, sectarian conflict. Lebanon is the most religiously diverse country in the Middle East and has 18 different state-recognized religious groups, and so it is in this complex society that UNESCO schools are promoting a culture of peace and they bring Muslim and Christian kids together to gain understanding, very much like our diversity project. They work with Amnesty International to work on human rights. They brought students and teachers and national co-ordinators from six different countries to explore ways to promote tolerance, mutual understanding, co-operation, intercultural exchanges. And so these examples of educational initiatives in contexts where people face what must seem like insurmountable problems are inspiring to us. I don't think we—when we think of Lebanon we don't think of those kinds of things happening alongside all the conflict.

And the second international example I'd like to site is from Pakistan. None of us can forget the near fatal price Malala Yousafzai paid, almost exactly a year ago, for her courageous quest to learn in a context where many people oppose education for girls for religious reasons. Pakistan has 33 UNESCO schools and 15 of them are high schools for girls. And let me clarify, I'm not suggesting that Malala is a UNESCO school's heroine, maybe she is a student of a UNESCO school, I don't know, the point I'm making is that even in the face of religious opposition that seeks to deny a group of students the opportunity to learn because of their identity, almost half of UNESCO schools in Pakistan exist to provide education to girls and this is inspiring and I believe connects to what we're doing here.

Bill 6—Bill 18 is in sync with Canada's Charter of Rights, all those things we know, and it's designed to ensure a school climate in which all students feel welcome. I'd like to emphasize something I haven't heard a lot about this evening. We know that our

youths' readiness or openness to learn is directly related to their feeling of safety and happiness. It's about learning. And yes, happiness. And so recent brain-based research shows that when students enjoy being in school, they learn more effectively. I love that word enjoy. What makes complete sense to me, anxiety and fear impede learning.

Bill 18's most contentious clause is the provision for GSAs in Manitoba schools when students request it. Many opposing voices have charged that this provision is a denial of religious freedom. Enabling an inclusive and welcoming learning environment by providing a safe space for students to be allied in support of human rights is not a denial of religious freedom, just as making education available to girls in Pakistan is not about denying religious freedom.

There's a crucial truth about human rights. They may be exceedingly lofty goals articulated in grand and ground-breaking universal declarations, signed by the world's nations and they may be celebrated in our world-class museum, opening sometime soon.

\* (21:40)

But you know what, they're lived locally. They're lived locally in locker rooms, in lunch rooms, on school buses, on schoolyards. Two of our UNESCO high schools have made transgendered students safe access to gender-neutral washrooms available to their transgendered students—sorry, I was trying to ad lib that. When they did that, when they opened transgender-safe washrooms, they were doing human rights work.

Heather Anderson, one of their teachers, was out here on the steps; she said GSAs create a bridge for true understanding to develop. It's through understanding that the fear and judgment and mistreatment of LGBTQ people will end. Phobias end when people learn about what they fear. GSAs are one way to promote accurate information and normalization of those lives.

So Bill 18, for us, underscores the fact that human rights are lived out locally, close to home, just down the hall, in your office, in this room this evening.

Thank you for doing the right thing. Thank you for taking time to hear why Canadian UNESCO schools support the intent and spirit of Bill 18.

**Mr. Chairperson:** Thank you very much, Mr. Neufeld, for the presentation.

We'll now move to questions.

**Ms. Allan:** Well, Gareth, thank you very much for being here this evening to share a very important perspective on the incredible work that the UNESCO schools network does here in Manitoba and beyond. And, of course, the Department of Education is proud to be part of it.

And thank you once again for your comments and I hope you're not riding your bike home.

**Mr. Goertzen:** Or maybe you have a light on your bike, and then you'll be okay, Gareth. *[interjection]* Yes. There you go.

You know, one of the things now that we've been debating this for a number of months in the public and in the Legislature, every time I now I meet with a group of school kids from Winnipeg across Manitoba I always ask about bullying now because it is topical and I ask about bullying. And consistently—I talk quietly sometimes, I've been accused of that too often so I'll speak up a little bit—and consistently, when I ask about bullying, it's funny, the kids come back and they say, you know, legislation's not really going to beat it; it's a heart issue, it's not legislation.

And one of them actually, who'd done more research maybe than I did, said, you know, in The Public Schools Act, it says—in the current Public Schools Act—that all students must be respected, and yet here we are. We have legislation that says all students must be respected, and yet we're looking to bring in another piece of legislation.

I mean, how much of this—and this is what kids are telling me right and sometimes kids have the best direction on this—I mean, how much of this do you think is an issue—the bullying issue that can be addressed by legislation and how much of it is going to be more of a heart issue in dealing with kids in different ways?

**Mr. Neufeld:** The legislation isn't starting intervention against bullying. Interventions have been supported in other documents, so it's a companion piece, in my view.

In my last school as an administrator, we had the entire staff—they did it by choice—get training in restorative justice and restorative discipline practices. And we saw a dramatic reduction of bully behaviour by using restorative justice principles in our school, mediation. And it didn't happen—it wasn't instant; bullying patterns are never interrupted instantly.

But, really, when I thought about this evening, those mediation contexts where the bully, very carefully, was brought together the victim and a trained staff conflict resolver, they were allowed to become human to each other.

That's what GSA's do, they allow people who before don't know each other to begin to know each other and understand the humanity of each other. And so I think in some senses it's 'ideologi'—or the ethos of it is quite similar. Our—we had data to show that our bully behaviour 'redersed'—reduced dramatically through that approach of restorative discipline.

**Mr. Goertzen:** Yes, I appreciate that because I've sort of seen the same sort of analysis, where we have an adult involved and they're bringing together two people who have conflict—whatever the conflict is—and that can make a difference.

And I—it's hard to know in some of the clubs, though, because I'm not sure that the bullies would actually come to those clubs. And how do you bring those people together? Because it is all about bringing them together and have a better understanding of each other, but I'm not sure that that's always going to be done voluntarily and that's sort of a challenge.

But I appreciate your perspective; it was very, very helpful. Thank you. *[interjection]*

It was a very nice comment and thank you for actually—for coming.

**Mr. Gerrard:** Yes, thank you for presenting and talking about your experiences in both the—with restorative justice approaches and with transgender washrooms and so on.

What—tell me, from your experience—right?—do all schools need transgender washrooms? Do they need to be only where they're requested, or what's the recommendation?

**Mr. Neufeld:** Going back to the presentation from the Manitoba School Boards Association, it should be interesting what happens over the next couple of years. Will there be high schools without GSAs? And does that mean that students haven't felt free to come forward? So the presentation earlier this evening that was saying that perhaps it should be brought forward not only by the student who is feeling vulnerable and afraid to out themselves to someone—I guess one of the options would be to simply say that all schools will have a GSA. But

I don't—I know this legislation isn't calling for that. But according to—I'm not an expert on this, but according to what one reads is that one would think that every school will have students who would benefit from knowing who their allies are around the GLBTQ issue. Every school has students who are wishing for allies, and this legislation offers a space for that explicitly, which all the other companion interventions around antibullying, whether it's restorative justice or otherwise, weren't doing explicitly. And that's the great step forward in this legislation.

**Mr. Chairperson:** Thank you, Mr. Neufeld, for the presentation. I felt like I was back in class there for a little bit. Thanks once again, Mr. Neufeld.

Honourable Minister.

**Ms. Allan:** We have a someone who has come here this evening to present, Sandra Somerville. And, because she showed up this evening, we put her name on the list. And she is here this evening with her mom, and I think there just might be unanimous consent to allow her to speak next, if that's okay with everyone.

**Mr. Goertzen:** There is unanimous consent. I'll speak for us.

**Ms. Allan:** Thank you very much.

**Mr. Chairperson:** Okay, thanks—with thanks to the committee, I will now call on Sandra Somerville.

Good evening, Ms. Somerville. Do you have a written submission for the committee?

**Ms. Sandra Somerville (Private Citizen):** I do not.

**Mr. Chairperson:** Okay, you may proceed when ready.

**Ms. Somerville:** Thank you. I didn't expect that intervention.

My parents both were teachers—very different traditions—one taught in the schools, one taught outside of the school, but both taught me a great deal about inclusion and excellence.

I stand in support of this bill. I believe that we each share a responsibility to educate ourselves and our fellow citizens, young and old, to respond to the bully, the bullied and the bystander. The three roles play a huge part in our world, whether it's in the House of Commons, whether it's in Syria, whether it's in this Legislature or whether it's in our schools. And the kids are learning from what they see on TV,

whether it's the news, whether it's coming through the Legislature and watching what's happening in the House here, whether it's watching what's happening in our House of Commons or whether it's what's going on in the school ground, in or outside of class.

I believe this bill is a support towards having a better world. We must all take actions to create a safe world for all, regardless of age, gender, race, creed, sexual orientation, economic means, spiritual beliefs and whether the person has a visible or invisible challenge or disability or ability. We need our world to be free of barriers and discrimination and harassment.

\* (21:50)

In this world, I believe in equal rights, I believe in social justice, I believe in civil rights, I believe in mutual understanding, I hope for an egalitarian society, I believe in elected democratic governments, and I believe in peace. I don't see it every day, I don't feel it every day, and I haven't experienced it every day of my life, but I believe that we must partner together to protect the vulnerable.

Intolerant behaviour should not be tolerated, whether it comes in the form of intellectual intolerance, physical abuse, emotional harassment or spiritual intolerance or abuse, or even through the art of shunning. To abuse, to tease, to torment, to isolate or to shun can lead to alcoholism, drug use, depression, self-abuse, suicide or the person simply withdrawing from the active involvement in achieving their life's purpose, why they're put here on earth. If it's just too overwhelming, they step aside from achieving their best outcome and from contributing to what the world needs them to do in that one time they have in this life form. And I believe that we need to do all we can to support each individual to achieve their best.

Some students are overwhelmed by abuse and intolerance, attitudes, intellectual actions of others, physical actions, spiritual comments, emotional attacks. Some other students are simply allergic to environmental toxins: perfume, cologne, aftershave. Just simple Bounce sheets in the laundry can cause some students to be unable to focus or concentrate or learn or to function in an undistruptive way in the classroom. So, if their tormentor wants to drive them crazy, all they do is put on perfume or aftershave or use Bounce in the laundry. Do we understand what that means for the kid that's environmentally sensitive?

If somebody feels unable to function or to think or to learn or to feel safe, most of them withdraw. Some students are harassed because of other invisible handicaps or challenges, difficulty with hearing, inability to see or with an ability to see differently than everybody else around them, whether that's autism or Asperger's or just a very unique, bright, different kind of mind. How does our school system respect that without bullying, by requiring them to learn through auditory and visual means of an educational system, if they're not auditory or visual?

