



ISSN 1488-9080

Legislative Assembly
of Ontario
Second Session, 37th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 37^e législature

Official Report of Debates (Hansard)

Tuesday 30 October 2001

Journal des débats (Hansard)

Mardi 30 octobre 2001

**Standing committee on
justice and social policy**

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

Student Protection Act, 2001

Loi de 2001
sur la protection des élèves

Chair: Toby Barrett
Clerk: Tom Prins

Président : Toby Barrett
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Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
3330 Édifice Whitney ; 99, rue Wellesley ouest
Toronto ON M7A 1A2
Téléphone, 416-325-7400 ; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON
JUSTICE AND SOCIAL POLICY**

Tuesday 30 October 2001

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**COMITÉ PERMANENT DE LA JUSTICE
ET DES AFFAIRES SOCIALES**

Mardi 30 octobre 2001

The committee met at 1539 in room 151.

STUDENT PROTECTION ACT, 2001
LOI DE 2001
SUR LA PROTECTION DES ÉLÈVES

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

The Chair (Mr Toby Barrett): Good afternoon everyone. Welcome to today's hearings of the standing committee on justice and social policy. We have 20 minutes available for each organization.

ONTARIO PUBLIC SCHOOL BOARDS'
ASSOCIATION

The Chair: Our first delegation will be the Ontario Public School Boards' Association. Good afternoon. We record this for Hansard, so we would ask you for your names and then you could proceed.

Ms Liz Sandals: I'm Liz Sandals, president of the Ontario Public School Boards' Association, and this is Gerri Gershon, who is the first vice-president. Thank you for the opportunity to address you today.

Bill 101, the Student Protection Act, provides increased protection to students from sexual abuse. It will come as no surprise to you that our association strongly endorses any legislative change that will assist school boards in protecting the students we serve.

By way of background, our association represents the interests of more than 1.5 million elementary and secondary students and more than half a million adult learners from all regions of the province. The association's mission is to promote and enhance public education for the benefit of all students and citizens in Ontario. Public district school boards and school authorities in Ontario provide every individual with equal access to educational opportunities, regardless of gender, race, religion, ethnicity, disability or place of residence, in English or in French.

The Robins report: OPSBA was very supportive of the appointment of Judge Sydney Robins to conduct a review and prepare a report on the issue of sexual assault in schools. His report, *Protecting our Students: A Review to*

Identify and Prevent Sexual Misconduct in Ontario Schools, has been well received by the members of our association. I had the opportunity to meet with Judge Robins on two occasions while he deliberated on his report. He was very open to our suggestions and advice and incorporated a number of our recommendations in his recommendations. We are most grateful to have had the privilege to meet with him and for the good advice he has given in his report.

When we look at the act, school boards recognize that they will have new obligations as a result of the legislation. As a result of the expanded definition of sexual abuse, boards will now have the obligation to file a report with the registrar of the Ontario College of Teachers when the following situations arise: first, when a board terminates the college member's employment or imposes restrictions on the member's duties for reasons of professional misconduct, including any form of sexual abuse; and second, if the employer intended to terminate or discipline, but the member resigned prior to the employer doing so.

Our association has raised these areas of concern in the past and we wholeheartedly endorse these new requirements. We strongly believe we must ensure that teachers found guilty of sexual misconduct are removed from the system and from the profession. Reporting requirements to the college will ensure that these teachers have a record and do not go to another district school board and potentially prey on other students.

OPSBA also approves of the changes to the Teaching Profession Act such that members who make adverse reports about another member need not provide him or her with a copy of the report. The old wording in the Teaching Profession Act has been a source of confusion and concern for teachers who wish to report a case of suspected sexual misconduct.

OPSBA also supports the new definition of "sexual abuse" contained in the legislation, as it provides a clearer definition than what currently exists. In particular, we are pleased the new definition makes it clear that any act of sexual abuse is unacceptable and removes any possibility of a defence of consent, as was previously the case when the victim was a senior secondary student.

There are instances, however, when circumstances arise that cannot be defined as sexual misconduct but are potentially very detrimental to our students. As Judge Robins wrote, "In cases of sexual abuse, the offender,

using his position of power and authority, may employ various methods to induce a child to be compliant and silent. Frequently, raw force is unnecessary. Often there is an engagement phase, during which the adult begins a period of grooming to cultivate a special relationship with the child.”

It is very difficult for school administrators to determine if a relationship between a student and teacher amounts to grooming. While our association welcomes the tighter definition of sexual misconduct, we will continue to be vigilant in our protection of the students in our care and we will request additional assistance by way of legislative or regulatory changes to address this issue—that is, the issue of grooming—in the future if it becomes necessary, if we find that the new definition is inadequate.

There is, however, a significant flaw in this legislation. The application of Bill 101 to private schools is at best hit and miss. Private school teachers do not have to be members of the College of Teachers. As a result, the improved definition of sexual misconduct and tighter reporting requirements will not apply to the majority of teachers in private schools. As far as their continued employment is concerned, the College of Teachers is irrelevant.

Any of the disciplinary procedures that most private schools employ are not subject to the reporting requirements as stated in Bill 101. To be very specific, if a private school dismisses a teacher for reasons of sexual misconduct, that teacher can simply seek employment in another school. Conversely, if a teacher is dismissed for sexual abuse by a district school board and suspended by the College of Teachers, that teacher can continue to seek employment in Ontario’s private schools.

Our association wants to ensure that all the potential loopholes in hiring sexual predators are closed. We would urge this government, which has chosen to support private schools with public funds, to subject them to the same rigorous standards that public boards are here to wholeheartedly endorse.

In conclusion, school boards across the province are extremely proud of the teaching and learning that happens in our schools every day. Our principals, vice-principals, teachers and support staff are exceptional and we would match them against any other jurisdiction in the world. We know that their work is exemplary. We also know that in very rare circumstances we have employees who abuse the privilege of working with children. We are grateful for this legislation in that it will help us protect the students in our care. School boards and the trustees who serve on them take the responsibility of protecting students very seriously and we will continue to do our utmost in that regard.

Thank you once again for the opportunity to appear before this committee. I would be pleased to answer any questions you may have.

1550

The Chair: Thank you, Ms Sandals. We have a little over three minutes for each party. We will go in rotation and begin with the Liberal Party.

Mrs Lyn McLeod (Thunder Bay-Atikokan): I have a couple of questions first, but I’m sure my colleague will have questions as well. I appreciated your referencing Judge Robins’s judgment and indicating that there were areas of the definition of “sexual abuse” that are not dealt with in this act and that Judge Robins had recommended be included. I appreciate the fact that you’re saying you’ll come back if you think the definition needs to be expanded, because that’s a concern we’ve had.

I also appreciate your raising the issue of private schools and the fact it is hit and miss. Isn’t it a general problem with attempting to apply any kind of standards to private schools? Because there are no requirements for teachers to be certified, there are no requirements, therefore, for them to be members of the College of Teachers, so there is no regulatory body governing the standards for teachers. How can this act catch them when there’s no other requirement? Who would you report them to?

Ms Sandals: The act has been written in an interesting way. Unlike most education legislation that applies specifically to district school boards, this particular set of amendments has been written so that anyone who employs a member of the College of Teachers would be subject to the requirements of the act; that is, they would have to report to the College of Teachers in a case of sexual abuse.

The problem then comes not with this specific act, which in our opinion has been fairly well written; the problem is that private schools are not required to employ members of the College of Teachers. So regardless of whether the person employed as a teacher happens to have credentials as a teacher, they’re not required to be members of the College of Teachers. Because they’re not members of the College of Teachers, they fall outside this act. It’s being a member of the College of Teachers that is crucial for the purpose of this act.

