

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

Chairperson
Mr. Len Isleifson
Constituency of Brandon East

Vol. LXXVII No. 3 - 6 p.m., Monday, April 24, 2023

MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

Member	Constituency	Political Affiliation
AL TOMARE, Nello	Transcona	NDP
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WIEBE, Matt	Concordia	NDP
WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC
<i>Vacant</i>	Morden-Winkler	

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT

Monday, April 24, 2023

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Len Isleifson
(Brandon East)

VICE-CHAIRPERSON – Mr. Brad Michaleski
(Dauphin)

ATTENDANCE – 6 QUORUM – 4

Members of the committee present:

Hon. Messrs. Ewasko, Reyes

Messrs. Altomare, Isleifson, Michaleski, Ms. Naylor

APPEARING:

Ms. Cindy Lamoureux, MLA for Tyndall Park

PUBLIC PRESENTERS:

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

Desirée Pappel, L'Association des éducatrices et des éducateurs franco-manitobains

Karine Rioux, private citizen

Jim Parry-Hill, private citizen

Katie Hurst, private citizen

Jonathan Waite, Seine River Teachers' Association

Tom Schioler, private citizen

Vicky Isleifson, private citizen

Brett Dow, Prairie Spirit Teachers' Association

Lindsay Brown, private citizen

Nathan Martindale, Manitoba Teachers' Society

Catherine Hart, private citizen

Cynthia Taylor, private citizen

Amber Lewicki, private citizen

Tara Law, private citizen

Chris Darazsi, private citizen

Roland Stankevicius, private citizen

Cari Satran, private citizen

Tammy Tutkaluk, Brandon Teachers' Association

Noni Classen, Canadian Centre for Child Protection

Cathy Pellizzaro, Thompson Teachers' Association

Cathy Pleskach, Interlake Teachers' Association

Shawna Dobbelaere, Western Teachers' Association

Marcela Cabezas, Louis Riel Teachers' Association

Lise Legal, Pembina Trails Teachers' Association

WRITTEN SUBMISSIONS:

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

Andrew Dryden, private citizen

Amanda Jonker, private citizen

Carine Brandt, private citizen

Sarah Coates, private citizen

Norman Cable, private citizen

Crystal Rachul, private citizen

Lindsay Lepla, private citizen

Leslie Singer, private citizen

William Taylor, private citizen

Russ Patterson, private citizen

Softene Loumi, private citizen

April Pulak, private citizen

Heather Ladoski, private citizen

Royce Murray, private citizen

Sari Targownik, private citizen

Carla Bouchard, private citizen

Anita Van Kats, private citizen

John Hasenack, private citizen

Shawna Stevenson, private citizen

Jennifer Loewen, private citizen

Lisa Siddall, private citizen

Kevin Roberts, private citizen

Vanessa Lylyk, private citizen

Kevin Kehler, private citizen

Fiorella Lavergne, private citizen

Lin Ruttan, private citizen

Nathanael Watt, Manitoba School Boards Association

Kelli Wiebe, private citizen

Kristen Fallis, private citizen

Mathieu Nolette, private citizen

Lindsay McDonald, private citizen

Pam Spitula, private citizen

A.J. Hrychuk, private citizen

Jeff Hoepfner, River East Transcona School Division

Cody Fjeldsted, private citizen

MATTERS UNDER CONSIDERATION:

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

* * *

Mr. Vice-Chairperson: Good evening. Will the Standing Committee on Social and Economic Development please come to order.

Before the committee can proceed with the business before it, it must elect a Chairperson. Are there any nominations?

Hon. Wayne Ewasko (Minister of Education and Early Childhood Learning): I nominate Mr. Len Isleifson, MLA for Brandon East and military envoy.

Mr. Vice-Chairperson: Is there any other further nominations? Sorry, but MLA Isleifson has been nominated.

Is there any other nominations?

Seeing none, hearing no other nominations, Mr. Isleifson, will you please take the Chair.

Mr. Chairperson in the Chair

Mr. Chairperson: All right. Good evening, everyone, and this meeting has been called to 'consilder' Bill 35, The Education Administration Amendment Act (Teacher Certification and Professional Conduct).

I would like to remind everyone that the Standing Committee on Social and Economic Development will meet again if required on Tuesday, April 25th, 2023 and on Wednesday, April 26, 2023 at 6 p.m. to consider—continue consideration of Bill 35.

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

So, currently we have received written submissions from 33 people, and these have already been distributed to committee members. Does the committee agree to have these documents appear in the Hansard transcript of the meeting this evening? *[Agreed]*

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in a committee. In accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes for questions from committee members. Questions shall not exceed 30 seconds in length, with no time limit for answers. Questions may be addressed to presenters in the following rotation: first, the minister responsoring the bill; second, a member of

the official opposition; and third, an independent member.

If a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If a presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

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 first have to say the person's name. This is a signal for Hansard recorder to turn the mics on and off.

And that's how we make time fly, just throw it off the desk.

Okay, so I would like to draw the members' attentions to the presenters' list before them. We have four presenters who have indicated that they wish to present in French; in order to make proceedings less complicated for our fantastic translators, I would like to canvass the committee for agreement for the following schedule: (1) to hear Mrs. Desirée Pappel and Mrs. Karine Rioux, Nos. 1 and 37 on your list, as the first and second presenters today; And then (2) to hear from Arianne Cloutier and Ms. Nicole Lafrenière, Nos. 23 and 48 on your lists, as the first and second presenters at the meeting scheduled for tomorrow, April 25th.

Is this agreed? *[Agreed]*

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 'asterik' on your list. With these considerations in mind, in what order does the committee wish to hear presentations? In numerical order?

Mr. Nello Altomare (Transcona): Welcome, everybody.

May I make a request that out-of-town presenters that are present in the room be heard first, so that they can drive safely home, and then we'll go through the list in numerical order?

Mr. Chairperson: Okay. So, it has been suggested that we go with the presenters from out of town first who are here with us this evening, in person, and then from there we will continue on in the order as they are on the list.

Is that agreed? *[Agreed]*

So, we will proceed very shortly. As you've already heard that we do have a couple of presenters

are doing it in French, and so we're just getting some translation equipment set up. And so, we will begin very momentarily, and thank you for your patience.

* (18:10)

Okay, thank you again for your patience. I think we're ready to go.

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

Mr. Chairperson: So, with that, I'll call Mrs. Pappel, I believe is the name, to the—and, please, when you get to the podium, please feel free to correct me on your name as well.

Desirée Pappel (L'Association des éducatrices et des éducateurs franco-manitobains): It's just Pappel.

Mr. Chairperson: Pappel, okay. Thank you, Mrs. Pappel.

Do you have any written material for distribution to the committee?

D. Pappel: I do not.

Mr. Chairperson: If not, the floor is yours.

D. Pappel: Bonsoir. Je m'appelle Désirée Pappel, et j'ai été embauchée comme enseignante à la Division scolaire franco-manitobaine en 2008.

Je suis également la présidente de l'Association des éducatrices et éducateurs franco-manitobains.

Je vous adresse la parole parce que je me soucie de la sécurité de mes élèves, et je pense qu'une procédure transparente et juste est nécessaire pour protéger les apprenants qu'on me confie.

Il n'y a pas de question : il devrait y avoir des conséquences sévères et rapides pour n'importe quel mauvais traitement sexuel ou préjudice physique envers un élève.

Il n'y a pas de place en éducation pour ces agresseurs. Je suis reconnaissante que le gouvernement prend le devoir de protéger nos enfants au sérieux.

Je me souviens de la première fois que j'ai lu l'ancien projet de loi 64, et j'ai vu la recommandation pour un Ordre des éducateurs du Manitoba.

Je ne comprenais pas trop, alors j'ai contacté un de mes amis qui est infirmier parce que je savais qu'un ordre existait pour sa profession.

Il m'a expliqué que oui, souvent il y a des patients qui font des plaintes frivoles parce qu'ils sont vexés par les actions de leurs infirmiers. Et oui, c'est agaçant d'aller se défendre devant le comité.

Pourtant, la décision du comité était toujours juste parce que le comité est formé d'autres infirmiers qui comprennent les devoirs et les responsabilités de la profession.

J'étais donc très déstabilisée quand j'ai vu dans le Projet de loi 35 que le comité qui fera les déclarations de culpabilité aurait seulement une personne qui est un professionnel en enseignement.

Comment est-ce que c'est possible de rendre une décision juste quand tu n'es pas un membre de la profession?

Au sujet des plaintes frivoles et vexatoires dont l'infirmier m'a parlé, je suis heureuse que le commissaire ait le pouvoir de clore la question en ne prenant aucune mesure s'il juge la plainte frivole ou vexatoire.

Mais, je me pose la question: comment est-ce qu'il va s'y prendre pour réussir? Dans des ordres déjà établis, on voit des plaintes vexatoires qui passent.

Alors, comment est-ce ce commissaire fera pour assurer que les plaintes qui ont l'objectif de ternir la réputation d'un enseignant ne passeront pas?

Je connais l'effet de ce processus sur mes collègues. Quand quelqu'un est innocent, c'est dommageable de les traiter de coupable, surtout quand tu mets ton cœur dans ta vocation.

J'imagine que cela sera aggravé si le commissaire décide de suspendre le brevet d'un enseignant après avoir reçu une plainte avant que l'enquête soit terminée.

Je pense à un collègue qui a été mis en congé à la suite d'une plainte d'un parent. À la fin du processus, la plainte a été trouvée de ne pas avoir de fondement.

Cependant, pendant qu'il était en congé, il ne pouvait pas dormir et l'effet de ce stress sur sa santé mentale et physique n'est pas mesurable.

Finalement, mon collègue songe à quitter la profession parce que se faire traiter de criminel quand on investit tout soi-même dans sa profession est trop à endurer.

Tout cela parce qu'un élève était fâché, il l'a accusé d'avoir fait des commentaires qui lui ont causé un préjudice émotif important.

Comment définir un préjudice émotif important? Comme enseignante, je suis chargée d'avoir des discussions importantes et courageuses avec mes élèves pour des sujets qui ne sont pas toujours faciles.

D'autres fois, on peut être interpellé pour des raisons qui sont franchement ridicules.

Je ne vais jamais oublier : je venais de commencer un nouveau poste dans une école secondaire, et le directeur adjoint m'a appelé pour une réunion avec des élèves parce que je les avais blessés.

Lors de la réunion, on m'a accusé d'avoir dit des choses racistes en classe.

Quand mon directeur adjoint a demandé aux élèves pour un exemple, ils ont dit : « Pappel a dit qu'elle préfère du lait blanc au lait chocolat ».

Pour être claire, ceci n'était pas une métaphore. J'ai des soucis quand c'est le genre de chose qui pourra entamer le processus de plainte auprès du commissaire, parce que sans connaître d'autres détails, on m'avait accusée d'avoir blessé avec des propos racistes.

Malheureusement, j'ai aussi témoigné du racisme envers mes collègues. Je ne vais pas partager les propos exacts, mais trop de fois, j'ai entendu des accusations racistes comme : « Nous savons que les enseignants provenant de ce pays sont tous... » – et remplissez le tiret.

J'ai de très grands soucis que mes collègues qui ont reçu leur éducation à l'extérieur du Canada seront visés de façon disproportionnée.

Je crois beaucoup que la diversité au Canada, et dans notre profession, nous rend plus forts.

La plus grande variété de vécus que nous avons autour de la table, le plus d'idées qu'on aura autour de la table, le plus de bonnes idées qu'on aura autour de la table.

Nos élèves bénéficient beaucoup d'avoir des enseignants avec des différents styles d'enseignement. Cela rend nos élèves plus adaptables, et ce genre de flexibilité est une compétence essentielle dans le monde de demain.

Cependant, j'ai déjà témoigné d'un collègue qui a été accusé par des parents d'une inaptitude, simplement parce que son style d'enseignement était différent de ce qu'ils ont vécu dans leur jeunesse, il y a 20 ou 30 ans, dans le système manitobain.

Une conséquence non voulue de cela pourra être que nos élèves ne seront pas protégés, mais limités, parce qu'on les empêche d'avoir l'expérience d'apprendre des enseignants avec des différents styles provenant d'autres pays parce que certains les traitent d'inaptes.

Le projet de loi nous dit qu'il y aura des normes d'aptitude, mais qui va les établir? Qui sera la personne à établir les exigences? Qui est ce commissaire qui choisit les mesures appropriées?

Je me demande aussi par rapport à la raison pour laquelle on fait mention des incapacités physiques ou mentales. N'est-ce pas que nous avons déjà des adaptations au travail pour accommoder ces gens et leur permettre de continuer à enseigner?

Je vois cela comme étant une responsabilité de l'employeur. En effet, notre employeur a plusieurs devoirs, tels que les mesures disciplinaires progressives.

En ce moment, notre employeur peut soumettre l'inconduite à la Commission de révision des brevets du ministre de l'Éducation, et cela devrait toujours être fait pour des cas de violence, d'inconduite sexuelle ou des actes criminels.

* (18:20)

Le Projet de loi 35 exige que nos employeurs signalent toute mesure disciplinaire au commissaire. Cela risque de ternir les réputations de nos professionnels d'enseignement, surtout parce que les registres vont inclure toute mesure disciplinaire.

Donc, même si le processus disciplinaire a été transparent et la justice réparatrice a eu lieu, cela ne serait pas considéré quand quelqu'un vérifie le registre, voit qu'un enseignant a été sujet à la discipline, et lui donne une flétrissure pour le restant de sa carrière.

Tout cela pour dire, la façon que ce projet de loi est écrit me laisse avec beaucoup de questions et peu d'assurance qu'il va accomplir son objectif – protéger les élèves – surtout parce que les mesures proposées sont réactives et non proactives.

En discutant avec d'autres, je réalise qu'il y a beaucoup de façons à interpréter ce projet de loi, parce que le langage est subjectif et il semble encore y avoir beaucoup d'inconnu.

Donc, comment est-ce que nous savons que ces nouveaux règlements appliqués – pardon.

Comment est-ce que nous savons que ces nouveaux règlements seront appliqués de façon consistante?

Étant donné que j'ai tellement de questions, je vais conclure avec une question. Qu'est-ce que j'aimerais voir?

J'aimerais que nos élèves soient protégés. J'aimerais un comité qui est composé majoritairement d'enseignants pour juger les cas avec prudence et justice. J'aimerais une définition de préjudice émotif important qui éliminera des plaintes frivoles et vexatoires.

J'aimerais que l'attitude soit traitée hors du processus disciplinaire. J'aimerais que mes collègues avec des incapacités physiques et mentales soient traités de façon équitable.

J'aimerais qu'un—pardon. J'aimerais un registre qui indique le statut d'un brevet, mais pas plus d'information. J'aimerais ces choses parce que je crois que de cette façon, la loi sera appliquée de façon plus consistante, qui protège les élèves au lieu de blesser les enseignants.

Je suis reconnaissante pour le processus démocratique canadien qui nous permet de nous exprimer au sujet des lois proposées par notre gouvernement, même si on n'est pas tous d'accord.

Merci, et bonne continuation.

Translation

Good evening. My name is Désirée Pappel, and I was hired as a teacher in the Division scolaire franco-manitobaine in 2008. I am also the president of the Association des éducatrices et éducateurs franco-manitobains.

I am speaking to you because I care about the safety of my students, and I believe that a transparent and fair process is necessary to protect the learners in my care.

There is no question: there should be swift and severe consequences for any sexual abuse or physical harm to a student.

There is no place in education for these abusers. I am grateful that the government takes the duty to protect our children seriously.

I remember the first time I read the former bill 64, and I saw the recommendation for a Manitoba College of Educators. I did not quite understand what it was about, so I contacted a friend of mine who is a nurse

because I knew there was a professional order for his profession.

He explained to me that yes, often there are patients who make frivolous complaints because they are offended by the actions of their nurses.

And yes, it is annoying to go before the committee to defend yourself. Yet the committee's decision was always fair because the committee is made up of other nurses who understand the duties and responsibilities of the profession.

So I was very disturbed when I saw in Bill 35 that the committee that will do the culpable findings would only have one person who is a teaching professional. How is it possible to make a fair decision when you are not a member of the profession?

Regarding the frivolous and vexatious complaints that the nurse told me about, I am glad that the commissioner has the power to close the issue without taking any action if they find the complaint frivolous or vexatious.

I wonder however how they can possibly get it right. In already established orders, we see vexatious claims that are validated.

So how will this commissioner ensure that complaints that are intended to tarnish a teacher's reputation will not be validated?

I know the effect of this process on my colleagues. When someone is innocent, it is damaging to treat them as if they were guilty, especially when such individuals put their heart into their calling.

I imagine things will be worse if the commissioner decides to suspend a teacher's license immediately after receiving a complaint and before the investigation is complete.

I think of a colleague who was placed on leave after a complaint from a parent. At the end of the process, the complaint was found to have no merit.

However, while on leave, that colleague could not sleep and the effect of this stress on his mental and physical health is immeasurable.

In the end, my colleague is considering leaving the profession, because being treated like a criminal when you invest everything in your profession is too much to bear. All because a student was angry and accused him of making comments that caused him significant emotional harm.

How does one define "significant emotional harm"? As a teacher, my job is also to have important and

courageous discussions with my students about things that are not always easy. At times, one can be called out for reasons that are frankly ridiculous.

I will never forget: I had just started a new position at a high school, and the assistant principal called me in for a meeting with students because I had hurt their feelings.

At the meeting, I was accused of saying racist things in class. When the assistant principal asked the students for an example, they said, "Mrs. Pappel said she prefers white milk to chocolate milk". To be clear, this was not a metaphor.

I have concerns when this is the kind of things that could start the complaint process with the commissioner – because without knowing any other details, I was accused of hurting people with racist comments.

Unfortunately, I have also witnessed racism towards my colleagues. I am not going to share the exact words, but too many times I have heard racist accusations like, "We know that teachers from this country are all..." - fill in the blank.

I am very concerned that my colleagues who were educated outside of Canada will be disproportionately targeted. I believe very much that diversity in Canada, and in our profession, makes us stronger. The more variety of backgrounds we have around the table, the more ideas we have around the table – and the more good ideas we have around the table.

Our students benefit greatly from having teachers with different teaching styles. It makes our students more adaptable, and that kind of flexibility is a critical skill in the world of tomorrow.

However, I have already seen a colleague accused of being unfit by parents, simply because his teaching style was different from what they experienced in their youth – some 20 or 30 years prior – in the Manitoba system.

An unintended consequence of this may be that our students, instead of being protected, will be limited – because they are prevented from having the experience of learning from teachers with different styles from other countries, which some people want to call unfit.

This bill tells us that there will be professional competence standards, but who will set these standards? Who will set the requirements? Who is

this commissioner who will make decisions on appropriate measures?

I also wonder about the reason for mentioning physical or mental disabilities. Do we not already have accommodations at work to accommodate disabled people and allow them to continue teaching? I consider this an employer's responsibility. Indeed, our employer has many responsibilities, including progressive discipline measures.

At this time, our employer can refer the misconduct to the Minister of Education's Certification Review Board, and this should always be done for cases of violence, sexual misconduct or criminal acts.

Bill 35 requires our employers to report any disciplinary action to the Commissioner: this has the potential to tarnish the reputations of our teaching professionals, especially because the records will include all disciplinary actions. Thus, even if the disciplinary process was transparent and restorative justice took place, none of this would count if someone checks the registry and sees that a teacher has been subject to discipline: the teacher will carry a black mark for the rest of their career.

All of this to say: the way this bill is written leaves me with many questions and little confidence that it will accomplish its goal – protecting students. Particularly because the measures proposed are reactive – not proactive. In talking with others, I realize that there are many ways to interpret this bill, because the language is subjective and there still seems to be a lot of unknown. So how do we know that these new rules will be enforced with consistency?

Since I have so many questions, I am going to close with a question. What would I like to see? I would like to see our students protected. I would like to see a committee that is made up of a majority of teachers to adjudicate cases carefully and fairly.

I would like a definition of "significant emotional harm" that will eliminate frivolous and vexatious complaints. I would like to see the issue of competency dealt with outside of the disciplinary process. I would like my colleagues with physical and mental disabilities to be treated fairly. I would like a registry that specifies the status of a certificate without any additional information.

I would like all this because I believe that, this way, the Act will be enforced in a more consistent manner, that protects students instead of hurting teachers.

I am thankful for the Canadian democratic process that allows us to speak out about the laws our government proposes, even if we do not all agree.

Thank you, and I wish you well with your continued work.

Mr. Chairperson: Merci. Thank you for your presentation.

The floor is now open for questions.

Hon. Wayne Ewasko (Minister of Education and Early Childhood Learning): Merci, Mlle. Pappel.

Thank you for sharing your information and the additional, I guess—not stories, but situations—that you've seen yourself and that, and I just want to stress to you that—thank you for participating in Manitoba's democratic right on how to go through the committee—the committee stage.

I believe that we're only the second—there's only two provinces in Canada that actually allow you to go through this type of committee stage, so thank you for your words and able to assure you that, I think, bringing—

Mr. Chairperson: Minister's time has expired.

Any other questions from the committee?

Mr. Nello Altomare (Transcona): Thank you, Desiree, especially for your presentation in French. I was on and off on the ear piece because I found it to be—it's great to have that practice again, but I do want to get to, I believe what was the heart of your presentation.

Do you feel that the commissioner has too much responsibility, as it's laid out in Bill 35?

D. Pappel: Does the commissioner have too much responsibility? I think that depends on the situation. I think it depends on how this is going to be implemented.

As I said, you know, I've read through Bill 35 a number of times, and it brings up a number of questions for me. It brings up for me, yes, like, I mean, I really hope this goes in the right direction, but I see it opening the door to go in the wrong direction.

So, I think if we have, you know, enough teachers, members of the profession, who are involved with the process, that would be a way to ensure that it's done fairly, and, I mean, do I see the commissioner as being—as having, you know, too much jurisdiction over this? I'm not sure, I'm—because I'm not entirely sure what that's going to look like at the end of all of this.

Mr. Ewasko: So, Mme. Pappel, I'll finish with what I was saying.

So, to put your mind at ease as well, I mean, at the centre of this—as you mentioned right off the bat for your presentation—the children's safety is absolutely No. 1. And I—when we take a look at cross-jurisdictional scans and panel compositions and that, there is—as we've had conversations moving forward with Bill 35, we have had conversations with not only the employers but the employees as well; of course, Manitoba Teachers' Society.

So, the panel brings forward a—quite a well-balanced approach. Other jurisdictions in Canada seek—have this type of panel, where you've got an employee, you've got an employer and then you've got a member of the public. Ran out of time.

D. Pappel: Was there a question in there? Okay.

Ms. Cindy Lamoureux (Tyndall Park): First thing I just want to thank you, Ms. Pappel, for your presentation as well.

I really appreciate the examples you shared about your colleagues and your own personal experience, and I think that really speaks to the importance of language; and whether that's understanding every situation, per the situation, who should be wrapping their heads around the details of every particular case as well as the terminology used in the bill itself.

You referenced vexatious and frivolous several times, and I know it's a question that we have been having a lot here at the Manitoba Legislature, and would like some clarification on it as well.

Mr. Chairperson: Ms. Pappel, any comments?

D. Pappel: No.

Mr. Chairperson: Mr. Ewasko, any more? No? Any other questions?

Thank you very much for your presentation this evening.

So, we have one more French presentation, and I believe it is an online presentation with Mrs.—hope I pronounce it right—Rioux. And if you could unmute yourself and turn your video on. No. 37.

Karine Rioux (Private Citizen): Oui, bonsoir. Mon nom c'est Karine Rioux.

Translation

Good evening. My name is Karine Rioux.

Mr. Chairperson: One moment. And the floor is now yours. Welcome.

K. Rioux: Merci. Alors je tiens de vous remercier de nous donner l'occasion d'avoir cette consultation et de nous exprimer publiquement. Ça montre que nos opinions sont valorisées.

Alors, je débute ma présentation en posant la question, pourquoi?

On entend beaucoup parler du projet de loi comme tel, dont le « quoi » et non pas le « pourquoi ».

Nous pouvons tous être d'accords que nous voulons ce qu'il y a de mieux pour nos élèves. Nous pouvons tous être d'accord que nous voulons créer un environnement pour que les élèves puissent réussir.

Et nous pouvons tous être d'accord que nous voulons un climat sain, soucieux, accueillant et inclusif pour tous les élèves. Nous pouvons aussi tous être d'accord que si un enfant se fait maltraiter, qu'un suivi efficace et juste a besoin de s'effectuer.

Je m'interroge sur ce projet de loi en me demandant à quel point il répond à ce besoin de manière efficace.

Je me pose d'autres questions. Par exemple comment le mot « mal-conduite » est-il défini? Il paraît que la terminologie est trop vague ou floue et que le mot devrait être spécifié davantage, parce que ça peut laisser à de fausses interprétations.

Aussi, la terminologie – le « dommage émotionnel significatif » est un terme qui risque d'être mal interprété. Lorsqu'il s'agit du panel, je me demande qui fera partie de ce panel – qui est inquiétant, surtout de la part des enseignants.

Je songe aux répercussions possibles si on procède sans clairement et spécifiquement définir ces mots et qu'on annonce publiquement les noms des professionnels.

Alors, je me demande quel impact est-ce que ça portera au niveau de la perspective des parents, au niveau de la perspective des jeunes qui considèrent de se lancer dans cette belle profession? Peut-être qu'ils changeront d'idée.

Je me demande aussi de l'impact au niveau de la confiance du public. Je songe également aux répercussions si un enseignant se fait accuser de façon fautive.

Je me demande si, par exemple, il y aurait un impact envers sa demeure. Si cette personne se représente publiquement, et je m'interroge beaucoup sur

l'état de santé mentale – surtout que, de plus en plus, on voit qu'il y a des personnes qui ont des ennuis dans ce domaine.

* (18:30)

Il y a un expression anglaise qui ça dit comme suit : « Punish in private. Praise in public ». Je ne suggère aucunement que les enseignants sont punis dans tout ce qu'ils font ; cependant lorsque s'agit de disciplinaire, en effet ça devrait se faire de façon privée.

Et l'enseignant a le droit, je crois, à un processus juste. Je me demande aussi si c'est pour le meilleur intérêt de l'élève qu'il n'y ait aucun un temps limite pour porter plainte. Est-ce qu'on devrait se défendre que l'enfant est à l'école, surtout quand on reconnaît que parfois des enfants peuvent être portés à conter des histoires, et qu'on ne peut pas toujours tellement s'appuyer sur notre mémoire, surtout auprès plusieurs années.

Pour conclure, je vais simplement dire que parmi la belle profession d'enseignant, il y a déjà plusieurs défis à surmonter parmi le système éducationnel. Et ce dont le système a besoin est la confiance du public. Un tel projet de loi risque de mettre fin à cette confiance. Sans confiance, il n'y a pas de relation. Sans relation, on ne peut pas implanter ce qu'il y a de meilleur pour les élèves.

Merci.

Translation

Thank you. I want to thank you for giving us the opportunity to have this consultation and to express ourselves publicly. It shows that our opinions are valued.

I will start my presentation by asking this question: why?

We hear a lot of talk about the bill itself, including the "what" but not the "why".

We can all agree that we want the best for our students. We can all agree that we want to create an environment where students can succeed.

And we can all agree that we want a healthy, caring, welcoming and inclusive environment for all students. We can also all agree that, if a child is being abused, effective and fair follow-up needs to take place. I question this bill in terms of how effectively it addresses that need.

I have other questions. For example, how is the word "misconduct" defined? It seems that the terminology

is too vague or unclear, and that this term should be further clarified, because it can be open to misinterpretation. In terms of other the terminology: the expression "significant emotional harm" is open to misinterpretation.

When it comes to the review board, I wonder who will be on the board – this is concerning, especially from teachers. I think about the potential repercussions of proceeding without clearly and specifically defining these words and publicly reporting the names of teaching professionals.

I wonder what impact this will have on the perspective of parents, and on the perspective of young people who are considering entering this great profession. Maybe they will change their minds.

I wonder about the impact on public trust as well. I also wonder about the repercussions, if a teacher is accused of wrongdoing.

I wonder if, for example, there would be an impact on their residence, if that person's name is publicly reported. And I wonder a lot about the state of their mental health – especially since we increasingly see people having difficulties in this area.

There is an English expression that goes something like this: "Punish in private, praise in public". I am not suggesting that all teachers are to be punished for everything, but when it comes to discipline, it should indeed be done privately.

In my opinion, teachers are entitled to a fair process. I also wonder if it is in the best interest of students that there be no time limitation for filing a complaint. Should we not have an opportunity for defense when the child is in school? Especially when we recognize that sometimes children can be prone to telling stories, and that memory cannot always be relied upon, especially after many years have passed.

In conclusion, I will simply say that in the beautiful profession of teaching, there are already many challenges to overcome within the educational system. What the system needs is public trust. A bill like this risks ending that trust. Without trust, there is no relationship. Without a relationship, you cannot implement what is best for students.

Thank you.

Mr. Chairperson: Merci, and thank you for your presentation.

We'll now open the floor for questions.

And we'll start with Minister Ewasko.

Mr. Ewasko: Thank you, Ms. Rioux, for your presentation and your words.

And, just for some clarity, in regards to the panel, so we are going to have one representative from the employer, which would be Manitoba School Boards Association, and then one from the employees, which would be Manitoba Teachers' Society; a public person, as well, on the panel.

In regards to trust, we know that teachers overall are in a position of significant public trust and we want to make sure that we're keeping that in mind when we're going forward with this bill. But, at the same time, across jurisdictionally, in Canada, there is already registries in other jurisdictions–

Mr. Chairperson: And the minister's time is expired.

Did you want to reply—any comment to that, Mrs. Rioux?

K. Rioux: Oui, s'il vous plaît.

Alors, oui, je suis d'accord qu'il y a beaucoup de confiance au niveau du public. Cependant je crains qu'avec ce projet de loi, ce niveau de confiance risque de diminuer.

Translation

Yes, please.

Yes, I agree that there is a high level of trust from the public. However, I fear that with this bill, there is a risk this level of trust will fall.

Mr. Chairperson: Thank you.

Mr. Altomare: Thank you, Mlle. Rioux, for your presentation. Certainly left the question in my mind, and the question being, if I may, in English: How do you think this will affect the day-to-day practice of teachers in classrooms?

K. Rioux: Oui, ce que je crois, c'est ce que si on annonce publiquement, par exemple, les processus en place pour discipliner les enseignants, ça peut devenir démoralisant, et ça peut devenir décourageant pour les jeunes qui sont se lancer dans cette profession.

Translation

Yes, I believe is that, if we announce publicly the processes that are in place to discipline the teachers for example, it could be demoralizing, it could discourage young people who are trying to start in this profession.

Mr. Ewasko: Mlle. Rioux, I have—I've been a teacher for 17 years. This year would've started my 30th year and I would think that from many of the teachers that

I've spoken through the province, they're feeling that they do need some form of registry and third party, arm's-length panel or commissioner to be able to do the adjudicating on certain situations with teachers.

I do believe that quite a large percentage of teachers are absolutely more than trustworthy and they're going to continue on with their day-to-day job as they do see fit now.

Mr. Chairperson: Mrs. Rioux, any comments to the minister?

K. Rioux: Absolument. Moi, j'ai enseigné ça fait 28 ans, et je reconnais qu'il y a des systèmes en place qui sont déjà disciplinaire, et des systèmes efficaces à part des ressources humaines. Le public a confiance dans les ressources humaines ainsi que le personnel.

Alors, on a besoin de procéder avec ce qui fonctionne déjà. Je ne comprends pas pour-la raison pour laquelle on a besoin de resonger à nos pratiques si on a déjà des mesures disciplinaires en place qui fonctionnent, et ça se fait de façon respectueuse et que les enseignants aient le droit d'avoir des représentants pour les défendre parmi ce processus.

Translation

Absolutely. I have been teaching for 28 years. I recognize that there are systems in place that are already disciplinary systems, and there are efficient systems apart from human resources, for example. The public trusts these human resources processes, and the staff does too.

Thus, I think, we should go with what already works. I do not understand why we need to rethink all the practices if we already have disciplinary measures in place that work, that are used in a respectful manner, with teachers entitled to a representative to help them defend themselves in this process.

Mr. Chairperson: Merci. Any further questions from the committee?

Mr. Altomare: Well thank you for that piece, Ms. Rioux.

Do you have any suggestions to—on how to make this bill—I wouldn't say better, but to actually do what it's intended to do; that is, of course, child protection.

Is there any piece that you can add to ensure that that happens, or any change that you would make to ensure that this bill fulfills its intended purpose?

K. Rioux: Comme j'avais mentionné tantôt, on a certainement besoin de clairement spécifier et définir

la terminologie – « mal-conduite », ainsi que le « dommage émotionnel significatif » - parce que en travaillant avec plusieurs parents, par exemple, je reconnais qu'il y en a qui ont des défis avec leur santé mentale, et je sais que même s'ils n'ont pas nécessairement un diagnostic, il y en a qui ont des défis au niveau des dépendances, au niveau de la pauvreté, au niveau familial, etc., et parfois, c'est facile de mal interpréter un commentaire.

Parfois, ça peut être un commentaire à l'écrit, par exemple, ou à l'oral. Ça peut être un commentaire dans le bulletin et c'est ça. C'est juste je m'inquiète de la réputation des enseignants, parce que les enseignants se lancent à la profession parce qu'ils aiment les enfants, parce qu'ils veulent bien faire, parce qu'ils veulent réussir.

Et puis ils réussissent si les enfants réussissent. Alors, c'est ce que je veux. Je veux que nous considérons de clairement définir ces termes, et parmi le panel, il devrait certainement y avoir des—

Translation

How I mentioned earlier, we certainly need to clearly define and specify the terminology being used: "misconduct" and "significant emotional harm" for example. I have been worked with many parents, and I recognize that some of them have mental health issues – and even if they do not have an actual mental health diagnosis, they may have issues with addictions, poverty, family relations, and so on and so forth. In these circumstances, it can be easy to misinterpret a comment.

It can be a written comment or an oral comment. It can be a comment on the student's report card. I am simply worried for the teachers' reputation. Teachers go into this profession because they like children, because they want them to do well and to succeed.

Teachers succeed when children succeed. And this is what I want to see.

I would like to see this terminology clearly defined, and in the panel there should definitely be—

Mr. Chairperson: Thank you very much. Sorry to interrupt. The time has expired for questions and answers for our presenter, but merci and thank you very much for your presentation this evening.

So, as originally agreed, we will now move to out-of-town presenters who are in person, and I would now call on Jim Parry-Hill, a private citizen, to approach the microphone.

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

Mr. Jim Parry-Hill (Private Citizen): I do not.

Mr. Chairperson: You do not? No problem.

Please proceed with your presentation.

J. Parry-Hill: Good evening, Minister Ewasko and Chairperson. Good evening to ministers, to members of the standing committee. I am Jim Parry-Hill and I'm before you tonight to speak about Bill 35.

I find myself agreeing with the stated goals of the legislation. Children are and should be our most cherished treasure. They are our reason to hope that the future will be better than the past and, as such, children deserve all the tools we can give them to survive and thrive and grow and succeed.

A good education is one of the most important gifts that we promise our children. They need to be given facts and contexts and the thinking skills to sort out difficult choices and options. They need to learn, play, get messy and make their space clean again.

They need protection against all harm. This includes the perils of poverty, poor nutrition and all forms of predation at school, at home, in the community.

Manitoba Bill 35 stated purposes align with these basic tenets. The legislation is proposed as a solution to lawless and incompetent teachers.

Of course it would carry more weight if we had numbers to back up the claims. How many abusive teachers are there? How do we know? Are they already being tried in the justice system, and if not, why not?

Is the justice system powerless? Are there abusers that cannot or will not be dealt with using the laws already in place?

Are police failing to investigate? Is the school community closing ranks around abusers, everyone failing in their duty to report? How will this amendment make prosecution more effective?

Is it possible alternatively that the justice system is working at least as well now as it would after grafting a new branch of investigators onto the existing trunk of experienced, procedurally seasoned police and prosecutors?

* (18:40)

I would be interested to know if the people currently working, pushing, driving abuse cases through the courts were consulted as to how new legislation could create better results.

What if it cannot be shown that Bill 35 would enhance criminal prosecutions? That would imply that either the real targets of these regulations are actually not violations of the Criminal Code or that, for some reason, the Criminal Code is inadequate for the purpose. If this legislation would somehow create better outcomes in criminal convictions, that data should have been shared by now. So, let's put a pin in the issue of Criminal Code violations.

Well, then, how about teachers that are just bad teachers? This bill is supposed to set up a review system to make sure that all teachers are competent. Interesting, this bill simply amends the existing Manitoba Education Administration Act.

The Education Administration Act, in its current form, already has review committees in section 5 to do exactly the sorts of reviews that this bill envisions. In section 6, the current act already authorizes field representatives to, quote: "suspend the certificate of any teacher for incompetency, misconduct or violation of this Act or *The Public Schools Act* or of any regulation made under *The Public Schools Act* or this Act."