Sometimes a young person is harassed or abused or intimidated because they have a different kind of disability: cerebral palsy or herniated discs or rheumatoid arthritis or—God knows—Crohn's disease, or they live with continuous pain or maybe they just have non-restorative sleep. Some people are bullied because of facial discrimination or disfigurement. Others are tormented when they're living with overwhelming pain, and that pain could be physical, emotional, intellectual, spiritual.

What happens when a student doesn't learn easily? Because they don't feel safe or included or they don't even want to get up in the morning and go to school because it's not safe. I have been there and I think we really need to do everything we can to make sure that students do feel safe, each student, each with their uniqueness.

And I believe that the legislative process that's happened in the democratic Legislature of Nova Scotia might give you something to consider in terms of legislative precedent, where they have created a legislation that is now enacted that gives school boards and the province and the legal system some tools with which they can address, what do we do if the unsafe environment has been created? What do we do in the legal enforcement of consequences if any person or persons choose to indulge themselves in abusive behaviour of any sort.

I believe that prevention is even more important than retribution later. So whatever we can do—and this legislation is reaching towards preventing abuse and I support it a hundred per cent. I hope you will just add the teeth with which the people who are required to respond to these reports of abuse have something to act with. And I think the Nova Scotia Legislature might give a precedent there for us to consider.

And I really am inspired by the writings of Virginia Satir, who worked around the world for

peacemaking and restorative justice, and she created therapy in order to help people to respect the whole other person.

Thank you.

**Mr. Chairperson:** Thank you, Ms. Somerville, for your presentation. We'll move to questions.

**Ms. Allan:** Thank you very much, Sandra, for being here this evening and making your presentation. We appreciate your comments and also thank you for mentioning the work that Nova Scotia has done to protect a safe and caring learning environment for their students. We have looked at that legislation very thoughtfully, and we have also announced that we'll be working with our education partners in regards to providing a provincial code of conduct so there is clarity around consequences for bullying. Thank you so much.

**Mr. Goertzen:** Yes, thank you, also, for being here tonight, and for two reasons in particular. I really appreciated the fact that you mention all the different ways that young people are bullied or harassed and that it's not just one way and that we need to be conscious of all the different ways that kids are being bullied and try to draft legislation, to the extent legislation can do that, to protect and provide safe environments. I think it's been—there's been a lot of, I think, young people who're being bullied for different reasons who tonight would feel that they are not part of the equation.

The other thing I want to thank you for is mentioning Nova Scotia. In fact, we have a bill before the Legislature that's very similar to Nova Scotia, providing protection orders for young people where there's the most serious of cyberbullying or bullying cases, modelled after the Nova Scotia legislation and the tragic case there. I know the government hasn't seen fit to support it yet, but I'm optimistic, because we have two more weeks left and I hope that your comments in support of the Nova Scotia legislation, which we also have before the Legislature, will spur the government on and we can do more and get that legislation passed. I appreciate very much those comments.

**Mr. Gerrard:** Thank you and welcome your comments in terms of addressing people who feel singled out because they have one particular illness or another environmental illness as you mentioned.

I'm just wondering whether you think that that needs to be mentioned specifically in the bill or

whether you—do you think the bill as it is adequately covers that?

**Ms. Somerville:** Because of the importance of the legislation on the floor at this point, I would not want to see the legislation held back in terms of process to get it on the books, to get it passed. If it's with ease that some inclusion could be made to broaden some of the definition, then perhaps, but I think it's fairly inclusive. From my re-reading of it, I think it's pretty inclusive. Hopefully, people will hold the consciousness that it's very broad.

**Mr. Chairperson:** Seeing no further questions, thank you very much again for your presentation.

I'll now call on Chris Rigaux, private citizen. I have the pronunciation of your name correctly.

**Floor Comment:** Dsozva.

**Mr. Chairperson:** Chris Rigaux?

**Floor Comment:** No, maybe it's the wrong one, then.

\* (22:00)

**Mr. Chairperson:** Well, welcome, Mr. Rigaux. Do you have a written submission for the committee?

**Mr. Chris Rigaux (Private Citizen):** I did, but I'm going to deviate from my remarks enough that I think we'll just stick with what I've got here.

**Mr. Chairperson:** That will be fine. Please proceed with your presentation.

**Mr. Rigaux:** All right. Thank you very much.

Thank you to the committee for providing me and so many other people the opportunity today to speak to Bill 18. I'd like to also thank the hard work of the legislative staff that have put considerable hours into ensuring that committee hearings on this and other issues have run smoothly this summer and fall, as we now run into it.

I was lucky to be scheduled to speak early on in the long list of people that are scheduled to speak on this bill. It's unfortunate that political grandstanding and reckless behaviour by the Conservatives over what is a relatively minor tax increase prevented this bill from being adopted prior to the beginning of this school year. The antibullying policies and programs of Bill 18 will require school boards to adopt, of course, something that will have to be worked on over the course of the year and developed for some time, but it would have been nice to be able to start

this school year off with the Legislature having officially taken a strong stand against bullying.

I'll preface the rest of my comments with some background information about myself. I'm a Manitoban, as are, of course, most of the people here tonight. I'm a graduate of the public school system here in Winnipeg, an alumnus of the public post-secondary system here in Winnipeg. I'm also a father of three sons, who are also all attending our public elementary school here in Winnipeg. I'm a white person. I'm a person with Canadian citizenship. I identify as a man, a cisgendered man. I am identified as straight, and whether I like it I not—whether I like it or not, I have a significant amount of privilege and power in this society, and that's something that I think will inform the rest of my comments here tonight.

I am also, somewhat more importantly for this conversation, someone who faced bullying as a child. I was short and small and kind of weird, a little awkward and I became, at times, a target. I wasn't as much of a target as some other kids, and, conversely, I was more of a target than others. I survived. It wasn't pleasant, but it didn't toughen me up like some people seem to think that bullying does.

An important flip-side, however, to my personal identity was that I also bullied other children. I'm not proud to admit it, but, like a lot of kids who were bullied, I did what it took to not be on the bottom of the social hierarchy.

Because of the cards that I was dealt when I was born, I had numerous opportunities to subconsciously and consciously deflect bullying towards other people. I suspect that part of the reason why children establish social hierarchies and enforce them through bullying is instinctive, but to ignore the fact that they do this in a context of an adult world that is full of big and small inequities is naïve. Bullying relies on the bully having some kind of privilege or power over the bullied. I don't think, of course, that Bill 18 is a piece of legislation. It's not going to solve this issue. It's a fairly gigantic problem. By itself it will make a difference.

Unlike the small c conservatives in this province, I don't think that we can solve bullying with a punitive law-and-order approach, and I think that pairing a tough-on-crime approach with the criminalization of bullying is hugely counter-productive. We need to recognize that a lot of kids are in the same spot that I was. Being hurt, but also hurting others is a way to cope and manage

the bullying and exclusion they experienced. We need a better approach that helps kids to unlearn their bullying, and I think Bill 18 provides the foundation for just that system.

Now, I think a lot of people tonight—there's been some fantastic presentations, and I've been blown away by some of the personal commentary that people have had tonight about the experiences that they have gone through, and as someone who is generally an ally to marginalized people and not really experiencing that directly myself, this discrimination myself, there's a limited amount of what I can say personally from that background. But I do want to kind of look at the bigger picture of what Bill 18 means for this province, for these students in this province, including my own kids. I maybe provide a bit of a unique perspective from my background, so.

The university I attended, the U of M, like many other universities across this country, has student organizations that are built by and for members of the various marginalized populations on campus. One exists, to name a few, one exists for lesbian, gay, bisexual, transgender, two-spirit, and queer students. Another exists for women on campus, another for Aboriginal students. Each of these provides resources, support, advocacy and assistance to students on campus who identify with these communities. Crucially, they are run by the students themselves, and each of them has operated, as far as I know, in some form or another, for over 20 years.

Organizations like this are absolutely critical for students in marginalized communities, even if it's something as simple as a regular meeting place or a time where they can be sure that no one will be judgmental about whatever characteristic it is that unites them.

I, of course, wouldn't have accessed any of these groups myself as a child because I don't identify with any of these groups, although, of course, GSAs and the like do provide some really important opportunities for cross-community organizing.

Well, it seems trite to say that I can only imagine what it would've been like to grow up with the challenges I faced on top of, you know, what it would—the challenges I would've faced by being black or gay or fat or a racialized immigrant or having a disability or whatever. I'm simply unable to understand that fully. I can't as someone from my background, and I never will. The best I can do is act as an ally in situations like this. This is a

consequence of the privilege that comes with not being part of the group that's being deemed as lesser by society in a thousand different overt and covert ways. I don't get to speak for queer youth; I am neither. I don't get to speak for indigenous youth; I am neither. I don't get to speak for young women; I am neither. I don't get to tell them how to organize themselves to defend their own interests. But I am here today as an ally to talk about my experiences and explain why I support the idea of marginalized students being provided with a space to organize.

This is why Bill 18 is so important. It strengthens what's required of student school boards to combat bullying in general, which is important and updates the definition of bullying and, incidentally, uses a definition similar to what's used by the Manitoba government's own division of Workplace Safety and Health to describe workplace bullying. But, most importantly, it recognizes the need for marginalized students to have the space and support they need to organize themselves in whatever fashion they desire in order to ensure that their needs are being met. This is a fundamental challenge to bullying in Manitoba and a huge step towards challenging inequity in our barred society because, yes, of course, there's a black American president and until recently the prime minister of Iceland was a lesbian woman. No less than six of the premiers in this country are women themselves. That's great, and it wouldn't have happened without the tireless work of countless activists and people of conscience.

But my kids are still growing up in a world where it's apparently okay to shoot an unarmed black kid in Florida, and where nobody seems to understand that white do-gooders do exist and that we do tend to take over and ignore the unique needs of Aboriginal people in this province even when we are trying to, and where every bloody comment board on every article on every news website that even remotely mentions indigenous people it's full of racist tripe and falsehoods and stereotypes. We haven't achieved equality yet and all of our kids are suffering for it. Like a lot of people, I was bullied at times and my kids have likewise been bullied in school.

Obviously, everyone is against bullying. No one's going to be pro-bullying aside from maybe borderline sociopaths. But what I think separates people on this bill is this, even if they don't frame it the same way that I do: whether or not people are willing to recognize the power and effect that

privilege has on our schools and whether they're willing to empower our students with the tools they need to advocate for themselves. This is an important bill to discuss, not just because of the goals and purpose of the bill that are important for our school system; it's important because it brings into the open important issues of discrimination, of intolerance and of privilege.