The phrase has been used—I almost hate to bring it up, but the whole concept of “pass the trash,” the problem of a sexual predator slipping away from one employer and scurrying off, almost under cover of darkness, to another employer to continue their bad deeds, can only be got at by the intervention of the College of Teachers, which has a larger jurisdiction than any one school or any one school board. It’s the failure of any piece of legislation requiring private schools to employ members of the College of Teachers that puts private schools for the most part beyond the purview of this act, and therefore their students beyond the protection of the act.

Mrs McLeod: One of the issues that came up yesterday was from a representative of the Ontario Parent Council who questioned whether there should be some reporting back to parents, some information, at least, provided to parents. I wonder what you think. Obviously there’s a fine balance here in terms of allegations versus convictions. At what point do you feel parents need to be involved and how should that happen?

Ms Sandals: In the case where a parent is the parent of the child who is directly concerned, then obviously because their child is part of the case, I think the parent in

that case would be fully aware of what is going on. It becomes a bit dicey under labour law in terms of protection of privacy of employees at the stage at which it's an allegation, although the act will require us to remove a person who has been accused from contact with students, and in fact in most cases school boards already do that anyway: when there is an allegation, we remove the teacher from any contact with students. I think the larger protection to the public at large comes when these incidents are reported to the college. If there is discipline resulting or the person is dismissed from the profession, that becomes a part of the public record on the public registry of the college.

Mr Rosario Marchese (Trinity-Spadina): I want to welcome you both and I want to say something publicly that I may not have done too often, and that is to congratulate the Ontario Public School Boards' Association for their articulate and spirited defence of public education.

With respect to private schools, you've identified a flaw that we have spoken to in the Legislature. Have you had any discussions with the minister, ministry staff, or political and/or civil servants about this oversight and how the government might deal with it?

Ms Sandals: I think the government and ministry staff are quite aware that we would see that this is the flaw in the legislation. In fact, when we submitted our presentation to Mr Hardeman on the subject of private schools, we were quite explicit in our presentation to Mr Hardeman in requesting that a private school should have to employ members of the College of Teachers, because if private schools were required to employ members of the College of Teachers, that would then take care of the flaw, the omission in the act.

Mr Marchese: What did they say to you?

Ms Sandals: We're still waiting to find out what the outcome is.

Mr Marchese: Really? Because clause-by-clause is on Monday.

Ms Sandals: Is it? Oh well.

Mr Marchese: And then it's over, pretty well.

Ms Sandals: It will be interesting to see where the tax credit regulation lands.

Mr Marchese: Don't hold your breath.

It's a problem, in my view, and you've stated it as well. How can a government simply allow that everyone be covered in the public system, but in the private schools, now that we have financed them publicly through taxpayers' dollars, how can they justify the fact that some teachers will not be subject to the law, which means that some students may not have the protection they seek through Bill 101? How can they justify this, is the question I've been asking, and it's really difficult to get an answer from them. Anyway, you are asking the same questions.

Ms Sandals: We're asking the same questions.

Mr Marchese: With respect to prevention, we had someone here yesterday from the Canadian Red Cross and they argued that we need to do more by way of prevention. I think what she talked about was the idea of

teachers taking courses in order to be able to identify early what it is they're looking for. So we talked about prevention. I'm assuming that the government is thinking about it as well and, once this bill passes, presumably they'll talk to you and the boards and the federations, generally speaking and individually, to talk about what else they could do with respect to preventive measures. Have you thought about that issue at all?

Ms Sandals: I think where prevention has come into it is that the whole issue of identifying sexual abuse of children is obviously a much larger one than simply dealing with teachers. In most instances where there is sexual abuse, it's not by a teacher, it's some other member of the community. I think you will find that most school boards in fact have child abuse policies and they would speak to education for our staff about how to recognize the signs of abuse and the proper procedures for reporting, both to the board and to family and children's services.

Mr Garfield Dunlop (Simcoe North): Ms Sandals, welcome again. I saw you here one day last week and it's a pleasure to have you back on Bill 101.

Mr Marchese: They like you too.

Mr Dunlop: Yes, they seem to. I'm curious; Bill 101, in its form, focuses on the prevention and reporting of sexual abuse for members of the Ontario College of Teachers, wherever they practise in our province. I wanted to hear your comments on sexual predators and why we assume that only the college can deal with sexual predators. What about the Criminal Code and the Child and Family Services Act? Do you have any comments on those? They dwell on people who may not be included under the College of Teachers.

Ms Sandals: First of all, when we're speaking of the Criminal Code, the Criminal Code has a very high standard for when someone is actually convicted of sexual assault, and in fact school boards work to a higher standard. So it's often the case that a teacher will be either disciplined or dismissed in the absence of a criminal conviction. I know there have been instances in my board where we have fired a teacher in the absence of a criminal conviction. The Supreme Court of Canada has upheld the right of school boards to demand a higher standard of conduct than simply the Criminal Code standard. So, yes, the Criminal Code exists, but we work to a higher standard.

The Child and Family Services Act requires that any suspected sexual misconduct by any member of the community be reported to family and children's services. They investigate and, if necessary, instigate a criminal investigation. However, that has to do with one single incident. It has nothing to do with removing the teacher from the profession per se. That's why the definition of sexual abuse in this act is very important, because it establishes a higher level of conduct than the Criminal Code. The act is also important because of the reporting requirements to the College of Teachers which ensure that not just one board disciplines the teacher but the teacher can be removed totally from the profession, at least as far as public and Catholic boards are concerned.

The Chair: On behalf of the committee, we wish to thank the Ontario Public School Boards' Association for their presentation.

1600

ONTARIO COLLEGE OF TEACHERS

The Chair: The next delegation scheduled before the committee is the Ontario College of Teachers. Welcome this afternoon. We have 20 minutes. For the purposes of Hansard, could we ask for your names, and then please proceed.

Mr Larry Capstick: Good afternoon. My name is Larry Capstick. I'm chair of the governing council of the Ontario College of Teachers. With me today are the vice-chair of the council, Marilyn Laframboise; Joe Atkinson, registrar and chief executive officer of the college; and our legal counsel, Caroline Zayid from the firm of McCarthy Tétrault.

On behalf of the college, I'd like to thank the committee for this opportunity to comment on Bill 101. We appreciate that time is limited and we do want some time for questions, so I will simply acknowledge that we have provided you with a written brief that describes our position in more detail.

Before we begin, a little bit of background: as you may be aware, the college is the regulatory body of the teaching profession in Ontario, with responsibility to govern 183,000 members of the profession. The college sets professional and ethical standards for teachers and is responsible for ensuring that teachers are appropriately qualified and competent. We also receive and investigate complaints against members of the college, which includes responding to allegations of professional misconduct of a sexual nature.

Only the college has the power to issue and revoke a teacher's certificates of qualification and registration and only the college can make sure a teacher found guilty of serious misconduct cannot hold a licence to teach in a publicly funded school in Ontario.

We are pleased that the issue of student safety is on your legislative agenda, and there is much that is helpful in this bill. For example, we support a reporting obligation not only for school boards but for other employers of certified teachers. It is also helpful to require a report to the college of not only a teacher's conviction but also a charge for certain offences under the Criminal Code.

Having said that, we are concerned that this legislation does not fully reflect the recommendations of Justice Robins and, subsequently, the college. Without amendment, this legislation is at best, we assume, a missed opportunity. At worst, we believe it will fail to make our children as safe as they could be if the recommendations were implemented in full.

I want to point out that the college regulations require more from a teacher than merely not breaching the Criminal Code. Professional status is a privilege. Teachers are held to a higher standard of conduct than a private citizen because teachers instruct and guide our children

and because teachers occupy a position of trust and moral authority over children. We're not talking about regulating conduct between adult peers; therefore, we need to prohibit and discipline certain conduct not covered by the Criminal Code and not adequately addressed by Bill 101.