Are the current field representatives and review committees deficient or inadequate to the task? What is new here?

The biggest changes that adoption of this bill in its current form would create seem to be complaints and reporting. People who have knowledge of criminal offences are already duty bound to report, so this bill would not change those reports.

The real change would be in encouraging complaints based on opinions, hearsay, rumours and innuendo. The change would be that regulators would be required to listen to, record and evaluate those rumours and perhaps evaluate the professional educators about whom those opinions were written. People with no standard, no metric by which to gauge the performance of competent teaching would be encouraged to secretly call out educators who would be denied any opportunity to face their accuser. So how would this work?

If a complaint of incompetence is made, how is it to be justified or obviated? How can a defence be made to a non-specific charge? What exactly is professional misconduct? Most of us would assume

that the definition must legally be pretty darn specific. We would be surprised to hear that defining professional misconduct can be like a snake eating its own tail. According to Bill 35, quote: "professional misconduct of a teacher means conduct that makes them unsuitable to be a teacher, including...conduct that is prescribed by regulation to constitute professional misconduct." In essence, misconduct in Bill 35 is defined as anything that may be misconduct or may become defined as misconduct. Will this make our kids safer? It sounds like a recipe for witch hunts.

What are the benefits? How did we get here? Are all educators subject to review panels? The legislation is silent on some of the above questions, but there are still a few surprise apparent revelations as to who might escape any scrutiny in this proposed legislation.

The previous iteration of the act chose not to define the word employer. This bill's definition of employer, however, specifically excludes any school that is privately funded and does not offer a pathway to a high-school graduation. All of the people, therefore, who work for unfunded religious schools and all the people who work in the home-school industry that do not graduate from high school appear to be free of all the reporting and record-keeping required of employers in this amendment.

Since these schools are not deemed to be employers per se, it's debatable if any of the educators employed in those already under-regulated fields will be deemed to be teachers. It would be interesting to find out if the rates of student abuse by educators are higher or lower outside of the funded school system.

Would this new process be legal? Hearings under this act are legal proceedings subject to The Manitoba Evidence Act, requiring adherence to regulations regarding confidentiality, disclosure, hearsay, rights to cross-examination and in-person witnesses under oath, precisely the sort of protections that the complaints section seems to be marching away from.

Would it be effective? None of the initiatives proposed are new; they have all been tried in other jurisdictions. Had they resulted in improved educational outcomes, we would by now have the proof of those better outcomes.

And who has been part of the process? Generally, teachers are not consulted on topics such as curriculum, student assessment and remediation, much less new tribunals. However, it's often teachers that are blamed for reform failures.

In conclusion, I would like to emphasize the following points: The legislation has not been presented with available result-driven data regarding similar initiatives. The Justice Department already has the purview to prosecute criminal acts. Persons with information about child safety are already mandated reporters, and any failure to so report is, at this time, a criminal act in and of itself. At this time, we already have field representatives and review committees. And the lack of a clear definition of professional misconduct is troubling.

I think the legislation is deeply flawed, confusing in intent and design. Duplicating 'offers' by other departments, it fails to clearly delineate how it will better resolve any of the target behaviours. It may even specifically exclude segments of the educator population from scrutiny. As well, it's likely to engender court challenges that include improper evidence and failure to maintain confidentiality in proceedings.

Thank you for your willingness to consider these concerns.

Mr. Chairperson: Thank you very much, Mr. Parry-Hill, for your presentation.

I will now open the floor to questions and to Minister Ewasko.

Mr. Ewasko: Thank you, Mr. Parry-Hill, for taking the time to come and share your words. And it's all recorded in Hansard, so we've got specifically, exactly, everything that you've brought forward.

Within the bill, actually, the professional misconduct component is quite clear. And, in regards to the panel that's being brought forward, it's a—this is cross-jurisdictional scans. Manitoba has not—*[interjection]*—okay, so I'll try to speak up.

So, cross-jurisdictional scans—

Mr. Chairperson: I'm going to just—with the latitude of the Chair, I'm going to stop the clock for a second, because the minister's time is out. But I will allow him to finish his question. Seems you're having a problem hearing.

So, go ahead, Mr.—Minister.

Mr. Ewasko: Thanks, Mr. Chair, and thanks, Mr. Parry-Hill, again.

I think there's quite a few pieces within the bill that I think you're not necessarily being clear enough on, I believe, from your own standpoint or your own view.

But that being said, Mr. Parry-Hill, I more than appreciate you coming forward and bringing forward your—some of your suggestions. And some of the teacher registry components, I believe, is going to help solve some of the things that you brought forward.

Mr. Chairperson: Mr. Parry-Hill, any comments to the minister?

J. Parry-Hill: I would say that I—over a time of more than 50 years, I have developed a fine taste for well-crafted arguments, for result-driven problem solving and for well-crafted legislation that I have examined.

And I'm surprised that we see this legislation differently, but I thank you so much for your concern.

Mr. Altomare: Mr. Parry-Hill, can I ask you a question?

Floor Comment: Oh, sorry. Absolutely. Thank you for your time.

Mr. Altomare: Well, thank you.

Floor Comment: Again, I apologize for the age of my ears; it's almost as old as the rest of me.

* (18:50)

Mr. Altomare: I'll be loud. Can you provide the members of this committee your opinion on the role of the commissioner in this particular legislation?

J. Parry-Hill: The role of the—

An Honourable Member: Yes, the commissioner; the way it's outlined in the bill.

J. Parry-Hill: I am not familiar with how the commissioner would be selected, who that person might be. I am, in fact, hoping that the commissioner will revert to being the commissioner described in the original act. But I think you could probably tell that from what I've said.

I hope for the best. I am hoping that the commissioner, if there should be one, will be of stellar quality, and will bring things into the education system that are of great benefit to the students that we all are looking to protect.

Ms. Lamoureux: Thank you, Mr. Parry-Hill, and I appreciate, in your words, your well-crafted argument and your remarks in breaking down the legislation.

And my question for you is, are there parts of the legislation that is, in fact, good, where amendments may be worthwhile introducing to the legislation, or do we need to sort of start from scratch?

J. Parry-Hill: I have outlined my thoughts, which are that this is less than stellar craftsmanship. It doesn't start from a place of proof that there is a problem that—or even where the problem is being dealt with at this time. And I would love to see the argument, either for a solution, or evidence-based data that would indicate what has happened in the other jurisdictions in which it was tried.

Does that answer your question?

Mr. Chairperson: Thank you for that.

Any further questions from the committee?

Hearing none, thank you again, Mr. Parry-Hill, for your presentation this evening.

Okay, next we'll invite Ms. Katie Hurst to the podium, who should be No. 10 on your list if you're following along at the table here.

So, welcome, Ms. Hurst. Do you have anything to hand out to the committee?

Katie Hurst (Private Citizen): I don't.

Mr. Chairperson: You don't, no problem. The floor is yours.

K. Hurst: Good evening. My name is Katie Hurst. My pronouns are she/her. I'm a public school teacher in Winnipeg. I'm currently in my sixth year of teaching. I hold a bachelor degree—I hold bachelor's degrees in music and education and a master's degree in education, and I'm here to speak on Bill 35.

There are some parts of Bill 35 that I do agree with. I agree with the right of any person to make a written complaint that alleges sexual abuse or misconduct, or physical harm caused by a teacher to a pupil or other child under a teacher's care or supervision.

I agree with the—that—with the obligation for all teacher employee—employers in Manitoba to report without delay if a teacher they employ has been charged with, or convicted of an offense under the criminal code relating to the physical or sexual abuse of children, or if the teacher has been suspended or dismissed for such professional misconduct.

The requirement that teachers in Manitoba self-report—I also agree with the requirement that teachers in Manitoba self-report if they've been charged with or convicted of a criminal offence relating to the sexual or physical abuse of a child, and fair and transparent process to deal with complaints, including investigation, and if warranted, a referral to

the hearing panel for a determination on teacher professional misconduct.

I also agree with the authority of a hearing panel to make findings and orders up to and including a cancellation of the teacher's teaching certificate where professional misconduct has been proven against the teacher.

There are a number of aspects of this bill, however, that I find deeply troubling. They include the following: the inclusion of competence in a professional misconduct framework is neither fair nor reasonable. Professional standards have never been connected to child safety and suspension or cancellation of a teaching certificate. That is because competency should fall under the purview of the employer.

Principals assess teacher competence using a rubric with clear set of—with a clear set of standards, and should a teacher not meet one or more of these standards, the teacher is offered support to aid their learning and time to correct their actions. These teacher performance rubrics at present are set out by senior administration of school divisions. These are people who possess years of experience in working in the classroom and have expertise in the field of education.

At school, we have a saying, is that everyone—it is that everyone is a learner, student and teacher alike. This bill does not account for that at all. In fact, it goes on to put teachers in a position where they could be publicly shamed for falling short. This is disgraceful.

I want, and teachers want, the best for teachers working in the classroom. We want the best for our learners, and we want to be the best we can for our learners. Striving for professional excellence is what we do. It's how we hold up our profession and how we support the public education system. Further, teachers are already beholden to a code of professional practice which obligates teachers to engage in ongoing professional learning in order to continuously improve professionally.

Competence should not be included in this framework, and it is, and should be, the responsibility of the experts—in this case, our employers, the school divisions. And teachers should be offered support rather than publicly shamed.

Secondly, the hearing panels described in this bill are set to include members of the public who are not and have never been a teacher. Non-teaching members of the public do not possess the required

education and credentials to be able to assess an educator's performance. Non-teaching members of the public lack experience working in the classroom.

This makes them unable to fully understand the scope of the job of the teacher, the increasing needs of the learners and all that that entails. Under The Regulated Health Professions Act, panels are staffed by health-care professionals, as they are best equipped to understand the requirements and responsibilities of the role. Teachers should be afforded the same respect and dignity that health-care professionals are and have their work and decisions surrounding their work be determined by their peers.

Bill 35 also poses the unqualified inclusion of the—of a teacher causing a student significant emotional harm in the definition of professional misconduct. What is concerning about the lack of definition here, specifically, significant emotional harm, is that it opens up teachers to complaints from parents about things they simply disagree with. Without a clear definition of significant emotional harm, and I would add, clear standards for what deems a complaint frivolous, vexatious or trivial, teachers could be penalized for discussing science and history topics or identity and social justice topics, including racism, xenophobia, sexism, transphobia and homophobia. This is particularly troublesome, and I worry about how this could impact teachers and student who belong to these equity-seeking groups.

The purpose of schools is to support students in learning to be learners, to learn their strengths and to use their strengths to benefit themselves and others and the world around them. Schools are not meant to teach parent—what parents want their children to know. Public schools are meant to teach learners what society needs them to know. I strongly urge that the significant emotional harm be clearly defined and that the definition reflect equity for all learners, both students and teachers.

There are a number of deficits in procedural fairness included in Bill 35. The—that includes the acceptance of anonymous complaints, no requirement to provide a teacher with a copy of a complaint, no clear timeline for making a complaint, no expressed right for an investigated teacher to be represented by counsel, the obligation on employers to report any and all discipline for professional misconduct or incompetence, as opposed to limiting reporting to suspensions and terminations.

This bill lacks the assurance that, given the commissioner will be governed by regulations which are

subject to change, investigations and hearings will be conducted fairly under the principles of natural justice.

Yes, it is true that the ability to appeal to a decision to the Court of King's Bench will safeguard this due process on fair-procedural fairness. However, the means, will and ability to appeal a decision may not be accessible to teachers whose certificate has been suspended or cancelled. So expressed rights within the legislation are critical.

Please do the following: Remove competence from the bill; this is the purview of the employer.

Ensure hearing panels are composed of a majority of teachers, in line with the composition of disciplinary panels of other professional bodies.

Include the expressed right to representation for a teacher being investigated.

Limit reports by employers to suspensions and terminations as opposed to any and all discipline for professional misconduct or incompetence.

* (19:00)

Define significant emotional harm. This requires specific language related to psychological harm to the pupil where the act is based on a characteristic protected by The Human Rights Code.

Repeated conducts that could reasonably cause a pupil or child to be humiliated or intimidated, or a single occurrence that could be reasonably expected to cause lasting harm to a child.

Protect the privacy of teachers who are—also to protect the privacy of teachers who are determined not to have the capacity to carry out the professional responsibilities of the teacher because of a physical or mental disability.

And that's it for me. Thank you for your time.

Mr. Chairperson: Thank you very much, Ms. Hurst.

And the floor is now open to questions.

Mr. Ewasko: Thank you, Ms. Hurst for coming in, and, again, as some of our presenters already are showing their democratic ability to come here and share your two cents on Bill 35.

So, much like—I know that initially when Bill 35 had come out, Manitoba Teachers' Society had spoken about the frivolous complaints and all that. And we've had some really good conversations with my education partners, which includes Manitoba Teachers'

Society, which basically have seen within the bill that a lot of those said allegations, those anonymous type of allegations are—

Mr. Chairperson: Minister's time has expired.

Any comments, Ms. Hurst?

K. Hurst: No.

Mr. Altomare: Thank you, Ms. Hurst for coming here and making this presentation. I certainly listened with interest, especially the part that details your concern regarding the day-to-day practice of teaching.

How do you see this bill affecting your own personal day-to-day practice of teaching?

K. Hurst: Well, I'm not uncomfortable speaking with my students about how they feel about their identity. And I'm—I know that not every parent agrees with their child's identity. And I think that, as a teacher and a human being, I have a responsibility to support the development of that child and listen to them. And I would be concerned that someone would make a complaint against me for listening to their child and supporting their child in their beliefs.

And I think that would—that may impact my ability to do my job. And I think it would result in me being put in front of one of these panels.

Mr. Chairperson: Ms. Lamoureux?—oh—

K. Hurst: I think—Like we also—there's a lot of—there are many statistics about specifically with respect to gender identity, using gender-affirming language. The likelihood that a child will choose to die by suicide increases exponentially. Like, it's like five times more likely that that child could die. And I don't want to be put in a position where I have to use non-affirming language or that—like a colleague might feel uncomfortable using non-affirming language because maybe that child's parent or another parent would complain. That's really concerning to me.

Ms. Lamoureux: Thank you so much for your presentation. More of just a comment than a question. I just want to express how grateful I am that we do have teachers such as yourself right now in our school systems. I think it's—now is the time it's more important than any other time in history that we have teachers such as yourself who are willing to go—the extra mile is not the right language. We've always had teachers willing to go the extra mile, but to face some of these really tough topics head-on with our students when more often than not, students are reaching—

Mr. Chairperson: The member's time has expired.

Any comments back, Ms. Hurst?

K. Hurst: Thank you.

Mr. Ewasko: Thank you again, Ms. Hurst. And just to sort of complete my last thought there, so in regards to the competence and the definitions held within, Manitoba Teachers' Society, Manitoba School Boards Association, many of our education stakeholders will be back at the table and we will be having those consultations and conversations specifically around those standards. And they are going to be developed in-hand in hand with teachers, so just to assure you that as well. *[interjection]*

Mr. Chairperson: Ms. Hurst?

K. Hurst: I'm sorry, thank you. I'm glad to hear that. I am concerned about that, but I have to say I am more concerned about the equity implications for the bill. And I want schools to be a safe place for all students, and I think that's the intention of this bill. And so, if those—if my concerns aren't addressed, I—with respect to what—defining a vexatious complaint, a frivolous complaint, I don't think this bill will achieve what it sets out to do, which is to make schools safer.

Mr. Chairperson: Thank you.

Any further questions?

Twenty seconds.

Mr. Altomare: Just—your final comment; what is the final thing you want to tell us in the 15 seconds we have left?

K. Hurst: I said it earlier, but I'm going to say it again. Schools are not places for parents to—schools are places where we need to teach students what they need to know, what society needs them to know, not what parents want them to know.

Mr. Chairperson: Thank you very much. The time is expired.

Thank you very much for your presentation.

So, next on our list, we'll move to presenter No. 32, Mr. Jonathan Waite.

Mr. Waite, if you would like to come to the podium.

Okay, so we're on No. 32, presenter No. 32, which is our third out-of-town presenter who is with us today.

And so, I welcome you, sir. Do you have any materials for distribution to the committee?

Jonathan Waite (Seine River Teachers' Association): None.

Mr. Chairperson: None at all? Then I will give you 10 minutes, and the floor is yours.

J. Waite: Good evening. My name is Jonathan Waite. I've been a teacher for 22 years in the Seine River School Division. I speak to you this evening as a local association president representing the more than 370 members of the Seine River Teachers' Association.

I need you to know unequivocally that I fully support laws that protect children. I am the proud father of two daughters who have now completed their public education in this province, and I appreciate the laws that are in place for their safety, as well as efforts to review and improve those laws as concerns come up.

Like all educators, my primary professional responsibility is to students. This is why it is enshrined as the first item in the Manitoba Teachers' Society code of professional practice. Educators have a duty to make sure that students are safe and a responsibility to create safe spaces. I'm very familiar with the phrase in loco parentis, a phrase I take very seriously, for I know that acting in place of a child's parent is an important responsibility. The classroom needs to be a safe space for students, free from harm, free from bullying, free from abuse and free to work hard, work differently, make decisions, make errors, find success and ask questions that matter to them.

In a bill that seeks to enhance protections for children in public education, I don't understand how competence aligns with the intent of this bill. I do understand the importance of investigating a complaint about an educator's conduct and with that, the subsequent adjudication of the complaint. Again, I have no opposition to this. I value any system that protects the safety of children, full stop. However, competence and conduct are two distinctly separate issues, and with the way this bill has been presented, I need to outline my concerns about how the term competence may be interpreted by the commissioner or the panel that this bill seeks to establish for the safety of children.

As part of a quality education experience, students will encounter many different educators along the way: educators with different teaching styles, with deep knowledge of pedagogy and curriculum, who build individualized assessment plans for each of their students. Educators strive to build

positive relationships with students and their families while also striving to better themselves through their own professional development and learning. We know that to be the best, we all need to seek ways to improve as educators.

But we also know that there's no one-size-fits-all approach to education and that while standards are important, it's also important to rise above those standards to meet the variety of needs that students come to school with. This may mean teachers have to change their teaching style or adapt their materials or change the dynamic of their classroom altogether. Teachers have to take risks when it comes to connecting to students and guiding them on their education journey.

And just as we set up safe spaces for our students to learn through decision making, teachers also need their schools to be safe spaces for them to find effective ways to educate every learner. I'm concerned that Bill 35 has the potential to negatively affect some of my hard-working, risk-taking colleagues.

* (19:10)

An environment where, quote, any person may make a written complaint to the commissioner that alleges that a teacher has been or is incompetent that—to carry out the professional responsibilities of a teacher, unquote. I fear that some of my colleagues may end up being unfairly targeted, simply for utilizing a different teaching style, or exploring a curricular topic in a way someone in the public may deem incompetent.

To speak plainly, I'm going to reference a personal situation. It was not too long ago that I was speaking to a very good friend of mine about a math concept his child was learning at school. He just couldn't wrap his head around the method his child was being taught, and this upset him. He asked my advice. And the first thing I told him was, the way that he and I learned math concepts in school was just one way to arrive at a correct answer, and that by teaching additional concepts to his child, his child was likely getting a much better, more robust understanding of number sense.

I also told him that his best path forward was to talk to the teacher directly. And if that didn't get him the results he was seeking, to then talk to the school's principal. This is, after all, a natural and fair way to resolve a complaint. So much so that it's enshrined in the policies of my own school division, as it is in many others.

Now if the amendments proposed in Bill 35 were in effect then, and my friend deemed the teacher to be incompetent, they could have made a direct complaint to the commissioner, without speaking first to the teacher or the principal or anyone in the school division. And yes, as the bill's written, the commissioner could, quote, decide not to take further action, unquote. But at the same time, they could also initiate an investigation of the teacher, initiate a consent resolution agreement, or refer the matter to a panel for a disciplinary hearing.

Now in this example, I think most would see that this situation is not something to act on further. But what about a different situation. What happens when any member of the public, whether they have children in the school or not, decides to file a complaint against the teacher because they deem them incompetent for allowing discussion on residential schools or gender diversity.

And I'm not pulling these topics out of thin air. One only has to pay marginal attention to some of the laws being made in other regions to see how they are impacting teachers in what and how they can teach. And the way this bill's written, in my opinion, it offers no safeguards to our teachers that teach in ways one might describe as outside the box, or to support discussions that challenge societal norms.

It also removes the ability for my employer, the school division, to address complaints related to teacher competence. My teacher was the one who hired me and over the years, they've supervised and evaluated me in a fair and effective way. I believe that it's my employer's responsibility to continue to ensure competence in their schools, not a third party commissioner.

Now, speaking of the commissioner, I also have concerns about who might be named commissioner or panel members, if this bill passes. As it stands, our profession is governed by the Certificate Review Committee, a committee made up of professionals in the field. I trust them to be experts in teacher competency and to consistently hold educators accountable for their professional responsibilities and obligations. Honestly, while I would generally trust any commissioner to have the best interest in mind when it comes to student safety, I have no such trust that a commissioner, without any connection to education, would be able to fairly adjudicate issues related to teacher competency. And I would extend this concern to any hearing panel comprised mostly of non-educators.

Surely, Minister Ewasko, when a parent arrived at your school to talk with you about an issue, you valued their perspective and their opinions, as all educators do. But to suggest that members of the public would be fair and completely knowledgeable in addressing complaints about educators is actually a de-professionalization of what we do.

Minister, I know you want a fair and just system for handling complaints against educators. I have read that you believe that, quote, due process is in place in the bill to prevent frivolous accusations, unquote. I would love to believe that a rational, logical person acting as commissioner or as a panel member would never subject an educator to vexatious, unnecessary investigation. But respectfully, the bill does not spell out the safeguards you and I might hope for.

And because it is silent on whether teachers can expect to have the support of the union in the event of an investigation or hearing, I have significant concerns about the slippery slope this can create when it comes to creating vulnerability for educators.

And to this end, I'm going to speak plainly and not hypothetically about a situation I had to deal with as a local president earlier this year. I received a call late in the evening regarding a complaint against a teacher. And it would be unfair for me to go into details here, but I will tell you that students were never at risk for harm. And in my opinion, the complaint was both frivolous and vexatious. Involving me as the local union representative meant that the educator affected by the complaint had someone to talk to and to get advice from. Whether the complaint was or was not valid, having the union involved was an important part of due process.

And Minister, as a former educator, if you managed to have a career without need for consultation with a union representative, consider yourself fortunate, because I deal with questions and concerns from members on a daily basis. Surely, as someone who was previously supported by MTS, you value the support they offer to members and to public education, so I hope that amendments to this bill will clearly define the role of the union.

And so, with my final minute, as many of my colleagues have already done and will continue to suggest, I would like to propose the following amendments for consideration:

(1) Remove competence from the bill.

(2) Ensure hearing panels are composed of a majority of teachers in line with the composition of

disciplinary panels of other professional bodies in Manitoba.

(3) Include the expressed right to representation for a teacher being investigated.

(4) Limit reports by employers to suspensions and terminations as opposed to any and all discipline for professional misconduct or incompetence.

I thank you for your time. This is my first time speaking to a legislative committee and I'm happy to take questions if you have any.

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

The floor is open to questions.

Mr. Ewasko: Thanks, Mr. Waite. Nice to see you again. I do have to comment on your tie. Very nice tie. Just saying. Same one.

Thank you very much for bringing forward your concerns with the bill and also your years and years of service in the educational world as well. Just so you're aware, I mean, many of our educational partners have already stated that the single-door approach for misconduct and competency is the way to go.

We are looking and listening to various different suggestions and amendments, and that's what we're here today to do as well. So thank you very much for bringing forward some of your suggestions.

J. Waite: Nothing further.

Mr. Altomare: Mr. Waite, thank you for your very first presentation here at committee. I know it can be not what we're used to as educators, right, because we're used to having a classroom, having kids in front of us and working with our communities and families.

Question that I have for you is, is there a piece that you fear regarding the day-to-day practice of teachers right now and how that can change due to this bill?

J. Waite: Thanks for the question. I mean, there's lots of things to fear. And I'm not a fear monger, I—but I do like to make sure that everything that is prepared for the better of our students in this province are done so with care and careful deliberation.

So, in looking at what's happening in the current society, one of the things I've dealt with as president—and not just once or twice, but many times—is social media and the impact of social media on our teachers, on our educators, on our principals and vice-

principals, on our clinicians and consultants, our guidance counsellors, our resource teachers, anyone who works in public education. They are subject to a variety of things that can happen on the social media. And so, my fear here is that this may open the door for some of those that would just 'renaim' nameless and faceless and anonymous on social media and spout off to an audience of whomever.

My fear is, with this bill, is that your—teachers are going to be subject to discipline, subject to panels, subject to being out of their classrooms that they want to be in, for complaints that are frivolous, vexatious, and—I would agree with my colleague, Ms. Hurst—without definition.

That's my worry. My worry is that, to be frank, Mr. Altomare, if someone were to want to enter the profession, the fact that they could be subject to discipline for thinking or acting differently than parents might expect them to, even if they're in the right, that might dissuade some people from getting into the profession.

Ms. Lamoureux: Thank you, Mr. Waite, for your presentation. As both a teacher and as well as parent, could you speak a little bit more to how you feel that this legislation could potentially affect teachers as far as what they bring forward to their students—I think you used the language teaching styles and innovation—how this legislation could affect that?

* (19:20)

J. Waite: Thanks for the question.

A variety of things could happen. I'll cite another example that I wasn't planning on speaking to, but, you know, I had a friend last year that I coached through a situation. He is an educator, he had a trouble with an educator of one of his daughters.

And it was that coaching—you know, coaching him through—don't, you know, let's not just jump ahead to that next step until you go through this step of talking with the teacher, allowing them to talk through their process. Because his problem was the process.

And having that professional dialogue from a parent to a teacher, having the teacher be able to have that professional dialogue with the parents of their students, I think, is an important piece, and I fear that that may get lost if this bill is put forward as presented.

Thanks for the question.

Mr. Ewasko: Mr. Waite, just quickly—just on page 5 of the bill, the professional misconduct component, the definition is fairly clear and is fairly well laid out. Some of the education partners felt that it wasn't narrow enough, or some thought that it was too broad.

Some of the information in regards to the frivolous and malicious complaints that are out there—we had the conversation with Manitoba Teacher's Society, and that was after their campaign. They had launched their campaign. So, I was really hoping that some of their information that they received about the bill, which would clear things up, I think would definitely help with a lot of our presenters that I see a pattern forming today.

So, with that I want to assure you that the commissioner is going to be in place to be able to—

Mr. Chairperson: The minister's time has expired. The minister's time has expired.

Is there leave to allow Mr. Waite to provide a response? *[Agreed]*

Mr. Waite, any comments?

J. Waite: Thanks for the comments, Minister.

You know, with anything related to education, we want to make sure we get it right. You know, I tell my students all the time, don't hand it in until it's great; don't hand it in until it's what you want it to be.

I don't know if this is what we want it to be. So, maybe it's time to take pause, take an examination of it, make sure it is right for all involved: parents, students, educators, whomever—take the time to make it right. Because it could be an absolute fabulous step towards making sure we ensure and further ensure student safety. But maybe we need to make a little bit more—or take a little bit more time with it.

That's what I'll end with.

Mr. Chairperson: Thank you very much for your presentation this evening.

So, next we'll move on to our final out-of-town person in the building—is No. 54 on—for the committee, Mr. Tom Schioler. Mr. Schioler, if you could come to the podium.

And do you have anything to hand out to the committee?

Tom Schioler (Private Citizen): Just words of wisdom.

Mr. Chairperson: Words of wisdom? The floor is yours.

T. Schioler: Good evening. Yes, there are repetitive themes popping up. First of all, I am a teacher. I've been a teacher since 1978, and was allowed to teach in '76 when you could just finish university, get into the classroom and substitute 'til the summer. So, we did that.

I'm also a Winnipeg-educated guy. Ashland School, Assiniboine junior high, St. James Collegiate. And I was so happy when I got out of high school. I loved it. And I went up North, and I worked for the summer, came back, brought a car and drove to U of M.

And then I was going to be on my way. I got into the faculty of physical education, now called 'kinesi'-something or other. And in that time, I just said, yes man, I really do want to be a teacher. I've always been a coach, I was playing junior hockey while I was going to university.

Mr. Vice-Chairperson in the Chair

And I graduated in '77 from phys. ed., and I said, yes, I'm going to go into education. So, I went and it was a one year certificate program then for educational certificate. And I went, and all of a sudden, I was being evaluated to see if I was competent. And I was evaluated by a teaching professor at the University of Manitoba in the faculty of education.

And I was evaluated by a professional working teacher with experience that I was put under in the classroom. And so, for—in junior high and high school, a couple different stints of student teaching. And those evaluations were collaborative; they were full of great suggestions; they helped me form an idea to be a better teacher, because God knows, you just don't walk into the class and go, I've got all the tricks. It can be a really challenging and scary place.

But, somehow, my evaluations came through. I did it, and it was all okay. The point is, to this point, the evaluations were done by teachers, people who know what it's about. And it's very concerning to me to look at this competency thing that we've got going in this new revision of the bill.

You know, the school systems put a ton of time into evaluation. We're talking, when a first-year teacher is hired, they got at least nine hours—that principal is in their classroom. Plus meetings to find out direction, where we're going. They're not sitting in

there going, I can hardly wait to fire this person. They want growth.

And so, the model became supervision for growth. And however we define it in all our divisions, have a model like this, that the teacher grows. And that's first year. Then every four years—and some divisions may be different; I'm from the North, I'm from Frontier School Division. I work in Lynn Lake, Manitoba. I have for the past 15 years.

Every four years this happens. You know, I don't know a teacher—I know some wonderful teachers, but I don't know any teachers who can hardly wait to get evaluated. And the problem I see with this particular amendment to this act is, the minister chooses a commissioner. It's ordained by the Lieutenant Governor, okay? But, the minister chose the commissioner. Bingo.

The commissioner then can then deputize all these outreach workers who will actually go into the field—slash—the field worker. That's the way it reads. And then the commissioner can appoint a director of certification.

Okay, so what's happening here, it seems to be a top-down thing. And looking at the whole process, I was shocked that the union wasn't mentioned in terms of guidance and working with a teacher to go forward when they're charged with something like a lack of competency. Which, I've got to say, can be frivolous many times.

Because where I come from, where I—teaching, you know, it's—the economic disparity is huge. The generational trauma is unbelievable. And it's wonderful people, but not everybody has a good outlook on what proper education is, and going forward health—in a healthy, safe fashion.

I have five kids of my own. They all graduated from Kelvin. I don't know how they did. I don't know how I got them there. But we all had to go on a journey to learn to get through the environment we live in. And not all the environments in our wonderful province are the same.

And I just—I feel, to tie this in with the safety of children doesn't make sense. The safety of children. You know, I went through the whole system, like I said. I don't even know a teacher who abused a kid. I don't know. I've never even heard of it. That's how rare it is.

The more we have media, the more we hear, the more we expect the bad. And some people want to see

the bad: let's go get them. But we can't. It's like that movie *Minority Report*, where we judge precrime, and we have a panel of three precogs. But they live in a tub. And they spit out a little bingo ball with a name on it, because that guy's going to commit a crime. And they go get him.

* (19:30)

And some of this legislation, the way it's written, offers those shady areas of—you know, we all want to protect children. Like I said, that's our No. 1 thing. But you can't wreck our democracy and our way of life by scaring the living 'behoots' out of our young teachers.

If this legislation in its current form goes through, I can almost predict that within five years, we're not going to have anybody who wants to be a teacher in Manitoba. We're already a shortfall. There's a huge shortfall of teachers.

Where do we get them from? We're fortunate; we have a lot of retired people who come from Newfoundland; Ontario's a big province, we can get them from there.

But eventually—I noticed that the health community went out to the Philippines on a shopping trip for professionals this time, and they're wonderful people and we have many of them in our division.

And our own home blood is starting to not want to teach. And if they feel under the gun, in a sense that—I don't see the conversation here in this stuff, in terms of you're incompetent or whatever. Like, it doesn't make sense to tie this in with such an important protective procedure as the safety of our children.

I don't know if that's 10 minutes. I probably would have more to say. But I'll just tie it up there. *[interjection]* Oh, one minute and 23? That's okay. You can ask questions.

Mr. Vice-Chairperson: Thank you very much for your presentation. And how do you pronounce your last name again?

T. Schioler: It's Schioler. It's Danish.

Mr. Vice-Chairperson: Schioler. Thank you very much, Mr. Schioler, for your presentation.

Do members of the committee have questions for the presenter?

Mr. Ewasko: Thanks, Mr. Schioler, for showing up today, and thanks for your multiple years of service as well. Thanks for bringing in, you know, the perspective as well.

But I want to also assure you that a lot of the conversations around this bill have had teachers definitely at the table having those conversations. And moving forward, when we start talking about competency and that, you made a couple comments in regards to the employers and the professionalism and all that. The employers are still going to have all of that, whether it's the school administrator or anything like this.

This is to assess whether a teacher is actually—

Mr. Vice-Chairperson: Sorry, the minister's time is up.

Would you like to respond, Mr. Schioler?

T. Schioler: Good, because the school boards hire a superintendent in the division. The superintendent then makes sure all the staff is there, from the administrative staff to the principals and the teachers. And they're hired.

And they are the experts on developing or having, in some sad cases, to call a person that is not competent. And I have seen—incompetent teachers can exist. And the divisions are on that, and they work with it because they want the person to grow. We do need teachers, but in the end, if the person is not competent, then they are let go.

So, I think that's the true measure, because they spend the time, they spend the contact. Every day, they see that teacher. And we have principal-teachers still. That means principals who are teachers.

And this almost kind of does what bill 64 was going to do and bring in administrators who are not teachers into the principal profession. This is an outreach that is not conducive with healthy teaching and learning, in my opinion.

Mr. Vice-Chairperson: Is there other questions?

Mr. Altomare: Well, thank you, Mr. Schioler, for your presentation. It's always good to hear from the North, especially because of the unique circumstances that northern educators work in, and especially because of the close relationship we have with our communities in the North, right, because a teacher is seen as very important there.

Can you share some of your thoughts on how this bill can be amended to fulfill its intended purpose, which is child safety?

Mr. Chairperson in the Chair

T. Schioler: Well, I mean, if you're going to do this, then people should have a right to an MTS rep with

them the whole time, or a lawyer, have proper counsel.

As I said, it's top-down, doesn't make sense. I think that they'd be wiser to develop this with the divisions as something that they want to look at to make sure that we have strong teachers and that we have safe schools.

You know, again, we don't know when it's not a safe school. And La Loche, Saskatchewan was in the news. And that's on the same parallel as Lynn Lake, just a province over. And they had another stabbing, and an EA intervened and he got stabbed. I shouldn't say he; it might have been a girl. It was unclear in the report.

And that's following just four people getting shot to death in the community, two of them at the school. And, you know, thank God this isn't happening here. But I think if we divorce teachers too much from children, then you're going to get more of it.

And I really liked my—what my colleague Jonathan Waite had to say about the unique teacher, the avant-garde, the person who takes risks, who spends all their time. Like, they might be doing 16-, 18-hour days if they're a physical education teacher and all the coaching and athletics that they have to supervise and all the scheduling they have to do.

So, we've got remarkable situations that takes amazingly warm, cheerful, skilled and authentic people for it to pull off. And some of this legislation, I fear, doesn't understand—

Mr. Chairperson: Mr. Schioler, thank you very much for your time and your presentation.

Floor Comment: Thanks. I got it under the wire in my answer there?

Mr. Chairperson: There we go. So, thank you again.

So, for those of you who are around the table, I have been made aware that we have—another out-of-town presenter is now present in the room and that—so I will call on Mrs. Vicky Islielson, No. 45 on your lists.

Good evening. Do you have any material to hand out to the committee?

Vicky Islielson (Private Citizen): I do not.

Mr. Chairperson: The floor is yours.

V. Islielson: It's refreshing to find someone who can pronounce my last name.

My name is Vicky Islielson. I'm here to speak against certain provisions of Bill 35 as it is written.

I hold a valid Manitoba teacher's certificate, and I work as a substitute teacher. I am, however, speaking as a private citizen and so I don't officially represent any other teachers. But I hope that my statements today will cause you to consider how some of the provisions of Bill 35 will affect not only me but also other teachers and substitute teachers.

Many people tend to think of substitute teachers as well-paid babysitters. Well, that may be true sometimes, and I'll get back to that later. Let me tell you what gets me out of the door in the morning and also what some of the challenges are.

There are three main reasons I decided, in the middle of a pandemic, to dig out my teaching certificate and get the background checks done in order to work in schools again.

One reason is that classroom teachers get sick. They have family emergencies. They take groups of their students on trips and to sports events. And they have other professional duties outside the classroom. They care about their students, and they need to know that in their absence there is someone who can carry out their instructional plans so that students don't lose learning time.