I hope that this bill is adopted by the Legislature soon. But, beyond that, I sincerely hope that Manitobans have walked away from this debate with a greater appreciation and understanding of the consequences of privilege.

**Mr. Chairperson:** Thank you very much, Mr. Rigaux, for your presentation.

We'll now move to questions.

**Ms. Allan:** Well, Chris, thank you very much for being here this evening to make your presentation. You shed some new light, I think, on Bill 18 for some of us here around the table tonight, and we appreciate your comments. And all the best and thank you for being an ally for marginalized students.

**Mr. Gerrard:** You made an interesting observation that you were bullied and then you became a bully and—sorry—you made an interesting observation that you were bullied and then you became a bully yourself. And, you know, my reading around the subject suggests that that's much more common than most people would recognize, and maybe you can help members of the committee and me understand why that should happen and what is critical in interrupting that cycle.

**Mr. Rigaux:** Well, I think that's a question. I think that it is difficult to interrupt bullying, as I think some of the commenters have stated tonight. It's a complex phenomenon. It's not something that can be solved with a couple of lines of legislation overnight.

\* (22:10)

But I'm not proud to admit it but, I mean, I, certainly, as a child used, that's gay, and similar slurs to describe things. There was no gray—gay or straight alliance in my high school. There is now, from what I understand, but there wasn't when I was going there. It just wasn't something that was—there was no local role model for myself to emulate. And I think if there had been a GSA in my school, maybe I wouldn't have done things radically differently, but it would have had an effect, and it would have at least

shown me that the path that I chose to deal with the bullying that I faced was not the only one, and was not clearly the best.

**Mr. Chairperson:** Seeing no further questions, thank you very much, Rigaux—Mr. Rigaux, for your presentation.

I'll now call on Paul Olson, president, Manitoba Teachers' Society.

Good evening, Mr. Olson. You have a written submission for the committee this evening?

**Mr. Paul Olson (Manitoba Teachers' Society):** Good evening, Chair. Yes, I do. Thank you.

**Mr. Chairperson:** All right, you may proceed when you're ready.

**Mr. Olson:** Thank you, Chair. My name is Paul Olson. I am president of the Manitoba Teachers' Society. We are the professional organization and the union for Manitoba's 15,000 public school teachers.

I'd like to thank you for the opportunity to address the committee this evening, regarding Bill 18.

Prior to being elected to a full-time leadership position with the Teachers' Society, I was a classroom teacher for 16 years. And while I taught mostly in upper elementary grades, I know that each day, from kindergarten to high school, teachers and principals address hundreds of incidents that never make it to the newspapers or the 6 o'clock news, because they've been able to work through the issues with students, and often parents, in a reasonable manner.

The support of government in providing safe schools and good learning opportunities for students, is absolutely critical to the work that we do.

We all know that bullying is not a recent phenomenon. Intimidation, petty theft, violence, defamation, have all been part of school life since before any of us were children.

However, research and polling have made one thing very clear to us: while the more traditional forms of bullying have, in fact, levelled off, cyberbullying has emerged as a powerful poison in our students' lives. Now a bully can operate every hour of the day, with a nearly infinite audience, in almost perfect anonymity. And where bullied kids once were safer away from the playground, now they are victimized anywhere, at any time, 365 days of the year.

All one needs to bully in this way is a cellphone. And not having one does not protect you from being bullied any more than not having a car protects you from being run over by one.

Bullying in any form, including cyberbullying, does not require two to tango.

Bill 18 recognizes that bullying encompasses many behaviours. The behaviour does not need to be repeated, it may be direct or indirect and it can take any form of expression, including electronic communication. This all-encompassing definition is similar to legislation already in place in other provinces—Québec, Nova Scotia, Ontario being among them.

MTS does appreciate the broader scope of this new definition. It will help teachers to ensure our schools are as safe as they can possibly be.

And some members of the opposition have suggested that this definition is too broad, that the innocent may be caught in the web of this definition, and that spurious claims of bullying will occur. Teachers, I can assure you, are not looking for bullying when it isn't there. We do know the difference between an off-the-cuff remark and hurtful words that are intended to cause harm. That has always been part of the job.

Some members of the opposition have suggested, as well, that the legislation may make teachers vulnerable to false accusations. Now, we really do appreciate that concern. But I am sorry to inform everyone that teachers are victims of false accusations all the time. Bill 18 will not make that any worse and it may, in fact, make it better, as it helps to create more inclusive schools. And, in any case, the processes by which such accusations are investigated will continue to work, as they have for decades.

Bill 18 requires school boards to expand their policies about Internet usage to include social media, text and instant messaging, and to establish respect for human diversity policies. Hopefully this will make schools safer, caring and more inclusive environments. This is essential not just for general safety and well-being—and that should obviously be enough reason—but also, as the previous speaker mentioned, because a safe and inclusive environment is actually essential to learning. Students do not learn well when they're afraid to take risks. They do not learn well when they're afraid to go to school. And for those who might see this as a distraction from the

basics, as I have heard in the media, I'm afraid we have news for you: there is nothing more basic than safety in schools.

Bill 18 also requires schools to accommodate student activities that encourage inclusivity. Subsection 41(1.8) refers specifically to gay-straight alliances. LGBTQ students are in every school, culture, ethnicity, socio-economic class in society in the world. GSAs are designed to provide a safe space for all students to meet, to socialize, to support one another as they discuss their feelings and experiences related to identity and gender issues.

Now, GSAs are confidential spaces. While no assumptions should be made about a student's or a teacher's sexual orientation or identity, such assumptions often are made by those critical of such groups. Some GSA members may be LGBTQ and some may have LGBTQ friends or family and want to be supportive allies, and some, quite honestly, are just committed to social justice in general and see this as an important opportunity in the broader struggle for human rights. Although there are currently more than 30 gay-straight alliances in Manitoba schools, for some reason legislation requiring schools to allow students to form GSAs, if a request is made, has caused a bit of an uproar. This may illustrate better than I ever could why our schools need to do more to create a safe environment for LGBTQ students and their allies.

Opposition to establishing GSAs in faith-based schools seems to arise in part from misunderstandings about the purpose of GSAs. Some have alleged that GSAs are dating clubs, focused on sexual activity and illicit or immoral behaviours—they are not. School-based GSAs, in fact, are focused on addressing the health and safety needs of LGBTQ students and their allies. GSAs deal with issues of equal access and accommodation which are protected under the Canadian Charter of Rights and Freedoms and all provincial and territorial human rights statutes. By specifically including GSAs in Bill 18, schools can no longer deny the right of students to form support groups in their schools. We cannot teach our students respect for inclusion and diversity and then, in the same breath, deny them the right to hold activities or form organizations that promote these values. And the previous speaker spoke very eloquently to that.

MTS members believe that we must stand with our students and support them in making schools places where everyone can experience a sense of

belonging and support. We believe in human rights and in keeping students safe. Very few school-based programs are designed to help LGBTQ students deal with bullying. Supportive school environments can make a tremendous difference for all students.

While the specific provision for GSAs in the bill are more than welcome, MTS is one of several of the education partners in Manitoba who believe that it may not go far enough. Bill 18 places the onus on students to request a GSA in their school. For some, merely making this request will, in essence, be outing themselves to other students and teachers. This is a dangerous act in a number of communities and schools in our province as previous speakers have attested painfully and eloquently.

Some LGBTQ students come from families that are, frankly, unsupportive of their sexual orientation or identity, and often these students will not come out unless they feel their school is a safe environment or, sadly, long after they've left their home communities for safer places. Sometimes they come out at school but not at home, and unwanted disclosures or breaches of confidentiality that could therefore have disastrous consequences will result. Putting the onus on students to request a GSA for their school destroys that confidentiality and diminishes the safe environment that GSAs are intended to foster. Thus, if MTS were able to improve Bill 18, it would be to put the onus on schools to establish GSAs as a matter of standard practice. That is likely the only way to avoid the discrimination likely to be caused by subsection 41(1.8) as currently drafted.

\* (22:20)

In conclusion, Bill 18 will help ensure a safe and inclusive learning environment so all students feel protect and accepted. It gives teachers and principals additional tools to ensure our schools are safer. It recognizes what every modern parent already knows, that a text or an email, a cellphone picture or a Facebook posting can and does inflict real harm; those are not just words.

While we think Bill 18 could go further with respect to the establishment of GSAs, we applaud its requirement that schools accommodate students who want to create activities or organizations that promote safe and respectful schools. These activities may be focused on many, many things; sexism, racism, homophobia, discrimination, again to the disabled, to give but a few examples.

We would like to thank you for the opportunity to present on this significant issue; I know it's been a very long day for all of you. I do wish you well in your deliberations; you're in for a long week.

And I would be pleased to do my best to answer any questions you may have.

**Mr. Chairperson:** Thank you very much, Mr. Olson, and we'll move to questions.

**Ms. Allan:** Well, thank you very much, Paul, for your presentation this evening and for staying all evening with us to make your presentation.

I want to also say thank you to your professional association and all of the teachers that you represent. You've shown great leadership within your organization. You are a very important partner to us and you have done incredible work with us on our oversight committee in regards to our report cards and our class size initiative and we truly look forward to working with you in the future.

**Mr. Goertzen:** Thank you, Paul, for coming, for staying. Thanks, Paul, for coming and staying. You know you need to move out of town and then you get up a little sooner in these—all right, I'll let—I won't give you any suggestions.

Two questions for you. You know, you mentioned Nova Scotia and their definition. Of course, Nova Scotia's approach to dealing with cyberbullying, very different than Bill 18, was mentioned by a previous speaker. And also British Columbia, very different than Bill 18; they've had some significant issues in British Columbia on cyberbullying.

In your research, what are sort of the common elements of good cyberbullying legislation that sort of makes a difference?

**Mr. Olson:** Thank you for the question, Mr. Goertzen.

Cyberbullying is certainly the—one of the key toxic issues at the moment. There are a number of factors that seem to work. One of them, honestly, is a public education piece that doesn't deny the significance of it. You need to have public messaging that says that bullying is a big deal, that if you were talking about this among adults you'd be talking about criminal behaviour. You can't have people minimizing it or going to the sticks and stones argument.

In terms of other elements, you do need to have appropriate enforcement. You will likely want to have a law enforcement involved in serious cases. But you also—and this is something that applies to many of the questions I've heard tonight—legislation by its very nature is a blunt instrument; you are going to need nuances that show up in regulation and as the legislation clearly directs in school division policy and procedures. And I think the clarity is going to come at the—at a more local level than a piece of legislation can typically provide.