This bill is a response to a report by the Honourable Sydney L. Robins entitled *Protecting our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario Schools*. As the title implies, Robins's focus was on early intervention and prevention, rather than waiting until after a child has come to harm or the consequences.

In general, we strongly endorse Robins's recommendations. In fact, we have already implemented his recommendations as far as we can with the authority that we presently have. We also made formal recommendations to the Minister of Education on March 26, 2001, which we have attached to our written brief.

Our principal concern is that Bill 101 defines sexual abuse instead of sexual misconduct and uses a definition that fails to include all professional misconduct of a sexual nature. By referring to sexual abuse, the emphasis is placed on the victim and the question of whether the victim did or did not suffer abuse or harm. This, in our opinion, is not the appropriate focus. The proper emphasis must not be on the student but on the teacher, who is solely responsible for his or her professional conduct.

In his report, Justice Robins stated, on page 201, that the term "sexual abuse" "may not be suitable to describe offensive conduct of a sexual nature which nonetheless should be proscribed. Put simply, the term is under-inclusive and fails to capture the full range of sexual misconduct which may properly be the subject of disciplinary proceedings by an educator's employer or by the college. Its use may leave the erroneous message that only those forms of sexual misconduct which can be characterized as abuse should be regarded as professional misconduct."

"... misconduct of a sexual nature should be described as such. More to the point, the regulation should serve to inform and educate members. This means that not only should the term 'sexual misconduct' be utilized, but that it should be defined."

The college, through considerable consultation and debate, followed Justice Robins's advice and resolved that sexual misconduct should be defined as "offensive conduct of a sexual nature which may affect the personal integrity or security of any student or the educational environment."

In practical terms, we are concerned that the definition in Bill 101 may not cover what is known as "grooming behaviour." This is conduct by a sexual predator to select and prepare potential victims. It is particularly insidious and difficult to detect when the sexual predator holds a position of trust and moral authority over a young person, such as the role of a teacher.

Justice Robins's description of grooming behaviour is taken from pages 127 and 128 of his report, where he says:

"Grooming behaviours include efforts to form a special relationship such as providing treats, kind words,

favours and attention; non-sexual touching to gauge the child's reaction; and, perhaps, sexual comments and use of pornography.

"The intention of grooming is to test the secrecy waters so as to determine who among the chosen targets will be least likely to tell; to desensitize the child through progressively more sexualized behaviours; to forge a valued relationship that the child will not wish to risk losing through disclosure; and to learn information with which to discredit the child should he or she tell."

Such grooming behaviour could be sexual in nature, but clearly, some is not. Note that the effect of grooming can be to reduce a child's willingness to report sexual misconduct to parents or authorities. This could be the result of fear or shame or a misguided belief that the relationship is appropriate. It's not good enough to assume that children will realize and will let us know when they are being victimized or exploited. If we want to identify and prevent sexual misconduct in Ontario schools, we need a broader definition that clearly prohibits the full range of such misconduct, including subtle and insidious grooming behaviour.

We need to make it more difficult for a predator to isolate, manipulate and exploit a child under the guise of providing educationally appropriate support or assistance. The definition in Bill 101 refers to "behaviour or remarks of a sexual nature by the member toward the student." We believe this definition may not cover all conduct intended to establish a sexual relationship with a student. For example, the definition does not clearly prohibit conduct such as invitations to a student to attend at the teacher's home; invitations to accompany the teacher on a social outing or "date," or to spend the night at a teacher's residence; exchanging notes or e-mails, e-mail messages of a personal nature with students; gift-giving, favours or other special attention; touching that is not explicitly sexual in nature but which a reasonable observer might conclude is a prelude to sexual touching; sexually harassing remarks not directed toward the student but to other students or colleagues or to an entire classroom.

Let me emphasize here that the college does not believe all such activities are automatically a form of professional misconduct. Every case is unique and every case must be considered based on specific evidence and circumstances.

We are also concerned that the definition proposed in Bill 101 is essentially copied from the procedural code of the Regulated Health Professions Act. We feel this overlooks the fact that the interactions between a teacher and a student are quantitatively and qualitatively different from typical interactions between a health professional and their patient. The amount of time a teacher can spend with a student is much greater and therefore a sexual predator in a teaching role has more opportunity for grooming behaviour. Also, teachers supervise young children in the place of their parents, whereas a parent is likely present or close by for a child's typical visit to the doctor or dentist.

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Finally, part of the duty of a teacher is to instruct a student in values and to offer moral guidance and leadership. Sadly, research in this area and cases investigated by the college reveal instances in which this moral authority has been the pretext used by sexual predators to groom students for sexual interaction. A definition of sexual abuse copied from the Regulated Health Professions Act we believe simply does not address all the subtle ways a person in a teaching position can groom a student for a sexual relationship.

We have identified some additional concerns in our written brief. These are with respect to two loopholes created by Bill 101 in the proposed subsections 43.2(1) and 43.2(2). The wording of these sections does not address specific problems outlined by Robins: transfers of a teacher from school to school and resignations during an investigation into allegations of professional misconduct. However, you've already heard from previous speakers on this point today.

I'll let the written brief speak for itself. Chair, with your permission, I would now turn back to you for questions.

The Chair: Thank you very much. That would leave us with about four minutes for questions from each party. We'll begin with the NDP.

Mr Marchese: Thank you for your presentation. First question: have you discussed this with the minister and/or the ministry staff, and what have they said to you with respect to what you've just talked to us about?

Mr Capstick: Certainly we have had opportunities to meet with the minister and offer our points of view on this subject. As well, I mentioned in the report that we've had substantive consultation. We had a major consultation at the college with what we would call the traditional stakeholders on this topic. Our report, to a large extent, exemplifies advice and comments that came from that consultation back to the college council, and the college council, in its deliberations and subsequent conclusions, prepared that report.

Mr Marchese: I understand. I was just wondering whether the minister has responded to this in any way, directly or indirectly, or whether the ministry staff has responded to this directly or indirectly.

Mr Capstick: I'll provide the registrar with an opportunity to give the response.

Mr Joe Atkinson: The answer is yes, we have advised ministry staff and the minister's staff and have had a dialogue in this regard, and that dialogue continues. We have agreed to disagree on the definition.

Mr Marchese: OK. That's what I was interested in. You talked to them and they agree to disagree. OK. What about other responses from other federations with respect to this issue? You obviously must have seen their opinion. What is your view of their opinion with respect to this?

Mr Capstick: You're correct. They were part of the consultation process that I spoke of earlier. However, the members of the college council whom I represent were of

the opinion that a broader definition was more useful to us. The concern of the college, if you get right down to brass tacks on this, is prevention rather than dealing with consequences. I can't put it any more simply than that.

Mr Marchese: I appreciate that. Obviously, you're not concerned that what you are proposing by way of the definition of sexual misconduct might be too broad as you attempt to broaden the definition of sexual abuse and that in so doing you perhaps put some teachers at risk.

Mr Capstick: Again, as I mentioned in the report here, I think each case will be judged on its own merits when it comes before the college. I do appreciate where some people may perceive that this has sweeping or blanket implications. However, I think the record of the college, given the disciplinary hearings, is that each case is determined on its own merit.

Mr Marchese: Last question: do you have a view with respect to the fact that this bill does not cover the private schools? They're going to be publicly funded now and a sector of that population, those non-certified teachers, are not covered or not subject to this law, which means some students will be unprotected.

Mr Capstick: That certainly was an issue of concern to the governing council and was part of our deliberations in debate; however, we have not made a public statement on that issue at this time.

Mr Marchese: Do you have a view?

Mr Capstick: I certainly have a personal view—

Mr Marchese: Do you want to tell us?