The second reason is that if a qualified substitute is not available, then another teacher or administrator will have to give up their scheduled preparation time or rearrange their schedule—their busy schedule—to be in the absent teacher's classroom.

The third reason is, of course, the students. I work in high schools, so I'm talking about 14- to 18-year-olds. Teenagers are amazing. They are inquisitive, enthusiastic about their futures, athletic, artistic, quick-minded and engaged with the world.

They are also vulnerable, lonely, confused and hurt by the events of the last couple of years. However, they are also much more informed about mental health and open about their emotions.

* (19:40)

In spite of all that, as a substitute, I expect some students to attempt to put one over on me. So, when a student blurts out something personal about themselves or asks for a hug or even makes a—remarks of a sexual nature, I have to quickly determine if they are genuinely in need of support or are just trying to cause a distraction to avoid a math lesson.

I can tell you I've gotten it wrong a couple of times and have had to apologize to a student for not believing them. These errors were dealt with quickly at the school level, and I have gotten somewhat better at discerning students' intentions. I've even given out a few grandmotherly hugs.

Another pitfall for a substitute is that even though the absent teachers do their best to communicate what they need me to do and to let me know if certain students have personal issues such as a name change, in the case of an unexpected absence, the teacher is sending an email from home and may not have all the information at hand, or they may make a mistake in that email. For one example, YouTube is a great source of useful educational material, but a misremembered title without the exact URL code could result in the substitute giving the wrong video with inappropriate content.

As a second example, I was once tasked with reading a chapter from *To Kill a Mockingbird* to a grade 10 ELA class. If you haven't read this book in a while, I'll remind you that it is riddled with an unacceptable racial slur. I was lucky that day because the teacher had indicated what I should say instead, and I was also able to consult with a school administrator about a second word in that chapter that the teacher had not mentioned.

My point here is twofold. The first part is that every day I go to work, I know that I am not only responsible for the physical well-being of students by checking names and counting heads but also for their mental and emotional health as well.

The second is that I fear if Bill 35 is passed, it will create an adversarial climate of accusations between students—or their parents—and teachers, who are human and can unintentionally make mistakes. If this occurs, and I am faced with the additional stress of wondering when something I did or said has been misunderstood as negligence or intent to cause harm and will subsequently land me in front of the government's disciplinary commission, I might, very reluctantly, have to decide to stop working as a substitute teacher.

Now, I'm only one person, but that would still be a loss to me and to a system, like many others in Manitoba, is already short of qualified personnel.

Now, let's come back to the well paid part. I'm paid \$178 for each day I work at a school. After the usual taxes and some union dues, the net is \$142 for a day. That's still pretty good, if you calculate what that is per hour in the classroom or even for the six hours

total that I'm at the school. If you look at it over a school year, though, it becomes less impressive.

In the current school year, there are 193 classroom days between Labour Day and June 30th. Out of that, subtract another 10 in-service days; substitutes don't get paid for those. So, now I'm down to 183 potential days to earn that wage. So, the maximum potential net for the year is \$25,064. However, a substitute doesn't get paid for sick days, personal days or, as I found out last winter, snow days, even if the day has been pre-assigned to me.

The low-income cut-off or poverty line for a single person in Canada, according to Statistics Canada, is \$28,217. Thus, even if I'm able to work every school day, I am working below the poverty line.

I'm not saying this to make you feel sorry for me, but the point of all these numbers is to say that if Bill 35 is passed, it will add the spectre of section 8.31 of that bill, which states that the disciplinary committee may by order require a teacher concerned to pay some or all of the costs if a hearing—of a hearing if it finds that the teacher has behaved unreasonably—no definition to that.

There is also no limit placed on what those costs might be that the teacher would be required to pay, whereas in the current Manitoba Teachers' Society Act, there is a limit on costs for a similar determination of \$5,000. At the very least, I can foresee having to purchase some kind of insurance, if it's even available, in the event that such a decision could be made against me, thus reducing my potential for income even more.

However, the part of Bill 35 that concerns me the most is section 8.38, the teacher register. Now, we already have a child abuse registry. Anyone who works with children must submit proof of a check that their name is not on this registry. This is a list of people who have been convicted of child abuse, or determined by Child and Family Services to have abused a child; in other words, the bad actors that the government wishes to protect our children from.

If a person's name is on this list, they are not going to get a job as a teacher. So, why does the government need to establish a registry of all teachers, thus treating us as if we are already abusers? How does this proposed public registry prevent teacher misconduct?

Like all other professional associations, the Manitoba Teachers' Society already maintains a list of licensed teachers so that the employers of teachers can

get access to that. It's mandated that they have access to that.

Like all other professional associations, like doctors, engineers, nurses, social workers, the Manitoba Teachers' Society, by provision of an act of this Legislature, regulates and disciplines their members, and is required to make public any complaints about members or former members. That's in section 21(b) of The Manitoba Teachers' Society Act.

I agree that transparency is necessary, but this section already appears to provide for that. If it's not clear enough, then make changes to The Manitoba Teachers' Society Act to make that clear. Instead, Bill 35 is treating all teachers as potential criminals by singling out this profession as one that needs additional oversight by a government commission instead of a professional society.

I share some of the other concerns that other speakers have already mentioned, so I—but I will limit my comments to that.

Thank you.

Mr. Chairperson: Thank you very much for your presentation this evening.

The floor is now open for questions.

Mr. Ewasko: Thank you, Ms. Isleifson, for bringing forward your comments and your concerns, and also some of your points on potential financial implications for the said teacher themselves, as well.

Hopefully you know this already, but a lot of the standards in regards to whether it's competency or any other thing that we're working through this bill. I mean, the bill is, at the end of the day, set to keep kids safe. So, that's the main premise.

And I know I've run out of my 30 seconds already, but I'd like to thank you for bringing forward your comments already.

Mr. Chairperson: Mrs. Isleifson, any comments back to the Minister?

V. Isleifson: No, I just—well, I'll just restate: I think—I don't think we need this bill. We already have The Manitoba Teachers' Society Act.

Mr. Altomare: Thank you, Ms. Isleifson. Takes a lot of courage to come here to prevent—to present in front of this committee. Appreciate your words, especially as a substitute teacher. Especially during these times.

You sound wary. Can you expand a little bit about the unique role of that—of a substitute teacher, and how this bill may affect that particular role.

V. Isleifson: Well, as a substitute teacher, you parachute in to different classrooms every day. You don't know the students. Sometimes you don't know what they've learned already. You don't know what you're going to be faced with teaching them that day. Because I'm trained as a math teacher, but I can be in any classroom, you know; they don't just call me when they need a math teacher.

So, you know, every day is a different circumstance. So, there's pitfalls, like the ones that I mentioned, that can quickly get you into trouble, and as other speakers have said, if, you know, anybody is going to start raising complaints to a commission about the teacher, because they maybe said something that they didn't like, you know. To me that's like putting you on the spot every day, that you might end up getting accused when you've just done the best you can that day.

* (19:50)

You know, I go to work each day that I go, trying to do my best.

Mr. Ewasko: Thank you, Ms. Isleifson, for again, bringing forward some of your comments.

I mean, right now, there is, as you mention, there is abilities to have representation already. This bill is going to continue to have that representation and then also the ability for any teachers that are found to fall under the act of misconduct by the commissioner and the panel to be able to appeal any kind of motion to the Court of King's Bench as well.

So, this is actually strengthening the ability to have the teacher have some of that representation. So just letting you know.

Mr. Chairperson: Mrs. Isleifson, any comments to that?

V. Isleifson: No, I don't think so.

Mr. Altomare: Substitute teachers, just by their very role, don't know the culture of a building, and they require outside bodies, very much to support the work that they do. I see this as something that has you concerned because of the very nature of you being a drop-in.

Can you expand a little bit more on that?

V. Isleifson: I'm not quite sure what you're asking.

Mr. Altomare: Just around how, you know, how when the staff gets together and we're able to—we know our kids, right? As a sub, it's difficult.

V. Islietson: Yes, okay, yes. That's true. I don't have access to any of the information on the students' circumstances. I don't know who's living in poverty. I don't know who's living in a broken family. You know, I don't know anything about the students to be able to make special considerations for their circumstances. All I know is what, you know, what's in front of me that day.

So, it just—you know, having this spectre of this complaints process and commission and not being able to instead work it out with the school administrators, with the—maybe with the other—consulting with the other teachers in the school. You know, that makes me fear that, you know, I'm just not going to be able to continue to do that.

Mr. Chairperson: Your time has expired, but thank you so much for your presentation and for joining us here this evening.

So now we will ask Mr. Brett Dow. Is there a Mr. Brett Dow in the room? No? Okay, so we will move Mr. Dow to the bottom of the list.

Mr. Michael Flett. Mr. Michael Flett. And again, they may be online as well. So, if you are online, please. No, that means he's out of town. I'm just going to double-check to make sure that—I can't see who is online and who is not, so we're just double-checking.

We can check with Mr. Brett Dow to see if he's online as well, just so we don't accidentally miss him. Okay, so Mr. Dow is online.

So Mr. Dow, we'll ask you, if you could, to unmute yourself and turn on your video.

Brett Dow (Prairie Spirit Teachers' Association): Hello.

Mr. Chairperson: There we go.

Thank you for joining us, Mr. Dow. You have 10 minutes for your presentation. And the floor is yours.

B. Dow: Great. Thank you.

My name is Brett Dow. I've been teaching for 11 years. I currently teach at Nellie McClung Collegiate in Manitou. I also serve as the president of our local teachers' association for Prairie Spirit School Division. I would like to extend my thanks to my colleagues in the gallery, those who are listening in

and those who have taken the time to speak out against Bill 35.

As representative for the Prairie Spirit Teachers' Association, I want to emphasize that we prioritize professionalism and student safety above all else.

MTS's code of professional practice, which has been in place for over a century, places student safety as our first priority. We are proud of the high level of trust that parents have in us. We have concerns about Bill 35, which goes beyond child protection and delves deeply and inappropriately into teacher competency. Professional competency is not related to protecting children and should not be a part of any legislative misconduct framework for teachers.

The proposed legislation allows any person to make a written complaint to the commissioner and allege that a teacher has been or is incompetent to carry out their professional responsibilities. However, the bill does not provide a clear definition of what constitutes incompetence.

This vagueness is alarming and can result in frivolous and politically motivated complaints against teachers. We support a transparent framework to keep students safe, however, the use of significant emotional harm as part of the definition leaves too much room for interpretation.

This ambiguity could leave the most vulnerable members of our community at risk. Specifically, I worry about the well-being of my LGBTQ2+ colleagues, who have already faced numerous challenges, both within and outside the classroom.

In the current education climate, we have seen these attacks increase. We've seen fringe groups pushing both misinformation and fabricated narratives against these people. The language of this bill declares open season, and does not protect marginalized teachers.

Although we have made progress towards equality in society, marginalized colleagues may face harm from certain groups who would use this language in this bill against them. The bill's language could also limit what teachers are able to discuss in the classroom, which is why I strongly urge the committee to reconsider this aspect of the bill.

Leaving significant emotional harm undefined could be detrimental to the well-being and careers of marginalized teachers and teachers in general. Furthermore, we believe that the 'proposed' panel composition is inconsistent with this disciplinary

panels for other professions in Manitoba. We advocate for more professional representation of the panel members with two thirds of the committee's membership composed of members within the profession.

As teachers, we fully support regulation and have been advocating for credible, research-based standards for the teaching profession for quite some time. We strongly believe that having consistent standards will create a common language and understanding of what it means to teach. We strive towards this goal every day in our classroom, pushing each other to establish common practices and standards that will result in the best learning environment for our students.

We recognize that setting expectations and promoting ongoing professional development are crucial for improving the quality of education for our students. However, teacher misconduct and teacher competency are inappropriately conflated in this legislation. We believe that accountability in education is desirable in a separate framework. The addition of teacher competence to a teacher misconduct framework is irresponsible.

However, competency is an employer's responsibility that falls under the purview of performance. School divisions are, and should be, responsible for the day to day supervision and evaluation of staff. And Bill 35 absolves them of this responsibility by off-loading it to an arm's-length, government-appointed, third-party commissioner, and possibly a hearing panel composed of mostly non-teachers.

In conclusion, we are not opposed to increased transparency and regulation with consistent and fair mechanisms to manage teacher misconduct. We remain committed to ensuring the highest quality of education for our students and we thank you for your attention.

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

We'll open the floor up to questions, which we'll start with Minister Ewasko.

Mr. Ewasko: Thank you, Mr. Dow, for taking the time tonight to come on virtually to do presentation.

I thank you for reconfirming that fact that, in regards to competence and standards is so, so very important. And I totally concur with you and that's why moving forward with this bill, we will be having those

competencies and standards written, with consultations not only with teachers but our other education partners as well.

* (20:00)

So, thank you for that.

Mr. Chairperson: And we thank the minister for those comments.

Any response, Mr. Dow?

B. Dow: No, no comment.

Mr. Altomare: Thank you, Mr. Dow, for your presentation.

Just one question: What are your concerns with this bill regarding how it may affect the day-to-day practice of some of your members out in Prairie Spirit?

B. Dow: Sorry. I think my previous colleagues had already kind of discussed this a little bit. I'll just maybe reiterate what they had already—had said.

I think that when it comes to teaching, you know, you're—we really focus on building relationships with students, regardless of where you teach. And as my colleague Mr. Waite said, you know, we have teachers that are, you know, approach things in different ways in order to make those connections, in order to have those conversations with students and to build lasting relationships.

And now, someone can just come across or hear of a conversation that's been had in a classroom or maybe even outside a classroom, and they can make a complaint with really no evidence. And I fear that for my colleagues and even for myself—I still teach part time; I just have half-release time—that, you know, I'm not going to be maybe as willing to have those conversations or approach things the way that I normally do for fear of being put in front of this panel of—not made up of mostly teachers, or a commissioner who might have never taught either or has no idea how the education system works.

So, yes, I do fear for my colleagues and for myself going forward if this bill is admitted as it is right now.

Ms. Lamoureux: Thank you, Mr. Dow, for your presentation.

I appreciate your thoughts and contribution to this as far as comparing other legislation to other professions here in Manitoba; is it fair to have this legislation for educators and not other professions. I

think it's another perspective we're hearing here tonight.

Do you have any ideas of a better way to increase transparency?

B. Dow: I was thinking as my colleagues were presenting, and I think this bill, the way that it's stated, is—it should just focus on student safety. If we want to get into teacher competency, I think there needs to just be a separate bill for that, separate conversations that need to be had.

I know Minister Ewasko has said that its main focus is on student safety. I completely disagree. I've read the bill many times, and I don't think that's the main focus, so.

Mr. Ewasko: Thank you, Mr. Chair and Mr. Dow. Thanks again for your presentation, all the way from Manitou.

In regards to frivolous and malicious complaints and misconduct definition, this continues to be a pattern that I'm hearing from presentations today. It does concern me a little bit, considering we had had a meeting with Manitoba Teachers' Society, and I was assured that some of the misinformation that was put out there in regards to this component of the bill was going to be rectified, and obviously, it has not.

The commissioner will have the ability to, whether it's a preliminary investigation or through an investigation, to be able to exit or discount those frivolous and vexatious, trivial allegations.

So, just to calm the waters.

Mr. Chairperson: Mr. Dow, any comments?

B. Dow: No comment.

Mr. Chairperson: Are there any further questions?

Hearing none, thank you very much, sir, for your presentation this evening.

So, next, we'll go with—we'll once again call Mr. Michael Flett. If you're in the room, come to the podium. If you're online, Mr. Flett, please unmute yourself and turn on your video.

Okay, so Mr. Flett, final call for Mr. Flett?

Okay, we'll move Mr. Flett to the bottom of the list and move on to Ms. Paula Calado? Ms. Calado? We'll just check. If you're not in the room, we'll check online.

And not online either. So, final call, Ms. Calado.

Okay, we'll move No. 5 to the bottom of our list.

And we'll call on Mrs. Catharine Foy. Mrs. Foy, are you in the room?

If not, if you're online, please unmute yourself and turn on your video.

Okay, so, we'll move Mrs. Foy to the bottom of the list, as well, and move on to Lindsay Brown.

Lindsay, are you in the room? Welcome, and do you have any information to distribute to the group?

Lindsay Brown (Private Citizen): No, I don't.

Mr. Chairperson: No? The floor is yours.

L. Brown: So, good evening. My name is Mx. Lindsay Brown and my pronouns are they/them. I am currently in my 17th year of teaching, 16 of those in the Seven Oaks School Division in Winnipeg.

I am here tonight because I'm compelled to express my concerns about aspects of Bill 35, The Education Administration Amendment Act as it is currently written. Before I get into the specifics of my concerns, I'd like to take a moment to recognize the folks in this room, those watching virtually and anyone who has been violated or preyed upon by someone who used and abused their position of authority.

These acts are unconscionable and deserve to be taken seriously and treated with the utmost urgency. Nobody should find themselves in a position where it's necessary to speak out about abuse. I hope that the folks who speak here tonight, and over the course of these presentations, who do share these experiences feel heard and supported as they share their experiences.

And in that vein, it's important for me to say that I unequivocally support the stated central purpose of the education administration act, which is child protection. I am also concerned about two specific aspects: the vague reference to significant emotional harm, as well as the potential ramifications of a teacher registry on transgender educators.

These two sentiments are not mutually exclusive. As someone who belongs to the 2SLGBTQQIA+ community, a community often ignored and oppressed by governments and systems, 'bost' historically and presently, it is difficult to trust that one individual, in this case the commissioner's, assessment of what constitutes frivolous, vexatious or trivial, or that a complaint was made in bad faith or filed for an improper motive or purpose, will take into account the

palpable anti-2SLGBTQQIA+ sentiment present in Canada, Manitoba and Winnipeg today.

The situation I find myself in as a queer, non-binary teacher and the stories that I hear from my community do not provide me with much reassurance or confidence that our voices will be heard or valued by those in positions of influence.

All we have to do is look at the attempted, and in some cases, successful, banning of books that include same-gender families, or representations of gender fluidity to see that the very discussion of our existence is still seen by some as causing significant emotional harm to children.

How can I be assured that a complaint will not move forward against me or my colleagues who are attempting to teach in a manner that includes all of our students when we do what's right and ensure that our students' lives are discussed and celebrated as a part of a diverse and varied world?

These are not abstract concepts. It's these observations that lead me to my second concern: the potential for a teacher registry to out or make known educators who have transitioned prior to becoming employed or during their time working as a teacher.

This is precisely what happened in Alberta in September of last year. According to an article written by CBC's Janet French, some teachers initially included in a new provincial registry say that the government's publication of all their legal names could lead to discrimination, harassment and safety issues.

One such case is that of Jamie Anderson, a teacher consultant and Ph.D. student at the University of Calgary who found a former name in the Alberta registry of teachers. Now, while I recognize that part 4(4) of the bill states that, quote, a teacher who does not wish to have a previous name included in the registry may ask the director of certification to exclude it.

This again asks a community to place trust in one individual who may be swayed by what is deemed in the public interest. It's worth asking which members of the public determine what's in its best interest. If history tells us anything, it's not those of us from marginalized and targeted communities.

* (20:10)

So in closing, I urge you to amend Bill 35 in a manner that respects potential risks for transgender educators to be outed through the publication of their previous legal names and that the amendments include

a more robust definition of significant emotional harm.

Thank you for your time.

Mr. Chairperson: We thank you very much for your presentation.

The floor is now open for questions.

Mr. Ewasko: Thank you, Lindsay. It's nice to see you again, and thank you very much for bringing forward your suggestions and your opinions on Bill 35. And again, I applaud you. I appreciate your upfront and honesty in the short amount of times that we've had the conversations, but I hear you loud and clear. So thank you very much for bringing forward your presentation tonight.

Mr. Chairperson: Any comments back to the minister?

L. Brown: No.

Mr. Chairperson: The floor is still open for questions.

Mr. Altomare: Thank you, Mx. Brown, for their—your presentation. It takes a lot of courage to come here in front of the committee.

If there's one thing you would recommend to us, what would it be?

L. Brown: At the risk of saying that I'm being repetitive, I guess I would say that I think teacher competence needs to be separated from the central issue of this bill.

You know, I won't have the opportunity to—in the event of being, you know, called in front of a panel—I won't have an opportunity to talk with my colleagues—a majority of my colleagues, anyway—to talk about what the state of education is like right now and have people understand where these complaints may be coming forward from.

And so, I think separating the two and removing teacher conduct as a conversation here is really just what needs to be done, because that's the predominant issue that I see here is. Yes, those conversations need to happen with my employer and those conversations need to happen with my colleagues who are in the classroom every day and who are potentially having difficult conversations with families. So, I think that separation would address a lot of these concerns.

Ms. Lamoureux: Thank you for your presentation. I think it's really important that we're doing everything we can to be encouraging and empowering teachers

to speak boldly and bravely with students here in Manitoba.

And I'm wondering that, if this legislation were to pass, do you feel that it would affect your ability and the way you may teach in the classroom?

L. Brown: I think, in response to that, I unequivocally—like, I totally think this would change the way that I teach. It would change the way people consider going into education. There are many of us that already feel particularly targeted for our identities. And I know that this will—I've been told by potential colleagues that may enter the profession that they won't, if this bill passes forward.

So, it's going to not only affect our day-to-day—and it's—and, you know, I run the risk of sounding like a one-issue concern here, which is about queer and trans educators. But we don't have to look very far to see, you know, like Jonathan—Mr. Waite mentioned residential schools, race, ability, right? All kinds of marginalized groups are, you know, being targeted by pushback from families, from parents, from outside groups and organizations under the guise of parental choice.

And I really worry that this will significantly shift the climate of education in Manitoba for people that are currently working in the profession and those considering it in the future.

Mr. Ewasko: Thanks, Lindsay, again.

Just to reassure you that this bill does not assume or take the responsibility of employers in regards to assessment or evaluation. That's still their job. And this bill is to bring forward whether a certain teacher is unbecoming of a teacher, as well.

And all those standards for competency and all that is going to be written alongside not only teachers, but also our other education partners as well. So I just want to make sure you're clear on that.

Mr. Chairperson: Mx. Brown, any comments to the minister?

L. Brown: I appreciate the comment, and I hope that, you know, with no disrespect, that people can understand my trepidation in that trust.

Mr. Chairperson: Any further questions from the committee?

Hearing none, thank you again very much for your presentation this evening.

Next, we move on to Mr. Nathan Martindale of the Manitoba Teachers' Society.

Mr. Martindale, do you have any material to hand out to the committee?

Nathan Martindale (Manitoba Teachers' Society): No, I do not.

Mr. Chairperson: None? Thank you, sir. The floor is yours.

N. Martindale: Good evening. My name is Nathan Martindale. I'm the president of the Manitoba Teachers' Society. The society represents 16,600 members comprised of public schoolteachers, principals, vice-principals, teacher-librarians and clinicians. In addition to being the president of MTS, I'm a certified teacher. I worked in the Winnipeg School Division for seven years as a special education resource teacher and as a teacher of students with FASD. I'm here tonight to speak on behalf of the members I represent.

If Bill 35, the education admin amendment act, was to become law in its proposed state, it could result in significant and far-reaching consequences for my members. The society's main opposition to Bill 35 is the inclusion of teacher competence in a professional misconduct framework. We view competence and conduct as two separate issues, and they are inappropriately linked in this bill. Combining conduct and competence has put us in the difficult position of having to oppose this very important piece of legislation. Unfortunately, the nuance of inappropriately linking competence and conduct can be lost in the public arena, especially when the issue is complex and politically charged.

Our purpose has never been to protect teachers who abuse children. The Manitoba Teachers' Society fully supports laws that improve child safety. In fact, student safety is the first point in our code of professional practice, which has existed for more than a century.

This strong commitment to student safety is reflected in the high level of trust that teachers are afforded by parents. According to a public opinion poll conducted by Viewpoints Research in January, 2023, 81 per cent of Manitoba parents trust teachers to protect and maintain the safety of students, and three in four parents—75 per cent—are not concerned about teacher misconduct at their child's school.

Both very high percentages, but not good enough. So, you will get no argument from us about supporting

laws to enhance child protection. We wholeheartedly agree that there ought to be a better process than what currently exists.

However, at no time has the purpose of professional standards been connected to child safety and suspension or cancellation of a teaching certificate. Introducing it as part of a misconduct framework is problematic because supervision and evaluation of teacher performance is the responsibility of the employer. Yet, this bill gives the commissioner powers to address competency issues in accordance with professional standards.

Teachers aren't against regulation of the profession. The society has promoted the development of teaching standards since 2019. This was one of our recommendations to the K-to-12 education commission. We want to work with the government to develop standards to foster a shared understanding of what it means to skilfully teach.

The inclusion of competence in this bill creates a situation where individuals, without expertise in education, are now responsible for judging teaching competency. To improve fairness, the panel composition should be consistent with other regulated professions in Manitoba where most of the panel is from the profession.

The broad definition of misconduct, which includes significant emotional harm, is another red flag. Our teacher welfare department already handles many cases that deal with causing emotional harm. Not too long ago, there was a case where a parent alleged that their child suffered emotional harm because they were not allowed to participate in an activity. The reason the student was not allowed to participate was because the parent had not signed the required permission slip.

Nevertheless, the complaint was made on the grounds that the student suffered emotional harm due to being singled out and isolated from their peers. Qualifying significant emotional harm more narrowly would help to minimize this vulnerability for teachers while ensuring protections are in place for students.

The reassurance that frivolous, vexatious or malicious complaints will be weeded out by the commissioner offers little comfort because the impact on the teacher could be significant, depending on whether or how far the investigation proceeds before it is deemed unfounded.

There was a situation in a school where a fight broke out. A substitute teacher intervened to help

break up the fight, at great personal risk. What followed was a complaint from a parent of one of the students involved in the altercation that the teacher had pushed the child. The teacher was placed on administrative leave while an investigation was conducted.

* (20:20)

The teacher was found to have acted accordingly; however the teacher was still put through a lengthy, stressful process and taken out of the classroom at a time when there is a significant shortage of certified substitutes and teachers.

Another example is, following an interaction with a teacher in a classroom with other students present, a student went home and reported to their caregiver that the teacher had caused them physical harm. The police were called; the teacher was put on administrative leave while the police launched an investigation. The investigation determined that the allegations were unfounded.

These are a few examples, but there are many, many more where teachers' careers are put on the line and their reputations are dragged through the mud because of frivolous complaints. The toll on an individual's mental health of being wrongfully accused, losing their job and having to then worry about maybe losing their home is something I wish no one in this room ever has to experience.

The catch-all phrase of significant emotional harm leaves the door wide open to all kinds of complaints.

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

On behalf of the Manitoba Teachers' Society, I would like to propose the following amendments:

- (1) Remove competence from the bill.
- (2) Ensure hearing panels are composed of a majority of teachers. This is in line with the composition of disciplinary panels of other professional bodies in Manitoba.
- (3) Include the expressed right to union representation for a teacher being investigated.
- (4) Limit reports by employers to suspensions and terminations. These reports should not include

discipline for professional misconduct or incompetence.

(5) Define significant emotional harm.

Finally, protect the privacy of teachers who are deemed to not have the capacity to carry out their professional responsibilities because of a physical or mental disability.

In closing, teachers are strong advocates for student safety. Our purpose has never been to protect teachers who abuse children, but rather to ensure due process and the principles of natural justice and fairness are followed.

We agree there ought to be a better process than currently exists. We are interested in working together in a solution-focused way to meet the needs expressed and the intent of the legislation, while also protecting fair processes for teachers.

Thank you.

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

The floor is now open for questions and comments.

Mr. Ewasko: Thank you, Mr. Martindale, for your presentation. I do acknowledge the fact that the Manitoba Teachers' Society—and I thank you for representing it—does have, pretty much a seat on every committee that I have as the Minister of Education and Early Childhood Learning.

Thank you for your presentation and thank you for bringing forward some proposed amendments.

Mr. Altomare: Thank you, Mr. Martindale, for your presentation tonight. Can you expand a little bit more on what MTS members have been telling you regarding Bill 35?

N. Martindale: Thank you for the question, and I think my colleagues tonight—and who will continue to present after me—have painted a pretty good picture and will continue to paint that picture of their concerns, and those are concerns that are shared—been shared with me by members that I've spoken to about this bill.

And it's a wide range of concerns; it's a long list. But—and the end of the day—and this has also been mentioned—in a time when we're in a severe shortage of certified substitutes and teachers, this is not going to help attract new people from entering the profession.

As it was mentioned, this would probably be a reason, if this bill were passed unamended, to not enter the teaching profession and make their way in life doing something else.

Mr. Chairperson: Minister Ewasko, any more questions?

Mr. Ewasko: No.

Mr. Altomare: Mr. Martindale, do you know of any other jurisdictions that have similar legislation that is really effective and is really set out for its intended purpose, which is child safety?

N. Martindale: Thank you for the question. We go back to the comments about keeping separate child safety and teacher competency. Also, when we look at other jurisdictions and we know that there are other models across Canada, but it's also important to look at what's being done here in Manitoba. We've heard the made-in-Manitoba approach before. And there are other similarities, as mentioned in the amendments and my speaking notes, that I think we can turn our eyes to.

Mr. Ewasko: I do have a question for Mr. Martindale. So we have heard from other education partners that a single-door approach is actually the way to go because other jurisdictions have that in regards to recognizing teacher misconduct and competency.

And you are aware that I've said multiple times that we will be sitting down with Manitoba Teachers' Society to create those standards and regulations with regards to competency, correct?

N. Martindale: Yes, and we look forward to those productive conversations.

Mr. Chairperson: Any further questions?

Hearing none, thank you very much for your presentation this evening.

Next, we'll call on Mike Urichuk. If you could please turn on your microphone and your camera when you're ready. So Mr. Urichuk, could you turn on your camera as well, please?

Mike Urichuk (Private Citizen): I'm in the middle of putting my kids to bed. Is it okay if I move to the bottom of the speakers list? And it's okay if I move to a different day, too.

Mr. Chairperson: Okay, we—no problem. We will move you to the bottom of the list.

M. Urichuk: Thanks.

Mr. Chairperson: Thank you for your time this evening.

So we'll call on Mr. Randy—is it Quiring? Mr. Randy Quiring.

Just checking to see if he's online.

Okay, so we will move Mr. Quiring to the bottom of the list, and move on to Ms. Catherine Hart.

Ms. Catherine Hart, if you're online, if you could please unmute yourself and turn your video on. Welcome. You have 10 minutes. The floor is yours.

Catherine Hart (Private Citizen): Thanks. Good evening. My name is Catherine Hart and I am a teacher in the Seven Oaks School Division. I'm here to voice my concerns about the potential racialized and gendered impacts that I anticipate from Bill 35 in its current form.

As a teacher, I agree that student safety must be protected. And as such, the elements of this bill that protect students from abuse are very important. However, safety also includes student's rights to be celebrated and respected in all of their diversity. Teachers' efforts to promote anti-racist and gender inclusive education are essential to promoting this aspect of safety.

Yet, from my personal experience and conversations with my colleagues from across the province, I am aware of teachers facing significant pushback for the important human rights work that they do. I believe a framework that conflates misconduct with a range of other concerns will embolden complaints of this nature.

The bill's poor definition of significant emotional harm and its inclusion of hearing panels composed of a majority of non-teachers severely limits the panel's access to professional expertise in determining whether a claim of significant emotional harm has merits or whether it is based in ideological objections to the very human rights teachers have a duty to uphold. This, combined with the acceptance of anonymous complaints, opens the door for frivolous and vexatious attacks.

To truly protect student safety, Bill 35 needs significant amendments, including the removal of competence, as this is a separate matter. Ensuring that panels are composed of a majority of teachers. And defining significant emotional harm in a way that references human rights and behaviour that actually harms students. It needs to define this much more clearly.

Thank you for your time.

* (20:30)

Mr. Chairperson: Thank you very much, Ms. Hart.

And the floor is now open for questions.

Mr. Ewasko: Thanks, Ms. Hart, for taking your time and coming on virtually this evening with us, and waiting patiently online because I know that over the past few years, I've had the pleasures of being in committees where it's taken some time for sure.

So, just to let you know, Ms. Hart, that the commissioner was—must follow The Human Rights Code. And it has already been confirmed by tribunals in other jurisdictions in Canada that teaching about sexual orientation or gender identity does not constitute misconduct or a competence issue. Therefore, the commissioner must—would be required to dismiss this.

In regards to also the definitions on page 5, I really do feel that the definitions are clear. I know that some stakeholders felt that they weren't specific enough. But then, also, others felt that they were a little too broad.

Mr. Chairperson: The minister's time has expired.

Any comments back to that, Ms. Hart?

C. Hart: Yes. Mr. Ewasko, you've referred tonight to what you called misinformation that you were hoping that MTS would correct around what would happen with a commissioner being able to dismiss vexatious complaints.

And although I'm speaking tonight as a private citizen, I think you need to be aware that MTS absolutely has addressed that publicly, and they have put out the content of that meeting that you had, and this has been addressed, and it does not actually resolve my concern here.

There's a complaint that came up in 2021 that I'm sure you'll recall in my division. We were directed to take down all of our Pride flags in June. This was not dismissed as a vexatious complaint. It was treated as having merit. And, you know, for some reasons. The person who made the complaint referenced their patriotism; they referenced the sort of etiquette given by Heritage Canada.

And so, this is where my concern lies, that a complaint that does harm to our students—and I know from the conversations I had with the kids in our GSA,

that did them harm. They did not feel safe in school that day that we took down Pride flags.

A complaint that can end up doing harm can be treated as not vexatious because it references something that's not—you know, they weren't telling us to take down your Pride flags because you should not be teaching about gender in schools. That doesn't change what the impact was.

So, I still have concerns. This doesn't resolve my concern.

Mr. Altomare: Thank you, Ms. Hart, for your presentation this evening. I listened with great interest.

I would like your assertion in—how Bill 35, as it's currently written, can impact your day-to-day practice as a teacher.

C. Hart: I feel that, in my day-to-day practice, I see all kinds of biases come up. We're more connected than we ever have been through social media, and we know that the sorts of political trends that we see in the US, they come to Canada.

And I'm seeing attacks on transgender people. I'm seeing books banned and removed from libraries. I'm seeing all kinds of absolutely vexatious complaints being given so much more merit than I ever thought they would be.

And I appreciate that there's an attempt in this bill to prevent that from happening and that there is reference to human rights in how this is dealt with. But I don't think it's going to do the trick. I think we need some amendments, the ones that I've listed, and I do see this making my colleagues very nervous about the kind of complaints.

I see—I hear from my colleagues that they get push back from teaching anti-racist content or teaching anti-homophobic content. And I think this will create an atmosphere of fear around teaching these topics.

Mr. Chairperson: Any further questions?

Mr. Ewasko: Thanks, Ms. Hart, for bringing forward these comments. Duly noted, definitely taking everything you took—you said into consideration.

When we talk about Bill 35, we are talking about teacher 'misconduct'—or certification and professional misconduct. We are working quite closely with Manitoba Teachers' Society, but we're also working quite closely with our other education stakeholders and concerned citizens out there as well.

So we are listening, and we are trying to have a good balance on making sure that our—the No. 1 priority is keeping kids safe, and I think the—Mr. Chair is cutting me off.

Mr. Chairperson: Ms. Hart, any final words in the last seven seconds?

C. Hart: No, just thank you for your time.

Mr. Chairperson: Thank you so much for joining us this evening.

So, we'll have—we'll call on Mrs. Cynthia Taylor, if you're in the room, to come to the microphone.

Okay, I guess Ms. Taylor, you're on the line, so if you wouldn't mind unmuting yourself and turning your video on, and as you do that, for the benefit of committee members, No. 72 on your list of presenters, Pam Fediuk [*phonetic*], has made us aware that she will not be presenting, and instead will be providing a written submission.

Does the committee agree to have this appear in the Hansard transcript for tonight's meeting? [*Agreed*] Thank you.

Ms. Taylor, welcome to the committee this evening. You have ten minutes for your presentation. The floor is yours.

Cynthia Taylor (Private Citizen): Good evening ministers. My name is Cynthia Taylor, and I have been a teacher for 22 years, and have worked with the Louis Riel School Division for the last 21.

I am here this evening because I have some concerns regarding, of course, Bill 35, the education admin amendment act. As a teacher in the classroom, I believe that my role has been and continues to be to protect children. And, as a parent of two young children, ages 10 and 12, I am in full support of laws that improve child safety.

As you have heard time and time again this evening, teachers have put their own code of professional practice—or, have stated their own professional code of practice, which puts students first as its No. 1 principle. It is our responsibility as teachers to ensure that our schools are always safe places. Not just safe places for learning and acquiring new skills, or for challenging and asking questions, but safe places that are free from harm and abuse from every child. And let me be clear: there is no argument from me about supporting laws to enhance the protection of children.