**Mr. Goertzen:** I appreciate the issue of enforcement, that is certainly where the Nova Scotia legislation goes and we have similar legislation before the Legislature right now and it hasn't been accepted but I'm hopeful, I'm hopeful that in the next two weeks it will be.

Another question, this is purely a self-interest I have to acknowledge. Last time when the MTS was presenting before Bill 20, in support of the PST tax increase, I spent the next morning responding to teachers who said that wasn't their view on the tax increases, they were opposed to the PST increase.

So, just to plan my morning tomorrow, the—you have surveyed your members on Bill 18 and they are supportive of what you're saying?

**Mr. Olson:** No, we have not surveyed our members on this anymore than the MFL has. Bill 18 has been discussed at length with 38 elected leaders of the teachers around the province. It's been discussed with the provincial executives who are also elected by the teachers of the province and it's been worked out by staff and myself who are—in my case—elected and hired by the teachers of the province.

This is consistent with MTS policy that we have long had regarding equity, safety in schools, social justice and, in particular, the absolute imperative of protecting GLBTQ students and staff in our schools.

So, no, honestly this was one where we knew we had absolutely no need to do so because it's entirely in keeping with the policy that they use to direct my work every day.

**Mr. Goertzen:** But what you've also said, did you know teachers aren't concerned about false allegations, and yet we have done surveys and we've gotten many teachers who've said they—so they are. So there does seem to be a disconnect.

But I'll leave it at that, that you haven't done the survey and maybe there's just something of a disconnect and that'll work its way through and that's good. Thank you.

**Mr. Gerrard:** Yes, two quick points. One on the cyberbullying, because the bullying can come from somebody who is not within the school, who may be out in the community, a question of whether this approach is broad enough and how principals and school boards will respond. And the second deals with a comment earlier from Gareth Neufeld, that he'd used restorative 'justive' approaches to deal with how you resolve bullying issues and overcome them—whether the Manitoba Teachers' Society has any position on how to deal with bullying when it does occur.

**Mr. Olson:** Thank you, Doctor. I'll take the last question first, and then, hopefully, remember the first one afterward.

In terms of an explicit policy on restorative justice, we might have one, but I don't remember. It's been a long time since we've discussed anything of the sort. The general approach that the society would advocate is to trust the professionals you have in the field. We clearly have any number of examples where the school system, and that involves people—and that means teachers, as well—have not adequately addressed bullying in the past. That's not new, and we are embarrassed and we're upset and we're angry about that. But part of what that is, is a legal context in which it is not made explicit that, in this case, with the particular amendments of this bill, that we are backed up by the Department of Education, that the minister has our back when we're trying to intercede in matters of GLBTQ bullying. That is part of the genius of this legislation, and it's been said, I would argue, incorrectly, any number of times tonight, that the GLBTQ students are given particular protection in this legislation. I think the particular genius of the bill is that it does no such thing. It says, you will have attention to Human Rights Code issues, you will protect students in all ways and forms, but you may not say no to protecting them in this way. That is the point of the bill, and I think that is certainly why, part of why, it has our strong support. I'm going to need you to help me out in the first question—

**Mr. Chairperson:** I'm sorry, you know, time for questions has expired, so we'll have to cut it short there. Sorry about that, but thank you very much for your presentation, Mr. Olson.

We'll now call Kathleen Venema, Augustine United Church.

Good evening, Ms. Venema. I hope I have your name—pronunciation of your name correct?

**Ms. Kathleen Venema (Augustine United Church):** I pronounce it Venema, but Venema's—

**Mr. Chairperson:** Venema.

**Ms. Venema:** —but Venema's very close.

**Mr. Chairperson:** Thank you for the correction, and please proceed with your presentation when ready.

**Ms. Venema:** Certainly. Thank you for the opportunity to speak. Thank you for staying up past my bedtime to listen to me. My name is Kathleen Venema, and I'm here representing Augustine United Church, where my husband and I are long-term members. My husband is Gareth Neufeld, actually; you just heard him speak on behalf of UNESCO schools.

I know that you all know Augustine as an architectural landmark at the corner of River and Osborne and one of Winnipeg's historic churches. Many of you probably also know that Augustine was the first affirming United Church in Canada, and I'd like to tell you a little, just a very little, bit of background to explain that designation.

Almost 30 years ago, in 1984, after extensive theological study and discussion, the United Church of Canada specifically affirmed its recognition that all human beings, regardless of sexual orientation, are made in the image of God. At that point, it issued a call for repentance for the church's collective history of rejecting homosexual persons. In 1988, after four more years of study and discussion, the United Church's General Council affirmed that all persons, regardless of sexual orientation, are welcome to be or become full members of the church, and it specifically articulated its readiness to ordain gay and lesbian clergy.

In 1995, having been open and supportive of gays and lesbians since the late 1970s, Augustine became the first affirming United Church congregation in Canada. From that point on, Augustine has intentionally and publicly welcomed, recognized, supported and accepted lesbian, gay, bisexual, transgender, two-spirited and heterosexual people as full and equal participants in all aspects of life, work and worship. And we are not alone. By now, there are over 75 affirming congregations across Canada.

\*(22:30)

I've taken the time to sketch this history because we are very aware at Augustine of the ways in which other Christian groups and individuals—I should say some other Christian groups and individuals—have characterized and articulated their opposition to Bill 18. Those oppositions, ostensibly in the name of Christianity, have received a great deal of media attention, and for that reason we agreed that we would take this opportunity to speak to you and outline our quite different understanding of Christianity and the Bible.

As Christians, we seek to follow the example of Jesus whose life, as we learn about it through the New Testament, was characterized by an ethic of love, a radical inclusion of and standing for and standing with the people in His society who had the least power: women, children, people impoverished by unjust economic structures, people rendered marginal because of illness and disability, people reviled and disadvantaged because they were from other religions and cultures. We understand Jesus to have willingly engaged with these people and to have expressed His allegiance with them.

Indeed, having studied these issues for over 30 years, we understand that our religious and spiritual heritage necessitates our support for the bill as part of our active engagement in bringing about a world that welcomes, honours and supports all the diversity of creation.

We are also acutely aware of the many ways in which the institutional church has been complicit throughout history with wrong, hurtful and oppressive beliefs and actions. The Bible is a rich and fascinating and complex historical text, and it has been used and misused many times to defend and sanction social practices that we now recognize as clearly insupportable, among them, slavery, sexual slavery, polygamy, the subservience of women, the treatment of women as property and corporal punishment of children and others. We understand current attempts to use the Bible to justify homophobia to be similarly misguided.

As members of an active, searching, studying Christian community that depends for its richness and its vitality on all its diverse individual members, we at Augustine support school cultures where equity, acceptance, respect and support are extended without prejudice and where all students' gifts and energies can be nurtured and celebrated.

In closing, we would like to note that we think it is likely that if Jesus were a 21st century Canadian, He would not only support gay-straight alliances, He would be helping to organize the meetings. For all of these reasons, we would like to unequivocally register our support for Bill 18. Thank you.

**Mr. Chairperson:** Thank you very much, Ms. Venema, and now, turn to questions.

**Ms. Allan:** Well, Kathleen, thank you so much for this presentation. I really, really appreciate your comments this evening and I appreciate you taking the time to be here late into the evening, and that it's nice you have company. And I'm—I can't even imagine the incredible conversations that you and Gareth must have sometimes. It must be phenomenal. And I do—and I am so pleased that your MLA is here this evening to hear your presentation. Thank you so much for this presentation.

**Mr. Gerrard:** Thank you for coming and presenting and, you know, providing a very clear and helpful view. And what do you say to people who are concerned about bullying on the basis of differences in religion?

**Ms. Venema:** Are you getting at people who are—*[interjection]*

**Mr. Chairperson:** Dr. Gerrard

**Mr. Gerrard:** We've had a number of people earlier on who are very concerned about, you know, that religion was not included as a, you know, an area where people are bullied because they want to express their religion in one way or another. And, you know, I just thought, from your perspective, that this is something that you have probably given some thought to. And, you know, as we've heard from others that this bill probably is inclusive enough—maybe, depending a little bit on how you interpret it—of a variety of causes of bullying, but I just thought that, you know, you might be somebody who could be helpful in talking about, you know, this issue of bullying based on religious identity and how this should be addressed.

**Ms. Venema:** I think that the key is that what the bill is attempting to address is bullying behaviour, it isn't an—the ability of people to speak about their religious beliefs is—that is simply part of our—those are our rights as Canadians. It would—anyone who was being bullied because of their religious beliefs, by virtue of being bullied it seems to me that the bill would be—would already be encompassing that situation.

Anyone who feels that the bill is an infringe—that's not really the question you asked, though, whether it's an infringement on their religious rights. I think I need your question a little more clearly.

**Mr. Gerrard:** I think you've done a good job of trying to answer it. Thank you.

**Mr. Chairperson:** Seeing no further questions, thank you once again for your presentation.

I'll now call on Chris Dsovza, private citizen. Dsovza. I apologize, Mr. Dsovza, for the mispronunciation of your name. Do you have written material for the committee this evening?

**Mr. Chris Dsovza (Private Citizen):** No, I don't.

**Mr. Chairperson:** Okay, please proceed with your presentation when ready.

**Mr. Dsovza:** Speaking of names, I'll give a little bit of background. I've been called a Paki in school; I've been called an Indian-lover; I've been called many things and I've also been called a Bible-thumper. And part of my bullying was the verbal but also the physical. And in the physical I actually got beat up so bad that I was not allowed to—able to have kids.

It took me into a very dark place; that's then, this is now. So I just want to read a couple of things. I've heard many—and everyone's giving valid input on this and I'm glad that this is happening because this dialogue needs to happen. But it has to happen with an open mind and a willingness. It has to happen with the mindset involved—and this is one thing I haven't heard about the bullies or the victims. I've heard about religion, I've heard about LGB, but I haven't heard about bullying. And so I'm just going to read a little bit here that I wrote—or researched and it articulates it well.

Part of other—not being able to go to school was I didn't realize I had dyslexia and so I was called stupid too. So there was many things. So it says here, bullying is the use of force or coercion to abuse or—individuals and intimidate others. The behaviour can be habitual and involve an imbalance of social or physical power. It can include verbal harassment or threat, physical assault or coercion, and may be directed repeatedly towards particular victims, perhaps on grounds of class, race, religion, gender, sexuality, appearance, behaviour or ability. If bullying is done by a group, it's called mobbing. The victim of bullying is sometimes referred as a target, and that brings me to my concern. More about that is no one is looking at that the LGB are going to be

targets, they are. That's the reality, and that scares me. Okay? Just like a person who's white, Aboriginal, it doesn't matter, they're all targets. So most of the bullying doesn't really happen in the grounds or in the schools. It happens outside and in the communities.