Mr Capstick:—but I represent 31 other members and I'm not in a position at this point to offer my own personal point of view.

Mr Carl DeFaria (Mississauga East): I have a question. In your news release you state, "The college is also concerned that Bill 101 does not go far enough to prevent sexual predators from moving from school to school undetected. In fact, there is no duty under the bill to report to the college the transfer of a teacher suspected of sexual misconduct to another school. There is also no duty to report to the college when a teacher resigns in the course of an investigation by his employer into allegations of sexual abuse."

I have the act in front of me. Part II of the bill, section 4, clearly states that section 43.2 would require an employer of a member of the Ontario College of Teachers to report to the college when the employer "terminates the member's employment" or restricts "the member's duties for reasons of professional misconduct." As well, an employer of a member must report to the college if the employer "intended to terminate the member's employment" or restrict "the member's duties for reasons of professional misconduct but ... did not do so because the member resigned." How can you justify saying the exact opposite of what the act says?

Mr Capstick: I'm going to defer to the registrar on that point.

Mr Atkinson: Thank you for the question. In both those cases, you'll note that a transfer is not a termination, nor is it a restriction of duties. We're talking about a

transfer from school to school. I think that addresses your first question.

On the second question, the phrase is "intended to terminate." If there's been no intention to terminate and a person resigns under that situation, there's no requirement to report if in fact there has been no intention to terminate. There could be an investigation, but no decision has been made to terminate. So it's a wording situation more than the concept. I have no doubt the government intends to meet both of those requirements. It's simply a wording definition. Our hope is that they will meet both of those requirements.

Mr DeFaria: So you don't think the wording of this section covers that.

Mr Atkinson: No, we don't, and legal counsel may wish to comment on that.

Mr DeFaria: Is there wording you can suggest that would cover that?

Mr Atkinson: We provided, in our letter to the minister in March, the wording we prefer, which would close that loophole; in fact, close both loopholes.

Mr DeFaria: Would the counsel provide me a copy of that letter?

Mr Atkinson: Actually it's in your package that you have before you.

Mr Garry J. Guzzo (Ottawa West-Nepean): Mr Capstick, thank you very much for an excellent presentation, and welcome. I don't know how much time I have. I have nothing in the way of comment with regard to what you have said here; it's what you didn't say. I commend you for being so modest. If I were representing the teachers, I would be here telling this committee what your people have done in this area.

I can take you back to Ottawa in 1978 when they changed the legislation and made it compulsory for professionals to report. At that time, in Ottawa, we were doing 10 to 12 cases a year; in 1988, my last year with that court, we were doing 125 to 150 cases a year and your people were responsible, because you were the ones who were reporting 90% of them. Phys ed teachers and guidance counsellors in the schools turned this whole game around. There's been no increase similar to those statistics in the amount of sexual abuse of children. It's simply the reporting of the teachers carrying out their responsibilities and their duties, on which I encourage you to be more forceful and positive because it has been a tremendous contribution in this field, and I thank you for it.

Mr Capstick: Thank you, Mr Guzzo. I'm quite well aware, as a resident of Ottawa, of your record. I would only add a personal comment here. This is one issue where I think throughout the process it's been quite revealing that all the various stakeholders have, for the most part, been rowing in the same direction, and I think it's been a very positive step forward. Certainly we're looking forward to ensuring that those students who are in faculties of education as well are aware of the issues and the terminology and the fundamental dos and don'ts

before they get started, rather than along the way. We see that as a very important component of this as well.

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Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I too appreciate the time you've taken to make a presentation to the committee this afternoon. I have listened with interest to your issue around the definition or what you would see should be the definition in place of "sexual abuse:" "sexual misconduct." Certainly that's an issue we have heard before at this committee, so I appreciate that you have very clearly stated your opinion on that matter.

I am curious, however. In the body of the document you presented to us this afternoon, you suggest to this committee that the reason you would replace the term "sexual abuse" with "sexual misconduct" is based upon presentations in the Robins report, yet you have indicated on page 4, "The committee should also note that Justice Robins recommended the definition be placed in regulation, not in legislation." I suggest that I see a conflict in the presentation you've made today, because it would appear you're asking that the committee consider amending the legislation.

Mr Capstick: I'll defer to the registrar.

Mr Atkinson: In fact we would prefer that it be in regulation. However, there is now legislation before us. We're addressing the legislation that is before us.

Mrs Dombrowsky: So you would prefer that it's in the regulation.

Mr Atkinson: That was both Robins's recommendation and our recommendation. However, it has appeared before us as a piece of legislation and therefore we are addressing today what we consider to be the positives and three areas where we think the legislation needs to be improved.

Mrs Dombrowsky: I wonder if you would comment, as well, and maybe you have caught it in one of the three recommendations you've made or the three issues you bring to the attention of this committee. It would be with regard to individuals who may not be members of the college because they might be practising their profession in a private institution where they would not be required to be a member of your college. They may have engaged in this type of activity in the private institution, and this proposed law would not require that private institution to report to you. It is possible that this sort of individual might look to gain employment in the publicly funded system and then become a member of the College of Teachers. Obviously I think you can see where your concern would be, that you would inherit or you would acquire an individual in your college who would have some history in a private system that you would have no notification of. Is there one of the issues that would address this reality?

Mr Capstick: I'll take the first part of this and then I will defer to any of my other colleagues here.

You're quite right. That is an issue of concern and it always has been, whether they're going from the public system into the private system or vice versa. While we

don't have a foolproof mechanism in place, the college has taken the position that we'll move forward in small steps and hopefully somewhere down the road that issue will be resolved. But immediately, at this point, the registrar might comment on how it's dealt with here.

Mr Atkinson: I'll only add that a teacher, in the Education Act, is defined as a member of the College of Teachers. It makes complete sense to us that if someone is to teach in Ontario, they should belong to the College of Teachers. It presents us with a problem, as you've outlined the scenario, because there would be no trail on that particular predator, and until that predator showed himself or herself through a complaint, we would have no tracking mechanism on that person, as we would not for people coming from other professions. But we believe that the Education Act is clear: a teacher should be defined, and is defined, as a member of the College of Teachers. On our governing council we do have representation from the independent schools, the private schools. We have a member who represents that particular sector, and many of the members that work in independent schools are members of the College and are hired under those conditions. We believe that anyone teaching should be a member of the college.

Mrs Dombrowsky: So your college would recognize that this is a problem but you haven't brought forward a recommendation to address it at this time?

Mr Capstick: Not at this time. I can tell you that we've had instances already since the inception of the college where we've gone certainly beyond the private system and beyond the province of Ontario, where we have had discipline panels that have dealt with individuals and then had phone calls from communities in the United States where the person was attempting to gain employment; again, small steps.

The Chair: On behalf of the committee I wish to thank the Ontario College of Teachers for coming forward this afternoon. Thanks again.

RICKETTS, HARRIS

The Chair: Is Michael Cochrane present? Good afternoon, sir. You have 20 minutes for your presentation, including any comments or questions from the committee.

Mr Michael Cochrane: Thank you. I don't have a handout, in case you're waiting for something to be circulated. My name is Mike Cochrane. I'm a lawyer in Toronto with a firm called Ricketts, Harris. I represent the victims who are abused by teachers, by staff, by priests, by other people. When I saw the advertisement in the newspaper about the committee considering the legislation, I thought it might be helpful to hear a little bit about what happens if you do nothing, in other words if you don't have legislation like this; and also to consider the proposition that the best way of protecting the students who are in the system now or who are going to be coming through in the years to come is to look long and hard at the way we are handling victims now. The

way that we treat victims now can send the strongest message to potential abusers but also the people who are responsible, the gatekeepers, like the college, which we just heard from.