But, like my colleagues here today, I'm here to address the teacher competency component in connection with this bill. It is hard for me to understand how investigating complaints related to a teacher's knowledge and skills, or their ability to instruct and assess learning of the Manitoba curriculum, addresses the safety of children, which I believe is the intended—the stated intentions, excuse me—of this bill.

As a member of the public and a public service employee, I am not opposed to this—to standards and regulation, and recognize the need for transparency. I believe I am speaking not only for me but for my colleagues when I say I want the best teachers in the classroom. This means that we are responsive to the growing and evolving needs of our students, and acquiring new skills and learning as well.

Our code of professional practice also requires us to continuously improve professionally. As a teacher, I have not only completed my education degree, but have gone back to complete my bachelor of arts in conflict resolution, and my post-baccalaureate in Indigenous education, because I want to stay current and attuned to the current teaching culture and climate here in Manitoba.

I also want my students to know that education does not stop, and that there's always opportunity for lifelong learning. Each year I also participate in professional development opportunities through my school division, my school and through the Manitoba Teachers' Society professional development day, also known as MTS PD Day, which happens every year in October.

For me, competence and conduct are two separate matters, and are incorrectly linked in this bill, Bill 35. At present, I am hired and supervised and evaluated by my employer, the Louis Riel School Division. Under Bill 35 as it is currently written, the commissioner has the power to address issues of competence. So my question to you is, why is a third party evaluating my ability to work and perform my duties in the classroom, when there is already a system in place?

The hearing panel as it is presented—presently written within the bill will also be made up of mostly non-teachers, and this is another example of why competence should not be part of the bill on misconduct. It's—it creates a situation where individuals with limited experience in the certification of educators are now responsible for making judgment regarding teacher competency. I feel that the panel composition

should be fair and consistent with other regulated professionals in Manitoba, where most of the panel is from the profession itself.

* (20:40)

And, as stated by my colleagues in the room already, another area of concern that I have is the broad definition of misconduct, which includes significant emotional harm. Significant emotional harm could be associated with anything from how a student is graded in the classroom to managing practices to resources or teaching topics that are considered sensitive. At present, the Manitoba curriculum supports the teaching of diverse perspectives, cultures and communities throughout history and in present day.

As an example I took from the grade 8 social studies curriculum, it references 8.4.2, Life in Medieval Europe, under cluster 4, the Transition to the Modern World. It asks the professional, a.k.a. the teacher, to describe the influence of the Catholic Church in medieval Europe. Examples that we're supposed to provide are related to education, art, political and social stability and suppression of ideas and attitudes to other faiths. So, I guess my concern is could some of these topics that are a part of our curriculum be deemed sensitive or of emotional harm to someone that believes in a different faith?

The reassurance that fictitious and malicious complaints will be weeded out by the commissioner offers me little support at this time. As teachers, we are never really able to separate our public and professional roles because of what we believe and who we are as teachers. Our image is part of who we are when we drive to our local grocery store, and if we participate in the Winnipeg Whiteout during Jets' playoffs. The impact of Bill 35, as it is currently written, could significantly affect a teacher whether, if or how far an investigation proceeds before it is deemed unfounded.

As a teacher of diversity, I am also worried about my colleagues of colour and the cultural differences that play a role in the classroom and school community. As our classrooms become more diverse, so in turn becomes our teaching professionals. Will the things that they say or the way in which they impart information be taken as significant emotional harm when cultures intersect? To be frank, in this situation, our IBPOC teachers—our Indigenous, Black and people of colour teachers—cannot afford an investigation for it to be deemed unfounded. This could be a career-ending move. In a time where there is a grave teacher shortage and a need for greater diversity,

equity and inclusion, I would appreciate a narrower focus for this significant emotional harm, so to minimize the vulnerability for teachers when ensuring protections are placed—are in place for students.

Finally, Bill 35 is silent on whether teachers can have union representation at public hearings. Other regulated professionals specifically have wording that make their 'representation'—right to representation clear. I don't believe that this should be missing from the bill.

As other members have said already tonight, I would like to propose the following amendments: that the teacher competence be removed from Bill 35, that the composition of the hearing panels are revisited to include a majority of teachers and that teachers have the right to representation when a teacher is being investigated. And, of course, that we redefine or narrow the focus of significant emotional harm to protect not only students, but teachers.

Thank you.

Mr. Chairperson: Thank you very much for your presentation, Mrs. Taylor.

The floor is now open for questions.

Mr. Ewasko: Thank you, Ms. Taylor, and as you're probably aware already, I'm only given 30 seconds.

So, I'm going to thank you for your presentation, and even though I already—I believe you know that it's not written in the current act, but teachers have always been allowed representation. And it's part of a procedural fairness, and we're committing to that as well.

In regards to, again, the two separate desks, many stakeholders, of course, besides the Manitoba Teachers' Society and some of their supporters, feel that it should be separated into two separate issues. But many other stakeholders jurisdictionally feel that it should be a single-desk situation.

So, thank you for your presentation again.

Mr. Chairperson: Any comments for the minister, Ms. Taylor?

C. Taylor: Yes, I just wanted—yes, thank you for hearing us all out today. And, again, I hope that you're hearing all of the comments in the way they're presented. And, as I've stated in my presentation, you know, I am really concerned about our colleagues and specifically our colleagues of colour.

Thank you.

Mr. Altomare: If you can expand on that a little bit more, Ms. Taylor, especially how it can impact the day-to-day practice of teachers.

C. Taylor: Am I free to speak now?

Mr. Chairperson: Yes, go ahead.

C. Taylor: Thank you very much. Thank you for the question.

I think we heard from our fellow colleague in regards to substitute teaching and about the notions of, you know, connecting with the classroom and maybe not knowing the ins and outs. And I think one piece that we're—that I need us to put our minds to is the issue of culture. And I think, you know, as our communities are ever changing, we're seeing more and more diverse students and more and more diverse colleagues coming into the profession.

As I've also mentioned in my presentation, the lack of teachers that are in the profession currently, and we're relying on not only retired teachers but internationally trained teachers coming into the profession, and so I worry about the role in terms of, again, like significantly emotional harm and what that might look like when people are not aware of each others' cultures. We've seen instances of that where, again, there's been a misread.

And usually, you know, there's opportunities to not only talk with the principal or fellow colleagues or a school division person, whether it be union or divisional in those situations. I think having this open-ended piece in Bill 35 might do harm to our colleagues in this sense about, you know, just the culture collections that can be missed, and I worry about that.

And I feel like, you know, the intersectionality of being a person of colour working in the current Manitoba system, you know, puts them as a bit of a target. There's not a way to come out of that. And we are already experiencing a shortage of teachers of diversity. And so, as our colleagues have mentioned about other marginalized groups, I think this would prevent teachers from coming into the profession.

Mr. Chairperson: Thank you for that.

Ms. Lamoureux: Thank you, Mrs. Taylor, for your presentation.

Can you just speak a little bit more to why it's so important that teachers are, in fact, empowered to be able to speak to all topics with their students, what

their students may bring forward or what the curriculum may entail?

C. Taylor: I think that's been the basis of our—of education, you know, to create channels of communication, to 'treat' opportunities for students to learn and, you know, be respectful of one another. And I think that, you know, if you're not able to do that in the classroom, I think that's a disservice to the greater community.

And to, you know, if I can speak to my own division, I'm looking to help students be, you know, more worldly, more democratic in their approaches, in their perspectives, in understanding one another. I think, you know, that's essential to the work that we do as educators.

Mr. Ewasko: Just wanted to say, thanks again, Ms. Taylor, for taking the time tonight. I know that, hopefully, as this committee rolls along over the next three, four, five, six nights, we'll continue to hear many, many people bringing forward some suggestions for this bill.

But thank you very much for using your democratic right to come and put some words on the record. Thanks again.

Mr. Chairperson: Mrs. Taylor; 17 seconds. Anything you'd like to add?

C. Taylor: No. Thanks for this opportunity.

Mr. Chairperson: And thank you very much for your presentation this evening.

Okay, next we'll call on Ms. Amber Lewicki. I believe Ms. Lewicki is online. So, we'd ask you to unmute yourself and put your camera on for us, please, when you're ready.

Ms. Lewicki, welcome this evening. You have 10 minutes. The floor is yours.

Amber Lewicki (Private Citizen): I have a piece written, but just before I begin, the minister has stated tonight—I've been watching from the beginning—how there's a repeat of the same concepts and mine will probably have very much the same as well. But I teach my kids every day at school that when something becomes repetitive and we're hearing it more and more often, that's usually the problem or the issue, and that's the thing that we need to address.

So hello. My name is Amber Lewicki and I'm a proud grade 3 teacher here in Manitoba. Every day I enter my classroom with a goal in mind: to better the lives of every young person who walks through my

door by teaching them, protecting them and guiding them through the school year.

When Bill 35 was introduced, it sounded like we were trying to continue with those same ideas of protecting children. That is until I started reading it in a little bit more detail. This is when I decided that I needed to make my voice heard and signed up to speak to you today.

* (20:50)

The main issues that I have with Bill 35 are the inclusion of the word competence in a professional misconduct framework. Right now, Bill 35 provides the commissioner with the powers to address the competency issues in accordance with professional standards.

Right now, I get evaluated every five years by—every five years of teaching by my principal, who then passes that along to our division, who is my employer. Therefore, my competency should, again, only be judged by my employer and not an outside body.

From what I understand, at no time has the purpose of professional standards been connected to a child's safety and suspension or cancellation of a teaching certificate, so why would it be now?

When I first read through Bill 35, these words stuck out to me: significant emotional harm. The broadness of the definition leaves my colleagues now extremely vulnerable to value-laden and biased perspectives, which could include anything, from saying the wrong words that are considered sensitive that those that differ from—that differ in opinions.

Any complaint again a—against the teacher should be taken very seriously, but we also need to remember the impact on that teacher. I have personally seen how an accusation against a teacher that was proven false can cause harm for many years to come—emotionally, socially and overall distrust that seems to linger.

This now leads me to mention my final point as the problems within the procedural fairness as the way that the bill is written now. To name a few: the acceptance of anonymous complaints; no requirement to provide a teacher with a copy of the complaint; no clear time limit for making the complaint; no express right for an investigated teacher to be represented by counsel; the obligation on employers to report any and all discipline for professional misconduct or incompetence, as opposed to limiting reporting to suspensions and terminations; and lastly, a lack of

insurance that, given the commissioner will be governed by regulations which are subject to change, investigations and hearings will be conducted fairly and under the principles of natural justice.

I do understand that teachers will have the ability to appeal a decision at the Court of King's Bench. However, not everyone has the means, will and ability to appeal a decision, and may not be accessible to teachers whose certificate has now been suspended or cancelled. So express rights within the legislation are critical.

In closing, I would like to mention that I work with an incredible group of dedicated, hard-working, determined professionals who have gone through so much in the past few years without asking for much. I would never want any of them to endure the process the way it is written now.

Please take the time to review this bill the way it is written, and make the—and make these necessary changes: remove competence from the bill; ensure that hearing panels are composed of a majority of teachers, in line with the composition of 'dissinary'-disciplinary panels of other professional bodies; include the express right to representation for a teacher being investigated; and please define significant emotional harm.

Please, together as teachers and as government, let's protect the students of Manitoba on a daily basis.

Thank you.

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

The floor is now open for questions.

Mr. Ewasko: Thank you, Ms. Lewicki, for your comments, and I agree. At times, in order to get certain messages across, you have to repeat, repeat, repeat.

I guess my comments earlier was more so to the fact that I thought we had a fairly clear understanding with the Manitoba Teachers' Society when they had already had started a campaign against Bill 35 on clarifying any of the frivolous and vexatious complaints that can be withdrawn or excluded by the commissioner.

I do have a couple more things that I'll say later, but thank you very much for your presentation today.

Mr. Chairperson: Ms. Lewicki, any comment back to the minister?

A. Lewicki: No, thanks.

Mr. Altomare: Thank you, Ms. Lewicki, for your presentation this evening. I do know it does take a lot of courage to come before a committee and especially on a bill that you feel really passionate about.

Tell us a little bit about how Bill 35, the way it is written now, how it may affect your interactions with your students.

A. Lewicki: Yes, it's very nerve-wracking. I'm a—you know, I'm a teacher of small, young children. My husband's actually a teacher as well, of small, young children. And, you know, we—I—I'm—I like to joke. I'm a big kid at heart, and I like to, you know, talk about, you know, what they do in their daily lives and not just education-related things.

The No. 1 thing for me as being a teacher is building relationships with the kids. If I don't have a relationship with them, it's not going to go very far.

And now I worry, what—if this were to come into place, what pushes the boundaries, you know, too far? Am I allowed to talk about their daily life or what they did on the weekend or is it wrong of me? I feel like my whole—everything I say will have to, like, go through my brain first, think about it in-depth, and then go forward. I feel like I will be walking on eggshells.

And, you know, because my husband is a teacher, this isn't something we can, you know, just let go. It's every day for us. Every day we come home: Did I say something wrong? Did I—am I going to be okay? And to think that, you know—and that's—and, you know, depending on your class size, 20 to 30 kids, that's a lot of kids who are then going home and talking about it with their families.

And just—it makes me—it does, it makes me feel very ill inside, of what this could lead to.

Mr. Chairperson: Okay, any further questions?

Mr. Ewasko: So, Ms. Lewicki, just to—on a comment you made earlier, so anonymous complaints are not allowed, so automatically—and there is something that I would like to read to you quickly if I got my 30 seconds.

For transparency, the commissioner must provide written reasons only to the investigated teacher and individual, who made the report complaint when they decide not to take further action, can only make those reasons public if they determine it is in the public's best interest.

I just wanted to put a couple things on the record, because you said earlier about anonymous complaints and that. I mean, we do really have to make sure that we're making sure that we get the information out to the public, including teachers. Myself being a teacher of almost 30 years—would have been this fall—the last thing I want to do is fear monger or put any teachers into a bad state of mind, especially when they're teaching our kids.

A. Lewicki: Yes, no, I don't have—I just, I don't have anything else to say except, just, if we could really, really listen to what everyone is saying tonight and maybe just review. Edit and review, as I tell my kids before they hand in their writing. Edit and review.

Thank you for your time.

Mr. Chairperson: Any further questions from this table? None. Thank you—oh, pardon me, Mr. Ewasko.

Mr. Ewasko: Thanks, Ms. Lewicki, for finishing it off that way. That's exactly what we're doing. That's what we're here—we're listening. That's why we're going to be here for five, six, seven nights as we move ahead.

Thank you.

Mr. Chairperson: Thank you again for your presentation this evening. Okay. Thank you for that.

Next, we move on to Mrs. Tara Law. Mrs. Law, are you—Okay, Mrs. Law, if you could please unmute yourself and turn your video on.

Tara Law (Private Citizen): Hello.

Mr. Chairperson: Excellent. Good evening, Mrs. Law. Thank you for joining us.

You have 10 minutes. The floor is yours.

T. Law: Good evening. Thank you so much for having us and for giving us this opportunity to speak this evening.

As stated, my name is Tara Law. I am a mom of two school-age children and a teacher of 15 years now with the Louis Riel School Division.

First and foremost, I believe that a school's No. 1 job is to make kids feel safe. Once that's done, they can learn. I also believe schools need to make teachers and staff feel safe. Once that's done, we can teach, support and care for our students.

Without a doubt, there needs to be checks and balances in place to keep members of our school community safe. Without a doubt, we could be doing a

better job at this. But without a doubt, Bill 35, as it's currently written, is not the way to go about it.

Bill 35 puts one of the most integral parts of our school communities at an unfair risk: educators. This is done by classifying teaching competency as a misconduct, the undefined and generality of the term significant emotional harm, and the multiple deficits of procedural fairness throughout the bill.

Teaching competency and misconduct are two completely different issues and should not be lumped into the same bill.

* (21:00)

'Compency' is whether or not I know my subject material and how I present it to my students. Am I being innovative and strategic? Am I meeting my diverse students' individual needs? Am I covering the curriculum?

Traditionally, this has been an area that the employer assesses in accordance with the professional standards. We have a code of professional practice that guides us as educators with best practice and continual professional development obligations: a code that has never been connected to child safety nor the suspension or cancellation of a teacher's—teaching certificate.

Making sure teachers are delivering curriculum is important. However, it is the job of an employer and not a commissioner to determine whether that's happening. Teachers should be allowed to make mistakes in this area, learn and grow without fear of repercussion. As a teacher, I constantly encourage my students to make mistakes and take risks, as these mistakes create authentic learning opportunities.

After 15 years of teaching, I am still muddling through new curriculum and curriculum changes. There have been moments where a class is finished and I've realized I completely blew the delivery of the lesson. Does that deserve to get written up? Does that mean my name is going to go on a list of misconduct?

Regarding being able to teach to the individual needs of my students, I can honestly say I am failing miserably at this too because of lack of funding and resources from this government. In one class, I have an autistic student who won't do any work without one-on-one support; a legally blind student who requires significant adaptations; a student with ADHD who constantly needs redirection; and over 20 other teenagers who are all battling big feelings and developing brains. And it's just me. If I'm lucky, I get

an educational assistant for one block a week. But we only have three EAs for 400 students.

Again, does this mean that I get put on a list saying I'm incompetent? I sincerely hope not. My employer who knows me and my relationship with my students and work ethic and circumstances, knows that I am busting my butt to do my best. But would an independent commissioner?

The second area of concern is the undefined term, significant emotional harm. This leads to the territory of values and morals and could leave teachers vulnerable to complaints based on differences of said values and morals. I know how scary this can be, and how quickly it can get out of hand.

Eight years ago, I had a complaint filed against me to my school division because I showed a video about a human sexuality and gender diversity. I was pulled from the classroom while the assistant superintendent and administration investigated.

Unfortunately, before any sort of decision could be made, the parents went to the media about the situation. And one of the media outlets published my name. I was already devastated by the situation because I am someone who prides themselves on making kids feel safe in my classroom. But when my name was published, I was terrified. I literally sat in my house with the blinds drawn, afraid the media or protesters would show up at my door. I had to meet with a lawyer and strategize about a defamation claim because my name was published.

After the ordeal was over and the division decided I had not done anything wrong—in fact, the division encouraged me to continue to show such videos and make 2SLGBTQ+ students feel seen and included and safe. My administration, colleagues and school community rallied around me throughout.

Regardless, I had to seek out counselling because the anxiety and panic the situation caused. Every time I have a new administrator, I wonder, do they know about this incident? Are they judging me? Are they disappointed they must work with me now? Are new parents and coworkers thinking the same thing?

This bill feels like it's opening the door to people who want to dictate and who can and can't—what can and cannot be taught in the classroom. It feels like it's sneaking in Florida with its empty bookshelves, whitewashed history and can't-say-gay rules. We've worked so hard in our division to celebrate diversity in all of its forms. Can this bill allow parents to disagree with us, based on significant emotional

harm? And silence us and the beautiful members of our classroom?

Lastly, the procedural fairness in Bill 35 is grossly lacking. It feels like a lot of information is able to be withheld from teachers, including who made the complaint and what the complaint was. How can a teacher learn and grow from their mistakes if they're not even allowed to know what that mistake is? There is nothing written that teachers will have the right to counsel, nor a clear process that explains how investigations will be carried out and who will carry them out. It feels very much like guilty until proven innocent process as opposed to the actual justice system.

There is also no clear time limit for complaints. Does this mean that I could still suffer consequences from eight years ago, even though my division deemed the matter settled and my teaching record since has been impeccable?

In conclusion, we need to keep students safe, and there are a lot of parts of Bill 35 that I agree with that do just that. Teachers need to be, and deserve to be, kept safe in their workplaces too. There are too many areas of concern in Bill 35 as written that would not keep teachers safe or make them feel safe.

Competency should be considered—should not be considered a misconduct. Significant emotional harm needs to be clearly defined and refined to take values and morals out of the equation. Steps need to be put into place that are equitable to all parties.

If Bill 35 passes, I'm truly afraid that teachers will be too scared to make learning engaging, fun and innovative. The conversations I have with my students can be tough and uncomfortable and make them think. We talk about racism and diversity and sexism and body shaming. Kids thank me for making them feel seen. Kids tell me they were made to think differently even though it made them feel uncomfortable. It's one of the best parts of my job.

But honestly, after 15 years of teaching, I don't know that I would have the courage to continue those tough, valuable and necessary conversations. Bill 35 would silence a lot of conversations and, as a result, will make kids feel less included and safe in school. Irony in its cruelest form, don't you think?

Thank you.

Mr. Chairperson: Thank you very much for your presentation there, Mrs. Law.

And we'll open the floor for questions.

Mr. Ewasko: Thanks, Mrs. Law, for your comments this evening.

So, just to repeat, so Bill 35 will not appropriate employers' responsibilities such as assessment, evaluation performance, investigation, discipline. Rather, the proposed framework is set up to be complementary, which is serving to assess whether a teacher's conduct is unbecoming of a teacher, possibly necessitating action against a teacher's certificate.

There has been situations—that's why the bill has been brought forward—that for many years, we know, of course, within the last few years, teacher misconduct in regards to school sports. These are just some additional steps that we're bringing forward which the previous government did not do to continue to protect some students.

T. Law: And yet, I feel like some of those steps are not well thought out, and that they need to be reconsidered to maintain our professionalism and our integrity as teachers. And obviously, yes, kids' safety is No. 1; as a parent, I think about that every single day when my kids go to school. My daughter is starting kindergarten next year. It's something that I think about constantly.

But we also, as educators, have the right to feel safe in our classrooms, and the way that this bill is presented does not make us feel that way.

Mr. Altomare: Thank you, Mrs. Law, for having the courage to share your story with us here today. It's quite moving. Very much allows us to—because it's so unique in Manitoba that we get this opportunity for members of the public to share their thoughts on really consequential legislation like Bill 35. This is really important to hear what you had to say.

I just want to—you to reflect a little bit on how Bill 35 will affect your workplace and share a little bit of your thoughts around that.

T. Law: Yes, so, our workplace—we're a six-to-eight school, we have 400 students and French immersion. It's an awesome school. We do a lot of things to promote diversity, to promote inclusion within the walls of our school, within our school community.

Already we've had parents come forward and complain about the fact that we've done smudges. We've had parents come forward and complain about the fact that we're focusing too much on Indigenous perspective in the curriculum. We've had parents come forward and complain about the fact that we have a GSA.

So, luckily we are within a division that supports all of those things and we have policy to protect us. And so, we're able to say to those parents, sorry, this is what we do. Bill 35 makes it feel like that would supersede the policies in place by our divisions and make us vulnerable and potentially lose all those beautiful programming opportunities for students to feel included and safe and belonging in our school, and make teachers feel really scared to deliver it in the first place.

* (21:10)

Mr. Chairperson: Any further questions?

Mr. Ewasko: Ms. Law, part of Bill 35 is definitely not to scare any teachers, whatsoever. And just to try to—and I can't tell you how to feel or how not to feel. So please don't take this that I'm telling you that or not.

The one comment you made a bit earlier, and I just want to clarify for you, is that the commissioner must give notice to the following persons as applicable of an investigation: the investigated teacher, the person who made the complaint or report and the teacher's employer.

So, there are steps being well thought out in regards to Bill 35. And moving forward in regards to the standards, in regards to the competencies of teachers, this will be developed not only with teachers, but also—

Mr. Chairperson: The minister's time has expired.

Mrs. Law, any comments back?

T. Law: Yes, I think I just—I think it's important for Minister Ewasko to—I appreciate you saying that I'm allowed to have my feelings and that those feelings are valid. But I think that you need to make sure that you're keeping that in mind that you're proposing something that's making a lot of your teachers feel scared. So, whether that's your intention or not, it's something that's happening. And if that's happening, then maybe it's something that needs to be addressed and look at—looked at and changed.

Thank you very much.

Mr. Chairperson: Thank you very much for your presentation and joining us this evening.

Next we'll call on Mr. Jon Bettner. Do we have a Jon Bettner in the room with us? He's not online. One more call for Jon Bettner.

Hearing none, we'll move Mr. Bettner to the bottom of the list.

And we'll move down the list to Mr. Chris Darazsi.

Chris Darazsi (Private Citizen): Well done.

Mr. Chairperson: It's been a long day, but I got a couple right.

Do you have any materials for the committee, Mr. Darazsi?

C. Darazsi: No, I do not.

Mr. Chairperson: Okay, 10 minutes for your presentation. The floor is yours, sir.

C. Darazsi: Well, good evening and thank you for this opportunity to speak to you today. My name is Chris Darazsi and I've been a teacher in Manitoba for about 24 years. I'm also the vice president of the Manitoba Teachers' Society, but today I'm speaking to you as a private citizen and as a teacher and as a parent.

I have concerns about Bill 35 that I'd like to share with you. These are not only my concerns, but concerns I've heard from colleagues around the province.

But before I get to those, I want to make sure you understand something. Nobody in our profession or outside of it is against laws that protect children. Nobody is interested in protecting teachers who abuse children.

You've probably heard this already. In fact, I know you've heard this already. And spoiler alert, you're going to hear it again. Our code of professional practice as teachers literally states as number one that our first responsibility is to our students. Their safety and well-being is our priority. That's not where I take issue with Bill 35.

Where I take issue with Bill 35 is the idea that the same adjudication panel investigating and assessing a teacher's conduct will also be the same body that assesses their competence. Some may say that the two are connected. I disagree. There's a massive difference between misconduct and simply not being very good at teaching grade 8 math. One may require a discipline, but the other requires support. Supervision and evaluation of teacher performance is the responsibility of the employer.

One question I have, and this is a bit of an aside here. But a Conservative government, big C and little C conservative go from suggesting having heavily

involved parent group in every local school—I'm referencing bill 64 here—to now sending parents to a provincially appointed panel. Conservative governments generally promote less government oversight and this bill seems to contradict those Conservative ideals. I'm digressing a little bit.

I'd like to talk about the proposed panel for a minute. I understand that the idea is that it would be led by a commissioner; perhaps a lawyer, I don't know. I feel almost like I'm part of a bad joke. A lawyer, a teacher and a barber walk onto a panel that judges competence of a teacher. Teacher says, well, as a teacher, I can tell you that this is not a case of incompetence but they clearly need support. The other two disagree.

So, now what? The lawyer and the barber decide that this warrants an investigation, just to be on the safe side. Now the teacher in question is on record as being investigated despite the professional judgment of their colleague.

Made in Manitoba solutions is what I've heard from the government many times, so I do have to ask why the composition of the panel isn't being modelled after other professional bodies that are within our province. Now I'll take a moment to talk about frivolous complaints, and I know you've taken issue with the terms vexatious and frivolous.

I've watched your reactions as it's been mentioned many times. Do you have any idea how many frivolous and unwarranted complaints a principal may receive per week? One per week is pretty Pollyanna to be honest. I believe there are roughly 700 schools in the province.

One complaint a week times 700 schools, now we're averaging over a hundred a day. And this is not a comment on teachers, it's a comment on a society where everyone feels they have a right to be offended and complain. Like it or not, this is an I need to speak with your manager society that we live in.

It might seem like my grade 8 math example is unrealistic, but it happens, believe me. One person, the commissioner, can dismiss the complaints; I get that. Or will they hear them all, just to make sure that they are doing their due diligence?

I mean, it's made to sound simple, but even in order to dismiss something, you have to do some amount of investigation. What is significant emotional harm? There are so many ways this can go sideways.

A teacher has a safe space card in their classroom window, and this goes against the religious beliefs, perhaps, of the parents, and therefore, the student. A conversation occurs. The student is conflicted and questioning, the parents decide this whole situation has caused significant emotional harm. So, now what? Maybe the teacher's teaching a unit on the Holocaust or natural disasters, evolution; whatever might cause emotional—significant emotional harm.

Are we creating a situation here where teachers are now wondering if anything they do could be reported to the Province, rather than dealt with at the school or divisional level? And that begs the question, are there not better uses of provincial resources when the vast majority of these complaints can be dealt with at a lower level and don't need to be reported to a provincial body?

I know, Minister, you're mentioned this already, that part of the plan is to work out the details and the regulations, should this bill pass down the road. It just seems too much like a trust us, it will all be fine scenario. And to be frank, this government hasn't done a ton to earn the trust of us teachers.

I cite bill 28, bill 45, bill 64. I'm just very hesitant to think that this government has a real, genuine interest in making sure teachers are protected as well as students. When you introduced the bill, Minister, you yourself made no mention of competence. It was all about child safety.

Remember the intent of the bill is child safety, full stop. So, I implore you to not blur those lines. My ask is this: remove the competence part of the bill. Let's work on that separately. Diluting this bill with an attempt at addressing a teacher's skill or pedagogical practices is irrelevant to child safety. Focus on the safety of children. That's where we can all agree, whether you're the president of MTS, the director of the CCCP, the Minister of Education: child safety.

Amend this bill and do it right. Don't try to squeeze in a bunch of stuff that will distract from that child protection.

Thank you for your time.

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

We will now open the floor for questions.

Mr. Ewasko: Thanks, Mr. Darazsi, for coming tonight and sitting through and watching for facial expressions and all of that.

I just felt it was very important for me to share my views on the fact that we did sit down with Manitoba Teachers' Society, and I really did feel that we came to that agreement where some of those frivolous and vexatious comments were going to be sidetracked by a commissioner.

* (21:20)

The panel does strike that balance. It does have a representative from Manitoba Teachers' Society, Manitoba School Boards Association, and a public member as well.

Mr. Chairperson: The minister's time has expired. *[interjection]* The minister's time has expired.

C. Darazsi: I have no comment to that.

Mr. Chairperson: Any further questions?

Mr. Altomare: Thank you, Mr. Darazsi, for your presentation this evening and for your years of service to kids in our province. It's really important that we have very good people in our classrooms, and I want to thank you for being that very good person in that—in our classrooms.

I want us—I would like to do—for you to talk to us a little bit about how the bill, as it is written, can be improved to reflect its intended purpose, which is child safety.

Mr. Chairperson: Go ahead, sir.

C. Darazsi: It's about removal of the distraction of the competence part, as far as I'm concerned. Focus on what the bill is intended to do. If it's intended to be about child safety, then do that.

It's been mentioned before by other people here that have presented, and I can say with a fair amount of confidence it's going to be mentioned again, this should be separated into two separate things.

We have the child safety aspect, which again, nobody disputes. But then we've got the teacher competence thing, which the—it's—it is completely irrelevant to a misconduct complaint. They're not tied together, nor should they be in legislation.

Mr. Chairperson: Any further questions?

Mr. Ewasko: So, Mr. Darazsi, so when we're talking about competency and misconduct, you're saying that we need to separate it. Other stakeholders and across the country, jurisdictional scans, they're actually looking that it should be a single-door access.

Again, some information that's being put on the record here from some presenters—Bill 35 is not stepping into the responsibilities of the employer, which are, examples, assessment of performance, investigation, discipline. This is formed to complement that, in addition to the teacher's conduct, in regards to unbecoming of a teacher.

I'd like to hear your comments on that.

C. Darazsi: Well, in terms of misconduct, again, you're not getting arguments from us on that, right? It's the notion that teacher competence is then going to get you onto a list, potentially, where it has no business being.

Like having everything—every single thing reported to the commissioner—because how is the commissioner not—how is the commissioner going to dismiss something unless it's gone to that level? And what's happening with that teacher in the meantime? Are they placed on admin leave? Are they still in the classroom? I mean, there's too many unknowns.

And again, I appreciate that, you know, you've said that, on multiple occasions this evening, that this will be written in consultation with MTS and it will be written in consultation with all the education stakeholders, and I get that. But, to be quite frank, there hasn't been many deposits into the trust jar for us teachers.

So, I'll leave it at that.

Mr. Altomare: So, Mr. Darazsi, tell us how this can affect the teachers that you work with on a day-to-day basis, this bill as it is written right now.

C. Darazsi: They're worried. They're worried, like, there better be a sale on shoes because, as somebody mentioned earlier, the—all the walking on eggshells that's going to happen, it's ridiculous. Like, they are worried about any single thing that could be misconstrued, particularly about the social—the significant emotional harm.

But anything that—again, we live in a society now where anybody can take offence and it blows up. And this is what teachers are worried about. If it's already blowing up in social media, that's going to continue into the foreseeable future. Now it's going to blow up at the provincial and legislative level with a panel with a commissioner investigating.

Like, it's just—they are very concerned. So there will be a pulling back in terms of the ability to teach, particularly sensitive subjects.

Mr. Chairperson: Thank you very much for your time this evening and for your presentation.

Next we'll call on Mr. Roland Stankevicius [*phonetic*] Mr. Stankevicius, I hope I'm pronouncing that correctly, sir.

Roland Stankevicius (Private Citizen): Very close.

Mr. Chairperson: Very close?

R. Stankevicius: Not bad at all.

Mr. Chairperson: Well, you have ten minutes. The floor is yours, and you can correct me, please.

R. Stankevicius: Good evening, Chair and committee members. My name is Roland Stankevicius and I am here as a private citizen speaking on the matter of Bill 35, as it has been presented, to share my thoughts and concerns about these extensive and far-reaching amendments to The Education Administration Act.

As you may or may not know, I do have some background in these matters, and it is my sincere hope that my thoughts and expressions help to shape and improve this proposed legislation through some important additional amendments.

The safety, health and wellbeing of students in any education system is a most important responsibility of those who are in positions of authority. All of us here today, and all of the various stakeholders in Manitoba will agree that these are self-evident truths. As stated in The Manitoba Teachers' Society code of professional practice, the first and intentionally the most important standard for members as a Manitoba teacher is that a member's first professional responsibility is to the member's students.

This prime directive for teachers means that safety, trust, respect, integrity and understanding of and for students are the beacons and guideposts to all, and that I endeavour to follow, as a teacher, as a coach or a role model, over my teaching career. And it was my experience, and it was my understanding, as with my colleagues and school staff associates in various school settings where I taught.

Through my more than six decades of experience as a student—my first day of kindergarten was September 5th, 1961, so I've been around for a while—as a teacher of 25 years, a parent of three students who are now adults now, but you never stop being a parent—and now as a proud lifelong learner as a retiree, I know that schools and teachers are very important social and community entities that need to have the

highest regard to safety. In that respect, I believe that parts of Bill 35 meet that goal.

In these far more turbulent and inundated times in 2023, where personal safety and respectful relationships are now a fundamental and very necessary societal imperative, Bill 35 should provide better linkages and information systems to keep our students safer and to help remove dangerous predators from the teaching ranks.

However, we need to get the process, systems and procedures right, and I don't think we're there yet. I believe that parts of Bill 35 are potentially an overreach and an unwarranted rush to judge or scrutiny, and I have concerns related to how natural justice may be compromised, how allegations are reported, how facts are investigated and verified and how outcomes are confirmed.

Specifically, I strongly urge for better clarity and consideration of wording on some of the broad-brush terminology in Bill 35, where it defines professional misconduct using the words, but not limited to, and significant emotional harm.

You've heard these terms very often this evening. With these phrases as part of the definition of teacher professional misconduct in Bill 35, teachers are likely to be open to potentially devastatingly vexatious and or frivolous complaints that may inflict long-lasting emotional and reputational harm on a teacher, and this is a very strong caution on how to carefully proceed with these amendments.

In spite of the commissioner's ability to dispose of complaints or toss them, they may be deemed to be trivial or without merit, but the harms and mistakes that can arise through a process and procedure—and we've heard some of that already this evening—that doesn't do the utmost to be truthful and correct, may extinguish any of the best intentions of Bill 35.

Further, I strongly urge explicit language that provides Manitoba public schoolteachers as members of the Manitoba Teachers' Society, a union of teachers, that the fundamental and irrevocable rights of fairness, due process and natural justice in any of the procedures or processes that aren't taken regarding a written and signed complaint.

Union representatives provide support and understanding to the teacher who is being investigated. Therefore, they can play an important role in the process. Teachers should have the expressed right to be accompanied by their union representative or legal

counsel, as may be required, in order to understand and advise on the allegations and complaint.

* (21:30)

It has been my experience and perspective that through a well-planned and well-conducted investigation and, or disciplinary hearing, that union representatives are very balanced and objective, and will add to implicit and explicit procedural fairness to that process.

The representatives can review any evidence presented; provide feedback to the teacher on how to respond; identify and clear up inaccuracies or inconsistencies. Furthermore, they can help to ask questions and seek clarification on the complaint details. If the employer and employee are able to reach a consent resolution, the union representative or legal counsel can assist in finalizing the agreement.

It has been my experience—I'm just going to repeat that. Further, as so many of my colleagues have mentioned today, the conflation or confusion of serious safety concerns in schools for students addressed in this bill, with teacher competency is nonsensical. It just doesn't work.

Finally, and in closing, advancing safety for students and removing predators from our school environments is an important aspect of proceeding with these legislative amendments. I urge this committee to listen carefully to this and other presentations and ideas for better and improved amendments, so that the Manitoba experience, the made in Manitoba experience for safer, fair, equitable, diverse and inclusive schools is realized for all in our education community.