\* (22:40)

So this bill doesn't—I have a hard time wrapping my head around it. How is it protecting the victims? How is it dealing with the bullies? Because we still have to help them because that cycle needs to be broken. Because it's a cycle, and the reason I say it's a cycle, because I didn't want to feel like the victim anymore. I actually became a bully and I know what that feels like. It gives you power that you lost. It gives you a sense of belonging to a group that accepts you with no regard because you're so lost and you lose all reality on what's really going on.

We've talked about addictions. Well, been there, done it, know what it's all about. We've talked about suicide; been there, done it.

Just wanted to correct the gentleman that was here early and made a comment about Mahala, that religion had something to do with it in Pakistan. No it didn't. It was the Taliban that shot her. That's a terrorist group and there's a big difference. There are women's schools in Pakistan and they do have their challenges, but we have some serious challenges here. And the fact that you guys are all sitting around here is a great thing because we need that dialogue to continue because this is not going to happen in one bill. It's not. To do it there has to be dialogue.

And I want to read something from the World Health Organization: Bullying is a major public-health problem and demands the concentrated and co-ordinated time and attention of health-care providers, policy makers and families. Involving awareness about the mobility and the morality associated with bullying has helped give this psychological hazard a modest level of worldwide attention in public health. Bullying is multi-facet form of mistreatment mostly seen in schools and the workplace. It is characterized by the repeated exposure of one person to physical or emotional aggression including teasing, name calling, mockery, threats, harassment, taunting, hazing, social exclusion or rumours.

A wide range of bullying prevalence has been documented among students and in labour forces worldwide. A growing body of research is highlighting the range of significant affecting

individuals involved in bullying whether as bystanders, bullies and/or victims. Students involved in bullying are at significant risk of experiencing a wide spectrum of symptoms: running away from home, alcohol and drug abuse, abstinence and, above all, self-inflicted accidental or 'preprepared' injuries. The consequences of bullying extend into adulthood, as there is evidence of significant association between childhood bullying behaviour and later psychiatric behaviour. Moreover, adults bullied in the workplace are prone to suffer from a variety of health risk, including depression, cardiovascular problems.

Multiple reports cases of deaths associated with bullying have led to legislative initiatives around the world in active legislation, and it goes on and on. So, clearly, the World Health Organization is saying it's a health issue because there's a mental and physical part to it, and those things need to be addressed too.

When I deal with kids who are struggling in Winnipeg School Division, they're scared to go to teachers. What I've heard from some people—it's the teachers that bully the parents, the parents bully the teachers. So it's that big cycle that's going on and everyone's lost in it.

So it would be nice to talk about prevention, intervention and enforcement, because what are we doing to prevent it? What are we doing to intervene? And what are we doing for consequences? What happens to that bully? Does he stay in school? Because I know I had one kid that we had a round table at a school with and he was being bullied, but because he lost his way he threw his phone at a teacher. And I was right there; the kid got charged with assault. Now this kid is in a gang. Like, really.

So you guys need to really start talking to the teachers, the parents, the communities before we start putting this, because, once you put this in motion, there's no turning back. Are you ready for what's going to come after? Have you thought about it?

And with that I can only ask you to rethink it and to rewrite Bill 18.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Dsovza.

We'll now turn to questions.

**Ms. Allan:** Well, thank you very much, Chris, for your presentation tonight and for your comments in regards to Bill 18.

You're right, there is a balance between prevention and consequences, and as we move forward with Bill 18, we will continue to work with our education partners. And that will be critical to providing safe and caring schools for all students.

Thank you for your comments this evening; we appreciate them for—and for staying to be the second Chris at the microphone this evening. Thank you for staying.

**Mr. Schuler:** Thank you very much, Chris, for coming this evening, for staying to the bitter end. And we appreciate your thoughtful and well-presented presentation. And that's what committee is here for, I think we are sort of like the House of Commons where we're both the House of Commons and the Senate—we're supposed to, at this committee, give sober second thought, and I think we do that. And that's important that we listen to presentations like yourself and take some time to reflect, so we really appreciate your comments that you put on the record.

**Mr. Gerrard:** Thank you, Chris. Now I—you've been there as somebody who was bullied; you've been there as somebody who became a bully for a while. How do we interrupt that cycle? We had a suggestion or an example earlier on in terms of using a restorative justice-type of approach rather than, you know, locking kids up or whatever else you might do.

I just want to give you an opportunity to, you know, draw on your experiences, and how do we interrupt the cycle and, you know, what will work?

\* (22:50)

**Mr. Dsovza:** Well, the first thing is not to bring police right off the bat. Not to bring a teacher right off the bat with the bully because there's an authority disconnect because they won't listen to authority. It's to bring an impartial, non-judgmental person that doesn't have any type of authority per se, but just wants to listen to the person and start engaging the dialogue to bring them close to the victim, too, because there has to be that balanced approach between the victim and the bully, but also with the parents and the teachers that this is how we're going to move forward.

But there's a process that needs to be followed without having to get the result in one day, because the result is not going to happen in a day. It's not going to happen in a week, but making it very clear to help that person recognize and ask them—the

biggest thing is—do you realize what you've done? And chances are, they might not, because they've been—they're being bullied to do that, and they're not going to come out and tell you their fears, that if they don't do that, they're going to get beat up. So it's a long chain that you have to break and bring in that impartial person would be the first phase.

And then there comes a time where the police does have to be brought in, because some people just can't be rehabilitated. They just can't. And more importantly is they might have to be removed from that school and then letting the rest of them know, without giving the name and outing them, saying that we have addressed the bully. Here's what happened and this person has been removed because it is not going to be tolerated, period. And, if it happens in the school, on Internet, wherever, we will monitor it, and then we will keep addressing it until everybody's safe.

**Mr. Chairperson:** Thank you very much for your presentation once again.

I will now call on Eva Campbell, private citizen.

Evening, Ms. Campbell. Do you have a written submission for the committee? Okay, we'll allow the staff to pass that out, and you may proceed when you're ready.

**Ms. Eva Campbell (Private Citizen):** Okay, I've got three things against me. I don't have my glasses, I panic, so if I stutter or pass out, I see there's a thing out on—in the hallway there. You might need it. And I was a fill-in. I wasn't supposed to be here, but they called in and—

**Floor Comment:** Do you want my glasses?

**Ms. Campbell:** Is that readers?

**Floor Comment:** Yes, they're readers—two and a half or so.

**Ms. Campbell:** Okay, that might work okay. Okay, thank you.

Okay, firstly I have to say that I'm against bullying, naturally. We're called to love one another; that's Gospel. And I have friends that are and have been, and some have changed from homosexuals to heterosexuals. So it can be done. But I'm asking you not to put a Band-Aid on the wound caused by bullying by implementing Bill 18, worded as is.

The word to offend scares me, because, as a Christian, if I say something and that's offensive, I could be charged. And there's people that have been

charged—pastors and priests and bishops and whatever—and, you know, at a cost to them. The one that accuses them doesn't pay a cent, but the person that is accused has to—all these legal fees.

So this is what—okay, like I say, I'm not very prepared, but this is what I have put—let me explain using one of many, many examples, because there's many, many examples. Years ago, a woman suffering from depression gave birth to a son that she refused to acknowledge as a boy. Did she verbally acknowledge her absolute desire for a female child while her son was in the womb? Reach—researchers say that a baby in the womb can hear. Imagine, then, the anxiety the baby boy would've felt that his being a boy was really going to disappoint his own mother. Can babies in the womb respond? Yes.

In the Gospel of Luke 1:44—to 44—it says when Elizabeth heard Mary's greeting, the baby leapt in her womb. Not a blob, not a—but a baby reacting to a voice.

She dressed him as a girl for years. She treated him as her daughter. Imagine the harm inflicted on him mentally and emotionally. Years later he was sodomized. He sodomized at least one of his cousins who was 12 at the time; unhappy, he headed for the West Coast and lived in the homosexual community. Still unhappy, he received the hormonal treatments and surgery that would make him into the woman he thought was in a man's body. There were those that accompanied him on his path with the encouragement to accept who he was: homosexual, then transgender, and everyone else was expected to agree with that encouragement. Will this be the ideology of the gay-straight alliance?

What was needed was truth and God's help. The boy needed to hear the truth. It would only stand to reason that his same-sex attractions were due to the early wounds that were inflicted on him as a baby and young child. The boy needed to know that his mother, a victim also of major depression, reacted in the only way she knew at the time. Hopefully, then, he would have been able to forgive her for the rejection she displayed towards him as her son. To say that he was born with a same-sex attraction is due to the homosexual gene would not be truthful. Encouragement to accept the way he was, homosexual, would be to ignore his entitlement to know the truth. He would live a lie and anyone who failed to give him the truth would also be responsible for that lie being perpetuated. Can he truly be happy?

With proper counselling, he could have changed. With God's help, he could have changed.

In Corinthians 1:6, 9 to 11, it lists a whole bunch of things that list homosexuality as one of the sins. But, if you note, it says and that is where—what some of you were: w-e-r-e, were, past tense. Again, God can help.

Happiness comes with peace within. Peace within comes with knowing the truth and accepting the truth with a good dose of receiving and extending forgiveness.

Because who do you blame? The mother, who herself was a victim of depression? The son was a 'vic'—who was a victim mentally and emotionally and then victimizes and traumatizes his young cousin with rectal sex? Or how about the young cousin, now grown, still mentally, emotionally and physically scarred who, to this day, cannot stand homosexuals? Can you judge him and charge him with hate?

All the above people have reasons why they acted the way they do—acted and act the way they do. Yes, only God can judge because He is the only one who—He is the only one who knows the whole story and what's in our hearts. But we can and are encouraged to correct with love as best as we are able to to preserve the dignity of every individual, to guide them to truth, mercy, forgiveness and love.

The above is only one of many homosexual scenarios that need openness to truth and freedom of speech and religion without screaming homophobia unjustly. May all of us be open to dialogue without prejudice or persecution to one's religious beliefs or lack thereof. Seeking truth should be on everyone's agenda.

And, originally—excuse me—originally I had attached something, but I took it off because I thought to myself I don't want to get charged with copying somebody's article. So maybe I shouldn't, I don't know. But, anyways, I'll let you know what they were. And I read: Gospel singer says bully tactics barred him from concert. The mayor of Washington cancelled a prominent gospel singer's invitation to headline a civil rights concert after homosexual rights' activists objected to the singer's past comments that God delivered him from a same-sex lifestyle. In previous statements, McClurkin—that's the artist—attributed his same-sex inclinations to being molested by male relatives at age 8 and 13. I've been through this and have experienced God's

power to change my lifestyle, he said in 2002. I am delivered, and I know God can deliver others too.