Everything I'm about to tell you I've told the Premier's office three times and I've told the Attorney General's office two times. I've lost track of the number of times that I've talked to the Ministry of Education about it and I've briefed opposition critics in the Liberal Party, at least Michael Bryant and Ernie Parsons, about this. So I'm not telling any tales out of class.

I want to tell you about some of my clients.

Interjection.

Mr Cochrane: We tried.

I've been a lawyer for 21 years. In 1994 some deaf people came into my office here in Toronto and said that they were representative of a group of students who had been physically and sexually abused at the schools for the deaf in Ontario. When I say schools for the deaf I mean the three schools, one in Belleville known as Sir James Whitney, which used to be called the Ontario School for the Deaf; one in Milton called E.C. Drury; and one in London, Ontario, called the Robarts school. At that time in 1994, I met with probably half a dozen students who told me that they were having a hard time getting anyone to listen to them about alleged abuse in that institution. I arranged for former colleagues of mine with the Ministry of the Attorney General to meet with the students and to take detailed transcript evidence from them about the allegations of abuse that had occurred at Sir James Whitney. They met with them and on the basis of that concluded in 1994 that something seriously wrong had happened at the school for the deaf. My own estimate at that time was that there were probably about 50 students who had been seriously physically and sexually abused. This was out of a potential student population of about 900 over a number of years. I thought about 50 had been seriously abused and that there might be some others who had been victims of what we might call corporal punishment or inappropriate physical discipline or physical abuse.

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Little did I know that seven years later I would still be trying to get hundreds of these people—hundreds who were still left—an opportunity to get a hearing or to have someone to tell their story to or to arrange for counselling. Over that same period of time—that is, between 1994 and today, 2001—I have represented other victims of abuse by priests, by teachers, by staff. I participated in the negotiations on the settlement of the St Joseph's Training School cases, where Christian Brothers abused residents of training schools in Ontario. I had a chance to at least look at the settlement for Grandview school for girls, where there were girls in our training schools who were abused. I've been in touch with the people who have been bringing forward claims on behalf of deaf people in British Columbia, deaf people who were abused by teachers in the schools for the deaf there. Their case recently went all the way to the Supreme Court of

Canada and confirmed that these victims can bring their cases forward in the form of class actions. I have watched the residential schools cases involving aboriginal students come forward. And here, seven years later, I still have hundreds of clients who went to schools in Ontario that were directly responsible to or accountable to the Ministry of Education, and those students have had the door slammed in their face.

I thought what I might do is just tell you a little bit about how this has been handled, and then you can draw whatever conclusions you want from it about whether or not legislation like the one proposed will actually help students like these. I'm not telling anything here that is confidential. I have with me in this binder a cross-section of arbitrator decisions that talk about the kind of abuse that went on at the schools: sexual assaults, intercourse, forced fellatio, physical assaults, terrible physical assaults of deaf students being attacked from behind when they wouldn't know that someone was going to hit them.

In 1997, there was a commitment from the government to establish a compensation program for these students, who would come forward and tell their story to an investigator with the assistance of interpreters. They would have a chance to have their story verified by investigators going to look through school records to make sure they actually went to the school, that they identified real teachers, real staff people. Belleville police have been swamped, participating in some of these investigations. Criminal trials are still going on. As a matter of fact, there was a preliminary inquiry that was supposed to start yesterday in Belleville; it had to be cancelled because there were no interpreters for the deaf people, even though most of the victims were deaf.

In any event, these students were invited to come forward, tell their story; they would get their story put before a private arbitrator. The former dean of the University of Ottawa law school, Sandra Rodgers, was the arbitrator. She received the packages and slowly but surely began to render decisions for these students, 185 of them: \$8 million from the Ministry of Education, from the Ontario government, to pay for verified victims of physical and sexual abuse at one school for the deaf, in Belleville. In December 1999, the Ministry of Education said, "We're not compensating any more. It doesn't matter that there are over 100 still to go. We're not compensating any more." I can tell you now that in my office I have over 100 files opened on behalf of students who went to Sir James Whitney, students who went to E.C. Drury in Milton, and I have six files open on behalf of students at the Robarts school in London, Ontario.

The \$8 million, that's taxpayer money because these schools—there's nobody else that's responsible; there were no other organizations like Christian Brothers or Anglican churches or Catholic churches that had to contribute. Those were straight taxpayer dollars to compensate these students, who had their claims verified by a quality arbitrator and money paid out. There were also promises of counselling and retraining and some

ongoing education support for some of the students who'd received their money.

Now, I want to tell you that we've been told that if we want any other compensation on behalf of these students who missed the deadline, they're to commence lawsuits against the Ontario government. Those things are, we hope, still something that can be avoided. The reason I mention all of this in my brief 20 minutes is that I've been trying to get—and I can tell you, I'm not rich off these cases. I've been working virtually pro bono for seven years helping these deaf students. Interpreters work pro bono, in many cases, to help them; they don't charge for a lot of the meetings. We are at our wits' end in trying to get somebody to listen to students who make these claims. In some cases, I have a wife who submitted her claim on a Monday and it went through for compensation, and a husband's claim arrived on a Wednesday; he missed the deadline so he gets no compensation. It's not fair and it doesn't make any sense in law, because there are going to be other claims coming forward from other schools for the deaf in Ontario, and those cases have to be dealt with whether there's an artificial deadline on Sir James Whitney or not.

When I say I've told everybody about this—and I mentioned the Premier's office and the Attorney General's office. I've actually met with their staff and I've told them exactly what I'm telling this committee about the way these claims have been handled. For me, when I have to field telephone calls, as a lawyer in private practice, from the Belleville police telling me that they don't know what to do any more because there are so many students they've had to interview—they've had one police officer, one detective there working on it almost full-time with no help, and I'm told she, the detective involved, was told to refer the cases to me.

The Vice-Chair (Mr Carl DeFaria): Mr Cochrane, if I may just give you a slight warning with respect to the comments you are making, just to avoid going into details of cases that may identify the school or the people involved, because we have standing orders that may cause us problems if we identify—

Mr Cochrane: I'm very conscious of that. These are my clients and I know when to draw the line in talking about their cases.

I don't want to run out of time, but I do want to tell you that there are books that are written; I've brought a couple along with me. This is the book that's written about Mount Cashel in Newfoundland. This is the book that's written about the training schools in Ontario, for the way the cases were handled there. Sometime soon, somebody somewhere in Canada is going to write a book about the schools for the deaf, because it's the next catastrophe that's been going on, whether it's the ones in Vancouver or here in Ontario.

The reason I mention all of these cases and all of these facts is that, yes, I support the legislation. I support the comments made by the college that came before me. I think that probably, if the bill is passed, somebody somewhere will not be sexually harassed or sexually abused

by a teacher, public or private. I hope that aspect of the legislation is sorted out. It should include everybody, public or private.

My point is just simply this: yes, as I say, I'm in favour of the legislation, and if you didn't have something like this, I think there probably would be ongoing abuse or more abuse. But real protection comes, it seems to me—and this is my own cynical view, having seen hundreds of these cases—when somebody connects liability to the acts, for not doing what you're supposed to do.

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If you say the college is supposed to do something and they don't do it, there should be consequences that flow from that, and if somebody is supposed to report something and they don't report it, there should be consequences for that, because in my view of the way these cases come forward, nothing happens until somebody pays. When somebody pays, then suddenly everybody pays attention. That's a very sad and cynical conclusion to come to, but lawyers out in private practice—I'm just one who does these kinds of cases. There are lots of them out there. It is only when people pay that we get any kind of commitment to future responsibility.

I can tell you that a lot of insurance companies have created risk management policies around sexual abuse simply because they were forced to pay and they wanted to make sure they didn't have to pay in the future.