Thank you for your attention this evening.

Mr. Chairperson: I thank you very much for your presentation. The floor is now open for questions.

Mr. Ewasko: Thank you Roland, and it's nice to see you again. Thanks for coming today and giving your presentation and your views and thoughts to this, and your many years of service to our great students here in great province of ours of Manitoba.

In regards to some of the comments, you know that what I've said already tonight in regards to competency and that, and we are committed, and it says this in the bill, and I've said it multiple times on the record, that this is definitely something where we are going to create those levels of standards with the help of Manitoba Teachers' Society and others as well as this bill continues to move forward.

Mr. Chairperson: Roland, any comment to the minister?

R. Stankevicius: The conflation of those two concepts just are very confusing for many of the teachers in Manitoba. It's very confusing for me. I liken it to the concept of, in the environmental world where they talk about clean coal. That just doesn't work, it doesn't exist.

These are conflated terms. I think that it's important to separate these issues, the issues of safety for students is very important, and that's where the focus should be.

Mr. Chairperson: Thank you. Further questions?

Mr. Altomare: Thank you Roland for taking part in this process. We have all listened with a great deal of care and interest, especially when somebody with experience like yours comes up. Not just experience in the classroom, but varied experience throughout the system, and how it impacts the way you think about this and think about Bill 35.

So having that in mind, tell us how can the bill be amended to fulfill its intended purpose of child safety?

R. Stankevicius: Making the clear point that safety of students, safety of children is paramount, and that's the issue that's on the table.

However, that it was conflated in to include issues around competency, which is, as I know, as in my experience as a teacher, and working with teachers through the Manitoba Teachers' Society, competency issues are very well organized and handled by the employing divisions. And when there was a more robust department of education and support for teachers, in terms of improving on their competency or growing in their professional skills, those were issues that were dealt with.

This bill would be improved drastically through the process of separating those matters and further, as I stated here, the idea of representation at every step of the way should be a clear, written part of this legislation, where a teacher under investigation does have the right, irrevocable right, to have a representative help them through the process.

Mr. Chairperson: Any further questions?

Hearing none, thank you very much, Mr. Stankevicius. Thank you for your presentation this evening.

Mr. Altomare: If I can ask for leave for a 10-minute break to stretch our legs and get re-focused.

Mr. Chairperson: Okay, has been a request for a 10-minute recess. Is there leave for a 10-minute recess?

An Honourable Member: Is it good for all of us or just Nello?

Mr. Chairperson: It's good for all of us. All in—agreed? [*Agreed*]

So, committee recess for 10 minutes.

The committee recessed at 9:35 p.m.

The committee resumed at 9:49 p.m.

Mr. Chairperson: We'll call the committee meeting back to order.

And next on our list, I would invite Ms. Cari Satran [*phonetic*]—pardon me, Satran, to unmute your mic and turn your video on.

Excellent. Ms. Satran, thank you for joining us this evening. You have 10 minutes for your presentation, and the floor is yours.

Cari Satran (Private Citizen): Thank you so much for having me. It's actually very exciting to be part of the democratic process, and unlike many of my colleagues who've come before me, I didn't prepare a whole written speech. I figured if I was going to do that, I would send it in in writing. And, instead, I thought I'd just sort of speak from the heart as it came.

And, to be perfectly honest, when I joined some four hours ago, I kind of expected to kind of keep the computer on mute and have the TV on and not really pay that much attention. But what happens when I come together with a group of my colleagues and my fellow educators, is that I'm inspired by their courage and their honesty, and I'm humbled by their intelligence, and I appreciate everything that we do all the more every day.

* (21:50)

And so I'm very, very grateful to loan my voice and be part of this process, and I really, really hope that it is a democratic process. And so I'm going to try and avoid talking about what's already been said, though I echo a lot of the thoughts, and speak to that a little bit.

Twenty years ago I came to Seven Oaks School Division, having left the country for a while after I graduated. And I came back to teaching in Seven

Oaks, and I was hired in Grade 8, where I've been ever since for the last 20 years. And I went to my principal and I said, you know—and this was 2003—and I said you know, I meditate every day, and I'm going to meditate with my students.

And she said well, okay, but you know, it'd be better if you called it something else. And I said well, you know I don't really know, that's its—I'm going to meditate, and that's what I'm going to call it. I didn't know at the time I was supposed to say oh, okay. And I did, and I lived in a sort of quiet fear that a parent would call me out.

And I never hid the practice. We meditated every day, and I built a strong practice. And then, some 10 years later, I wrote a master's about meditating with students, which I still do today, and if you google-scholar my name, you'll find some of my published writing. And if you google my name, you'll find some of my presentations.

And so I wonder if the climate then had been what it is today, I wonder if I would have been that same brave, strong teacher who was willing to meditate and really actually become a groundbreaker in meditating. And many teachers today meditate, and many professors today teach meditation as the result of that beginning practice.

And in—so I finished my master's in 2012, and in 2016 I finished my post-bacc and I did a variety of post—courses through my post-bacc. And it is worth noting that I finished my post-bacc in 2016, at the same time as the Conservative government was elected. So I kind of thought it funny that this was passed off to something that a previous government missed a while ago.

But anyway, so I took some courses in leadership, and when I was doing my post-bacc, all through my education I've kind of been wondering, when is this change in education going to come? Like, when are we going to see this progressive movement to actually caring about kids and learning and education, and not the bureaucracy that processes the systems.

And we have seen a little bit of this, but in 2016 in the human resources course, I learned that teachers are a \$3-million investment in their career. And no superintendent takes that lightly. And every teacher—and teachers are one of the few careers, (a) that are so completely disrespected that I know a high school band teacher that was told to teach a unit in geography, because that was missing, and not that they're not perfectly able to learn, but it's not their

level of competency. And a tax lawyer wouldn't be sent to criminal court, and a cardiologist wouldn't be sent to do 'gastroenterology.'

And so teaching is one of the professions where our specialties and learning and expertise is already completely disregarded on so many levels. But we're a \$3-million investment nonetheless, so at the same time, in the paradox that is life, superintendents and administrators who hire those teachers don't take that lightly.

And all of these processes are put in place, (a) to support teachers and to help them grow to become strong teachers who then go on to mentor teachers, and that—nothing is more evident than seeing that here, as you've seen retired teachers come back and speak. You've seen teachers with five, six years come out and talk, and you've seen teachers who are veteran teachers come out and talk.

So this whole bill, to me, feels a lot like many administrators who I've known who've come with the best of intentions, but who are really insecure in their micromanagement, and they come with problems, they come with, hey, and go hey, here's a solution to a problem that I didn't—you didn't know you had. And where the minister has mentioned that this bill is set to complement the systems that are already in place, and he said several times that there are certain stakeholders and citizens who brought this need to the intention makes me wonder all the more because something's been missed along the way.

And one of the things again, going back to those 2016 leadership courses, there was this—there were models of leadership at the time that were being touted, from moving from the conventional—which is exactly what we're seeing right here, top down—away from the congenial, which is always kind, to the collegial, which is actually democratic leadership, where teachers have a say in running the schools.

And teachers never have a say in anything. So, while I hear you listening here, and I really hope you are, and I hope this does affect the change, we all know that in the bottom line is teachers do the best with what they have, and always have since they were stoking the fires in the one-house schoolhouse.

And truer words to me, this will—Bill 35—is a nice big smokescreen way of hiding what was said, echo to echo from before, the real problem with safety is poverty. The real problem with safety is in my grade 8 class. I have six kids who have trouble getting to school every single day, and when they come, it's

often because the only meal they're getting is at school.

Ask me how much money I've spent on groceries. Ask me how much money I've spent on school supplies. Ask me how much clothing I brought to school, aside from doing United Way and Koats for Kids. If the minister—if the this Conservative government actually cared about safety in schools, then the funding would be given to schools. The teacher ideal fund wouldn't be hoops that teachers have to jump through to get money to come to their classrooms.

My school division wouldn't be thinking about cutting social workers who do the essential jobs of liaising between families. Because I can't be a social worker even though I do things like drive kids to school to get them to school with fear that, God forbid, something should happen to me or them in a car.

And now, add to this that my conduct might be questioned. It's this bill—why ministers, why MTS and why teachers are showing up like this, is because this bill is actually insulting to our time and our intelligence, that the idea that absolutely, if a teacher is pardoned.

In the same courses of that time, in 2016, I took a course called teaching and the law. And John Wiens, the professor at the time said, if a teacher needs a lawyer it's too late for that teacher. Meaning that teacher's gone through all the processes of the superintendents and of their policies and to show that they've been in misconduct, or to show that there's been some negligence or incompetence.

So, I hope that our government will do better for teachers. I hope our government will maybe one day stand up for teachers—and also nurses, by the way. And really show us what democracy is all about by really hearing the words of teachers who've been up since 6 a.m. sitting online until 10 p.m. in order to have a say and will be back in the classroom tomorrow morning.

Thanks so much.

Mr. Chairperson: Thank you very much for your presentation. The floor is now open for questions.

Mr. Ewasko: Thank you, Ms. Satran, for your words and staying up with us 'til all the way past 10 o'clock tonight. It looks like we're going until about midnight tonight. And yes, myself just like yourself, as a teacher as well, I'll be up bright and early back here at the Manitoba Legislature, just like you'll be going and teaching students.

Thank you for your time and your hard commitment that you've made to our students, and I only have a few seconds. So, I just wanted to take the time to thank you.

Mr. Chairperson: Ms. Satran, any comments?

C. Satran: Thank you.

Mr. Chairperson: Okay, further questions?

Mr. Altomare: Thank you, Ms. Satran, for your presentation. Thank you for your 20 years at grade 8 middle years. I can say that I spent some time at middle years, and that's the most fulfilling part of, I believe, some of the important work that we're doing, is working with middle years kids.

* (22:00)

And also, thank you for speaking from the heart, Ms. Satran, extemporaneously. Even though, you know, you spoke without notes, they certainly—you were getting your point across. So, I would like to ask, just to clarify, describe how Bill 35 will affect your day-to-day practice as a teacher.

C. Satran: Honestly, I hope it wouldn't, right? If a teacher is doing the best they can in the classroom, they shouldn't have anything to fear. That's the whole point, right?

Bill 35, in its essence, should not impact any teacher who's doing the best that they can. The point is that it could. The point is that in Bill 35, it says at any time after the commissioner receives a complaint or report or initiates an investigation, and while the outcome of proceedings under this act is pending, the commissioner may order the director of the certification to suspend the teacher's certificate, while they investigate the teacher until the matter is resolved.

How does that protect teachers from doing the best they can in the classroom and give any teacher the benefit of the doubt? Not to mention that the appointment of a commissioner is completely anti-democratic. Like, where—what qualifications are there? That already happened so much in education, that that's a part of the problem with education.

It's part of the problem with the public—with the private sector, too. And it's part of the problem with the world we live in, that things are brought, whether through nepotism, who you know, right place right time, and it really has little to do with who you are.

In that same course in 2016, I also learned that interviewing is the worst way to judge a person for a

job, yet interviewing is the only way people are judged by for jobs. So, you know, I don't know, when is the law going to change? You tell me, you're the government, you're the ones who have the power.

Ms. Lamoureux: Thank you, Ms. Satran, for your presentation. More of a comment, rather than a question: I wanted to thank you for the words you shared about democratic leadership. I find that very motivational and inspiring and something we should be working more towards.

And I just want to thank you, as well as many of the teachers who have joined us here today and who are tuning in. We've talked a lot throughout the pandemic, but I suspect this started before the pandemic; how teachers do go above and beyond when it comes to bringing food into their classroom sometimes, giving rides to children who might not otherwise make it to school, supplying school supplies for students who may not have it. I just wanted to get that message across as well.

Thank you.

C. Satran: Thank you very much.

Mr. Chairperson: Any further questions? Seeing none, thank you very much for your presentation this evening.

C. Satran: Thank you very much.

Mr. Chairperson: Next we call on Mrs. Tammy Tutkaluk from the Brandon Teachers' Association. Mrs.—is it Tutkaluk?

And we'll just ask you to unmute and turn your video on when you can. There we go. So, thank you for joining us this evening, and 10 minutes; the floor is yours.

Tammy Tutkaluk (Brandon Teachers' Association): Okay. Good evening. My name is Tammy Tutkaluk and I have been a teacher for 18 years in the Brandon School Division.

Ever since I was a small child, I wanted to be a teacher. Growing up, I played school every chance I got. My friends and family got quite tired of going to school.

Long story short, teaching is what I was called to do. I love being a teacher. I also happen to be the President of the Brandon Teachers' Association. I am here speaking on behalf of myself, as well as the more than 750 members that I represent in Brandon.

Many of you will automatically dismiss what I have to say, because I have shared this information with you. But I encourage you to listen, because I am speaking with a voice of the teachers who cannot speak for themselves.

I am here tonight because I wish to speak about some of the concerns that I have regarding Bill 35, The Education Admin Amendment Act. I want to be clear that I am in full support of laws that improve child safety. My first responsibility as a teacher is the safety and the security of my students. It is the first statement that appears on the teachers' code of professional practice, and I take it very seriously. It is my duty as a teacher to ensure that schools are always safe spaces, that my classroom is a welcoming and safe environment to learn, that school spaces are free from physical and emotional harm.

As a parent, I also support laws that enhance child safety. I also want my child to be protected when attending school. I do not have an argument against a law that is designed to protect children.

My concerns lie in the fact that teacher competence, or incompetence, was included in this bill. According to the dictionary, incompetence is defined as being tactless, bossy, impolite, unclear or agitated. It could also mean the inability, ineptitude, inadequacy or inexperience to perform a duty. In a bill designed to protect children, why is a teacher's competence being included?

Under Bill 35, the commissioner has the power to address issues of competence. As an employee of the Brandon School Division, I am hired, supervised and evaluated by my employer. My employer is tasked with determining how effectively I can do the job that I was hired to do—not a third party. Why would someone who does not get to see me actively teaching in my classroom get to make decisions on whether or not I am competent to do my job?

With this bill, the hearing panel for complaints will also be made up of mostly non-teachers. This creates a panel where individuals without expertise in education are now responsible for judging a teacher's competency. How can someone who has never been a teacher and doesn't understand the world of education make a decision on whether or not I can do my job adequately?

It's like me asking me—sorry, it is like asking me to evaluate my car's mechanic. For the record, I know next to nothing about cars. I know that you put gas in it so it keeps running and that you make sure that there

is air in the tires to keep it running smoothly down the highway.

But I know nothing about the mechanical parts on the hood—under the hood. I couldn't, if asked, tell you if the mechanic working on the engine was competent at doing their job, because I don't understand what they are doing.

The same is true for those who do not teach. They do not truly understand what teaching is like. To improve fairness, the panel composition should be populated in a way consistent with other regulated professions in Manitoba, where most of the panel consists of members from the profession.

A further concern that I have with this bill is that it also references establishing competence standards that a teacher must meet in order to be issued and maintain a teaching certificate. My colleagues and I want the best teachers in the classroom. We work hard to be the best teachers we can to ensure that we are responsive to the growing, ever-evolving needs of our students.

Our code of professional conduct requires us to continue to improve professionally. In Brandon, we have a fund for teachers to access to take professional development.

This year, over 101 teachers out of the 750 used these funds to take professional development opportunities to improve their teaching. Teachers always want to continue to improve, to do better, to learn more. We are lifelong learners. If this bill is designed to protect children, then why are competence standards being included?

The broad definition of misconduct, which includes significant emotional harm, is also concerning to me. Significant emotional harm could be associated with criticizing a child, pushing a child too hard, assessing assignments in a manner that the child or the parent does not like, or could be as far-reaching as teaching something of a sensitive nature from the Manitoba health curriculum.

This is very concerning because all teachers want their students to grow and develop. To do so, they must share with students areas where they need to improve. You need to challenge students to reach the next level in their learning and not to stagnate in the easy work.

The section regarding professional misconduct is also concerning, as it is not clearly defined. Conduct unbecoming a teacher has been defined at times as an

act or an omission that would be regarded by members as disgraceful, dishonourable or unprofessional. Who gets to make that decision?

Further, the reassurance that frivolous, vexatious or malicious complaints will be weeded out by the commissioner offers little comfort because the impact on the teacher could be significant depending on how far the investigation proceeds before it is deemed unfounded.

* (22:10)

For example, during my third year of teaching in the division, I had a parent call me at home after report cards were sent out, questioning the marks that their student had received. It was a lengthy, one-sided conversation where the parent questioned my evaluation skills, the assessments I used and my professional judgment. The conversation ended when the parent told me that they would be speaking to my principal.

That night, I didn't sleep. I couldn't eat. I felt nauseous all night. The next morning, my principal called me into his office, where I broke down in tears. Long story short, I provided the evidence to support the student's grade, and the parent's complaint was dismissed.

But the emotional turmoil that I went through during that time period was significant. I can't imagine the emotional turmoil that a colleague would go through if they had to wait months for a complaint or an accusation to make its way through the committee.

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

In conclusion, I believe the bill requires the following amendments: remove teacher competence from this bill; ensure that hearing panels are populated with a majority of teacher representatives similar to other disciplinary panels of other regulated professional bodies; include the expressed right to representation for a teacher being investigated; limit reports by employers to suspensions and terminations; define significant emotional harm; and put mechanisms in place to protect the privacy of teachers who are found to be unable to complete the professional responsibilities of a teacher because of a physical or mental disability.

I hope you take these recommendations seriously.

Thank you for your time.

Mr. Chairperson: And we thank you for your presentation.

The floor is now open for questions.

Mr. Ewasko: Thank you, Mrs. Tutkaluk, for your presentation and staying up with us tonight on Bill 35 and demonstrating your democratic process here in Manitoba.

So, again, many of the things that you've shared today, that is why we have committee, so that you're bringing forward these suggestions and potential amendments, many of which we've heard yet tonight. But I just want to reassure you as a fellow teacher that I'm absolutely listening and taking various different things that we've heard throughout the many presenters today already into account.

So, thank you again.

Mr. Chairperson: Mrs. Tutkaluk, any comments?

T. Tutkaluk: Not at this time. Thank you.

Mr. Chairperson: Okay. The floor is open.

Mr. Altomare: Thank you, Mrs. Tutkaluk, for your presentation this evening, for your 18 years in the Brandon School Division; very important that we acknowledge that, because teaching is a calling, absolutely.

And I can imagine what it was like when you were growing up and having your friends all sitting around listening to you telling them what to do. So, that was pretty cool to hear that.

But you've mentioned a number of times during your presentation that the composition of the panel is important. Why is that?

T. Tutkaluk: To truly understand the work of a teacher, you need to be in a classroom and see what teachers go through. We make decisions, you know, left, right and centre, all the time, continuously. And unless you've been in that circumstance, you don't know what it's like to teach. You don't know what a teacher goes through during the course of a day.

Mr. Chairperson: Any further questions from the committee?

Mr. Ewasko: Thank you, Mrs. Tutkaluk, again. I just wanted to add, on the composition of the panel. So, there is definitely going to be a Manitoba Teachers' Society representative, there's going to be an

employer representative and there is going to be a public representative on the panel as well.

That being said, we've said and we've heard from many presenters today talking about teachers in the public trust. I think that's why part of the reasoning is to make sure that we are having that public interest as well, because it definitely is important to have that third-party investigative set-up so that it's unbiased.

T. Tutkaluk: In response, there is a piece in the bill, as well, that talks about conduct unbecoming a teacher. And this piece concerns me, because you have members of the public deciding what is conduct unbecoming.

A hundred years ago, I couldn't wear a skirt to the knees in a classroom. I had to quit teaching when I got married. I couldn't teach while pregnant; I had to resign my position. There were times where you couldn't have a social drink out in public, because these were all defined as things that were conduct unbecoming of a teacher.

And I'm afraid that if we open this up even more, that, you know, you have members of society who aren't teachers deciding whether or not it's okay for a teacher to have a social drink after work, making decisions on whether or not it's conduct unbecoming to cheer at a sporting event, to have emotion in an emotional setting.

You know, I play soccer. Would it be conduct unbecoming of a teacher if I happen to get a little rough on the soccer pitch and happen to knock somebody over? Would there be a complaint filed because of that?

I really fear that that's opening things up too widely.

Mr. Chairperson: Any further questions?

Mr. Ewasko: Great additions to the examples, for sure.

I think the definition for personal misconduct is definitely there in the bill on page 5. But, in addition to some of the examples that you've brought forward, I really do think that that's where the commissioner's scope would come into play and would be ruled out of scope.

Mr. Chairperson: Mrs. Tutkaluk, any final comments in the last 10, 15 seconds?

T. Tutkaluk: In response: that does put a lot of power into one individual.

Mr. Chairperson: Okay, and we thank you very much for your participation tonight and your presentation.

Mr. Ewasko: Mr. Chair, I know that we just came off a bit of a recess, but I'm asking for about a three-to-four-minute recess.

Mr. Chairperson: Is there leave for a four-minute recess? *[Agreed]*

We stand recessed for four minutes.

The committee recessed at 10:17 p.m.

The committee resumed at 10:21 p.m.

Mr. Chairperson: Call the committee back to order.

Our next presenter is Ms. Barbara Gajda. Ms. Gajda? Hope I'm pronouncing that right. Just going to check to see if she is online.

Okay, so, final call, Ms. Barbara Gajda.

Okay, we'll move her to the bottom of the list and move on to Ms. Noni Classen—or, Classen.

And Ms. Classen, we'd ask that you unmute and turn your camera on.

Good evening, thank you very much for joining us this evening. You have 10 minutes for your presentation. The floor is yours.

Noni Classen (Canadian Centre for Child Protection): Good evening, Minister, Chairperson and distinguished members of the committee. Thank you so much for the opportunity to present today on Bill 35.

My name is Noni Classen. I am a former teacher, and I am the director of education and support services for the Canadian Centre for Child Protection, a national charity dedicated to the personal safety of children. We operate Cybertip.ca, which is Canada's tip line for reporting the online sexual exploitation of children, and we are more aware than most of the alarming increase in sexual offences against children, both online and offline, including within school environments.

In November 2020, our—November 2022, our organization published a countrywide report that found nearly 550 students sexually victimized by 290 Canadian school personnel over the previous five years. This report was a follow-up to a *[inaudible]* published in 2017 that identified at least 1,272 children sexually victimized between 1997 and

2017. In both reports approximately 86 per cent of the offenders were teachers.

We know that the vast majority of teachers do not and would not endanger children in their care. However, as we have seen in high-profile cases, there are unfortunately some individuals in school environments who will exploit their positions of trust to harm children, which is why we have long supported the need for improvements in the education system.

Our organization supports this bill. There must be better transparency and accountability to protect children and to make the school environment safer for all. This bill will help bring Manitoba closer to teacher regulation practices already seen in other provinces such as BC, Alberta, Saskatchewan and Ontario. We welcome the establishment of a commissioner and empowering the commissioner with the investigation and adjudication of complaints made by any person.

We also support the move towards more transparency in teacher discipline through the creation of an online registry and publication of disciplinary decisions.

The specific inclusion of all offences related to child sexual abuse material in the list of matters constituting professional misconduct is also a welcome addition. We know all too well how harmful such material can be to the dignity and well-being of children.

The purpose of any type of regulation or oversight is to protect the public. As such, our organization fully supports the commissioner being responsible for complaints or reports both related to professional misconduct and competence. This model aligns with the approach taken in other provinces and with the approach taken by other professional bodies—oversight bodies.

The distinction between conduct and competence issues is not always clear when behaviours are reported. Individuals often hide under the guise of competence to harm children. So, it is important that these two are brought together and they're combined to be centralized in a process, which will move us towards a more fair, more consistent and transparent process for all parties.

It will also help start to address the potential conflicts of interest within the current framework. Notably, with—such a system will help reduce confusion within the current framework where teachers, parents and public are often confused about the process for reporting concerns.

For teachers, this is due to the obligations under the code of professional conduct, which often leads to a false belief that a teacher must approach a fellow teacher first with any concerns they have made—or they have. While this may be appropriate to address professional concerns among colleagues, it does not apply when the safety and security of students or children are involved. The misunderstanding surrounding this obligation is an unnecessary burden on teachers and is ultimately harmful to the best interest of children.

Also, people who do not—who do report tell us they often do not know if their concerns have been heard or addressed in any meaningful way. We believe the framework proposed in Bill 35 will assist in combatting this false belief and ensuring concerns are properly addressed.

Our current system is fractured and fragmented, with various bodies tasked with different roles and responsibilities, and mostly unclear to parents and the public. When matters are handled internally, without transparent oversight or regulation, there are blind spots.

Employers and unions can tend to view their employee members in positive lights and skew their overall objectivity. This has allowed for concerns about teachers and inappropriate behaviour to be excused, minimized or to fall through the cracks.

Through many years of also supporting victims, we have come to know that concerns can appear at first to be lower level boundary violations and often are dismissed or downplayed, but they were actually warning signs indicating a far more serious problem. Manitoba must move away from a decentralized system to one that allows for a public process that ensures transparency and accountability so all concerns are received, assessed and responded to accordingly.

It must be noted that, particularly as it relates to allegations of sexual abuse, it is exceedingly rare for *[inaudible]* to be made in bad faith. In fact, when disclosure happens, if at all, it is credible and it is often a subdued version of the truth.

We are very troubled by the narrative that a centralized system would lead to a rash of frivolous and 'vexatious'—vexatious complaints. This presumes bad faith, serves to shame and silence victims and minimizes the very real and serious issue of child abuse in school environments.

Manitoba must eliminate barriers to reporting abuse for teachers, students and the public. Inappropriate behaviours and patterns of behaviour must never be ignored or dismissed. A publicly accessible mechanism for reporting and a public, consistent and transparent process for investigation and discipline will help to alleviate that problem.

Still, there are some aspects of this bill that we believe could be improved upon to better protect the interests and safety of children in school environments. We wish to stress that the potential harm to children in school environments is not just about teachers. In our research, approximately 14 per cent of offenders were not teachers but other school personnel such as bus drivers, coaches, educational assistants, administrative staff and others.

Our view is that the government is responsible for child safety in schools, and so the commissioner could and should be empowered to receive complaints and concerns relating to any person who works or volunteers within an educational environment.

* (22:30)

Although there may be other legislative work needed to empower the commissioner to investigate those complaints, centralizing their receipt in one common location would at least be a start. This would allow for patterns of concerning behaviour to be more readily recognized and a truer picture of concerns to emerge. It would also provide greater protection for students, should the individuals of concern move or transfer schools and repeat the concerning behaviour.

We believe the definition of professional misconduct is inadequate, specifically subsection (a) of the definition, which limits misconduct to any act concerning a pupil or other child under the teacher's care or supervision. We feel very strongly that harmful acts against any child, not just those under the teacher's care or supervision, should constitute misconduct.

There are many examples of children being victimized in circumstances where they were not under the care or supervision of the teacher who perpetrated the abuse, such as a former student, a student within the school but from a different class, a student who attends a different school or other children in the community. Teachers are respected and trusted in our communities, and they have a fiduciary duty of care towards children by virtue of their occupation.

Another one of our concerns is in relation to the parameters of the commissioner's discretion to weed out complaints prior to investigation. As currently drafted, complaints may be dismissed prematurely, allowing for potentially harmful behaviours to be prejudged and screened out without first gathering all of the relevant information.

For example, the commissioner is able to dismiss a complaint prior to investigation if the matter has not been pursued in a timely manner. This may limit the ability of the commissioner to address historic incidents of abuse. Research from Statistics Canada in 2017 indicated that disclosure of sexual abuse was often delayed, and that approximately one—only one third of children who were sexually abused by an adult disclosed their abuse before the age of 15.

There are many complex and valid reasons that survivors delay disclosure until adulthood and some may never disclose their abuse. Allowing a complaint of sexual misconduct to be dismissed as a result of a delay is not victim-centric and it ignores the well-documented reality of abuse disclosures. It also does not address the possibility that the individual of concern may still be in the school environment engaging in inappropriate behaviour.

As well, the bill permits the commissioner not to take any further action after preliminary review if there is no reasonable prospect of—prospect a complaint will result in an adverse finding by a panel. This wording is inappropriate. It permits prejudgement and dismissal of the complaint without proper evidence or due diligence.

In conclusion, we are pleased to see the efforts in protecting the interests of children, and we believe Bill 35 is crucial in *[inaudible]* system safer for all, especially children.

Thank you so much.

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

The floor is now open for questions.

Mr. Ewasko: Thank you, Ms. Classen, for staying up with us tonight and participating in a democratic process here in Manitoba.

I've got two quick points that I'd like to run by you. This is what I've heard throughout the evening—I'm not sure if you've been listening all evening: Bill 35 exposes teachers to frivolous and malicious complaints, and also, this Bill 35 will have damaging effects on recruiting and retaining healthy teaching

force, and the competency is—professional competence is not related to protecting children's safety.

Can you make a couple comments in regards to those couple statements?

N. Classen: Sure. For the first one around the frivolous and vexatious complaints, you know, I can—I see people are concerned about that.

And I think, for us, we're looking at it more from the area of sexual misconduct or concerns around those pieces, which we do see that those are—that is not something that they should—that is a concern in terms of when we look at any of the data to support that.

In fact, it's very hard for children to come forward, and usually, they minimize, rather than maximize, what is going on. And there is a lot of—there is a lot in what they're saying that should be taken as credible.

And so, I think the other side of what you're talking about, about it being related to competence being connected to misconduct, is what we see in the cases we deal with is that bad actors often hide under the guise of competence to abuse children.

So, certainly, this is not—this would not be something to be chasing or to be hunting down teachers, who are doing an amazing job and it's so incredibly complex in the classroom. And what I was hearing about tonight, about all the incredible work teachers are doing, that's certainly—that—those are situations that should never be coming forward and certainly would never go past the school board investigation or concerns, or supporting teachers through learning situations to become better *[inaudible]*.

This is much more connected to individuals who misuse competence and harm children. So, a good example would be that everybody would know, is if we use an example even in medicine, around what we saw in sport when we looked at with coaches in gymnastics with Nassar, and really using competence as the reason why he was doing his physical examinations of the students.

We have seen the same thing in schools. In the cases that we have looked at and the data that we have with individuals using competence in terms of needing to keep kids after school for special tutoring, to go through and learn; you know, to give them special attention; to have extra classes for instruction; to meet up on a weekend because they have a science class and they brought animals in, and those animals

need to be fed; to show kids a move and have to show them how to make the movement and touch them in a way that, again, makes children feel uncomfortable, but under the guise of their roles or responsibilities in their employment positions; or to be extending access to kids outside of school hours, again under the guise of engaging in activities connected to their work for learning purposes, that are then misused to abuse children.

And so, sometimes it's not that easy to parse out as much as, you know, it seems clear by—for some people in the way that they're looking at it. From our lens in the cases that we have and that are coming into us and that we have evaluated through our research, is that these are individuals who are bad actors with the intent to harm children, that are very much using, centrally, deception to fool people.

And so, they—what ends up happening is in a decentralized process for tracking these incidents, it is very difficult to detect patterns that are happening for your worst actors who are harming the most children.

Mr. Chairperson: Any further questions?

Mr. Altomare: Thank you, Ms. Classen, for your presentation this evening.

I'm curious as to your thoughts regarding the powers of the commissioner and the responsibilities, as it's laid out in the bill, and how it compares to other jurisdictions in Canada. *[interjection]*

Mr. Chairperson: Ms. Classen.

N. Classen: Oh sorry, thank you.

Yes, so what we would say is that this bill is aligning Manitoba in a regulatory—to have a regulatory system that is very similar, and bringing us into those best practices in other provinces, specifically very, very similar to BC, which is not seeing any—which really is actually not seeing an increase in frivolous or vexatious complaints coming forward; and in fact is only bringing forward I think one per cent of cases into actually seeing them as cases that come to a place of misconduct or revoking certification, and in fact ending up on the registry.

So it's very, very low.

Mr. Chairperson: We thank you very much for your participation this evening. We're out of time on that question period, so thank you again very much.

As—for members of the committee here, we have no No. 23. We are moving to the No. 1 position tomorrow, so we'll move right on to—on our list,

No. 24, Mrs. Ann-Marie Robinson from Stop Educator Child Exploitation.

I believe Mrs. Robinson is a presenter from out of town, so I'm assuming we'll be on line—*[interjection]*—no? So, we'll call one more time: Mrs. Ann-Marie Robinson.

Okay, seeing that, we'll move Mrs. Robinson to the end of the list, move on to the Thompson Teachers' Association, Mrs. Cathy Pellizzaro.

So, Mrs. Pellizzaro, I invite you to unmute and turn your camera on.

Cathy Pellizzaro (Thompson Teachers' Association): Hey. I'm here. Sorry.

Mr. Chairperson: There we go. Thank you very much for joining us this evening.

Ten minutes; the floor is yours.

C. Pellizzaro: Okay. One minute here. All right.

* (22:40)

Good evening everyone. My name is Cathy Pellizzaro. I've been a teacher for 29 years in school district of Mystery Lake, here in Thompson. I'm also president of the Thompson Teachers' Association.

I'm here tonight because I have some concerns about Bill 35, the education amendment act. To be clear, I am in full support of laws that improve child safety. In fact, the first point of the teacher Code of Professional Practice is that our primary, professional responsibility is to our students. It is our duty to ensure that schools are always safe places, not just safe places for making mistakes or for asking difficult questions, but safe places free from crime and abuse for every child.

So, you'll get no argument from me about supporting laws to enhance child protection.

My concern is about the inclusion of teacher competence in this bill. I fail to understand how investigating and adjudicating complaints related to a teacher's knowledge and skills or other ability to instruct and access any of the Manitoba curriculum addresses the safety of children, which is the stated intention of this bill.

I am not opposed to standards and regulation. My colleagues and I want the best teachers in the classroom. We also work hard to be the best teachers, do ensure that we are responsive to the growing and evolving needs of our students. In fact, our code of

professional conduct requires us to continuously improve professionally. But competence and conduct are two separate issues; they are inappropriately linked in this bill.

I'm also concerned because I am hired, supervised and evaluated by my employer, school district of Mystery Lake, but under Bill 35, the commissioner has the power to address issues of competence. Why is a third party evaluating my ability to perform my job?

The hearing panel will also be made up mostly of non-teachers. That is another example of why competence should not be part of this bill on misconduct. It creates a situation where individuals without expertise and education are now responsible for judging teacher competency. To improve fairness, the panel composition should be consistent with other regulated professions in Manitoba where most of the panelists from the profession, such as the nurses.

The broad definition of misconduct, which includes significant emotional harm, is another red flag. Significant emotional harm or incompetency can be associated with anything from how a student is graded to classroom management practices to resources or teaching topics considered sensitive. The reassurance of 'frivolous,' vexatious, or malicious complaints will be weeded out by the commissioner offers little comfort because the impact on the teacher could be 'significantly' depending on whether or how far the investigation proceeds before it's deemed unfounded. Qualifying significant emotional harm more narrowly would help to minimize this vulnerability for teachers while ensuring protections are in place for students.

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

I would like to propose the following amendments:

(1) Remove competence from the bill.

(2) Ensure hearing panels are composed of a majority of teachers, in line with the composition of disciplinary panels of other professional bodies in Manitoba.

(3) Include the express right to representation by a teacher being investigated.

(4) Limit reports by employers to suspension and termination as opposed to any and all discipline for professional misconduct or incompetence.

(5) Define significant emotional harm. This includes specific language related to psychological harm to the pupil or child, for the act is based on a characteristic protected by The Human Rights Code, repeated conduct that could reasonably cause a pupil or child to be humiliated or intimidated or a single occurrence that could be reasonably be expected to, and has, lasting, harmful effect on the pupil or child; and

(6) Protect the privacy of teachers who are determined not to have the capacity to carry the professional responsibilities of a teacher because of a physical or mental disability.

Thank you for your time.

Mr. Chairperson: We thank you very much for your presentation this evening.

The floor is now open for questions.

Mr. Ewasko: Thank you, Mrs. Pellizzaro, for again, staying up with us virtually from the wonderful city of Thompson, and just being with us and being able to demonstrate your democratic right here in Manitoba to bring forward your thoughts and concerns and potential amendments to Bill 35 tonight.

Right at this second, I've only got about four seconds so I don't have anything else. I might have another question in a few minutes.

Thank you.

Mr. Chairperson: Thank you. Any further questions from the floor? [*interjection*] If she wants. There's—any comments back to the Minister?

C. Pellizzaro: From me?

Mr. Chairperson: Yes.

C. Pellizzaro: No, I'm fine, I'm, good.

Mr. Chairperson: Thank you.

Mr. Altomare: Thank you, Mr. Chair, for your patience with me. Mrs. Pellizzaro, thank you for your service first, especially up in Mystery Lake, and your years of dedication to the students up in Thompson. It's noteworthy, absolutely.

In your opinion, how could this bill be amended to fulfill its primary purpose of child safety?