\* (23:00)

Now, this concert was for Martin Luther King's, you know, like, I've-got-a-dream thing. This artist was black. He had every right to be there. Reverend Martin Luther King Jr. himself addressed the issue of same-sex attraction and had—in his advice column he wrote for Ebony magazine from 1957 to 1958, King characterized it as not uncommon problem that requires careful attention. He praised a letter writer for 'recogni'—he praised the letter writer for recognizing his problem and having a desire to solve it.

Another 'ish'—another article, and I've got tons of—I got stacks. I'm glad you—I got called early because I don't know what I would've done with more because I—but anyway: I'm gay again, ABC newsman who switched genders wants to switch back.

ABC news editor, Don Ennis, D-o-n, wanted to become D-a-w-n, so he went through hormones and I believe some surgery there, too, but then he realized—he had suspected his sex mix-up happened because his mother gave him female hormones as a child that made him look and sound young to prolong a bit-part acting career. But he ended up developing breasts and started thinking he was a woman. He explained he had gone to the National Institutes of Health in Bethesda, Maryland, for testing last month to understand why his mind and body changed from male to female. Well, that's because he had amnesia and he woke up that—but he said he learned it was a hormone imbalance that could be fixed. He is now a man again anyway, and he says it feels fantastic.

And there are more—there are more. Well, I've got friends who—one fellow, he was bullied as a kid because he didn't look nice; he looked funny. He had no friends. And so who befriended him? A homosexual. So he had a friendship, was taken out—movies, ice cream, whatever—and he felt obliging to this man. Fortunately, this is the person that I know that got out of that homosexual relationship because he dove into why. He was counselled and he dove into why and he had—and there's others, people that have been raped, people that have been abused by fathers that want a macho son. And if the macho—and if the son that he has is interested in art or if he's interested in anything other than sports—because, goodness, if you're a guy, you have to be interested in sports—they look for somebody else to side with

them. They're looking for a male figure and they take up with males, not—there's no homosexual gene ever discovered, so there has to be another reason why.

This gay-straight alliance is a good thing. We don't want them to be bullied. I work with them; I have friends, I have family that are gay or homosexual. I don't want them to be bullied. I want them to realize that there may—just may be a reason why they are gay, and so they can be prevented from having all the hormone therapies, all the terrible surgeries. Is this what we want for our kids, our grandkids?

**Mr. Chairperson:** Ms. Campbell, I'm so sorry to interrupt, but time has run out. If you could—any other comments to wrap it up, or?

**Ms. Campbell:** No, I'm—

**Mr. Chairperson:** Okay.

**Ms. Campbell:** Thank you, God, I got this far.

**Mr. Chairperson:** Thank you, Ms. Campbell, for your presentation, and we'll turn now to questions.

**Ms. Allan:** Thank you very much, Eva, for hanging in there all evening to make your presentation. I know that it's been a very late night.

**Ms. Campbell:** I'm sorry.

**Mr. Chairperson:** No, go—you go ahead.

**Ms. Campbell:** Because I panic in front of crowds, so the smaller the better. So this probably worked out really well. Thank you.

**Ms. Allan:** Well, I'm glad that it didn't—I mean, I'm sorry you had to stay all evening, but if you feel that that worked out better for you, thank you very much for sharing your presentation with us this evening.

**Mr. Goertzen:** Thank you for being here, you did well. You don't panic. You did very well, and I appreciate the comments on the issue of the definition, and we've heard a number of different comments about that already and then the need to ensure that the definition isn't so broad that it unnecessarily captures people who shouldn't be captured. So I appreciate that, and then that's certainly advice that we'll look at.

**Mr. Gerrard:** Thank you.

**Mr. Chairperson:** Seeing no further questions, thank you once again for your presentation.

**Ms. Campbell:** Pope John—not Pope John Paul—thank you—Pope Francis has declared this coming Saturday as the day of prayer and fasting for peace in Syria and the Middle East.

**Mr. Chairperson:** Seeing no further questions, thank you once again for your presentation.

**Ms. Campbell:** Can I just say one thing in closing? Just one short thing?

**Mr. Chairperson:** Yes, Ms. Campbell.

**Ms. Campbell:** Thank you. Pope John—Pope John Paul—thank you. Pope Francis has declared this coming Saturday as a day of prayer and fasting for peace in Syria and the Middle East, and I would just hope that—and that he's invited everybody—Catholics, Protestants, everybody of any other faith, even atheists—to do what they can, because if we don't have peace, we won't have to discuss this Bill 18, will we?

Thank you.

**Mr. Chairperson:** Thank you, once again, for your presentation.

I'll now call on Ken Guilford, private citizen.

Mr. Guilford, do you have a written submission for the committee?

**Mr. Ken Guilford (Private Citizen):** No, I do not. Sorry.

**Mr. Chairperson:** No problem. You may proceed with your presentation when ready.

**Mr. Guilford:** My name is Ken Guilford, and most of you know me, and I'd like to say hello. And I am on many different committees in different organizations, whatever; like I'm at Bell Tower on Selkirk Avenue and it's a mixed crowd. And we have fun for the most part, but sometimes we have some problems. And I'm not on, anymore, Winnipeg steering committee, and I'd like to say that I—for the most part, I like the bill, and I think it's a good idea.

The only thing I would really like to see is more than just in the schools. There's a lot of beating and that, bullying and that. Who bullies? Mostly adults. I would like to know if there's any bill for that. There's got to be something put in place, and MLAs are the ones who can do it. And the police department don't have enough force to do things. A good friend of mine, she got beat up and she came sobbing to me,

and I tried to console her, but there's not much I can do, because I go to the police and the police 'shuff' it off.

And then, with that, I would like to thank you very much for having me at this late hour and that, and—very good. Thank you.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Guilford.

Questions—Honourable Minister.

**Ms. Allan:** Thank you very much, Ken, for hanging in there all evening to make your presentation. I know we certainly appreciate you being here this evening to make some comments, and all the best, and thank you.

**Mr. Guilford:** You know me, a late person—a late person.

**Mr. Chairperson:** Okay.

**Mr. Schuler:** Ken, actually, I'm probably the only person at this committee that doesn't know who you are, and I'm very pleased that you stayed all evening and waited for your opportunity, and we thank you very much. And I'm going to read Hansard a little bit more carefully. We really appreciate the fact people come forward and point out other areas where perhaps we should be looking at some kind of legislation.

Thank you very much for coming and raising other issues with this committee. Good place to do it. Appreciate that you came.

**Mr. Guilford:** As I say, it has to be more than just the bullying in schools. It's a good place to start, but if there is not a committee bill, then I would hope that you have—put one in place, and if you do, you let me know.

**Mr. Gerrard:** Thank you, Ken.

**Mr. Guilford:** That's it?

**Mr. Gerrard:** Yes.

**Mr. Guilford:** Man of many words.

**Mr. Chairperson:** Thank you, once again, Mr. Guilford, for your presentation.

Now call on Barbara Douglas. Now call on Barbara Douglas, private citizen.

Seeing that presenter Barbara Douglas is not here, her name will be added to the list. All right, her name will be added to the list at the end of the committee.

Seeing no further presenters, what is the will of the committee? Oh, sorry. The hour being 11:10, what is the will of the committee?

**Some Honourable Members:** Committee rise.

**Mr. Chairperson:** Before we rise, it would be appreciated if members would leave behind copies of the bill so they may be collected and reused at the next meeting.

Committee rise.

**COMMITTEE ROSE AT: 11:10 p.m.**

### WRITTEN SUBMISSIONS

Written Submission on Bill 18

Subject: Bill 18

I would like it noted that I am against the wording of Bill 18. I am not sure why this bill is being passed as an anti bullying law when in fact it is mainly dealing with gender preference.

I would suggest that the gender issue be discussed and presented as a separate issue. Yes bullying is an issue not only on our school grounds but in every aspect of our daily lives, both young and old deal with this issue daily. One of my questions would be is "gender preference" the most common bullying issue out there. Or are there other less controversial ones. Such as your name, size, race, disabilities, or IQ to name a few.

So what I'm understanding from this bill is if every child who has an issue with what they perceive as bullying can apply to their school to be supported through a government and school funded support group. Are teachers then responsible to facilitate yet another after school program and am I as a tax paying citizen to have my school taxes once again increased. Just imagine the number of support groups that could arise out of such a bill. Do I have a solution for the situation of bullying. No. But I do feel that passing such a Bill as Bill 18 the way that it is worded that the Government are only going to be bullying some of our public and private schools, principals and teachers into supporting this Bill.

Concerned  
K Dyck

\* \* \*

June 12, 2013

Dear Committee Members:

I write to you today to outline concerns I have, as both a parent and an educator, about Bill 18. Although I believe that the intent of the bill to safeguard our children is noble, the bill falls short in actually doing so. By including only specific criteria of bullying that is deemed unacceptable, the bill overlooks other instances of bullying that are also commonplace such as bullying over physical appearance, religion, or intelligence. It is in the best interest of our students to define bullying, but not to put constrictive perimeters around it so that the reasons behind the bullying are placed in in hierarchy.

As a parent whose child is enrolled in a private school, I also have concerns over the stipulation that all schools are forced to teach alternative lifestyles. This goes against my religious convictions and the fact that the government is, by all intents and purposes, trying to regulate religion is both disturbing and unsettling. Canada is built on a principal foundation of freedom of religion and this bill seems set on stripping that foundational right from parents.

As you look to pass Bill 18 through to legislation, I humbly request that the bill be refashioned so as to not impede upon the religious convictions of a great many Manitobans. Bullying must be stopped, but bullying by the government of one group to please another is setting a very poor example for our students indeed.

Respectfully yours,  
Jennifer R. Kramer, B.Ed.

\* \* \*

To the Chief of Committees

My names is Jurgen Penner. I am the pastor of the Vita Bible Church in Vita, Manitoba. I wish to let you know my stance in regards to Bill 18, the "anti-bullying" bill that has been proposed. I and my wife are against it. We feel that this bill does not accomplish what it is intended to accomplish, and will do more damage than good.

First off, the definitions with the bill are far too vague to be effective. Terms like "a negative school environment" and "intended to cause harm" rely on subjective interpretation, not objective measurement. How does one prove if a child's action is intended to

cause harm? Children develop at different rates, and their intentions can be difficult, if not impossible to determine for certain. How does one render judgment in this vague definition?