As I say, I support the legislation. There should be some additional consideration given to liability for not doing the things the legislation says someone is supposed to do. I would also suggest to you, just as a point of information, that you ask Minister Ecker to come here and tell you about the way the settlements have been handled in the deaf students cases through the Ministry of Education and how the ones in future will be handled, because that's where we will really learn about whether the commitment to protecting students is genuine.

In conclusion, because I hope there are some questions about this, there is a need to consider also the role of the Criminal Injuries Compensation Board in these kinds of cases. I can tell you that there are many students or victims of sexual abuse who are assaulted, there's a criminal conviction, and they end up making an application to the Criminal Injuries Compensation Board. That board is supposed to subrogate and go after the abuser to recover money for taxpayers so we get reimbursed for the money that's paid out. That doesn't always happen. There's an ongoing role for the Criminal Injuries Compensation Board in these kinds of cases.

I must also tell you that another problem we face in the field—I don't know if you can solve it through this legislation—is that victims are often required to sign confidentiality agreements if they want their money. At the very end of the exercise, when someone is putting a cheque in front of victims and they need that money to pay for counselling or, as in many cases, they are deaf people who are on Ontario disability benefits, they need that money desperately and there's a lot of pressure to sign confidentiality agreements.

To go back to my original two points at the beginning, I support the legislation. It's better to have it than not to have it. The best measure of a commitment to protecting students from sexual abuse is how you treat the victims right now. Right now they're not being treated very well.

The Vice-Chair: We have barely a minute for each caucus.

Mr Dunlop: Mr Cochrane, I want to welcome you here today. As the representative of the minister and as the parliamentary assistant to the Minister of Education, I have no questions for you today.

Mrs Dombrowsky: Thank you very much, Mr Cochrane, for your presentation. I ask you this question because the act is entitled An Act to protect students from sexual abuse and to otherwise provide for the protection of students. The act deals exclusively with handling teachers. Because you have such a volume of information about victims, are all of them victims of teachers?

Mr Cochrane: Teachers or staff at a school.

Mrs Dombrowsky: Or members of staff. That is something we have heard during the debates at this committee, that while the intent of the act is to protect students, it is very specific with regard to naming only how teachers are to be dealt with. Understandably we have heard from individuals who are concerned that other people who would have roles of responsibility and of trust with students might not be caught in this legislation. I'm thinking of volunteers in classrooms, education assistants, secretaries, custodians, people like psychometrists or psychologists who would be invited into schools to deal with and manage children.

Would you have a comment on that in terms of the legislation? Do you think it would be important to take this opportunity to perhaps consider including those individuals who would have positions of trust with students?

Mr Cochrane: I think any student in the school community is entitled to protection from anybody who comes into their community. Whether that's a teacher, a staff person, a doctor or an education assistant, they should all be caught in the same net.

Mrs Dombrowsky: I think it's important to point out to you that while the act would indicate that it is intended to protect students, it doesn't really apply to all people who deal with students in a school setting.

Mr Cochrane: I agree.

Mr Marchese: One of the strongest points you've made is around liability. You said you should attach liability for not reporting. This liability would apply to anyone in the system. It's not just the College of Teachers, but obviously anyone who would know or ought to have known and doesn't report. You would attach some form of liability. Would that be by way of dismissal or fines? What could such liability—

Mr Cochrane: I hadn't considered the possibility of fines, that type of liability. I was thinking more of being responsible to the next victim and the victim after that. What we find in representing these students is that—and

I'll give you an example of a case I was involved with recently where a priest taught in a school but was abusing in the community. He wasn't abusing students in the school but was using his position in the community to go into homes, and there was abuse there. The minute we learned about that priest, the first reaction was that we wondered where else he had taught, where else he had been. He had moved around through a number of parishes and congregations. The automatic conclusion you reach is that they often have many victims, not just one or two or three; sometimes 900.

My view is that whoever is supposed to do a particular thing to stop that chain, if they don't do it and someone else is abused the next day or the next week or the next month because they didn't do what they were supposed to do, there should be liability for that. That's the only way we stop the exponential increase of this kind of abuse.

Mr Marchese: I appreciate your presentation and the work you are doing in this field.

The Vice-Chair: Thank you, Mr Cochrane, for appearing before the committee.

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CANADIAN HEARING SOCIETY

The Vice-Chair: We now have presenters from the Canadian Hearing Society, Mr Gary Malkowski. I would like to welcome Mr Malkowski to the committee. Mr Malkowski is a former member, so welcome back to Queen's Park. He will be assisted by a sign language interpreter. You may go ahead, Mr Malkowski.

Mr Gary Malkowski: Bev, I will defer to you.

Ms Beverly Pageau: I'll do the first part of the presentation. Mr Malkowski is here to make sure I do a good job.

My name is Beverly Pageau and I'm the manager of Connect Counselling Services and the manager of the general social service program in the province for the Canadian Hearing Society.

We're here with a very simple message, and that is to point out the special needs and vulnerabilities of deaf, deafened and hard-of-hearing students in our school system: in our provincial schools, in our residential provincial schools, as well as in mainstream settings.

The Canadian Hearing Society is a not-for-profit charitable organization incorporated in 1940. We provide services that enhance the independence of deaf, deafened and hard-of-hearing people and encourage prevention of hearing loss. The Canadian Hearing Society strives to develop high-quality and cost-effective services in consultation with national, provincial, regional and local consumer groups and individuals.

The Canadian Hearing Society currently has 27 offices in Ontario. All our Canadian Hearing Society offices regularly see consumers—deaf, deafened and hard-of-hearing people—who have no income, no home, no food; minimal literacy; are living on the street; are currently experiencing or have experienced physical and sexual

abuse; arrive at our offices in emergency situations, sometimes depressed and suicidal; and have mental health and addiction issues.

This community of deaf, deafened and hard-of-hearing individuals is a community that can be more vulnerable. As the previous speaker pointed out and as recent studies indicate, the incidence of sexual abuse in various samples of the deaf population can be between 11% and 54%. One study suggested that the incidence of sexual abuse for children who are deaf or hard of hearing can reach as high as 92%—a published statistic.

Furthermore, the research studies report that deaf children are more vulnerable to abuse. Factors involved in their vulnerability or susceptibility to abuse centre around communication ability and communication access, particularly when deaf children have hearing parents or are enrolled in school programs where communication access is limited. What we mean there by communication access is either an effective method of communication the child has developed with adults or a sign language interpreter. The majority of deaf children are born to hearing parents and so communication is definitely more often than not a problem, an issue that needs to be resolved.

The Ministry of Education's 1991 Report of the Review of Student Care at the Provincial Schools for the Deaf and Blind and Demonstration Schools noted that there were a number of allegations of abuse of students at the provincial schools for the deaf and that investigations were conducted by the police and children's aid societies.

Sexual and physical abuse victims at the provincial schools for the deaf and at school boards across Ontario have formed the Ontario Deaf Education Victims Network. The network provides former students with information on compensation, arranges interviews with investigators and obtains compensation through the private adjudication process.

As we previously heard, in June 2001 the Supreme Court of Canada ruled unanimously that 280 claimants, all students of Jericho Hill School for the Deaf in British Columbia can now collectively sue the government of British Columbia for compensation. Their class action suit alleges that school administrators left them vulnerable to, and failed to protect them from, sexual abuse experienced there at the school.

The Ontario teacher preparation program in the education of the deaf and hard of hearing lacks a course on the liabilities and responsibilities of educators of deaf students and reporting protocols for suspected sexual and physical abuse incidents and health and safety violations.

The Canadian Hearing Society feels strongly that teachers of deaf students have to learn to be able to communicate with their deaf students, as well as put in place communication assistants such as sign language interpreters and real-time captioners, to ensure that deaf children are able to communicate effectively with their teachers and therefore are able to report sexual abuse incidents.