C. Pellizzaro: To—yes. I would say, to ensure that teacher competency and child safety—they're not connected. So, to do them as separate topics.

Mr. Chairperson: Any further questions from the committee?

Mr. Ewasko: Mrs. Pellizzaro, I do have a quick question for you. And so, I've mentioned it a few times tonight, so maybe you've been following along with us and you've heard this. But Bill 35 is not going to be taking over the employer's responsibility such as assessment of performance, investigation, discipline, et cetera.

Actually, it's meant to complement and basically assess whether a teacher's conduct is unbecoming of a teacher, which possibly necessitating action against the teacher's certificate.

Can you make a couple comments just based on what I've just said? It just seems that there's some misinformation out there.

C. Pellizzaro: Yes. I—what I'm hearing from you then, is that you're saying that even though that's the employer's job, it sounds like that would be the commissioner's job now. Is that correct?

Mr. Chairperson: For clarification, Mr. Ewasko.

Mr. Ewasko: Clarification, Mrs. Pellizzaro, is no. It's still the employer's job to do the assessment of performance, investigation and discipline. I'm just hearing some potential misinformation that's out there—not saying from you—but from other presenters that were basically saying that the commissioner was taking over those responsibilities from the employer.

I just wanted some comments from you.

C. Pellizzaro: I still see—you know what, even though you're saying it's not going to do that, I still see that as what they're going to—as what the commissioner would be doing. So I fail to see that not happening with the commissioner.

Do you see what I'm getting at?

Mr. Chairperson: Any further questions?

Mr. Ewasko: Just for clarification: so, in the bill, Mrs. Pellizzaro, it actually states the scope of practice of what that commissioner would be doing. And in regards to competency, we've already committed within the bill to make sure that those standards of competencies are written with educators and other education stakeholders throughout the province.

So, I'm just—that's where my—I'm looking for comments from you.

C. Pellizzaro: Yes, sorry, yes, I will respond. Yes, you're right. It does say that. But, what happens with the actual panel could be different than that.

Mr. Altomare: Just—I hear that you're having concerns with the power of the commissioner, Mrs. Pellizzaro.

What are some of the pieces that has you concerned regarding the powers of this commissioner, as it's laid out in the bill?

C. Pellizzaro: I just—I'm just concerned that if this commissioner is not familiar with education, there—they may—they could, how could I put this? If they're not familiar with the education system themselves, even though they may say they are—if they aren't, then how can we be ensured—how can the education—the teachers be ensured that this can be a fair process?

* (22:50)

Mr. Chairperson: We thank you very much for your presentation and, for the question-and-answer period, the time has expired on that. So thank you once again.

So with that, we'll now invite Ms. Cathy Pleshak [*phonetic*]-Pleskach, from the Interlake Teachers' Association. And do you have any handouts for the committee? No?

The floor is yours.

Cathy Pleskach (Interlake Teachers' Association): Thank you Chair, and good evening committee members. My name is Cathy Pleskach, and I am in my 26th year of teaching at Warren Collegiate.

I am here to raise concerns about Bill 35 in its current form, on behalf of the 275 members of the Interlake Teachers' Association, whom I represent as president.

In my more than 15 years working for ITA members, I have dealt with one case of abuse of a student by a member, and that was too many. Like any educator, my first thoughts are to protect students.

I am not opposed to a fair and defined process that handles teacher misconduct, as I've lived through the experience.

As a president, I strive for consistent and equitable processes when working for members. But parts of this bill have me extremely worried for them.

The biggest of these is defining, as you know, the professional misconduct to include significant emotional harm. Without a more defined scope, I am genuinely fearful for my members that too broad a definition will result in unwarranted complaints, and may damage careers.

Let me share some background. The Interlake School Division is geographically vast, is driven by agriculture, community and long-held family farms strongly influenced by European settlers and predominantly white, conservative views.

ITA members are employed at 22 different community schools, including eight Hutterian colonies and three French-immersion schools. Our members work in many communities whose concept of diversity is often very different than their own.

It is this difference of opinion, combined with no explicit definition of emotional harm, that I worry about, for the following reasons, all cases I have dealt with this year alone.

I am concerned for our Hutterian teacher members. I have seen these talented folks tread lightly and respectfully when it comes to outcomes and course material that colony elders will not allow.

All eight of our colonies are very different when it comes to restrictions. Technology, science, evolution, sexuality, gender identity, diversity or any groups different than themselves could be a source of significant emotional harm to their children, and our members understand that.

Thank you to my colleague Tammy from BTA for mentioning having to resign 100 years ago if you were pregnant.

I had a colony teacher this year who was asked to hide her pregnancy for as long as possible and potentially leave early because she wasn't married, and it was too tough to explain it to her colony students; and that's not 100 years ago.

I am worried for our internationally trained and new teachers. Lack of human resources in the public education system has us scrambling to fill jobs and find subs. We have been lucky to hire many skilled newcomers, but language and culture can be barriers.

Barriers, I worry, will be seen by parents as incompetence, and complaints will rise here as well. Instead, these members need training in Canadian culture and customs to help them relate better to their students, families and communities.

I am terrified for our 2SLGBTQIA+ members. Unfortunately, the reality is still that in many communities, they are considered to be immoral groomers of young people. Uncomfortable parents and students can make complaints due to bias, prejudice and ignorance through the current version of Bill 35.

Members should not be made to come out over and over again each time they face a malicious complaint, or be added to the registry for an unrelated form of discipline that may unintentionally out them.

I am concerned for our members who cross a parent, send home a failing grade or cut a child from a team. I have had members abused, harassed and intimidated by parents, now on stress leave for something they love and volunteered to do. And unfortunately I experienced this myself as a teacher this year for the first time.

Bill 35 serves to provide unreasonable parents with an avenue to get back at or rid of that teacher. These are small numbers of situations, but the concern is that they are potentially going to happen.

Programs will suffer, as no one will step up to coach teams or support student groups, and it will—*as it will* no longer be worth the risk.

I understand fully, reading the bill in its current form, that the commissioner has a right to throw out—or has the duty to throw out cases that do not warrant pursuit, but what qualifications will the commissioner have to make decisions on what is truly significant emotional harm?

Will they have competency standards? If they are unable to perform their duties, the minister can appoint a replacement. The hearing panel members are also appointed, will they all be trained? If so, then it will potentially be a fair process. Consider that. Please amend panel composition to be consistent with other regulated professions, where most are from the profession and trained.

Our classrooms are already under immense strain due to cuts to resources, both material and human, and subs are at a premium. The graduation rate of teachers is decreasing, and now there is a proposal for a process that, I feel, will scare many of our marginalized and equity-deserving groups from entering the profession altogether. I have had teacher colleagues and friends say, my son or daughter said to me today that I want to be a teacher, and they are trying to talk them out of it. It is a reality.

And these are passionate teachers that have been teachers all their lives, so their children have seen that. My colleague Tammy talked about playing school. I don't know that people play school anymore. It's maybe not the best place to be.

Teachers have not recovered from the pressures of teaching through a pandemic, and this bill will continually cause them to look over their shoulders or look for another career. We need to attract folks to education, not create barriers with wording in a bill that does not protect members' rights to fair and due process when it comes to the defence of their conduct.

And what defines teacher competence? Minister, you indicated earlier that evaluation and assessment—several times, we know it has been brought up—of teachers will remain in the hands of the employer. Yet, again I'll quote her for a third time, as my BTA president colleague referred to, the definition of incompetence is the inability to do something successfully, and in essence evaluative.

If competency remains in the bill, you are in fact tying teacher evaluation to the work of the commissioner and panel with those words. Competence and conduct are two separate issues. Low scores already translate in public opinion to the fault of the teacher, yet we know they are due to the lack of resources to meet school and student need, class size, poverty and inequity.

As teachers we sign a contract with the division. Not a school, not a grade, or even a speciality. Teachers are asked to do anything, and many are teaching everything, as you've heard today, and as my substitute colleague referred to, are parachuted in and don't even know what they're facing 'til the bell goes at nine, potentially.

And many of them are doing it to keep their jobs before the annual round of cuts. Will inexperience, or lack of proper training due to huge amounts of turnover—is that going to result in no fault of their own, or be confused for incompetence?

Lack of training is not necessarily equal to incompetence. In a system that is already seeing increased retirements and exits for other careers, lack of subs and an increase of unqualified teachers on limited teaching permits, and increased members on sick and stress leave, what further impact will a logjam of complaints, to be handled by one individual, have on schools?

Will members be placed on leave? The process of complaints to reach the commissioner, then a hearing

panel and eventually a ruling laid down will paralyze us. This can be avoided with clearer definitions.

Please consider amending the bill in a few ways. Remove teacher competency; leave it clearly where it is, as you've indicated, in the hands of the employer, and make no doubt that that is where it stays. Ensure that panels are composed of a majority of teachers, folks trained in the business, the business of the game of school.

Define significant. There's a big push right now for critical thinking, and in critical thinking we focus on the—on setting criteria. Where is the criteria for the word significant? Because that can be taken different by many different folks, and it will be. It's human nature to do so.

And, limit reports by employers to suspensions and terminations. And finally, I think it does need to be worded explicitly in the bill, the right to representation, to ensure fair and due process for all of our members.

Thank you.

Mr. Chairperson: Thank you very much for your presentation this evening.

The floor is now open for questions.

* (23:00)

Mr. Ewasko: Thank you, Mr. Chair and Ms. Pleskach. It's nice to see you again. Thanks for your presentation. It's always professional.

And I would like to make a comment in regards to recruitment or retainment of teachers. And I strongly believe that, when I left teaching, I absolutely left it when I was loving it. And so I, myself, see that a—who wouldn't want to be part of a profession that is regulated responsibly?

We're seeing in other jurisdictions that this is working and that it is regulated and it's a single desk. I just want to hear your comments on that.
[interjection]

Mr. Chairperson: Ms. Pleskach.

C. Pleskach: I apologize.

Because it's one more thing on the list of all the things weighing teachers down at the moment.

I can use an experience today that I was in a school—and my colleagues may laugh about this—one of the things we often are working with is Workplace Safety and Health rules and the myth that we are the

safety police, not the folks out there trying to help you have a safer work environment. And one of my teaching members lost it, because she had too much paper on the wall in her kindergarten room.

So, my example is to illustrate that, at the moment, there is a system in place. It is working.

There are a few cases out there—and, like a fellow presenter had said today about data, the gentleman that had presented—I think that teachers aren't finding any security if it's one more thing that they have to worry about on the plate, because it's never the one thing. It's the fact that it's the one more thing.

Mr. Altomare: Thank you, Ms. Pleskach. Pleasure to meet you, pleasure to hear about your 26 years at Warren Collegiate, how important that is to the community and your dedication to that community.

Can you talk a little bit about how Bill 35 may affect day-to-day practice of the members of—Interlake teachers?

C. Pleskach: Absolutely.

We are made of a bunch of small school communities. None of our staffs are more than 40 folks. And it—that small community atmosphere, you feel that throughout our division. When I make my school visits, you feel it in every school, even in the larger schools. Our smallest school has 3.25 teachers, and you feel that in the community. And they are everything to those students; they are the caregiver, they are the parent. They aren't always just the teacher.

And that is going to change if those relationships can't be as honest and real as our members and those students need them to be, if members are concerned—context is everything. I may hug a student because I was—I asked for permission, and I know the situation. Another student or another parent may see that and they may read it the wrong way, and those are the things that sometimes will have to change in our day.

Yes. I have more examples, but I know I only have so much time, so.

Ms. Lamoureux: This is a little bit of a follow-up, so it may allow you a little bit more time to expand.

I agree that times are changing, and we need to be able to keep up with the times. And I'm wondering that, if this legislation were to pass as is, do you think that it will have an impact specifically on children's education?

C. Pleskach: I think it will, in a negative way. Because members are very concerned already about

all of the things on their plate. There's a lot of new—you know, there's a new framework for learning coming out. There's going to be new curricula. There is a lot of things, as I just indicated, that members are dealing with on a daily basis.

And a lot of the things members communicate with me often is it's—they're not just the teaching things. Let me teach my kids in the classroom. I have this paperwork to do, I have to provide that evaluation, I have to send that assessment in, I have to check those boxes. Let me teach my kids. Let me have those relationships.

Mr. Ewasko: I'll make this quick so you've got time to comment, Ms. Pleskach.

You mentioned earlier professional misconduct; it's too broad.

Some are saying that the definition is not broad enough. What do you say to them?

C. Pleskach: To the folks that say it's not broad enough? If you ask a teacher what they will receive for the best—to perform the best job, they will ask for clear direction and expectations, and then we can meet them. That's something we talk about all the time in PD, and it's something we've been talking about a lot lately. If the definition isn't more defined, there will be a lot of room for interpretation.

Yes, it has to be reconsidered. I do not think that it is—needs to be—

Mr. Chairperson: Thank you very much for your presentation this evening.

Next we'll move on to the Western Teachers' Association and Ms. Shawna Dobbelaere. *[phonetic]*

And if you could please unmute yourself and turn on your video when you're ready, please.

Shawna Dobbelaere (Western Teachers' Association): Good evening.

Mr. Chairperson: Good evening, Ms. Dobbelaere, is it?

S. Dobbelaere: Dobbelaere.

Mr. Chairperson: Okay, thank you very much for the correction.

You have 10 minutes for your presentation. The floor is yours.

S. Dobbelaere: Good evening. My name is Shawna Dobbelaere. I have been a Manitoba teacher for 19 years, spending the last 12 years in Western

School Division, teaching newcomers and English language learners. I'm speaking to you from my part-time role as Western Teachers' Association president, on behalf of our 160 members.

I'm here tonight to share some concerns with Bill 35, the education administration amendment act. To be clear, I am in full support of a law that improves child safety. Students have been my primary professional responsibility since my first days in the classroom. I take my duties seriously and work to make my classroom a safe space for all students. I also collaborate with my colleagues so that our building provides a space where students are free from harm and abuse. I have no argument against supporting laws to enhance child protection.

It is concerning that Bill 35 has included teacher competence. Conduct and competence are not the same. Investigating and adjudicating complaints related to a teacher's conduct addresses the safety of children. Investigating and adjudicating complaints related to a teacher's knowledge, skills or their ability to instruct learning of the Manitoba curriculum strays away from the stated intention of this bill.

I was hired and supervised and evaluated by experienced education colleagues on behalf of my employer, Western School Division. Under Bill 35, the ability to evaluate my job performance would be transferred to a third-party commissioner and, as we've heard this evening, it would be as a complement. It is problematic that an appointed official would have the power to address issues with my performance as a teacher.

If the complaint were to go further, a hearing panel made up mostly of non-teachers and individuals without expertise in education could be judging my competency, another problem. It is another example of why competence should not be part of this bill and misconduct.

My colleagues and I want the best teachers in the classroom. We work hard to improve professionally. We set yearly goals in our professional growth plans. We take on challenges and seek development opportunities so that we can be responsive to our students' growing and evolving needs.

To be clear, I am not opposed to standards and regulation. In April 2022, I read, under the Excellence in Teaching and Leadership pillar of Manitoba's K to 12 Education Action Plan, that government had identified the establishment of professional standards that guide educator development, practice and

evaluation as a future action to be initiated by April 2024. Western teachers support this development. Our profession possesses the knowledge, experience and expertise to assess and adjudicate the conduct of our members.

Competence and conduct are two separate issues. This bill inappropriately links them. When considering a management process for appropriate conduct to keep kids safe, it is imperative that Bill 35 gets it right. W. Edwards Deming is credited with the following quote: A bad system will beat a good person every time.

I can't help but think of that quote as I have learned more about the clauses contained within Bill 35. I have worked with countless good teachers during my career and consider myself to be qualified and experienced at my job.

* (23:10)

Including the phrase significant emotional harm as part of the broad misconduct definition raises alarm bells for me. I have personally experienced personality conflicts with students in the past. Whether it began because of my classroom management practices, a misunderstanding or the assessments that I have distributed, there have been situations when a student was upset with me. It was resolved through collaboration with my colleagues or a principal who could speak with the parties involved in a timely manner.

Over the course of my career and across all age groups, I have seen students reacting in the moment to what they felt was significant emotional harm. Teachers are very aware of the impact social media has had on bullying. Apps like Instagram and Kik have made it so very easy for anyone to say anything and remain anonymous. Teachers fight against this in our classrooms all the time.

I worry that Bill 35 as written encourages the bullying of teachers by anyone at any time without any repercussions for the bully and at the risk of severe emotional or reputational harm to the teacher.

One true thing that I've learned in my teaching career is that I need a connection with my students in order for them to learn. In most cases, that has meant bringing my whole self into the class every day. Most of the time, the results are beneficial for all parties, but it also leaves me exposed and susceptible to a malicious complaint.

Under Bill 35 as it's written, there is no requirement to handle such a complaint with a supervisor or someone known to all parties. As we have seen a decline in student mental health and a rise in social media attacks, the ability to submit an anonymous complaint could lead to an increase in malicious complaints. I am not reassured that such a complaint will be stopped by a commissioner.

We live in the Bible belt of Manitoba, and even though we work in public schools, there remains a faction of parents that want to exert control over the curriculum, as well as resist GSAs or even school dances. Pockets of parents have been vocal on social media about the banning of books, the teaching of evolution, immigration, the LGBTQIA+ community and other topics that public schools embrace, some of the same topics we teach according to our respect for human diversity and equity education policy. We have faced push back, but we know this makes our schools a safer space.

Bill 35 as written makes public education vulnerable to a right-wing minority that can target teachers anonymously in order to exert control over the public system. Anyone—an ex-partner, a complete stranger—could hurl unwarranted accusations without fear of reprisal to themselves in an attempt to further their own agenda. The risk to a teacher's reputation is great.

With more work to qualify the phrase significant emotional harm more narrowly, it would help to minimize this very real risk for teachers and meet the stated intention of this bill, addressing the safety of children.

There is also a significant piece that failed to make it into Bill 35. Where is the reference to a teacher's expressed right to have union representation? Other regulated professions specify their right to representation. It must be part of protecting due process, natural justice and fairness for teachers.

I have been an observer to investigations done at the divisional level when the complaint proves to be unfounded. The teacher was removed from their assignment for a minimum of one day. They were given no details as to the nature of the investigation, and they were too upset by the process to return to school that day. Luckily, in our small division, the process can be expedited. What is the impact on our schools when teachers are placed on leave? What is the amount of time to investigate?

For the current school year and longer, there has been an inability to cover absences of staff. Professional development has been cancelled or postponed due to severe sub shortages. I worry about an amplification of burnout among my members as staffing gaps could intensify. I worry about increased pressure on teacher retention and recruitment. We are already in a situation of not graduating enough teachers to fill demand here in Manitoba. My division tells me that we receive zero applicants for some job postings.

Bill 35 needs more work. Before government rushes this further along, I urge you to amend Bill 35 in the following six areas:

(1) Remove competence from the bill.

(2) Ensure hearing panels are composed of a majority of teachers in line with the composition of disciplinary panels of other professional bodies in Manitoba.

(3) Include the expressed right to representation for a teacher being investigated.

(4) Limit reports by employers to suspensions and terminations, as opposed to any and all discipline for professional misconduct or incompetence.

(5) Define significant emotional harm—this includes specific language related to psychological harm to the pupil or child, where the act is based on a characteristic protected by The Human Rights Code, repeated conduct that could reasonably cause a pupil or child to be humiliated or intimidated, or a single occurrence that could reasonably be expected to and has a lasting harmful effect on a pupil or child; and

(6) Protect the privacy of teachers who are determined not to have the capacity to carry out the professional responsibilities of a teacher because of a physical or mental disability.

Thank you for your time.

Mr. Chairperson: And we thank you very much for your presentation this evening.

The floor is now open for questions.

Mr. Ewasko: Thank you, Ms. Dobbelaere, for attending tonight, even though it's virtually. Thank you for what you do down in Morden. I was down there just not that long ago celebrating with the community on a few different things, and it is a great community. And it does have a lot of great attributes, a lot of which has to do with their education professionals as well.

So, with the few seconds that I have left, I just want to thank you for your presentation tonight.

Mr. Chairperson: Ms. Dobbelaere, any comments?

S. Dobbelaere: I had a question about the clarification in Bill 35, that the standards of competency would be developed with educational partners. Is that stated in the bill?

Mr. Ewasko: Yes, it is. And I've—thanks, Ms. Dobbelaere, to clarify that question. It has been stated multiple times on the record—I don't even know how many times already, 25-plus times today. But definitely looking at creating those standards and making sure that act—it's going to be in that act that it absolutely has to happen with collaboration, not only with teachers, but also other education partners.

Mr. Chairperson: Thank you for that.

Mr. Altomare: Thank you, Ms. Dobbelaere, for your presentation this evening. It—certainly very affecting. Sounds like the definition of significant emotional harm is important to you. Tell us why that is significant.

S. Dobbelaere: I think—I didn't even have a chance in my presentation to speak from my parent perspective, but a teenager and their emotions can vary from second to second. And often my son and I differ on what his definition of significant is and—compared to mine.

And the students that I teach often need help clarifying the meaning behind when they're expressing themselves. So, I really worry that the definition is too broad. When I heard Ms. Classen present that child abuse and some of the parts of that definition, it's very clear.

And when someone has those reports and they come in, it's taken very seriously. But the significant emotional harm remains undefined. I worry that most of that the vexatious or malicious complaints would be caused from that one part of misconduct.

Mr. Ewasko: So, Ms. Dobbelaere, you know what? You just gave me an opportunity to ask a question. I'm not sure why I didn't ask this earlier.

So, how would you define that definition, how would you type that definition up? Significant harm to the pupil or child—how would you tighten that up? *[interjection]*

Mr. Chairperson: Ms. Dobbelaere.

* (23:20)

S. Dobbelaere: Sorry. As part of the recommendations at the end of my presentation to include specific language that's related to psychological harm to the pupil or child, and based—where the act is based on a characteristic protected by The Human Rights Code.

Repeated conduct that could reasonably cause a pupil or child to be humiliated or intimidated, or a single occurrence that could reasonably be expected to, and has a lasting harmful effect on the pupil or child.

Mr. Chairperson: Any further questions?

Mr. Ewasko: Thank you for that.

Mr. Chairperson: Any further comments before we close this one, Ms. Dobbelaere?

S. Dobbelaere: I'd like to thank everyone for listening, and the fact that I'm virtual is a necessity. It's really difficult to plan to be in the city for an extended period of time when the date of the meeting is unknown. So this is a great opportunity for those of us who live outside the Perimeter.

Mr. Chairperson: Excellent. Well, thank you very much for participating and for your presentation.

So with that, we'll move on to our next presenter, Mrs. Shelagh McGregor. Mrs. Shelagh McGregor? Shelagh McGregor? Okay, not seeing Mrs. McGregor. We'll move her to the bottom of the list.

And Mrs. Eyford. Ms., Eyford. And just one final time, Ms. Glynnis Eyford. Okay, we'll move Ms. Eyford to the bottom of the list.

Next we have Mr. Sean Free. Sean Free. Not in the room? Okay, so Mr. Sean Free we will move to the bottom of the list.

Next, move on to Mr. Jeff Memka. Jeff Memka. Not in the room? Mr. Memka on line? So we'll move Mr. Memka to the bottom of the list.

So for those with the list at the table, No. 33 from the Louis Riel Teachers' Association, Ms. Marcela Cabbas *[phonetic]*?

Floor Comment: Cabezas.

Mr. Chairperson: Cabezas. Thank you very much for that. Welcome. The floor is yours.

Marcela Cabezas (Louis Riel Teachers' Association): Good evening. My name is Marcela Cabezas, and I have been a public school teacher in Manitoba for

the past 20 years, having spent nearly my entire career in the Louis Riel School Division.

Presently, I serve as president of the Louis Riel Teachers' Association, the third largest in the province, which represents nearly 1,200 teachers, principal teachers and clinicians.

I'm here today to share my comments—my concerns, rather—regarding Bill 35, The Education Administration Act, as it is currently written. First, I must state clearly that I am not here to oppose enhancing child protection. I am in full support of laws that improve child safety. I can confidently say that the members I represent feel the same way.

Teachers have chosen this career because of our deep care and concern for the well-being and betterment of our students. Day in and day out, our members strive to create not just safe spaces but brave spaces, where students can grow as learners and as individuals and be authentically who they are.

These are spaces that are free from harm and abuse. The recognition of this primary responsibility to our students is enshrined as the first point in our Code of Professional Practice. Discussing opposition to Bill 35 publically has been made difficult, as government has stated that its primary intention is to address child safety. Nevertheless, I'm here today as there are other elements embedded in Bill 35 that concern me.

First, Bill 35 inappropriately links competence and conduct. Our Code of Professional Practice requires us to continue improving professionally. In my association, LRTA members have sought out nearly 800 autonomous professional learning opportunities this year alone.

This is in addition to school-based professional learning acquired on professional development days through mid-week network sessions, collaborative learning cycles, and teacher-to-teacher collaboration. Many of our members have sought out post-baccalaureate and masters' degrees to further their learning.

Suffice to say, our members work hard to be the best teachers, principals and clinicians possible, to ensure that they can respond to the growing and evolving needs of our students. This is critical, as the needs of our students are constantly growing, and more complex than ever before.

When it comes to Bill 35, I fail to understand how investigating and adjudicating complaints related to a

teacher's knowledge and skills, or their ability to instruct and assess learning of the Manitoba curriculum, addresses child safety.

It is interesting to note where political opposites find common ground. In an opinion editorial in the Winnipeg Free Press, Michael Zwaagstra, a teacher and senior fellow of the Fraser Institute, whose view lean more to the right, highlighted the fact that professional competence in a bill regarding misconduct does not make sense. They are two separate matters, and should not be conflated.

My second concern is that as employees of the Louis Riel School Division, my members and I are hired, supervised and evaluated by our employer. But Bill 35, as it is currently written, the commissioner has the power to address issues of competence that fall under the purview of our employer. I ask why a third party is being tasked with evaluating the ability of teachers to perform their job.

Additionally concerning is that the hearing panel, as proposed in Bill 35, will be made up of mostly non-teachers. Asking individuals without expertise in education to be responsible for judging teacher competency is another reason competence should not be part of a bill that is supposed to be focused on addressing misconduct. To improve fairness, the panel composition should be consistent with other regulated professions in Manitoba, where most of the panel members are from the profession.

Another concern with Bill 35, as has been mentioned repeatedly, is the broad definition of misconduct, which includes significant emotional harm.

A recent Free Press article indicated that the Minister of Education believes that the bill is designed to target the small number of teachers who present a risk. While this may have been the thought process, how it could in fact be implemented does present a significant risk to all teachers.

Significant emotional harm or incompetency could be associated with anything from how a student is graded, to classroom-management practices, to teaching resources or teaching of topics considered sensitive. Qualifying significant emotional harm more narrowly would help to minimize this vulnerability for teachers, while ensuring protections are in place for the students.

I am grateful for the bravery of my member and colleague Tara Law, who spoke earlier this evening, for sharing her story about the time the family of one

of her students deemed a lesson she gave to have caused their child significant emotional harm, as the same—as same-sex couples were depicted in a video used as part of it. The impact—as she shared—of this complaint was significant, unfair and unjust to her, and reverberates to this day.

Personally I recall a time, while pregnant with my first child in 2009, I had a parent launch a complaint about my conduct to my employer when her child, who was not passing the course that I taught, failed his final exam—meaning he would not receive one of his high school credits.

The experience was incredibly difficult and emotionally harmful for me, as the allegations were unfair and unfounded. Despite eventually being exonerated by my employer several weeks later, the added stress of living through such a complaint negatively impacted my health and emotional well being, and I believe it contributed to the premature delivery of my son.

The reassurance that frivolous, vexatious or malicious complaints will be weeded out by the commissioner offers little comfort, as the impact of the investigation on teachers could be significant, particularly depending on how far the investigation goes ahead before it is deemed unfounded.

What the minister and supporters of Bill 35 seem not to have considered is that this lesson—legislation creates a duplicate mechanism for complaints, as school divisions already have mechanisms to address such matters.

This means a teacher could be questioned over the same instance not once, but twice, if parents are unsatisfied with how a matter is resolved at the divisional level. Having to relive the emotional impact of such a situation more than once is far from just.

I also worry about the safety of teachers. Several years ago, the Louis Riel School Division took steps to protect teacher privacy by no longer posting staff rosters on school websites, to protect particularly women from abusive partners searching the Internet to find their place of work.

Employers are required to have prospective employees submit criminal record checks and child abuse registry checks to ensure they are cleared to work with kids. I imagine such registries only contain the names of those who have committed wrongdoing. As such, I'm uncertain as to why those who have not committed any wrongdoing must have their names

publicly searchable on a registry alongside those who have.

* (23:30)

Finally, Bill 35 is silent on whether teachers can have union representation at public hearings. Other regulated professions specifically have wording in legislation that makes the right to representation clear. This omission is unfair and unjust, and should be fixed.

The education profession is living through challenging times. Nationally, the issue of recruitment and retention of teachers is a problem. Collectively, there is a decline in the number of students graduating from faculties of education in Manitoba. And the shortage of substitute teachers is still a pervasive issue across the province.

Moreover, we are seeing ideological fights make their way into legislation in other jurisdictions that have left teachers feeling vulnerable to anonymous accusations of wrongdoing over topics that are part of the curriculum. Wording matters if we are to protect the educators currently in the system from complaints that could cause them emotional harm.

The government must do everything in its power to ensure that teachers also feel safe and protected in their work environment. It cannot afford for those who are currently in the profession to feel unseen and unheard when expressing their concerns about the ways in which this bill could affect their professional lives.

There is no critical mass in the wings to replace teachers who are emotionally affected long-term by the launching of meritless complaints questioning their competency.

In closing, I would like to propose the following amendments: the removal of competency from the bill; assurance that the hearing panel will be composed of a majority of teachers that is in line with the composition of disciplinary panels from other professional bodies in Manitoba; the inclusion of the express right to representation for teach—for a teacher being investigated; the limiting of reports by employers to suspensions and terminations as opposed to any and all discipline for professional misconduct; a clearly and carefully created definition of significant emotional harm. I would recommend the one that was shared by the earlier speaker, my colleague Ms. Shawna Dobbelaere.

And I thank you for your time and consideration.

Mr. Chairperson: Well, thank you very much for your presentation.

The floor is now open for questions.

Mr. Ewasko: Thank you, Ms. Cabezas, for coming and giving your presentation tonight, and staying up with us. And thanks for sharing your own personal stories and journeys throughout this—these—some of these challenging times.

I do know that some of the points that you did bring forward, I know that I sat with Manitoba Teachers' Society to bring forward some clarity in regards to the bill and I was sort of hoping that a lot of that would've been put out to other teachers as well. It's evident to me, today, that I need to maybe do a better job getting my voice and our voice to teachers.

So, I'd like to thank you for bringing up a couple of points that have been repeated, as well, today. Because I—

Mr. Chairperson: The minister's time has expired.

Mrs. Cabbas, [*phonetic*] any comments back to the minister?

M. Cabezas: None at this time, thank you.

Mr. Altomare: Listening to your presentation, Ms. Cabezas, this has, you know, been affecting—very, very affecting. I know that a number, everyone around this table has listened intently to what you had to say. I—what I picked up is the broad definition of significant emotional harm.

Can you tell us how that would affect the day-to-day practice of teachers in Louis Riel School Division?

M. Cabezas: Again, the broad definition is the issue here.

I think we have a lot of innovative teachers who want to do good, good things in their classrooms. And as many previous speakers have shared, the vastness of the current definition would lead to people walking on eggshells; lead to additional anxieties and concerns about what can and shouldn't be said in a classroom.

And that creates restrictions on our ability to progress with all of the various pieces in society that are part of our curriculum, and important to moving forward public education and creating those future citizens.

So, that is one of my biggest concerns with respect to the broadness of the definition as it currently exists.

And so, as was very clearly iterated by my colleague Shawna Dobbelaere, there is a need to clearly define that piece so that there isn't room for misinterpretation in areas outside of what Ms. Classen spoke to, which is the sexual exploitation of children.

We want to ensure that in areas where that isn't the issue, that this significant emotional harm piece isn't negatively impacting our members and the way that they work with their students.

Ms. Lamoureux: I want to thank you for your presentation and sharing what you did, a little bit about your own experience. This room is not very comforting, and it can be very hard to be vulnerable, but I also believe it's those vulnerable stories and experiences that really do impact and make changes in legislation. So, I want to thank you for that.

And that also leads to—I really loved, I believe your word was the authenticity. I think we need to be striving for authenticity in all areas of our life and especially in the classroom, both on half of the teachers, as well as the students. That's the only way to really build that relationship.

So, I just want to commend you on that.

M. Cabezas: No comments, and thank you very much.

Mr. Chairperson: Any further questions?

Hearing none, thank you again very much for your presentation this evening.

So, next on our list we will call Mrs. Serena Klos—[*interjection*—so, Mrs. Klos, sorry, from the Sunrise Teachers' Association. Nothing online. So, we'll call one more time just in case, Mrs. Klos. Okay, we'll move speaker No. 34 to the bottom of the list.

Which moves us on to Mr. Alexander John Hrychuk. Mr. Hrychuk. Just take a moment to check online. No Mr. Hrychuk. We'll move him to the bottom of the list.

Mrs. Brittany—is it Okatch? Brittany Okatch. And one final time, there is no Mrs. Brittany Okatch? Okay, we'll move her to the bottom of the list.

Mr. Jeff Hoepfner, from the River East Transcona Teachers' Association. Just doing a check online here. No Mr. Hoepfner. Not in; we'll move to the bottom of the list.

Ms. Lise Legal, from the Pembina Trails Teachers' Association? Ms. Legal is online, so Ms. Legal, I

would just ask that you unmute yourself and turn your video on.

Lise Legal (Pembina Trails Teachers' Association): Can you hear me?

Mr. Chairperson: There we go. Yes, we can. Thank you very much for joining us this late evening.

And 10 minutes for your presentation, and the floor is all yours.

L. Legal: Firstly, thank you for pronouncing my name correctly. You hit it out of the park: Lise Legal, very good, thank you.

And, I have to say, I'm about three and a half hours past my bedtime and past a big bag of chips and chocolate-covered almonds, so this is not my best performance, for sure—not my best performance time. But, I do thank everybody for the opportunity, and I do applaud all of the presenters who have come here thus far.

I do have a number of notes here, and I will try to stick to the script. Just like everybody else has said, the top priority is to be entirely—I'm entirely on board with the protection of children. There's no question about that. That's a forever and constant filter that I and teachers use. That's what we're committed to, for sure.

I'm here tonight, nevertheless, to speak on some, what I would call errors, in Bill 35. And I believe that those errors, in my view, have some potential to cause harm to educators and to students, because some items in Bill 35 distract from the crucial priority of child protection.

* (23:40)

I believe that some items in Bill 35 have potential to cause harm to families who are being misguided into thinking that this bill will solve some problems that it will not solve.

And the distractions that are happening as a result of some of these other items that I will walk through that you've already heard a number of people speak to tonight are the types of things that are going to take us in places where we—where they take us away from the primary focus of child safety.

I believe that some items in Bill 25 will also cause damage to the teaching profession and to people who would like to come into the teaching profession.

So, tonight, instead of being here in my 35th year of teaching, my preference would be—well, to be

sleeping—but also to be spending my time, to be dedicating my time, to supporting children and the folks who work in schools, the teachers who work in schools, because that is—that's my role, and definitely in direct support of child safety. That's absolutely—I live and breathe that, and so do teachers.

So, I currently serve roughly 1,200 educators in the Pembina Trails Teachers' Association and approximately 500 substitute teachers in Pembina Trails Teachers' Association as their president. And I've had to set aside significant time speaking on or taking action in the last number of years opposing bills created by this government: bill 28, bill 64, 45, 35, 16, et cetera. The list goes on.

And I find this not the—I would like to use my time more directly with teachers and students and their families in supporting public education directly instead of opposing legislation that I believe is not just misguided but harmful.

I feel confused. I feel confused, and I feel concerned about the messaging that comes from this government because this government continues to say that you care about safety of children, care about the health of children and a variety of items, but the decisions that seem to be made with bills and legislation don't align with those priorities.

So, I'm confused and I really would like to understand better. I know that this government's talked about health care and public education and about children and that you care about these things. So I—you know, I'm repeating that because that's what I hear, and that you want to protect children from significant emotional harm. And that has been resonating with me all evening: protecting children from significant emotional harm.

You know what protects children from significant emotional harm? Properly funding public education, consistently, year over year, instead of underfunding public education. That's what helps prevent significant emotional harm.

But, what I've seen is this government, since taking office, has shown me that you believe in cuts all over the place. Public education has been dramatically underfunded for your entire time in office.

So, I'm very confused about your commitment to the safety of children when the underfunding that has been happening has been causing overcrowding in our classrooms and problems with getting human and other resources to support our wonderful students in our schools. That doesn't help students.