These vague definitions can make it seem that even hurting someone's feelings once can be seen as bullying. And this is where our true concern lies. It is obvious that the impetus for this bill is the acceptance of those students who identify themselves as homosexual, since this has often led to bullying. However, the vague definitions of what actually constitutes bullying within the bill COULD make it so that those who do not agree with the homosexual lifestyle on religious grounds are seen as bullies.

As Evangelical Christians, we do not believe that same-sex relationships are congruent with our religious beliefs. We do not wish to alienate or belittle anyone in any way, but we do wish to express our beliefs freely. If this bill passes as is, it puts this freedom of speech at risk.

According to Whatcott decision of the Supreme Court of Canada, it was deemed that Canadians are free to speak against same-sex activities and urge its censorship within schools, as long as this is not done through hate speech. If Bill 18 passes, and a child is deemed a bully for disagreeing with the homosexual lifestyle, this would be in breach of the Whatcott decision. This must be taken into consideration.

What bothers me about Bill 18 is that there is no real progress being made. There is the desire to increase the rights of those who call themselves homosexual. But if those rights are increased at the expense of religious rights and rights of free speech, then we are not moving forwards, but backwards. This Bill, as it is currently written, will not accomplish what it hopes to.

I want to say with great passion that I despise bullying. No one should be made to feel that they do not deserve a normal life. To this end, I would call for Bill 18 to be rewritten. The definitions of bullying must be made more concrete, as well as the punishments for bullying. I urge that this Bill not be accepted as written. To do so will be a mistake that Canadians will suffer for years to come.

Thank you for your consideration.

Jurgen Penner

\* \* \*

June 13th, 2013

Re. Bill 18, The Safe and Inclusive Schools Act

To Whom It May Concern:

We are writing to register our objection to Bill 18, The Safe and Inclusive Schools Act. As written, we believe that Bill 18 is an infringement of at least two and possibly three of the four fundamental rights guaranteed to all Canadians by The Charter:

- freedom of conscience and religion;
- freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- freedom of association.

The persistent problem of bullying in our schools must be addressed—directly, to the extent possible. All abuses of power, manipulation, and intimidation in our schools—whether physical, emotional, psychological, or positional—must be rejected as inappropriate and unacceptable.

As written, we believe that Bill 18 displays a troubling disregard for the historical and deeply held beliefs of many Manitobans. Ultimately, we also believe it will be ineffective to accomplish the stated goal of eradicating all bullying in our schools.

Bill 18's mandate of specific support for gay-straight alliances in all funded schools elevates one disaffected group above all other disaffected groups. This part of the Bill threatens to infringe on the fundamental rights of Manitobans. And as gay-straight-alliances already exist in many of our schools, Bill 18 leaves the impression that religious schools are targeted by your government.

We pray that Bill 18 is amended so as to address—directly, deliberately, and decisively—all forms of bullying in our schools, while respecting the beliefs of all of our religious people and schools.

Rev. Mark L. Wilcoxson  
Senior Pastor, Bethesda Church

Dr. Neil Craton  
Chairman, Bethesda Church Council

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### Bill 18 Submission

To our honorable representatives in Provincial Government Leadership:

First of all, I thank you for providing this opportunity for input into the very important work you are doing. I do not envy your position as you address the varied needs of a broad constituency, and at the same time, prepare for, and lead into, an unknown future. I am thankful for your efforts on our behalf.

I would like to provide a brief comment or two on the proposal of Bill 18 that is presently working its way through our democratic system. I commend you for taking initiative to give leadership and push into this very serious issue of bullying. While bullying always has been with us, and likely always will, it does seem to be greater in profile and consequence than it used to be. As a society we have failed to keep pace with the needs of our children in this respect. Those of us who have voices of leadership in our communities have failed. Those in positions of authority have failed. We have too long been silent about injustices like bullying. I apologize for my silence. At the same time I am concerned that we address this issue as best we can, protecting as many as possible. I remain unconvinced that this Bill represents our best effort at that. In fact, I am concerned about some of the implications of this Bill.

My concerns might be visualized with this analogous statement: “over-steer can be even more dangerous than under-steer.” Most of us have experienced this truth. To jerk a steering wheel too hard to the side to correct a drift to the other side does not always decrease the likelihood of disaster, it can increase it. Relating this to this legislation, I am concerned that there is both some “under-steer” and “over-steer” at work in this bill. The encouraging thing I see is that both can be corrected quite easily.

Before we consider “correction”, please allow me to further describe this analogy from my personal experience. I presently serve as a preaching pastor in a large church (over 1000 people attend each weekend -- representing a membership constituency of over 1500). In directing our ministry we often face the challenge of balancing “over-steer” and “under-steer.” One example will suffice. We recently celebrated Mother's Day. With that day comes the challenge of being silent on Mother's Day because some within our congregation have not had a positive “mother” experience, or have been unsuccessful in their own desire to be a mother. To

ignore those women would be “under-steer.” But an answer is not found in ignoring the celebration either. That would be over-reacting, or “over-steer.” Instead, our response is to find ways of moving forward honoring each, without excluded the other -- blessing one without creating an environment which denigrates the other.

To the point then of Bill 18: By identifying a single group for support I believe that you are “over-steering” in a way similar to us as a church saying to people that they must celebrate Mother's Day whether or not it is a positive experience for them. For us to force that celebration on all is akin to bullying. This is what I see happening with this Bill and its requirement for support groups with a specific affinity. This creates a second class of students of those who moral beliefs may not resonate with the legislated affinity. By privileging one group above all you necessarily exclude others, creating an uneven field for bullying. It matters not what group is singled out. The truth is that there will be people who will disagree with differing preferences and positions, and mandating any one position for all schools is not helpful. Instead, why not simply mandate a more generic “bullying support groups” concept to avoid a caste or class system. It would seem to me that mandating a particular group like this could even open this bill up for challenge regarding rights and freedoms, which would not be helpful for anyone, especially the children presently at risk.

Further, I see a concern for “under-steer” in the definition of bullying provided in this Bill. It seems too broad to be helpful, leaving too much room for interpretation, thus creating headaches for teachers and parents, let alone our children. To say that certain activities are disallowed because they “ought to be known to...” is just too vague to provide the kind of help and leadership we need. A more definitive definition would provide our excellent educators with a tool that they can use more effectively. I wonder if a legislation (or definition) that is so vague as to address all possibilities ends up effectively addressing none.

I urge you, therefore, to govern us all, and govern all who are at risk of being bullied. Reports that I have read indicate that the greatest threat for bullying center around body shape, grades, culture, etc. Let's be sure that our actions match the real need. I do not want to minimize any cause for bullying, but I believe a better Bill will help.

This then leads to my earlier encouragement that improvements can be easily made. I believe a little work on refining the definition of bullying would assist educators, parents, and children in this important issue. There are many examples with less vagaries and thus greater clarity. Secondly, I would encourage the removal of any specifically named support group in an effort to avoid privileging some over the other, thus creating a “real or perceived power imbalance” and a “negative school environment.”

Thank you for your attention to this matter. I have encouraged my congregation to be in prayer for all of you as you wrestle with this very important issue.

Rev. Terry Kaufman  
Senior Preaching Pastor  
Emmanuel Evangelical Free Church

\* \* \*

Re: Bill 18, The Public Schools Amendment Act (Safe and Inclusive Schools)

Dear Members of the Legislative Assembly of Manitoba:

Please accept this written submission setting forth Alliance Defending Freedom's views on Bill 18, the proposed Public Schools Amendment Act (Safe and Inclusive Schools). By way of introduction, Alliance Defending Freedom is a public interest law firm that advocates for the right of people to freely live out their faith. We have offices in North America in the United States and at the United Nations, as well as a European office in Vienna, Austria and work with a network of allied attorneys located throughout the globe. We recognize that bullying is harmful to children and should not be tolerated. But bullying is not a homosexual issue, it is a human issue. We therefore believe that the Legislative Assembly of Manitoba should only support a prohibition on bullying that equally protects every child. Not only does Bill 18 fall far short of this goal, it also infringes upon students' rights to religious freedom and free expression, allows for schools to punish students based on vague and subjective criteria, extends schools' regulation of student speech outside of the school environment, puts teachers and staff at potential risk of liability for negligence, and intrudes upon the rights of parents and religious schools.

Rather than protecting every student from being bullied, Bill 18 focuses on granting certain students

favoured status over their less politically correct peers. The bill's mandate of "respect for human diversity" clearly does not protect the full range of philosophical thought. See Section 41(1.6) & 41(1.8). It is, quite simply, language intended to grant those with certain ideas greater legal protections than their fellows, specifically those interested in gender equity, antiracism, disability rights, and proponents of non-traditional sexual orientations and gender identities. See Section 41(1.8). Religious students and those with a variety of other interests are accorded second-rate status. There is no logical justification for this distinction. Anti-bullying policies exist to ensure that no child is bullied for any reason. Consequently, the bill's favoritism of some students over others is clearly inappropriate and should be rejected.

Bill 18's definition of "bullying" is also inherently suspect. It includes any "behavior that ... is intended to cause, or should be known to cause, fear, intimidation, humiliation, distress or other forms of harm to another person's ... feelings, [or] self-esteem," or "a negative school environment for another person." Section 1.2(1). Students may thus be punished based purely on school official's view of their "inten[tions]," regardless of whether they have caused any objectively measurable harm. Prohibitions of this type serve no legitimate purpose and are clearly designed to punish unpopular ideas, such as religious students' opposition to homosexual conduct. Moreover, it is simply impossible for students to know when their speech will cause a peer to feel fearful, intimidated, humiliated, distressed, or otherwise lacking in self-esteem, let alone subject to a "negative school environment." Such descriptions are wholly subjective and could easily be triggered by an overheard conversation between students' about their religious faith. Bill 18 thus fails to provide students with adequate notice of what conduct is prohibited and severely infringes upon students' right to freedom of religion and freedom of expression.

The bill further characterizes bullying as involving a "real or perceived power imbalance between the people involved," establishes that "repeated behavior" is not always necessary, allows for bullying to occur in a fashion that is either "direct or indirect," Section 1.2(2), and extends fault to those deemed to "assist or encourage ... bullying behavior in any way," Section 1.2(3). Terms of this nature are so expansive as to proscribe any tidbit of conversation that may happen to offend someone.

For instance, no objective criteria limit "bullying" to concrete, measurable harm—any subjective mental hurt is equally proscribed. Bill 18 also omits any reasonable severity requirement, allowing students to be guilty of "bullying" based on a single spoken thought. And almost any type of behavior could be deemed to constitute "assist[ing] or encourag[ing]" another's bullying act. Looks deemed suitably heartening to the perpetrator could be enough. The bill thus focuses on punishing unpopular ideas rather than protecting vulnerable students.