It's our experience that many teachers of deaf students across Ontario do not seem to be aware of their legal

responsibility to properly report suspected abuse incidents and it's our experience that no ongoing training has been provided in this area. As well, no materials, brochures or workshops on student safety and rights are provided by the Ontario College of Teachers to students enrolled in the teacher preparation program in the education of the deaf and hard of hearing.

It's interesting to note that currently, despite what some people would consider obvious need, there are no standards set by the Ontario College of Teachers on language competency. There's no way to know or to trust that teachers of deaf students are able to communicate effectively with their deaf students.

We're seeing that there's no formal reporting mechanism, including appropriate communication accessibility in most school boards, for students to report. We're seeing that most teachers of the deaf in Ontario do not have the appropriate cultural and language communication skills to communicate effectively with their deaf and hard-of-hearing students in provincial schools. Furthermore, there is no communication accessibility mechanism to allow former and present deaf and hard-of-hearing students to report against teachers of the deaf who have committed misconduct behaviours.

For example, someone has to take responsibility for the cost of communication accommodations, such as sign language interpreters or real-time captioners, for deaf individuals who wish to file complaints with the Ontario College of Teachers. Again, we heard previously that it's not always possible to find sign language interpreters. The college itself does not have the resources to fund communication accommodations of this nature.

Specifically, the Canadian Hearing Society would like to support the attempt to protect students. We would recommend that Bill 101, the Student Protection Act, 2001, be amended to include the following:

—first, to require the Ontario College of Teachers establish its own accessibility improvement committee to develop and implement accessibility standards in the Ontario College of Teachers' office, provincial schools for the deaf, as well as school boards. These standards would enable deaf and hard-of-hearing students to report sexual and physical abuse and other health and safety violations;

—second, to establish an enforcement mechanism to ensure that the accessibility standards prescribed by the Ontario of College of Teachers are upheld in provincial and demonstration schools and the special education offices of school boards; and

—last, require that the Ontario of College of Teachers develop brochures, awareness kits and related materials and provide workshops on policies and procedures for reporting sexual and physical abuse incidents.

In summary, I think what we're saying is that deaf students do have a special vulnerability. There's an added difficulty in accessing information and understanding processes and being able then to access authorities to report and, as well, barriers in communication and being able to communicate to the adults in authority.

Mr Malkowski: If I might make comments just in addition to what Bev has said, our biggest concern has to do with access to communication information at the schools for the deaf. The teachers are still failing to be proficient in sign language and they fail to understand their obligation to report suspected abuse. School boards overall, very large numbers of them, have deaf and hard-of-hearing students who are mainstreamed in with regular populations without any access to sign language interpreters, anyone to advocate on behalf of the students. Schools for the deaf have a family support advocate's office so students are able to go to the student advocate. But students who are in regular school boards are left without any recourse to any kind of advocate. That is something that school boards across the board should be providing for those students who are mainstreamed.

1700

A second concern has to do with the training program for teachers of the deaf. There is no information given to those teachers about their liability and their responsibility under legislation. This is lacking for them. As well, staff at the provincial schools or staff at school boards are not given the information they need to make them realize they need to be reporting suspected abuse. The school boards aren't establishing standards as well for any kind of protocol for the use of sign language interpreters.

We have written a letter to the Ministry of Education saying that some kind of standard proficiency and the appropriate use of interpreters in order that suspected abuse might be reported by students needs to be established, but this is a lack. There has not been a system put in place in order for this to happen.

As well, in the review Bev made mention of for the demonstration schools, schools for the deaf and the blind, the person who wrote this is Suzanne Herbert, who is presently the deputy minister for the Ministry of Education. These are her words. She's "aware of the information" that her own report has identified and contained. She has made various recommendations that I feel we need to follow up on and I would suggest that indeed we follow her recommendations established in this report.

This is something that doesn't only address teachers. I think we also need to be looking at the situation of support staff, residential counsellors. We need to look at those people who are driving buses, who are taking deaf students to the schools. This legislation must also address them. Of the whole network of people who are responsible for deaf children, none are able to communicate with children who are deaf. From my own experience as a child who went to a school for the deaf, I'm able to speak for the deaf community. A great many people had awful experiences that could have been avoided. Frustrations in communication access and inability to report, many people experience that.

The government that I was present in put forward ASL to be recognized as a language of instruction permitted in the classroom. Now it's been almost 10 years that the American sign language has been recognized, but there are regulations that we need to have established to

address that. We have legislation, but no regulations have ever fallen out from the legislation. There are no standards for teachers of the deaf to have competency in sign language communication. There's no requirement. Teachers of the deaf at the training program: there's no requirement for them to have sign language competency there as well.

If we look at the outcome, how can they be competent teachers of the deaf, how can they be an access route for children to make complaints of sexual abuse and how can they make any kind of accommodation in instruction to students? Students are left without any avenue of recourse. Sign language interpreters are not brought in either.

I would recommend that there be some formal mechanism put in place in order to accommodate students. As well, if we look at the Ontario College of Teachers, there used to be a responsibility put on them to establish language competency requirements for teachers of the deaf, and then an enforcement mechanism and some kind of training requirement put in place in order that we can avoid these situations of abuse occurring.

The Chair: Does that conclude the presentation?

Mr Malkowski: Yes.

The Chair: Thank you very much for that presentation. We have about a minute for each party just for a brief comment.

Mrs Dombrowsky: Thank you very much for your presentation. I do appreciate the points you have raised. With regard to individuals who would provide instruction in provincial schools for the deaf, you have made reference today to the fact that it is sometimes problematic to access individuals who have the ability to sign. I know even in the regular school system it can be difficult to engage qualified teachers. So I would expect that in the deaf community as well there are people instructing deaf children who are not qualified teachers and therefore would not be members of the Ontario College of Teachers. You can appreciate why the legislation would not in fact cover individuals who might offend under the terms of this act, but they would not be reportable because they are offering a skill in an unqualified capacity. I think that applies to the other publicly funded systems as well, but perhaps more particularly in your system, because you would be required to engage people who would have the ability to sign, but they may not be qualified teachers. Is that a concern for you?

Mr Malkowski: Yes, if I can just respond to that. Several years ago the Ontario College of Teachers had a partnership with York University. This is when they established a more strict standard, where there were students who were deaf wanting to become teachers of the deaf. They were restricted from this because they needed to have a bachelor of education in order to get into the teacher training program. The problem is that the universities are not providing interpreters in order for students to access the education.

As well, students are being prevented from getting a bachelor of education from Gallaudet University or west-

ern Maryland university, or their bachelor of education is not being accepted at York University. So it means that those people who are deaf and who are proficient in language are being systematically kept out of the teacher-of-the-deaf program unless they have a bachelor of education. But it's a circuitous argument, because there are no interpreters for the person to access the bachelor of education training program.

The standard that we're looking at needs to resolve this situation, where people who have an appropriate background are allowed to get into the teacher-of-the-deaf program. As well, if we look at the situation with the use of teachers' assistants, they are not members of the college either, and it's problematic, because it's an open door. We need to have some system to monitor those people: tutors, residential counsellors and the whole gamut of individuals who provide assistance to deaf students.

Mr Marchese: I want to welcome Gary to this place again, and welcome, Bev. Thank you for your presentation. You have obviously raised a lot of issues that are important for members to hear regularly and consistently. I know how frustrating it must be for you, Gary, and obviously you, Bev, in terms of raising these issues and sometimes not getting the responses you want and/or need.

It might be difficult to get some of the concerns you have covered in this bill—I appreciate and understand that—but, generally speaking, how is the ministry or the government responding to the concerns you're raising in terms of addressing the points you've raised?