That doesn't show that you care about students when there aren't enough teachers in the building and when the classrooms are ballooning and exploding with heavy needs—we're not even done COVID, but I'm going to say post-COVID—and children living in poverty and families living in poverty.

If you really care about students, then classroom sizes should be reduced; funding should be in line with inflation; we shouldn't have educators who continue to be overwhelmed by the extreme needs of our beautiful children who have all kinds of varieties and diversity and come from important places of difficulty, and we want to take care of them.

So, that's what taking care of children means. It means giving them the climate where they can flourish, where they're not squished like sardines into a classroom where teachers have trouble creating and enhancing their relationships that they need between the teachers and the students to have optimal academic success.

That's—caring about students means making sure that those relationships can happen, and forever underfunding public education doesn't create those kinds of climates. And one year of—I'm going to do air quotes—astronomical funding doesn't recover seven years of harm, six years of harmful underfunding.

So, I sit here listening to this information about—Minister Ewasko, when you say the safety of children is paramount. I think that's one of the first things that you said today, and I love hearing that, and I really believe you, and I think that you really mean that. I just don't see that the actions match up with that.

So, when I look at Bill 35 and I think of the ways that Bill 35 is going to cause complications in the relationships that happen with teachers and their environment and their communities, that those complications are going to impact—negatively impact—the relationships with students.

So, again, I'm 100 per cent on board with taking care of the safety of children—100 per cent, like, absolutely. Every single child needs to be protected.

So, I'm at two minutes already and I'm just getting really excited, despite the fact that it's way past bedtime. I just would like to see that this bill would concentrate on what it says it wants to concentrate on, which is child safety and protection. That's what I'd like to see. Everything else is already being done by someone else. Our employers have been phenomenal at doing this. Let them continue their work.

I've heard Minister Ewasko say that this—there's a level of scrutiny on the competence piece—competency piece—that is complementary. Well, I would call it redundant, actually, and I think that our resources would best be spent creating proper funding and being redirected to the children in our classrooms and to the teachers who work with them, and to the staff around those young people so that we can be in great relationship with them because that's what matters.

So, all of this other—all of these other messages, they do not inspire trust in me. We've seen too many things that have interfered with the ways that teachers want to work with students, and—*[interjection]*—yes, absolutely; again I just need to restate it. Get in the way of every single person, every single adult, regardless of where they work—schools or otherwise—get in the way, absolutely. Prevent and consequence; any kind of harm that comes to children—absolutely get in the way of that.

But the competency piece is a whole other matter, and it's in the hands of the employer. So if we want to do what this bill says, then we're going to concentrate on child safety and stop with everything else that interferes with that priority.

So, thank you for listening to me at almost midnight here. Wow. That's all I have to say for now.

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

The floor is now open for questions.

Mr. Ewasko: Thank you, Ms. Legal, for sharing your viewpoints.

And I like to think that, as I said earlier, I left teaching when I was still loving it, so I still consider myself a teacher. I like to think that the bridges are still there if I ever need to or want to go back. I worked for many years with students and student services and students with special needs as well.

So, I know for a fact that the air quotes, astronomical funding, it is the largest amount of funding that has been done in Manitoba for over 40 years.

Mr. Chairperson: The minister's time has expired.

Ms. Legal, any comments to the ministers?

L. Legal: Oh, I already said what I think about astronomical funding. I don't need to rebuttal that point.

Mr. Chairperson: Any further questions?

Mr. Altomare: Thank you, Ms. Legal, for being up with us. It really, I think, demonstrates how important you believe this—the process of presenting at committee was.

* (23:50)

And what you shared was certainly listened to by everyone around this table, and certainly I would hope was taken very seriously.

If you can just remind us, just review what you—what has you concerned and confused with Bill 35.

L. Legal: Again, the phrase of significant emotional harm—it's inconsistent with the kinds of decisions that have been made by this provincial government. Significant emotional harm comes when families don't have enough money or wages or those types of things to best support their little people, to give them nice shelter and good rest, good nutrition to get them to school.

That's significant emotional harm, and it happens all over the place with underfunding. So, when it comes up in a bill about what teachers may or may not be doing in an undefined way, it's hard for me to trust that the people who are using that phrase are going to use it in a way that will actually accomplish what they say they're trying to accomplish.

So, I just—I stay confused about that, because significant emotional harm is happening all the time because of the dramatic underfunding that has been happening to these young people. They're coming to school hungry; they're coming to school packed in classes with overwhelmed teachers: that's significant emotional harm.

So, I'm just confused about how that would look, how someone might evaluate that when I actually think that some of the decisions are actually producing significant emotional harm.

So, I just feel confused about that.

Mr. Chairperson: Thank you.

Any further questions from the committee?

Hearing none, thank you very much for your presentation this evening.

And just before we move on, as a reminder: a standing committee that is meeting to consider a bill must not sit past midnight to hear public presentations, except by unanimous consent of the committee. Just a brief reminder.

Also, we have a couple of submissions from a couple of folks that were on our list earlier. On our list for No. 35, Mr. Alexander John Hrychuk and No. 38, Mr. Jeff Hoepfner—or Hoepfner—pardon me. They have both submitted documentation.

So, would it be the will of the committee to accept their written submissions in Hansard and to remove them from our list? *[Agreed]*

Okay, so let's move on to our next presenter, Ms. Jacob. Do we have a Ms. Jacob in the room? Okay, we will check to see if Mrs. Jacob is online. If you are, I would invite you to unmute yourself and turn on your video. Okay, so, final call for a Mrs. Jacob. Okay, we'll move Mrs. Jacob to the bottom of the list.

That moves us to the Manitoba Federation of Labour, Mr. Kevin Rebeck. Mr. Rebeck, are you online? Okay, so we will move Mr. Rebeck to the bottom of the list.

Ms. Adrienne Leonard. Is there a Ms. Leonard online? And one final call for Ms. Leonard. Okay, we'll move Ms. Leonard to the bottom of the list.

Mrs. Jennifer Engbrecht. Mrs. Engbrecht? Okay, so we'll move Mrs. Engbrecht to the bottom of the list.

And move on to Mr. Joel Blain. Do we have a Mr. Joel Blain? And not online? Okay, so, final one for Mr. Joel Blain. We'll move Mr. Blain to the bottom of the list.

Mr. Ewasko: Mr. Chair, just in light of going down the list, unless one of the two gentlemen, there, sitting in the room are up next—are they next? *[interjection]* Okay. Well, no, I'm just asking if you're on the list. But that's not my job; it's the Chair.

So I—Mr. Chair, I see the will of the committee to call it midnight, and start this tomorrow.

Mr. Chairperson: Is it the will of the committee to call—oh.

Ms. Lamoureux: —if I'm allowed to do this, but can I make the suggestion that because these two individuals have waited all evening and we are—we have the ability to sit beyond midnight, if we'd like to give them the opportunity to present, if they would like.

Mr. Chairperson: Okay, yes. *[interjection]* That is true. Ms. Lamoureux, while you're here asking questions as an independent member, you're not actually part of the committee. So, that would have to come from a committee member.

So, is it the will of the midnight to call it 12 o'clock?

An Honourable Member: Agreed.

Mr. Chairperson: Okay. Because there are presenters still on the list before us, as previously announced, the Standing Committee on Social and Economic Development will meet again at 6 p.m. on April 25th to continue consideration of Bill 35.

Before we rise, I would like to ask all members to leave their copies of the bill and any headsets behind.

The hour being 12 midnight, committee rise.

COMMITTEE ROSE AT: 11:57 p.m.

WRITTEN SUBMISSIONS

Again, the conservative government is proving that teachers should not trust them to have their best interest and the students best interest in mind.

To ask us to pay for our licences annually, licences that we went to school for and continually learn for on our own time with our own money, is ludicrous and simply another way for you and your party to make more money. We have 2 degrees already! We are constantly learning as we go to keep with every changing teaching strategies, initiatives, technology and much more. It's a way for you to fund the education system from the salary we are paid that does not go up with inflation. It will take more money out of the classrooms because we will NOT have the money from our own pockets to furnish and to buy art supplies that schools simply do not have money for. I have put thousands of dollars into my classrooms throughout the years that I have been teaching, for books, for art supplies, even things like paper, and I regularly feed my students because your government continues to fail the children, the yea hers and us, the teachers.

We are not the United States of America and we do not want or deserve to be.

This bill is not about protecting students as it is made out to be. We are very good at protecting students and those few who have shown that they are not, have had penalties put against them and have had their licenses revoked, which shows that we have this protection already in place. We have principals, administration, and our own hearts to address and protect dysfunctional teaching moments, we don't need anyone able to make accusations which could be false. It become hearsay and this creates more problems. This is an unfair bill.

This is simply another bill against teachers, to drive us out, and to show that we have no power. You know we have no way fighting you because we are not "allowed" to strike, another right taken from us. We have nobody because our unions are not showing up for us either.

As teachers, we take on a lot of professions throughout the day... We are caregivers, we are councillors, we are therapists, cooks, and big time problem solvers. We have many rolls in our schools and we take pride in this, but again you are showing that we are worthless to you through this bill, through the licensing; do police officers carry a licence that they pay out of pocket for annually, I doubt that they do, even though they hold guns and have repeatedly made mistakes and so have you. We are teachers, we are your children's teachers and caregivers throughout the day, do you want us to feel unhappy? Do you care?

Stop trying to change our education system to suit your money-hungry party.

You are supposed to be here for us, support us, we should trust you, and we don't, you have shown us countless times that we can't and shouldn't because you continue to fail us.

Again, we are not the United States of America, and we do not want to be.

Do the right thing and abolish this bill, listen to us, the teachers. Invest in us? Show us you care!

Andrew Dryden

As a teacher myself, I support certain aspects of Bill 35, and believe in the importance of child safety in a space where children spend a large portion of their childhood. However, I do not support the bill in its entirety, as it is currently written for a few reasons, including the use of "significant emotional harm" in the definition of professional misconduct, shortfalls in procedural fairness, and including competence in a professional misconduct framework.

Including "significant emotional harm" in the definition of professional misconduct is vague and opens teachers to accusations that could be insignificant and trivial, but still cause a lot of undue stress on the teacher, and added unnecessary work for the commissioner and panel. Significant emotional harm differs greatly from one person to another. Some parents might argue that hanging a pride flag caused their child significant emotional harm, whereas another might argue that not participating in Day of

Pink, Pride Month, or having diverse literature that reflects their family caused their child significant emotional harm. A poor grade, a lesson taught in a unique way, or a consequence as part of classroom management could be perceived as significant emotional harm by a child, parent, or outsider. This term lacks definition and needs to be refined with more specific examples and language so that frivolous, vexatious or trivial complaints are avoided outright.

I have serious concerns about the lack of procedural fairness. In the bill, as it is currently written, anyone may make a complaint at any time, and file it anonymously. This is very concerning. There should be a timeline for complaints set in the bill, and the names of those who file complaints should be made public unless it will cause the person who was harmed, abused, or exploited significant hardship. Complaints made will undoubtedly cause the accused teacher stress and hardship, regardless if it's found to be frivolous, vexatious or trivial. Setting a timeline and publicizing the name of the person filing the complaint ensures complaints are valid and from reputable persons.

Lastly, I believe teacher competency should not be included in this bill. Professional standards are not connected to child safety. Investigating complaints related to teacher competence do not enhance child protection laws. These complaints do not address child safety. Teacher competency is extremely important, and I support that we should ensure teachers meet and maintain the professional standards. Teachers should be continually identifying their professional development needs and participate in ongoing learning to refine and develop their skills and practices. In fact, the MTS Code Of Professional Practice obligates teachers to continually improve professionally. However, teacher competency is under the purview of the employer. Supervision and evaluation of teacher performance is and should continue to be the responsibility of the employer. Competency and conduct are two very separate issues and should be dealt with as such.

With changes, this bill has the potential to enhance child safety at school. As it is currently written however, this bill puts teachers at unnecessary risk and will cause unnecessary distress.

Thank you for considering this point of view,

Amanda Jonker

Bonjour, Je m'appelle Carine Brandt. J'enseigne depuis 7 ans dans la division scolaire franco-manitobaine. J'ai aussi enseigné dans la division River East Transcona et dans la division de la Rivière rouge. Je vous écrit aujourd'hui parce que j'ai des inquiétudes au sujet du Projet de loi 35 qui modifie la Loi sur l'administration scolaire. Je soutiens pleinement les lois qui améliorent la sécurité des enfants. Comme enseignante, la sécurité et le bien-être de mes élèves est ma priorité. Il est de mon devoir de veiller à ce que l'école où j'enseigne soit toujours un lieu sûr, exempts de mal et d'abus pour mes élèves. Vous avez mon appui et mon soutien envers toutes les lois visant à renforcer la protection de l'enfance.

Cependant, ma préoccupation concerne l'inclusion de la compétence des enseignants dans ce projet de loi. Je ne comprends pas comment l'enquête et le règlement des plaintes liées aux connaissances et aux compétences d'un enseignant ou à sa capacité d'enseigner et d'évaluer l'apprentissage du programme d'études du Manitoba touchent à la sécurité des enfants - ce qui est l'intention déclarée de ce projet de loi.

Mes collègues et moi voulons les meilleurs enseignants dans la salle de classe. Nous travaillons également dur pour être les meilleurs enseignants - pour nous assurer que nous répondons aux besoins croissants et évolutifs de nos élèves. En fait, notre code de déontologie nous oblige à nous améliorer continuellement sur le plan professionnel.

Mais la compétence et la conduite sont deux questions distinctes. Elles sont liées de façon inappropriée dans ce projet de loi. Je suis également inquiète parce que je suis embauchée, supervisée et évaluée par mon employeur – la DSFM, mais en vertu du Projet de loi 35, le commissaire a le pouvoir d'aborder les questions de compétence. Pourquoi un tiers évalue-t-il ma capacité à effectuer mon travail ? Le comité d'audition sera également composé majoritairement de non-enseignants. C'est un autre exemple de la raison pour laquelle la compétence ne devrait pas faire partie de ce projet de loi sur l'inconduite. Cela crée une situation où des individus sans expertise en éducation sont désormais responsables de juger de la compétence des enseignants. Pour améliorer l'équité, la composition du comité devrait être conforme à celle des autres professions réglementées au Manitoba, où la plupart des membres du comité proviennent de la profession.

La définition large de l'inconduite, qui comprend les « préjudices émotionnels importants », est un autre

signal d'alarme. Un préjudice émotionnel important ou une incompétence pourrait être associé à n'importe quoi, de la façon dont un élève est noté aux pratiques de gestion de classe en passant par les ressources ou l'enseignement de sujets considérés comme « sensibles ».

L'assurance que les plaintes frivoles, vexatoires ou malveillantes seront éliminées par le commissaire offre peu de réconfort, car l'impact sur l'enseignant pourrait être important selon que - ou jusqu'où - l'enquête avance avant qu'elle ne soit jugée non fondée.

Par exemple, que se passe-t-il si un élève n'est pas choisi comme maître de cérémonie suite à des auditions? L'élève n'est content de ne pas avoir été choisi et il va le dire à ses parents. Ses parents vont contacter l'école et demander des explications. Pourquoi devons-nous justifier la méthode utilisée? Est-ce que les parents devraient avoir le droit de faire une plainte.

Qualifier beaucoup plus étroitement « préjudice émotionnel important » aiderait à minimiser cette vulnérabilité pour les enseignants, tout en garantissant que des protections sont en place pour les élèves.

Enfin, le projet de loi ne précise pas si les enseignants peuvent avoir une représentation syndicale lors des audiences publiques. D'autres professions réglementées incluent spécifiquement le droit à la représentation. Pourquoi cela manque-t-il dans le Projet de loi 35?

Je voudrais proposer les amendements suivants :

1. Supprimer la compétence du projet de loi.
2. Veiller à ce que les comités d'audience soient composés d'une majorité d'enseignants, conformément à la composition des comités disciplinaires d'autres ordres professionnels au Manitoba.
3. Inclure le droit exprimé à la représentation d'un enseignant faisant l'objet d'une enquête.
4. Limiter les signalements par les employeurs aux suspensions et licenciements, par opposition à toute mesure disciplinaire pour faute professionnelle ou incompétence.
5. Définissez « préjudice émotionnel important ». Cela comprend un langage spécifique lié à un préjudice psychologique à l'élève ou à l'enfant, lorsque l'acte est basé sur une caractéristique protégée par le Code des droits de la personne, une conduite répétée qui pourrait raisonnablement amener un élève ou un enfant à être humilié ou intimidé, ou un seul

événement dont on pouvait raisonnablement s'attendre à ce qu'il ait un effet nocif durable sur l'élève ou l'enfant.

6. Protéger la vie privée des enseignants qui sont déterminés comme ne pas avoir la capacité d'assumer les responsabilités professionnelles d'un enseignant en raison d'un handicap physique ou mental.

Merci pour votre temps.

Translation

Hello, my name is Carine Brandt. I have been teaching for 7 years in the Franco-Manitoban school division. I have also taught in the River East Transcona School Division as well as in the Red River School Division.

I am writing to you today because I have concerns about Bill 35, which amends the Education Administration Act. I fully support legislation that improves the safety of children. As a teacher, the safety and well-being of my students are my priority. It is my duty to ensure that the school where I teach is always a safe place, free from harm and abuse for my students. You have my support and endorsement for all legislation that strengthen child protection.

However, my concern is with the inclusion of teacher competency in this bill. I do not understand how investigating and settling complaints related to a teacher's knowledge and skills or ability to teach and assess learning in the Manitoba curriculum is related to the safety of children – which is the stated intent of this bill.

My colleagues and I want to have the best teachers in the classroom. We also work hard to be the best teachers possible, so that we may always meet the growing and evolving needs of our students. In fact, our code of ethics requires continuous professional improvement from us.

However, competency and conduct are two separate issues, and they are inappropriately linked in this bill. I am also concerned because I am hired, supervised and evaluated by my employer (the DSFM), but under Bill 35, the Commissioner would now have the authority to address competency issues. Why would a third party be assessing my ability to do my job? The review board will also include a majority of non-teachers. This is another example of why competency should not be part of this bill when it comes to misconduct. This creates a situation where individuals without appropriate educational expertise are now responsible for assessing the competency of teachers. To improve fairness, the composition of the

committee should be consistent with that of other Manitoba regulated professions' review boards, where most board members are members of the profession.

Another red flag is the broad definition of 'misconduct', which includes 'significant emotional harm.' Significant emotional harm and incompetence could be unfairly linked to anything – from the way a student is assessed, to classroom management practices, resources or the teaching of subjects considered 'sensitive.'

Assurances that frivolous, vexatious, or malicious complaints will be weeded out by the commissioner offer little comfort, as the impact on the teacher could be significant depending on how – or how far – the investigation progresses before it is deemed unfounded.

For example, what happens if a student is not selected valedictorian following auditions? The student is not happy he was not chosen and then tell his parents. Said parents contact the school and ask for an explanation. Why do we have to justify the selection method we used? Should parents have the right to complain?

Defining 'significant emotional harm' in a much narrower way would help minimize the vulnerability of teachers, while ensuring that protections are in place for students.

Lastly, this bill does not specify whether teachers can have union representation at public hearings. Other regulated professions specifically include the right to representation. Why is this missing from Bill 35?

I would like to propose the following changes:

- 1. Remove the notion of 'competency' from the bill.*
- 2. Ensure that review boards include a majority of teachers, as it is the case with disciplinary boards of other professional colleges in Manitoba.*
- 3. Expressly include the right to representation when a teacher is under investigation.*
- 4. Limit employer's disclosure to suspensions and terminations only, not every disciplinary action for misconduct or incompetence.*
- 5. Clearly define the notion of 'significant emotional harm'. This should include specific language related to psychological harm to the student or child, namely when an act is based on a characteristic protected by the Human Rights Act, when there is a repeated conduct that could reasonably be expected to cause a student or child to feel humiliated or bullied, or*

when there is a single event that could reasonably be expected to have a lasting harmful effect on the student or child.

6. Protect the privacy of teachers who are found to be unable to fulfill a teacher's professional responsibilities because of a physical or mental disability.

Thank you for your time.

Carine Brandt

Good evening,

My name is Sarah Coates. I have been a teacher for 13 years the Garden Valley School Divison.

I have written this because I have some concerns about Bill 35 – The Education Admin Amendment Act.

To be clear, I am in full support of laws that improve child safety. In fact, the first point of the teacher Code of Professional Practice is that our primary professional responsibility is to our students.

It is our duty to ensure that schools are always safe places – not just safe places for making mistakes or for asking difficult questions. But safe places, free from harm and abuse for every child.

So, you will get no argument from me about supporting laws to enhance child protection.

My concern is about the inclusion of teacher competence in this bill.

I fail to understand how investigating and adjudicating complaints related to a teacher's knowledge and skills or their ability to instruct and assess learning of the Manitoba curriculum addresses the safety of children – which is the stated intention of this bill.

I am not opposed to standards and regulation.

My colleagues and I want the best teachers in the classroom.

We also work hard to be the best teachers -to ensure that we are responsive to the growing and evolving needs of our students.

In fact, our Code of Professional Conduct requires us to continuously improve professionally.

But competence and conduct are two separate issues.

They are inappropriately linked in this bill.

I am also concerned because I am hired, supervised and evaluated by my employer - Garden Valley School Division - but under Bill 35 the commissioner has the power to address issues of competence.

Why is a third party evaluating my ability to perform my job?

The hearing panel will also be made up mostly of non-teachers.

This is another example of why competence should not be part of this bill on misconduct.

It creates a situation where individuals without expertise in education are now responsible for judging teacher competency.

To improve fairness, the panel composition should be consistent with other regulated professions in Manitoba, where most of the panel is from the profession.

The broad definition of misconduct, which includes "significant emotional harm" is another red flag.

Significant emotional harm or incompetency could be associated with anything from how a student is graded to classroom management practices to resources or teaching of topics considered "sensitive".

The reassurance that frivolous, vexatious, or malicious complaints will be weeded out by the commissioner offers little comfort.

Because the impact on the teacher could be significant depending on whether - or how far - the investigation proceeds before it is deemed unfounded.

Qualifying "significant emotional harm" more narrowly would help to minimize this vulnerability for teachers, while ensuring protections are in place for students.

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

I would like to propose the following amendments:

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

disciplinary panels of other professional bodies in Manitoba.

3. Include the expressed right to representation for a teacher being investigated.

4. Limit reports by employers to suspensions and terminations, as opposed to any and all discipline for professional misconduct or incompetence.

5. Define "significant emotional harm". This includes specific language related to psychological harm to the pupil or child, where the act is based on a characteristic protected by The Human Rights Code, repeated conduct that could reasonably cause a pupil or child to be humiliated or intimidated, or a single occurrence that could reasonably be expected to and has a lasting, harmful effect on the pupil or child.

6. Protect the privacy of teachers who are determined not to have the capacity to carry out the professional responsibilities of a teacher because of a physical or mental disability.

Thank you for your time.

Sarah Coates

I want to make it clear that I am in support of a regulatory board and I would love to ensure the safety of all students in our province, but there needs to be due process. The Bill as written has potential for more harm than good. The definition of the term "misconduct" is too broad. Also I am extremely concerned about the wording of the phrase "significant emotional harm" which is open to so many different possibilities of miss intpretation.

I feel like this Bill is being pushed through too quickly due to the impending election and I think that it was not completely thought through as for the implications of the vague wording.

Norman Cable

I would like to address some concerns about the proposed Bill 35, the Education Administration Amendment Act. As a teacher, student safety is our number one priority and we agree that teachers to be held accountable if they jeopardize this. However, there are parts of the bill I find concerning. Including teacher competence in the context of misconduct does not address student safety. Competence is the responsibility of the employer, which in this case would be school divisions. School divisions already

have frameworks to evaluate teacher competence, which have been customized to specific teacher roles and specialties. Having your direct supervisor evaluate your performance and discuss it with you creates relationships and provides mentoring for teachers. In addition, these evaluations have been created by staff with classroom teaching experience, and they understand the areas of growth and competence that would be required for teachers, rather than an outside body with no educational experience. Teacher competence should left in the jurisdiction of the school division.

Secondly, the wording in the bill that states "significant emotional harm" in the definition of professional misconduct is vague and unqualified. The bill does specify that the commissioner would be able to dismiss frivolous claims, the bill does not explain what would qualify as either significant emotional harm, or what would be considered frivolous. This means the public also does not have specific guidelines for reporting under this category. My concern is this could lead to complaints from the public due to misunderstandings, lack of knowledge, or different perspectives. Depending on how far along in the process the complaint progresses, a summary to the public may be provided, even if the complaint is unwarranted. This will have significant career and personal repercussions, and even more so in smaller communities. This category needs to be clarified for teachers and the public, rather than leaving vague language.

Lastly, complaints that are anonymous in nature do not provide an avenue for the teacher to do restitution for the issue. This is our practice with students and should be the same for staff.

Thank you for your time on this matter.

Crystal Rachul

As a teacher I am not ok with the changes being made by Bill 35. I am in agreeance with what Manitoba Teachers Society is presenting. With Bill 35 going through as is you will loose many teachers. This is a violation of human rights. It is not ok to treat anyone in this way. Teachers do their utmost to support children in all learning needs. Parents or children themselves may not see it as such. Professionalism is always a part of any teachers decision making. Not just for the child in question but for the entire class. Many parents do not see this. As a teacher with 33 years experience I am demoralized by the

suggestions in Bill 35. I have given my all for these 33 years and feel I have more to give. However, if this passes I may pack in my career. I will not subject myself to public humiliation because a parent or child doesn't like my professional decision.

Lindsay Lepla

I am concerned about the inclusion of teacher competency in Bill 35. I think that a board intended to review teacher behaviour should have teacher representation. All too often, policy is dictated by officials who have not had classroom experience.

Teacher competency should be addressed in a separate bill from this one and steps should be taken to protect teachers from nefarious complaints.

Leslie Singer

Dear Committee members:

I have been an educator in northern Manitoba for thirty-three years! I transitioned from a classroom consisting of three grades in an Indigenous community controlled by Indian and Northern Affairs Canada, to three Indigenous communities under local control, to two communities that fall under Frontier School Division, a provincial school board. My career in the field of education has allowed me to be a classroom teacher, a principal, and a vice-principal. I am in my final three years of my teaching career!

I am taking time today to state my opposition to Bill 35: The Education Administration Amendment Act (Teacher Certification and Professional Misconduct). This Bill is too broad in scope, and it has an unfair process for adjudication. I recommend that Bill 35 be amended, and reintroduced to place a focus on Professional Misconduct, giving a proper definition of the term, providing a good structure, and a fair process to investigate and adjudicate cases of misconduct.

Bill 35 states that, "a teacher registry will be created with a structure, composition, and process to investigate and adjudicate cases of misconduct and competency." Misconduct by a teacher is a behavioral construct, while competency of a teacher reflects their knowledge and skills, and they must be treated differently. If a teacher is suspected to be involved in misconduct, for instance, abuse against a student or a breach of the Manitoba Teacher Society (MTS) Code of Professional Practice, then a thorough investigation should take place under a specific structure, where due

process is followed. Several investigative bodies may be involved in the suspected child abuse accusation, while MTS would investigate a breach of the Code of Professional Practice. Competency, in contrast, is the responsibility of our employer. The process followed to determine competency is done at the school level. The administration personnel conduct informal visits during each school year, and a formal evaluation every four years to indicate if I am competent teacher.

The definition of professional misconduct includes the statement; "causing a student significant emotional harm". I am concerned that the above statement can result in students, their parents, or an anonymous person making unwarranted complaints. In my opinion, due process should be followed, and the accused should be notified that a complaint has been made, placed on a leave with pay until the investigating body, consisting of a commissioner with prior teaching experience, and a teacher registry consisting of four other members has reached a decision. A teacher, who is found guilty of misconduct must be offered the right to appeal the verdict. If the misconduct finding is upheld, then the newly formed registry would be able to suspend or cancel their teacher certification.

In conclusion, Bill 35, has the potential to be unfairly applied, and I would like committee members to request that the governing party withdraw the Bill, so they can make the necessary amendments. I encourage the governing party to reintroduce a new Bill with a focus on "Professional Misconduct".

Sincerely;

William Taylor (B.A., B.Ed., & M.C.A.)
Teacher
Cranberry Portage, MB

I support the Winnipeg Teachers Association and MTS in their opposition to Bill 35 as written.

Russ Patterson

this bill misses the mark.

Sofiene Loumi

I am against Bill 35. I am a professional to be overseen by other professionals. I am not a politician open to public scorn or rebuke. I did not sign up for this.

Bill 35 will leave me open to accusations by embittered and unbalanced people with a bone to pick.

Some parents will do anything to dignify the position of their child. I have seen several teachers falsely accused because of embittered parents. To have these accusations go public and have a public investigation would be demoralizing and debilitating to one's state of mind. There is always a segment of the population that is very contentious. Teachers will be unfairly persecuted.

April Pulak

I'm completely opposed to Bill 35. As an educator for over 25 years, I believe that teachers need to be supported in every way, understood and not feel that they are under a microscope when they are dealing with large class sizes, A top-down power model rather than a collaborative approach which has been promised over the years, often lack of compassion and ease of workload. I feel that this bill is inappropriate and puts teachers under more stress and coercion. Teachers need to feel that the government is behind them supporting them not putting them under a microscope to be criticized and monitored. Let us be civilized and compassionate towards the largest group of Professionals in Manitoba who are caring for children and who are administrating the honor of loco Parentis everyday.

Sincerely,

Heather Ladoski

Honorable Committee Members,

My name is Royce Murray. I am a High School Social Studies teacher for Frontier School Division in Cranberry-Portage, Manitoba. I am 52 years old, but still quite new to my profession. This is my 6th year as a fully certified and licenced teacher in Manitoba, and my entire career thus far has been spent teaching indigenous and non-indigenous youths from various First Nations reserve communities in the northern part of the province.

I wish to express my concerns and opposition to Bill 35 as it is being proposed in it's current form. Specifically, I oppose the vagueness of the terms "significant emotional harm" and "misconduct" as they are defined in the most recent draft of this legislation.

Among the age groups I teach (13 to 18 year olds) many things I do in the course of my day could be defined as causing "significant emotional harm" by the students I teach, therefore resulting in professional

"misconduct" should they, or their parents, choose to file a complaint against me. Adolescents are known to be at that stage of development where they are testing the limits of acceptable behaviour in an effort to become their own persons. Part of my job is to encourage what society deems as productive behavior patterns, while discouraging more harmful ones. For example:

- Attending class: not wandering the hallways, leaving the building without permission, or disrupting the lessons of other teachers
- Not using cell phones or other personal devices when they should be paying attention to lessons
- Completing their assigned work and other tasks
- Not bullying other classmates, or being disrespectful to adults in the school environment
- Not coming to school under the influence of alcohol or other illicit substances.

Making a student put away their cell phones, completing their work, going to class when they should and treating others with respect is part of a teacher's role. However a student may very well feel they are being placed under "significant emotional harm" if they are held accountable for these choices. Do we, as educators, continue to employ behavior contracts, after-school detentions, or fail them for not completing the requirements of the courses we teach; or do we allow these students to behave as they choose, and allow them to advance without reasonable consequences in order to avoid "misconduct" complaints?

And what about course content? As I stated at the beginning of this letter, I teach Social Studies and therefore cover issues that may be deemed sensitive by some, but are essential topics in order to develop a student's critical thinking skills and prepare them for becoming effective global citizens. Examples of specific topics and issues that I discuss with my students include:

- Residential Schools and the associated traumas that indigenous children endured
- Indigenous culture and beliefs
- Slavery
- War
- Women's and 2SLGBTQIA+ rights
- Climate Change

- Natural Disasters

In order to avoid upsetting my students and a subsequent "misconduct" complaint, am I to stop talking about these issues. Do I not talk about the tragedy of Helen Betty Osborne and how that led to the current REDress and MMIW movements? Do I not discuss the millions that died during WW1 or the Holocaust? Do I not discuss the long term effects of fossil fuel use and potential end of humanity if we do not make efforts to become more environmentally sustainable in Canada and the rest of the world?

All of these issues - and many more - can be very upsetting, even to adults. But they are essential topics of learning in Social Studies. They encourage discussion. They encourage the formation of individual opinions. They encourage positive change as these students take these lessons forward into their future career and personal choices.

I do not oppose the need to protect students from individuals in my field who may take advantage of their positions and authority over students to do them harm. I do, however, Strongly oppose the lack of specificity in Bill 35 regarding what is "significant emotional harm" and teacher "misconduct". The legislation, as written, would adversely affect my ability to manage student behaviours, and present essential course-related content (and develop the related thinking skills) that these students need to possess as they make their way in the world going forward.

I love what I do. I love getting to know the students under my charge and build productive relationships with them. But how can the educational system in Manitoba be expected to function effectively if teachers and administrators are made to feel afraid to do their jobs?

Thank you for your attention on this matter.

Royce Murray
Cranberry-Portage, MB

I am opposed to bill 35

Sari Targownik

As a teacher, I agree adamantly that child safety is of the utmost importance. Student safety is the first point in the Manitoba Teachers' Society Code of Professional Practice and as a teacher and parent, I support measures to keep all children safe within the

public school system. The fact however, is that over 80% of parents already trust teachers to keep students safe, and almost as many are not concerned about teacher misconduct at the school their child attends. Bill 35 is seeking to address a problem that doesn't seem to exist.

I am especially concerned about the inclusion of professional competence in Bill 35. Professional competence is not related to the safety and protection of children and should not be part of a framework addressing teacher misconduct. Addressing teacher competence is the responsibility of the employer, which in this case means it rests with school divisions. This responsibility should not be transferred to an appointed body, many members of which have no knowledge or training in the field of education.

Teachers work tirelessly to support student learning while also keeping students safe. We feed and cloth students, we walk them to and from classes (and sometimes even to and from school), we help calm them during lockdown scenarios and drills, we talk them through emotional hardships, we refer them to outside agencies when necessary. Student wellbeing is always at the forefront of teachers' minds and actions. The definition of "misconduct" in Bill 35 is overly broad and will make teachers vulnerable to ignorant and potentially spiteful complaints, despite all they do daily to ensure the safety of students.

Additionally, the idea that a complaint could be made against a teacher for causing "significant emotional harm", is concerning. How members of the public may interpret the meaning of "significant emotional harm" potentially leaves teachers vulnerable to the social and political whims and beliefs of members of the public. Could a teacher who teaches 2SLGBTQ+ content be accused of causing a student emotional harm? What about a teacher who teaches consent? Critical Race Theory? The Holocaust? The list goes on and on.

Please continue to talk about student safety in our schools. Teachers engage in this work daily and support policies and actions that tangibly keep our students safe. I urge you however, to address the concerns of Manitoba Teachers' Society members, so that as teachers, we can continue to do our job support student learning and wellbeing.

Carla Bouchard

This bill undermines the very university degrees that teachers spend at least five years of their lives to obtain!

These degrees are evidence of our knowledge and mastery of educational practice and child development and psychology.

The teaching certificates that we receive after we graduate, certify us as professionals in the field of Education. Being professionals in our field we are then entitled to professional judgement, which we are expected to exercise on a daily basis. Yet now, we will have our professional judgement held up to scrutiny by a board of non-educators and parents/members of the community? Some of these board members haven't set foot in a classroom since they, themselves attended school. Would it not seem likely that they could come to be members of this board with prejudices or pre-conceived notions about teachers and schools, which would then heavily influence their opinions and ultimate judgements?

Educator conduct should be assessed/reviewed by fellow educators and only fellow educators.

Thank you.

Anita Van Kats

I believe teachers aren't against regulation, but I strongly resist a bill that opens teachers up to frivolous, malicious and false accusations.

In what way would teachers be judged as competent? Is it interviews with the students? their parents? or with administration? Is it a written test? The number of assignments/tests they assign each term? How does one determine this fairly with minimum standards for each criteria?

In its current form, Bill 35 is anti-teacher legislation and must be defeated.

John Hasenack

I am not against regulation, but I won't stand for a bill that opens teachers up to frivolous, malicious and false accusations.

Shawna Stevenson

I am not against regulation, but I won't stand for a bill that opens teachers up to frivolous, malicious and false accusations.

Jennifer Loewen

Bill 35 is a bill that is unjust to teachers. I am for upholding the integrity of teaching. A teacher should be held accountable to the standards of teaching and behave accordingly to keep children safe from any kind of harm. The Bill that you are putting forth is not clear enough on what misconduct means. This Bill needs to be changed and is not fair in its present form.

Lisa Siddall

Thank you for considering Bill 35 and reforms to Education. As a veteran teacher I welcome the proposed changes to ensure additional safeguards to protect children.