Another of the bill's troubling aspects is its extension of schools' regulatory authority to "social media, text messaging, instant messaging, websites or email," Section 12(2), regardless of whether students generate or access these widespread forms of communication while at school or a school-related event. Bill 18 thus provides schools with what amounts to a general police power to intrude into private homes and regulate student speech that is wholly unrelated to the school environment. School authorities' reach should not extend so far. Parents, not the state, have primary responsibility for monitoring their children's behavior and determining appropriate punishments when they breach reasonable bounds.

By creating a duty for school employees and volunteers to report any instance in which a student "may have ... engaged in cyberbullying; or ... been negatively affected by cyberbullying," Section 47.1.2(1), Bill 18 also establishes an unworkable standard that opens innocent individuals up to potential civil tort liability. It is simply impossible for teachers and school volunteers to report every instance in which a student "may have" bullied or been bullied. And if a school staff member or volunteer fails to identify and report behavior that a jury later determines to constitute "bullying," they could be held liable for common law negligence.

Furthermore, we are also deeply concerned that, as The Evangelical Fellowship of Canada has explained in detail, Bill 18 will infringe upon parents' and religious schools' fundamental rights. See *Falling Short: Manitoba Bill 18, the Safe and Inclusive Schools Act*, available at <http://files.efc-canada.net/si/Education/Falling%20Short,%20Bill%2018.pdf>.

For the above-stated reasons, we believe that Bill 18 is unlawful in many respects, will hopelessly divide communities, and will subject schools to a barrage of costly lawsuits. We therefore recommend that the

Legislative Assembly of Manitoba reject the entirety of the proposed act.

Sincerely,

Roger Kiska  
Senior Legal Counsel  
Alliance Defending Freedom

\* \* \*

Dear Special Committee of the Legislative Assembly of Manitoba,

I am writing regarding Bill 18. While it may have been drafted with good intentions, I'm worried that it will do more harm than good.

Consider the amendment to section 41(1.8), dealing with student activities and organizations: this section privileges some students and excludes others. Such privileging of some is a pretty clear Charter violation. It should be obvious to any with a basic understanding of justice that to protect or grant special privileges to a few groups of students at the exclusion of other students cannot be justified. Gender groups, race groups, disability groups and sexual orientation groups receive privileged protection, but religious groups (to name just one other type) are not included. This is the inherent problem with listing groups that deserve protection: some are always left out. Fundamentally and principally, every student should receive equal protection and equal opportunity.

Can you please either remove this clause (so that all students are protected, and none are privileged above others), or else, at the very least, can you add that students promoting religion or creed are also protected? Even better, please do what you can to stop this bill from proceeding. There are much better ways to deal with bullying than heavy-handed measures from our government.

Many independent schools have implemented bully strategies and policies that work well for their specific needs. Independent schools are providing exceptional education to a large segment of the population, and just as parent-run schools should be allowed to continue applying their own approach to dealing with the issue of bullying. Bill 18 would interfere with such policies.

I do not support Bill 18. While it is important to combat bullying, the Bill will force some public and independent schools to act in ways that are against

their community values and religious beliefs. There are better ways to reduce bullying. Please protect our schools and religious freedoms and do not pass Bill 18 as written.

Sincerely,  
Gerald T. Groening  
Deborah Groening

\* \* \*

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Sincerely,  
Audrey Friesen  
Jim Friesen

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Sincerely,  
Raquel Peters  
(Brandon, MB)  
Concerned parent & teacher

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Sincerely,  
Earl Moravek

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Sincerely,  
Sannette Engelbrecht  
Stephan Engelbrecht

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Sincerely,  
Natasha Bowlby

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Cheris & Duane Bakee

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Glen A. Buhler

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Sincerely,  
Kevin & Christine Neudoff  
Brandon, MB

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Sincerely,  
Lori vanderHan

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Bonnie Mitchell

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N. Semler

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Ken & Jacquie Waldner & family

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Marie Stitt

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Sincerely,  
Beatrix J. Levin

\* \* \*

September 3, 2013

To whom it may concern,

I would like to respond to you regarding Bill 18, and I would like you to know that I am strongly opposed to Bill 18. I feel that it is just another push for the gay community to enter our public school systems. I do not want that lifestyle pushed onto my children. It goes against our religious freedoms. Ironically, they are bullying society to the extent of even changing our school curriculum. Why is it that we can not pray in school? We once were able to, and unfortunately, it was removed because someone felt their rights were being violated. Well, there are those of us who feel our rights are being violated with Bill 18. This needs to stop.

I am very supportive of anti-bullying policies. But do not define it by using the term "gay/straight alliances". ALL bullying is wrong. If this was about bullying, then there would be NO talk about gay/straight alliances. But it is not. This last year, I moved my teenage daughter to another school within our division, over 45 minute bus ride away, because she was being bullied and there was no longer anything I could do about it. So I love it when there is greater awareness brought forward when there is unnecessary hurt among our young children. It does not matter if she is gay or straight, she was being bullied. Allowing a gay/straight alliance within a school, or changing the wording in curriculum, would not have prevented her from being bullied, or given her any further support within the school system. This Bill serves no purpose. So this opinion comes from a parent who is currently dealing with bullying.

I know of many families who are choosing home school as an alternative to public schools, where people's rights are being trampled on. Watch the Altona area specifically, as there were many public meetings there this spring to discuss other forms of education. It will be interesting to see how the numbers change in regards to student enrollment this fall, because of Bill 18. Please note that this is a result of people standing up against Bill 18. When families went to these meetings, they did not have to first define themselves as gay or straight, and their voice could still be heard.

I am a parent with two teenage children in two different high schools. My husband and I are wanting an education for them that focuses on education, not sex or sexual orientation. We do not want our

schools to be a political platform for any particular group. We want an education for our children so that they will succeed in life. This is very sad that it has come to this.

Sincerely,  
Nancy Rempel  
Clearwater, MB

\* \* \*

I will try to keep this brief as I know this government has already made up its mind on this matter concerning Bill 18. Minister Allan has made it very clear her political agenda and her total disregard for hearing anything other than the narrow minded focus of this amendment.

To start off, myself as well as most presenters, this government and the opposition parties, are all against bullying. Any and all forms of bullying. Period.

Bullying I believe has been present since forever.

1) It was present when I went to school. So bad that once my body broke through the GB wall as I was pushed around. Until I finally stood up for myself and fought back. Right or wrong.

2) It was present when my mom went to school.

3) It was present when my grandmother went to school.

Bullying unfortunately has always been present...and unfortunately, I believe, will always be there. No amount of legislation can or will effect change in this area, as legislation cannot effect change of the heart, which this is all about.

Now, there is always a greater agenda, whether planned or unintentional, can be debated. Each piece of legislation and judicial precedent is only a building block for more legislation and further expansion of government encroachment on our freedoms.

To further this, public education has always been to some extent used to further political propaganda and agendas. Sometimes more and sometimes less.

All I need to do is look at my heritage. The 1920's saw the province use forced public education for ethnic and religious cleansing. For the majority of the Mennonites at that time did not conform to what was acceptable both culturally, language or faith/religion. The province used forced public education to try and assimilate the children of these people into what was then acceptable. My great

grandfather was Bishop of a great segment of these Mennonites, who opted to leave the land of false promises of freedom of religion and freedom of education.

So it is no surprise to me to see a political party or government use public education as a tool to advance their social policies in what they deem culturally acceptable.

Bill 18, as written is not a great step forward in combating bullying, nor is it “inclusive”, as it has been repeatedly touted by Minister Allan

The reference to the Manitoba Human Rights Code (MHRC) is already included in the Public Schools Act (PSA) as outlined in the current 'bully' portion of the Act. So all groups outlined in the MHRC are already protected under the existing PSA.

Likewise, "cyberbullying" also is already in the current PSA. Although I agree it needs to be updated.

So besides the inclusion of further definitions of bullying, i.e. "hurt feelings," Bill 18 does not really address bullying any further than what is already included in the current PSA, at least in my opinion.

What it does do is bring in the non bullying element of forced 'inclusiveness.' This has nothing to do with bullying, but rather what is acceptable.

Outlining 4 specific people groups and 1 specific social group in Section 41 (1.8) does have an impact on how we determine acceptability. Why else name these groups and these groups alone, when they are already covered under the current PSA by reference to the MHRC? Naming these groups is not the problem, for they warrant protection and attention equally as anyone else. It's the naming of these groups in legislation, while leaving others out, that I believe is the problem. Special status to some, while relegating others not as worthy.

Furthermore by specifically naming GSA in legislation instead of ABC indicates to me that this legislation is not really about bullying and not really about inclusiveness (at least not in the broader school population sense). If that's the case, be upfront about it, this government has the mandate and authority to write legislation as it chooses. But don't cloak it in with bullying.

This bill is actually two bills. One on bullying. And one on forced inclusiveness. Toleration and respect are no longer acceptable. Both aspects (bullying & forced inclusiveness) of this bill should be debated on their own merit.

Why so much government focus on exclusive GSAs? Why enshrine only one specific social group in legislation? If this legislation, as purported, is focused on inclusiveness, why not promote in legislation an inclusive ABC, that would encompass all of the student body, to combat bullying on a holistic and complete approach?

I hear the question asked, “how do you think it makes gay students feel that we are debating GSA's?” And I agree it is sad that we have to debate this. But I ask, how do you think it makes other bullied students feel that they are not worthy enough to be mentioned in legislation by this government?

But there are other concerns I have over Bill 18, not just the forced inclusiveness part.

1) The loose term "hurt feelings" is very problematic with schools full of young children & teens who daily have hurt feelings.

2) No minimum standard of action to follow to rectify specific bullying cases. Some administrators/schools are great dealing with bullying. Some are definitely not. How can we ensure that steps will at least be taken?

3) In my opinion, some sort of moderate indemnification for staff should be included, especially if terms like "hurt feelings" are going to be used to determine bullying.

Using such open-ended definitions as “perceived” and “hurt feeling” is opening up a Pandora's box of wrongful accusations and convictions. Combine that with the provinces removal of the word “repeated” and “deliberate” actions and to me, it's a recipe for disaster. This will produce nothing more than a kangaroo court regarding bullying. Potentially condemning innocent children as bullies.

The sad part is that this will not stop bullying. It may reduce bullying for the Gay-Straight Alliance as they will have special status being enshrined in law. But this will cause students to tremble in fear for just going to school, as anything they say, do or write could potentially cause “hurt feeling” and be “perceived” as hateful. What a toxic learning environment to always be scared of being convicted as a bully. This does not sound like a positive and inclusive learning environment if you ask me. I thank you for your time.

Joseph Giesbrecht

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