Kevin Roberts

We Are Not The United States. Aren't we entitled to our privacy here in Canada? Why do you require people to do all these unnecessary duties that you choose, who feed into your unnecessary legislation, that you pay outrageously? While we continue to suffer? We are Canadians, this is Manitoba. Aren't we, as teachers stressed out enough? With high needs, little to no supports in our overpopulated classrooms, and endless demands all because of this PC government, we are breaking down. We are overwhelmed, stressed and honestly with what we deal with, underpaid too. How dare you suggest adding more demands on us when you do nothing but take? With this government, it's one thing after the other for us teachers. We work hard at school and after, each and every day with and for your children! Yet all you are doing is making our lives more miserable with these ridiculous competency depends and a lack of privacy! We Are Not The United States Of America. This is what we are turning into. Are We Not Entitled To Our Privacy?!

We know that:

- 75 per cent of parents are not concerned about teacher misconduct at their child's school. Those that have had issues with teachers in the past, teachers who have had repercussions and may or not still be in the field. ?
- 81 per cent of parents trust teachers to protect and maintain the safety of students... teachers take their jobs seriously, we value our relationships with students, this Bill will only make it harder and more potentially more harmful to build successful relationships with our students due to fear.

As usual, the PC government gets a failing grade for an educational Bill.

Vanessa Lylyk
Winnipeg

Honourable Legislative Assembly Committees Branch,

Teachers are not against regulation, but we won't stand for a bill that opens teachers up to frivolous, malicious and false accusations. As stated in the Manitoba Teachers' Society response, "Bill 35 does not protect teachers' due process, follow the rules of natural justice and ensure absolute fairness. Teachers are the strongest advocates for keeping students safe. In fact, student safety is the first point in our Code of Professional Practice. Keeping kids safe should not come at the expense of making teachers vulnerable."

In its current form, Bill 35 is anti-teacher legislation and must be defeated.

Thank you.

Kevin Kehler

I am a teacher and Education Director for over 20 years in Manitoba, in my 17th year at my current position. I oppose the Bill 35, because it subjects teachers to potentially malicious complaints. Bill 35 also has an overly broad definition of "misconduct" once again leading to potentially destroying a teacher's career once the conduct has been publically posted. I believe this Bill to be potentially destructive, by parents or others who may dislike a particular teacher and easily resulting in potential defamation of character. Once a misconduct is posted that individual is found guilty before even proven innocent.

F. LaVergne

Hello,

My name is Lin Ruttan I have been a teacher for 6 years in the Winnipeg School Division. I have some concerns about Bill 35 – The Education Administration Amendment Act.

To be clear, I am in full support of laws that improve child safety. In fact, the first point of the teacher Code of Professional Practice is that our primary professional responsibility is to our students. It is our duty to ensure that schools are always safe places – not just safe places for making mistakes or

for asking difficult questions. But safe places, free from harm and abuse for every child.

So, you will get no argument from me about supporting laws to enhance child protection.

My concern is about the inclusion of teacher competence in this bill.

I fail to understand how investigating and adjudicating complaints related to a teacher's knowledge and skills or their ability to instruct and assess learning of the Manitoba curriculum addresses the safety of children – which is the stated intention of this bill. I am not opposed to standards and regulation. My colleagues and I want the best teachers in the classroom. We also work hard to be the best teachers - to ensure that we are responsive to the growing and evolving needs of our students. In fact, our Code of Professional Conduct requires us to continuously improve professionally. But competence and conduct are two separate issues. They are inappropriately linked in this bill.

I am also concerned because I am hired, supervised and evaluated by my employer – Winnipeg School Division, but under Bill 35 the commissioner has the power to address issues of competence. Why is a third party evaluating my ability to perform my job? The hearing panel will also be made up mostly of non-teachers.

This is another example of why competence should not be part of this bill on misconduct. It creates a situation where individuals without expertise in education are now responsible for judging teacher competency. To improve fairness, the panel composition should be consistent with other regulated professions in Manitoba, where most of the panel is from the profession. The broad definition of misconduct, which includes "significant emotional harm" is another red flag. Significant emotional harm or incompetency could be associated with anything from how a student is graded to classroom management practices to resources or teaching of topics considered "sensitive". The reassurance that frivolous, vexatious, or malicious complaints will be weeded out by the commissioner offers little comfort. Because the impact on the teacher could be significant depending on whether - or how far - the investigation proceeds before it is deemed unfounded. Qualifying "significant emotional harm" more narrowly would help to minimize this vulnerability for teachers, while ensuring protections are in place for students.

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

I would like to propose the following amendments:

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

Thank you.

Lin Ruttan
Nursery Teacher
Meadows West School, Winnipeg School Division

Dear Selection Committee:

On behalf of our association, we would like to signal our firm support for the above referenced Bill. As we have stated publicly and for the record,

As the association that represents the largest share of educational employers, we value all teachers who make positive contributions to the lives of our students and schools. It is therefore critical that any alleged or actual misconduct within the teaching profession be investigated and addressed with expediency, fairness and a view to protecting everyone's interest.

We support the proposed establishment of an independent commissioner to fulfil this important role and look forward to contributing the expertise of our association to their decisions, as needed." – Government of Manitoba News Release, March 14, 2023.

When this statement was issued, our Association certainly understood the legislative intent of Bill 35 but in context, the full content of the Bill had not yet been tabled. During the month that has followed the tabling of the draft legislation, we have therefore carefully studied the Bill's contents and wish to affirm our support, with several important observations.

As attached to this brief, we have therefore provided written comments in relation to those features and proposals under Bill 35 that certainly deserve consideration and response by the Standing Committee when reporting back to the Legislative Assembly. As we have noted, several provisions do conduce the need for potential amendments in order to ensure that the Bill mutually aligns with its stated intent, without impairing administrative and operational aspects of Manitoba's school system.

One of the most important features of the Bill speaks to its enabling authority for a new Commissioner to receive public complaints regarding professional misconduct and competence for instructional employees of schools. While it is tacitly understood that Bill 35 will address employees that are funded by the Manitoba Government (that is to say, public schools and funded independent schools) and which fall under the formal jurisdiction of the Province of Manitoba and The Education Administration Act, the Bill does not specifically exclude instructional staff working in non-funded contexts, including First Nations Schools. While this exclusionary relationship is understood through past legal convention and practice, and while we understand that there may be First Nations Education Authorities who may opt in to a formal relationship with the Commission(er) according to the provisions of Bill 35, we do feel it of absolute necessity that the implicit exclusion be further clarified within the Bill.

In the above matter, it is critical to understand that our association's agreement to serve as the designated employer representatives on a panel of the Commission under section 8.8(2)(b) is premised on hearings related to employees of funded schools only. Designates from public education backgrounds

appointed by our association to such a panel can and should not usurp the autonomy and privilege of any First Nations authority to represent their own vital interests in any hearing before the Commission.

To that end, should no amendment be made to this particular section, and/or if no express exclusion is included under the Bill, we shall make every endeavour to ensure that an appropriate representative from a First Nations authority is named as a designate of the association in our stead, as we feel that this honours the path to reconciliation, with due recognition of rightful community voice in matters of education.

We are of the perspective however, that the Bill would be strengthened if First Nations representatives were to have equal entitlement to designates in any circumstance where their instructional staff may be subject to a panel under the legislation.

In respect of the proposed teacher registry that is to be implemented under Part 4 of the Bill, we would also highlight that there are two interpretations of these provisions that must be clarified prior to the passage of the Bill. Under the first interpretation, such a registry would limit information exclusively to those instructional staff against whom a complaint before the Commission(er) has been assessed as having substance and merit and for which a final decision has been rendered by the Commission(er). We would certainly favour this interpretation of Part 4, in order to align the intent of the Bill with its real world operation and to ensure that the work of the Commissioner remains fair and promotes the authentic objects which are sought by this Bill.

The second interpretation is that Part 4 will establish a registry bearing the names of all instructional staff employed in this province, and will further detail staff who are under investigation by the Commission(er) (e.g. in all contexts, including those where a final decision has not yet been rendered by the Commission(er)). If this is the interpretation of Part 4 that will drawn upon by the Government of Manitoba once the Bill is enacted, we feel that necessary caveats speak to professional consequences and impacts upon staff who may be unjustly or unfairly called to respond to specious or unfounded complaints, as well as a question of which staff are included and excluded from such a registry, which employing authorities' staff members will become part of such a registry, what forms of details will be featured as part of the

registry, who shall have access to it, and for what purpose.

In this respect, MSBA would highlight the existing practices used by regulators of other professions as exemplars upon which to draw, in order to ensure that such a registry promotes a necessary balance between freedom of information and protection of personal and/or private information. By no means does the Association seek to protect the interests of any instructional staff who have betrayed public trust. Rather, we seek only to promote the best interests of all involved in any case of professional misconduct, for that is how fairness and justice will be achieved and protected for all involved.

Beyond these two major observations, our Association would lastly posit that much of what is provided under the Bill will involve significant drafting of consequential regulation. Given the wide-ranging scope of such regulation, we do trust that our association as the employer representative for public school boards will be a necessary partner of Government during this regulatory process. From defining the scope and nature both of professional misconduct and teacher competence, to operationalization of the Commission(er)'s mandate alongside of the continuing role of educational employers in discipline and management of staff, there are many provisions that must be addressed with regard to our respective roles and responsibilities and to promote operational and administrative coherence while mitigating or avoiding overlap and/or duplication.

Our system of education, and our staff and the students we serve, will only be well served if the Bill co-operates with established protocols and processes regarding teacher misconduct and discipline in future. We are ready and willing to inform how that co-operation will prove sustainable and effective when the necessary regulatory steps are prioritized following passage of the Bill.

Please do not hesitate to contact the Manitoba School Boards Association should you require any further information from us in the above respect (jwatt@mbschoolboards.ca).

Sincerely,

Nathanael J. Watt
B.A. (Hons.), PLC, MPA, M.Ed., FRSA
Executive Director
Manitoba School Boards Association

Tansi -

My name is Kelli Wiebe. I have been a teacher for 14 years and currently work in the St. James-Assiniboia School Division. I am also a council member on STJATA. I am writing because I have some concerns about Bill 35 – The Education Admin Amendment Act.

To be clear, I am in full support of laws that improve child safety. In fact, the first point of the teacher Code of Professional Practice is that our primary professional responsibility is to our students. It is our duty to ensure that schools are always safe places – not just safe places for making mistakes or for asking difficult questions. But safe places, free from harm and abuse for every child. So, you will get no argument from me about supporting laws to enhance child protection.

My concern is about the inclusion of teacher competence in this bill. I fail to understand how investigating and adjudicating complaints related to a teacher's knowledge and skills or their ability to instruct and assess learning of the Manitoba curriculum addresses the safety of children – which is the stated intention of this bill.

I am not opposed to standards and regulation. My colleagues and I want the best teachers in the classroom. We also work hard to be the best teachers to ensure that we are responsive to the growing and evolving needs of our students. In fact, our Code of Professional Conduct requires us to continuously improve professionally. Competence and conduct are two separate issues, and they are inappropriately linked in this bill.

I am also concerned because I am hired, supervised and evaluated by my employer, the St. James-Assiniboia School Division, but under Bill 35 the commissioner has the power to address issues of competence. Why is a third party evaluating my ability to perform my job? The hearing panel will also be made up mostly of non-teachers. This is another example of why competence should not be part of this bill on misconduct. It creates a situation where individuals without expertise in education are now responsible for judging teacher competency.

To improve fairness, the panel composition should be consistent with other regulated professions in Manitoba, where most of the panel is from the profession. I would also hope that there would be equitable representation on the panel – as I am an Indigenous woman and teacher and I have deep

concerns about who gets to evaluate my competency as a racialized educator.

The broad definition of misconduct, which includes "significant emotional harm" is another red flag. Significant emotional harm or incompetency could be associated with anything from how a student is graded to classroom management practices to resources or teaching of topics considered "sensitive." I know as a divisional teacher that there are parents who object to the teaching about race, racism, gender identity, and other 2SLGBTQ+ identities, and should this bill pass, they could erroneously define the inclusion of this content as emotionally harmful.

The reassurance that frivolous, vexatious, or malicious complaints will be weeded out by the commissioner offers no comfort because the impact on the teacher could be significant depending on whether - or how far - the investigation proceeds before it is deemed unfounded.

Qualifying "significant emotional harm" more narrowly would help to minimize this vulnerability for teachers, while ensuring protections are in place for students.

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

I would like to propose the following amendments:

1. Remove competence from the Bill.
2. Ensure hearing panels are composed of a majority of teachers, in line with the composition of disciplinary panels of other professional bodies in Manitoba.
3. Include the expressed right to representation for a teacher being investigated.
4. Limit reports by employers to suspensions and terminations, as opposed to any and all discipline for professional misconduct or incompetency.
5. Define "significant emotional harm". This includes specific language related to psychological harm to the pupil or child, where the act is based on a characteristic protected by The Human Rights Code, repeated conduct that could reasonably cause a pupil or child to be humiliated or intimidated, or a single occurrence that could reasonably be expected to and has a lasting, harmful effect on the pupil or child.

6. Protect the privacy of teachers who are determined not to have the capacity to carry out the professional responsibilities of a teacher because of a physical or mental disability.

Thank you for taking time to consider the full implications of this bill in its current state.

Ekosi,

Kelli Wiebe

Good evening,

My name is Kristen Fallis. I have been a teacher for 18 years, most of them in the Winnipeg School Division. I am also the Vice President for the Winnipeg Teachers' Association and sit on the board as a Member-at-Large for the Manitoba Teachers' Society.

I am here tonight because I have some concerns and questions about Bill 35 – The Education Administration Amendment Act as it is currently written.

The Act was created to improve child safety in schools. As a teacher, my primary professional responsibility is to students, and that is the top priority listed in the Code of Professional Practice for teachers. It is our duty as teachers to ensure that schools are always safe places, free from harm and abuse for every child.

You will get no argument from me about supporting laws to enhance child protection. This Act goes beyond that and questions teachers' competence in the classroom. I question how our competence to teach the curriculum and assess students on their progress impedes a students' safety in the schools and in the classrooms. If the goal of this bill is to protect students from predators who abuse children or abuse their roles as educators, then the bill needs amendments to narrow its focus and achieve the primary goal of keeping students safe.

I am not opposed to standards and regulation.

My colleagues and I want the best teachers in the classroom. We are quite used to standards and regulation and follow them daily in our profession.

Teachers go into this profession because they care about kids and want to see them succeed in their education and their lives. We work hard to be the best teachers and ensure that we are responsive to the growing and evolving needs of our students. And the needs in the classroom are growing daily and have changed considerably since I began teaching 18 years

ago. If this government wants to ensure student safety, let's talk about poverty and hunger as well. Schools are now listed as one of the top ten most dangerous places to work in Manitoba. Just this week, I visited a school where a student punched their teacher. This student was 6 years old and didn't understand why they were upset. The teacher knew. It was because they were hungry. The teacher gave them a snack and the student rejoined their class and carried on with the day. In another building, an 8-year-old student walked into the office to be checked for weapons. A task they must complete every time they enter the building, according to their behaviour plan. These examples are this week alone in just two elementary schools. These incidents occur daily and on a larger scale in our high schools. Teachers care, they are doing their best to ensure students' safety, in addition to their own. If this government wants to keep students safe, narrow the focus in this bill and work to achieve that task.

Competence and conduct are two separate issues, but under Bill 35 the commissioner has the power to address issues of competence.

Why is a third party evaluating my ability to perform my job?

The hearing panel will also be made up mostly of non-teachers. People who have no idea the issues we face in the classroom and the schools daily. I listed a few incidents regarding safety. Now I should mention the learning gaps and the lack of supports for students. Thanks to funding cuts. When you have 32 students in an elementary classroom and one adult to teach and assess, what happens when one parent complains their child is not getting the attention they need? Is that teacher competence? How will this panel know the difference between an upset parent and a valid competence complaint?

The creation of this panel as it is currently written creates a situation where individuals without expertise in education are now responsible for judging teacher competency.

To improve fairness, the panel composition should be consistent with other regulated professions in Manitoba, where most of the panel is from the profession.

The broad definition of misconduct, which includes "significant emotional harm" is another red flag.

Significant emotional harm or incompetency could be associated with anything from how a student is graded to classroom management practices to resources or teaching of topics considered "sensitive".

The reassurance that frivolous, vexatious, or malicious complaints will be weeded out by the commissioner offers little comfort. How will they know the true intent without any investigation? Because the impact on the teacher could be significant depending on whether - or how far - the investigation proceeds before it is deemed unfounded. While the investigation is ongoing, the teacher is on paid leave and their mental health will be impacted. Even if they are found to be innocent, the stigma of the investigation will linger upon their return, if they return. How can a panel of people outside the building understand the situation without investigating? Whereas an administrator of the building or Superintendent of the division would have a working knowledge of who the complainant is and the motive behind the complaint. Again, why is competence part of the bill when safety is the goal?

Qualifying "significant emotional harm" more narrowly would help to minimize this vulnerability for teachers, while ensuring protections are in place for students. Competence is measured by evaluations within the division, by the employer, kept on the teacher's file. This bill needs to be more specific and eliminate vague wording to achieve its goal of student safety.

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

I would like to propose the following amendments:

1. Remove competence from the Bill.
2. Ensure hearing panels are composed of a majority of teachers, in line with the composition of disciplinary panels of other professional bodies in Manitoba.
3. Include the expressed right to representation for a teacher being investigated.
4. Limit reports by employers to suspensions and terminations, as opposed to any and all discipline for professional misconduct or incompetence.
5. Define "significant emotional harm". This includes specific language related to psychological harm to the pupil or child, where the act is based on a characteristic protected by The Human Rights Code, repeated conduct that could reasonably cause a pupil or child to be humiliated or intimidated, or a single occurrence that could reasonably be expected to and has a lasting, harmful effect on the pupil or child.

6. Protect the privacy of teachers who are determined not to have the capacity to carry out the professional responsibilities of a teacher because of a physical or mental disability.

Thank you for your time.

Kristen Fallis

To whom it may concern,

As a teacher in the city of Winnipeg, I am writing in opposition to Bill 35, The Education Administration Amendment Act (Teacher Certification and Professional Conduct). I believe that there are five components that should be revised and reconsidered from Bill 35. Professional competency and misconduct should not be included in the same bill; there should be a specific definition as to what is considered incompetent; the term "significant emotional harm" should be specified under what is considered to be professional misconduct; there should be strict requirements and standards for the position of commissioner; the composition of the hearing panel roster should be reconsidered and reassessed.

I believe that competency and conduct should not be included in the same bill since they are two separate issues. Competency englobes teacher's skills and knowledge, as well as their ability to instruct and assess learning of the Manitoba curriculum. These do not pertain to the safety of students in Manitoba schools; therefore, conduct should not be mixed into the same bill as competency.

Judging the competency of a teacher should not be a matter about which the public can easily make a complaint. Article 8.9 states that "any person may make a written complaint to the commissioner that alleges that a teacher has been or is incompetent to carry out the professional responsibilities of a teacher." There has been no language shared in Bill 35 as to what would define whether a Manitoba teacher is incompetent to carry out professional responsibilities. This makes it challenging to support this bill because I feel that any person could write a complaint about me if, for example, I gave their young person a bad mark on an assessment, which would ultimately discredit my professional integrity. Also, teachers should be made aware (in language) of what incompetent means in this bill. Additionally, Manitoba teachers follow an ethics code where they need to go through a specific process when it comes to complaints on fellow colleagues. I truly believe

that this same process should be considered for members of the public who would like to question the competency of a teacher in Manitoba. As a teacher, I value communication between student, parents/guardians and administration. Thus, if a parent or guardian would go straight to the commissioner instead of talking to me directly about an issue and/or problem, I would feel a disconnect with the party which does not benefit their young person in excelling in their academic endeavours. Moreover, school divisions are also put into place for the day-to-day supervision and evaluation of staff. It seems that Bill 35 wants to eliminate and go over Manitoba school divisions' heads to question their integrity of their hiring and their evaluating standards of the teachers in their division. Furthermore, teacher competency should only be judged and evaluated by professionals specialized in this field instead of members of the public. The province does not ask the public whether a surgeon can efficiently and effectively conduct surgery. They specialize in this field through their studies and through evaluations assessed by professionals in that specific field. The same process should be applied to teachers.

Another term that requires more clarification is a section of the professional misconduct definition found in Bill 35. One of the criteria that could deem a teacher to have professional misconduct is if they have caused "significant emotional harm to the pupil or child".

Consequently, this requires more specific language to avoid Manitoba teachers being mislabeled and misrepresented based on this vague definition. Due to this broad definition, many people will have opposing definitions as to what they believe is "significant emotional harm". Having a clear definition will help the public and teachers truly understand what would define "significant emotional harm" so that we can avoid problematic assumptions.

Article 8.2(1) explains that "on the recommendation of the minister, the Lieutenant Governor in Council may appoint a commissioner." It is unclear who can be appointed to this position and what the standards are to be appointed. In my opinion, it would benefit not only teachers, but the community, if it were someone who has dealt with the education system and someone who has or has had experience in the education field. If these factors are acknowledged, there will be a fairer assessment of possible allegations and a better understanding (from the commissioner) from an educational lens and from a public lens. Having a commissioner who has limited

knowledge of the education system will hurt its integrity, and may cause mistrust within the teachers in Manitoba. Thus, this will cause a distance between both parties when in fact, we should work together to better ourselves for the better education of future generations.

Lastly, the composition of roster for the hearing panel needs to be reviewed. Article 8.8(2) explains that the roster would include four teachers (three of whom have been nominated by The Manitoba Teachers' Society and one of whom is a teacher in an independent school), four persons nominated by The Manitoba School Boards Association, and four public representatives who are not and have never been teachers. This panel should require most members to have had some experience in the education system. As previously mentioned regarding the medical field, under the Regulated Health Professional Act, two-thirds of similar committees are populated by members within the profession. Therefore, the same should be applied to the education system because having two-thirds of individuals outside of the teaching profession unfairly judges the competency and the expertise of teachers in Manitoba.

I strongly believe that Bill 35 should be revised and reworked for multiple reasons.

Professional competency and misconduct should not be included in the same bill because they are their own entities. There should be a specific definition as to what is considered incompetent, as well as the term "significant emotional harm" under what is considered to be professional misconduct. Also, there should be strict requirements and standards for the position of commissioner where they have experience and experience in the education field. Lastly, the composition of the hearing panel roster should be reconsidered and reassessed to include that the majority of members have had experience in the education system.

Reconsidering all these factors will better help our education system and will limit stress and worry amongst teachers in Manitoba, which as a result, will help us be at our very best for our students.

Sincerely,

Mathieu Nolette

My name is Lindsay McDonald. I have been a teacher for 13 years in the Louis Riel School Division. I am also the Employee Benefits Chair of the Louis Riel Teachers Association. I am writing to you because I

have some concerns about Bill 35 – The Education Admin Amendment Act.

To be clear, I am in full support of laws that improve child safety. In fact, the first point of the teacher Code of Professional Practice is that our primary professional responsibility is to our students.

It is our duty to ensure that schools are always safe places – not just safe places for making mistakes or for asking difficult questions. But safe places, free from harm and abuse for every child. So, you will get no argument from me about supporting laws to enhance child protection.

My concern is about the inclusion of teacher competence in this bill. I fail to understand how investigating and adjudicating complaints related to a teacher's knowledge and skills or their ability to instruct and assess learning of the Manitoba curriculum addresses the safety of children – which is the stated intention of this bill.

I am not opposed to standards and regulation. My colleagues and I want the best teachers in the classroom. We also work hard to be the best teachers - to ensure that we are responsive to the growing and evolving needs of our students.

In fact, our Code of Professional Conduct requires us to continuously improve professionally. But competence and conduct are two separate issues. They are inappropriately linked in this bill.

I am also concerned because I am hired, supervised and evaluated by my employer – Louis Riel School Division, but under Bill 35 the commissioner has the power to address issues of competence. Why is a third party evaluating my ability to perform my job?

The hearing panel will also be made up mostly of non-teachers. This is another example of why competence should not be part of this bill on misconduct. It creates a situation where individuals without expertise in education are now responsible for judging teacher competency.

To improve fairness, the panel composition should be consistent with other regulated professions in Manitoba, where most of the panel is from the profession.

The broad definition of misconduct, which includes "significant emotional harm" is another red flag. Significant emotional harm or incompetency could be associated with anything from how a student is graded to classroom management practices to resources or teaching of topics considered "sensitive". As we have so frequently seen in the United States in recent years,

teachers are often the subject of complaints from parents whose beliefs go against what is being taught. I am extremely concerned that this could become commonplace here in Manitoba.

The reassurance that frivolous, vexatious, or malicious complaints will be weeded out by the commissioner offers little comfort. The impact on the teacher could be significant depending on whether - or how far - the investigation proceeds before it is deemed unfounded. Qualifying "significant emotional harm" more narrowly would help to minimize this vulnerability for teachers, while ensuring protections are in place for students.

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

I would like to propose the following amendments:

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

Thank you for your time.

Lindsay McDonald

Good evening,

My name is Pam Spitula. I have been a teacher for ten years in the Winnipeg School Division.

I am here tonight because I have some concerns about Bill 35 – The Education Admin Amendment Act.

To be clear, I am in full support of laws that improve child safety. In fact, the first point of the teacher Code of Professional Practice is that our primary professional responsibility is to our students.

It is our duty to ensure that schools are always safe places – not just safe places for making mistakes or for asking difficult questions. But safe places, free from harm and abuse for every child.

So, you will get no argument from me about supporting laws to enhance child protection.

My concern is about the inclusion of teacher competence in this bill.

I fail to understand how investigating and adjudicating complaints related to a teacher's knowledge and skills or their ability to instruct and assess learning of the Manitoba curriculum addresses the safety of children – which is the stated intention of this bill.

I am not opposed to standards and regulation.

My colleagues and I want the best teachers in the classroom.

We also work hard to be the best teachers - to ensure that we are responsive to the growing and evolving needs of our students.

In fact, our Code of Professional Conduct requires us to continuously improve professionally.

But competence and conduct are two separate issues.

They are inappropriately linked in this bill.

I am also concerned because I am hired, supervised and evaluated by my employer – Winnipeg School Division, but under Bill 35 the commissioner has the power to address issues of competence.

Why is a third party evaluating my ability to perform my job?

The hearing panel will also be made up mostly of non-teachers.

This is another example of why competence should not be part of this bill on misconduct.

It creates a situation where individuals without expertise in education are now responsible for judging teacher competency.

To improve fairness, the panel composition should be consistent with other regulated professions in

Manitoba, where most of the panel is from the profession.

The broad definition of misconduct, which includes "significant emotional harm" is another red flag.

Significant emotional harm or incompetency could be associated with anything from how a student is graded to classroom management practices to resources or teaching of topics considered "sensitive".

If a student does poorly on a test, either a failing mark or simply a mark lower than their expectations, and they come home crying, a parent can then claim that I did emotional harm to this child. Even though I sent home study guides, gave class time for the student to study, held before/after school hour assistance time, and gave extra practice work, it would then go on my record that this student was upset.

The reassurance that frivolous, vexatious, or malicious complaints will be weeded out by the commissioner offers little comfort.

Because the impact on the teacher could be significant depending on whether - or how far - the investigation proceeds before it is deemed unfounded.

This will increase the anxiety levels of all teachers, who are already stressed out and trying to make it work with large class sizes and few to none supports.

Qualifying "significant emotional harm" more narrowly would help to minimize this vulnerability for teachers, while ensuring protections are in place for students.

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

I would like to propose the following amendments:

1. Remove competence from the Bill.
2. Ensure hearing panels are composed of a majority of teachers, in line with the composition of disciplinary panels of other professional bodies in Manitoba.
3. Include the expressed right to representation for a teacher being investigated.
4. Limit reports by employers to suspensions and terminations, as opposed to any and all discipline for professional misconduct or incompetence.

5. Define "significant emotional harm". This includes specific language related to psychological harm to the pupil or child, where the act is based on a characteristic protected by The Human Rights Code, repeated conduct that could reasonably cause a pupil or child to be humiliated or intimidated, or a single occurrence that could reasonably be expected to and has a lasting, harmful effect on the pupil or child.

6. Protect the privacy of teachers who are determined not to have the capacity to carry out the professional responsibilities of a teacher because of a physical or mental disability.

Thank you for your time.

Pam Spitula

Good evening,

My name is A.J. Hrychuk. I have been a teacher for 12 years. I currently teach in Winnipeg, but I began my career teaching in rural Manitoba. I am also the Vice-President of The River East Transcona Teachers' Association.

As someone who passionately lives and breathes education, I am speaking tonight because I have some serious concerns about Bill 35 – The Education Admin Amendment Act.

To be clear, I am in full support of laws that improve child safety. In fact, the first point of the teacher Code of Professional Practice is that our primary professional responsibility is to our students.

It is our duty to ensure that schools are always safe places – not just safe places for making mistakes or for asking difficult questions. But safe places, free from harm and abuse for every child.

So, you will get no argument from me about supporting laws to enhance child protection. My concern is about the inclusion of teacher competence in this bill.

I fail to understand how investigating and adjudicating complaints related to a teacher's knowledge and skills or their ability to instruct and assess learning of the Manitoba curriculum addresses the safety of children – which is the stated intention of this bill.

I am not opposed to standards and regulation.

My colleagues and I want the best teachers in the classroom.

We also work hard to be the best teachers - to ensure that we are responsive to the growing and evolving

needs of our students. In fact, our Code of Professional Conduct requires us to continuously improve professionally.

But competence and conduct are two separate issues that are inappropriately linked in this bill.

I am also concerned, because I am hired, I am supervised and I am evaluated by my employer – River East Transcona School Division but under Bill 35 the commissioner has the power to address issues of competence.

Why is a third party evaluating my ability to perform my job? I am evaluated on a regular basis by my employer.

The hearing panel will also be made up mostly of non-teachers. This is another example of why competence should not be part of this bill on misconduct. It creates a situation where individuals without expertise in education are now responsible for judging teacher competency. This is not right.

To improve fairness, the panel composition should be consistent with other regulated professions in Manitoba, where most of the panel is from the profession.

The broad definition of misconduct, which includes "significant emotional harm" is another red flag. What does this mean? This wording is much too vague.

Significant emotional harm or incompetency could be associated with anything from how a student is graded to classroom management practices to resources or teaching of topics considered "sensitive". Teachers in public education are educated professionals, entrusted with the care and education of their students. The reassurance that frivolous, vexatious, or malicious complaints will be weeded out by the commissioner offers little comfort. The impact on the teacher could be significant depending on whether - or how far - the investigation proceeds before it is deemed unfounded.

Would a pride flag in a classroom that fosters acceptance and safety be seen as causing emotional harm? What about teacher-led conversations around Truth and Reconciliation? Does this cause emotional harm? What if a student receives a grade that they don't like, or that their family is not satisfied with? Is that emotional harm?

Qualifying "significant emotional harm" more narrowly would help to minimize this vulnerability for teachers, while ensuring protections are in place for students.

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

I would like to propose the following amendments:

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

Thank you for your time.

A.J. Hrychuk

Good evening,

My name is Jeff Hoepfner. I have been a teacher for 16 years in the River East Transcona School Division. I am currently the President of the River East Transcona Teachers' Association (RETTA).

I have written this submission because I have some concerns about Bill 35 – The Education Administration Amendment Act, and want to share them with you, in the hopes that some amendments to the bill will be made.

To start, please let me state emphatically - I am in full support of laws that improve the safety of children. In fact, the first Article of the Manitoba Teachers' Society Code of Professional Practice is that "A Member's first professional responsibility is to the

Member's students.", and that principle has always been my 'North Star' in all my years in the classroom.

It is our duty as teachers to ensure that schools are always safe places: not just safe places for making mistakes or for asking difficult questions, but safe places, free from harm and abuse for every child. I would not have become a teacher if I was not passionate about wanting the best for children. I fully understand the need to enhance child protection.

That being said, one of my major concerns about Bill 35 is with respect to the inclusion of teacher competence. I fail to understand how investigating and adjudicating complaints related to a teacher's knowledge and skills or their ability to instruct and assess learning of the Manitoba curriculum addresses the safety of children – the stated intention of this bill.

I am not opposed to standards and regulation, as my colleagues and I want the best teachers in the classroom. We also work hard to become better teachers - to ensure that we are responsive to the growing and evolving needs of our students. Whether attending divisional professional development (PD), MTS PD Day, education conferences of our own choosing, professional reading on our own time, or networking with colleagues both near and far to explore best practices, we are constantly working on improving our craft. In fact, Article 8 of our MTS Code of Professional Conduct requires that "A Member makes an ongoing effort to improve

professionally." But competence and conduct are two separate issues, and they are inappropriately linked in this bill.

I am also concerned because under the proposed Bill 35, the appointed commissioner would have the power to address issues of competence, even though I have been continuously supervised and evaluated by my employer (the River East Transcona School Division) since they hired me way back in 2006.

Why should a third party, with whom I've likely never had any interaction with previously during my career, be deemed to be more qualified at evaluating my ability to perform my job, as opposed to my employer, who has witnessed my work in the classroom firsthand for nearly two decades? If Bill 35 passes unamended, this will be the case.

Another concern I, along with our members, have is that Bill 35 proposes that the hearing panel will also be made up mostly of non-teachers. This is another example of why competence should not be part of this legislation on misconduct.

It creates a situation where individuals without expertise in education, other than perhaps their own experience as a student many years ago, are now responsible for judging teacher competency. Is it fair that someone who was likely last a student in the K-12 school system decades ago bases my competency on their own hazy memories of what school "should" look like? School looks very different now than it did twenty years ago, but someone who hasn't worked in schools consistently over that period might not realize that – as teachers, we know this due to countless conversations with parents who want to know why their child isn't learning Math/Reading/Writing/etc. the same way they did when they were in school, and educating them on how we've progressed since their time as a student. Would you want our physicians, nurses, engineers, plumbers, automobile mechanics, etc. to be assessed on their competency based off your experiences of how those professions operated twenty years ago?

To improve fairness, the panel composition should be consistent with other regulated professions in Manitoba, where the majority of the panel is from the profession.

Another concern I have relates to the broad definition of misconduct in the legislation, specifically the phrase "significant emotional harm" - this is another red flag, and many of our RETTA members have expressed a great deal of concern to me regarding this.

Significant emotional harm or incompetency could be associated with anything from how a student is graded to classroom management practices to resources or teaching of topics considered "sensitive". My members have shared grave concerns with me regarding this: what happens if a parent decides their child has suffered "significant emotional harm"

because their child's teacher has discussed or taught curricula in class that don't match what their personal/political/religious beliefs are on those subjects, such as the theory of evolution in Science, making our schools safe spaces for 2STLGBQIA+ students, ongoing conversations around Truth and Reconciliation, etc.? Disagreements with families about covering these curricular subjects in class are already happening, and I fear that having vague wording around "significant emotional harm" will only make these families more emboldened to pursue these baseless claims.

The reassurance in the proposed legislation that frivolous, vexatious, or malicious complaints will be weeded out by the commissioner offers little comfort.

The impact on a teacher could be significant depending on whether - or how far - an investigation proceeds before it is deemed unfounded. Once the 'word is on the street', whether true or not, irreparable harm can be done to a teacher's career and livelihood. Many of us presenting here personally know of teachers who, even after false accusations have been withdrawn and refuted, have had their careers permanently damaged and/or prematurely ended because of them, regardless of how spotless and celebrated their careers were to that point. Once the 'toothpaste is squeezed out of the tube', so to speak, it can never be put back in.

Qualifying "significant emotional harm" more narrowly in the legislation would help to minimize this vulnerability for teachers (and, quite likely, save some from unnecessarily having their careers damaged), while ensuring proper protections are in place for our students.

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

Based on these concerns, I would like to propose the following amendments to Bill 35:

1. Remove competence from the Bill.
2. Ensure hearing panels are composed of a majority of teachers, in line with the composition of disciplinary panels of other professional bodies in Manitoba.
3. Include the expressed right to representation for a teacher being investigated.

4. Limit reports by employers to suspensions and terminations, as opposed to any and all discipline for professional misconduct or incompetence.

5. Define "significant emotional harm". This includes specific language related to psychological harm to the pupil or child, where the act is based on a characteristic protected by The Human Rights Code, repeated conduct that could reasonably cause a pupil or child to be humiliated or intimidated, or a single occurrence that could reasonably be expected to and has a lasting, harmful effect on the pupil or child.

6. Protect the privacy of teachers who are determined not to have the capacity to carry out the professional responsibilities of a teacher because of a physical or mental disability

By making these six amendments to Bill 35, we can strike an appropriate balance between enhancing the protection of children and making sure teachers receive due process and fair representation. Thank you for your time.

Jeff Hoepfner

This bill is a terrible idea and will do little more than empower people who aren't teachers to perform surveillance over us teachers. Many non-teachers don't understand the efforts we undertake each day to provide the best care and education possible for Manitoba's children. Having to deal with being held even more publicly accountable than what is necessary and worrying about some type of teaching aptitude tests will just be another thing on our plate that detracts from the time it takes to best provide a quality education and safe environment.

Cody Fjeldsted

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

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