Mr Malkowski: We've addressed letters to the Ministry of Training, Colleges and Universities with regard to this matter. We've expressed our concerns over the lack of standardization. Looking at the York University situation, they've stated that they are aware of the situation, but we've not had any direct response to the letters we've sent.

There's been no response to the letters we've sent on the matter of the ASL and LSQ regulations that need to fall out of the legislation that was passed.

The third issue we've put forward about the concern of safety and health for children, where there is no access to communication for them to protect themselves, is something where the Ontario Disability Act, the ODA, if it were passed, would perhaps be some kind of force, some kind of implementation of a standard. It would perhaps affect the Ontario College of Teachers as well. It would enhance, I think, the standards and the language proficiency that would be required of teachers. So there would be much fallout if that legislation were also put in place.

The Chair: I'll now go to the Conservatives.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): Thank you very much for your very interesting presentation this afternoon. Madame Pageau, you mentioned that you support the attempt to protect the students. In recommendation 6, you mentioned, "Have the Ontario College of Teachers issue a policy statement requiring

teachers of the deaf employed by both provincial schools for the deaf and school boards to attend ongoing staff training on reporting child/student abuse," and you talked about communication skills. We also have schools for the blind and other schools in Ontario, but you seem to have a concerns, and quite rightly so, because that's the organization you represent. Is there a higher incidence of abuse in these schools as opposed to the general public and private schools? Is that why you're making that recommendation? Could you expand on that?

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Ms Pageau: The research supports that there is a higher incidence of abuse in the deaf community and certainly in the disabled community in general because of the increased vulnerability and susceptibility. I would think, from the previous speaker, that that would be the proof in the pudding. But certainly research studies shown us indicate that there is a higher incidence of abuse in the disabled population in general. Specifically today, Gary and I are speaking about the deaf population. I don't know if there is a higher incidence of abuse reported within the deaf community as opposed to the disabled community in general, but there is a higher incidence of abuse in the deaf, versus the regular, population.

The Chair: On behalf of the committee, I wish to thank Ms Pageau and Mr Malkowski for coming forward. Thank you for presenting on behalf of the Canadian Hearing Society.

Mr Malkowski: Thank you very much for providing us with the access this afternoon in order to make this presentation to the committee.

ONTARIO CATHOLIC SCHOOL TRUSTEES' ASSOCIATION

The Chair: The next delegation from our agenda is the Ontario Catholic School Trustees' Association. Good afternoon, everyone. For the purposes of Hansard, could we ask you to commence with your names and then proceed?

Ms Louise Ervin: Thank you. I'm Louise Ervin, president of the Ontario Catholic School Trustees' Association. With me are John Stunt, our executive director, and Carol Devine, our director of political affairs and media relations.

The Chair: Thank you. Do you wish to proceed?

Ms Ervin: The Ontario Catholic School Trustees' Association appreciates the opportunity to speak to the committee today on an issue of great importance to all of us: the protection of our children from sexual abuse. It is fundamental to our beliefs that all students should be able to receive a Catholic education in a safe, supportive and caring environment.

Over the past several years, it has been difficult for many of society's most respected institutions, including our Catholic parishes and schools, to acknowledge and deal with the revelations of such abuse within our own communities. For all the pain this matter has engendered,

it has however been a strong motivator to learn about abuse and to put in place structures and procedures to reduce the incidence of sexual exploitation of children in every way we can.

The Catholic Church has shown leadership in this area. In the introduction to the Canadian Conference of Catholic Bishops' document on this issue entitled *Breach of Trust: Breach of Faith*, Archbishop Roger Ebacher says, "Recent government initiatives on family violence in general and child sexual abuse in particular have emphasized that everyone must become involved if the violence and abuse that are so prevalent in our most intimate and trusting relationships are to be eliminated."

In his report on child abuse in Canada, Mr Rix Rogers, special adviser to the Minister of National Health and Welfare, identified the key role of the church in the healing process. He said, "The trauma of child sexual abuse affected people physically, psychologically and spiritually. It can be argued that the combined efforts of secular expertise and spiritual healing are needed to help victims, survivors and offenders heal their wounds."

The church is called to offer this spiritual healing, comfort and strength to those who suffer as a result of child sexual abuse. All church members have parts to play in this ministry and can draw on the rich spiritual tradition of the church. As institutional expressions of the church, Catholic school boards and Catholic schools share this ministry and the obligation to develop administrative procedures and protocols to ensure the safest and most supportive school environments possible for our students and employees.

As you know, the incidents that gave rise to the Robins report happened in one of our Catholic school boards, a board that has since become a leader in developing policies, procedures and training programs to prevent such incidents from occurring. The Catholic community learned from this tragic experience and set to work to share our own knowledge and the expertise of others in order that all Catholic school boards would make this concern of highest priority.

Following the revelations in Sault Ste Marie in 1993, the Ontario Catholic School Trustees' Association issued to all Catholic school boards in 1994 a document titled *Child Abuse Prevention Guidelines*. These guidelines were updated this past year to include recommendations from the Robins report and recent changes to the *Child and Family Services Act* and the *Safe Schools Act*, Bill 81. They provide school boards with information on how to establish policies that would include definitions, programs for education and training of staff, protocols for responding to complaints, investigating and reporting procedures, screening and reference procedures for employees and record-keeping procedures.

OCSTA therefore welcomes Bill 101 and the additional requirements to protect children it proposes, as these new safeguards will augment the policies and procedures most Catholic school boards currently have in place.

OCSTA supports the overall purpose of Bill 101, the *Student Protection Act*, 2001, as it responds to the issues

outlined in the Robins report. It does so by setting out a clear definition of sexual abuse, strengthening the Ontario College of Teachers' authority to take action on instances of sexual abuse involving its members, outlining responsibilities for the college and its teachers, and imposing stronger reporting requirements on employers. These requirements are similar to those already in place for other professionals and their governing colleges. We will comment briefly on a number of these areas and provide some suggestions for strengthening the bill.

Definitions: The definition of "sexual misconduct" for purposes of reporting and information sharing by employers and the Ontario College of Teachers is adopted from the *Regulated Health Professions Act*. While the definition is clear, we believe it would be improved by expanding the definition of "professional misconduct" to include other behaviours more widely defined in the Robins report as "grooming behaviours." These are acts of perpetrators of sexual abuse that often precede and are directed to establishing a sexual relationship with a pupil. Grooming behaviours usually involve favours, compliments and attention aimed at creating a dependency on the adult by the young person. That dependency is then exploited sexually. Grooming activity, while it may not amount to sexual abuse, is harmful to students and amounts to sexual misconduct.

Requirements of boards: It has been standard practice in Catholic school boards to remove from the classroom those teachers or employees charged with a sexual offence or other Criminal Code offences until the criminal proceedings are complete. If convicted, employees are dismissed. Even when employees are acquitted or when prosecution has been suspended, our school boards make assessments to determine appropriate employee placements that will ensure the safety of our students.

As previously mentioned, Catholic school boards welcome the new reporting requirements of the bill. These new standards require us not only to report, as is presently the case, those convicted of offences, but also those who have been charged with offences. In cases where an employee has been charged, care and sensitivity for all parties are required. There are interests to be balanced, such as the protection of students, the protection of privacy and the presumption of innocence. Although the protection of students is their paramount responsibility, school boards must also ensure that in the interests of their employees, and as required by subsection 43.3(2) of the bill, the withdrawal or staying of charges or the discharge or acquittal of the accused are promptly reported to the College of Teachers. Mandatory reporting of those who have resigned while under investigation will help in the tracking of teachers who may seek employment in other school jurisdictions.

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Reporting requirements: The reciprocal reporting arrangements between school boards and the Ontario College of Teachers will be most helpful to employers in their communication and record-keeping procedures and for maintaining a central record of individuals who have been charged or convicted of sexual abuse.

Application of the legislation: We appreciate that the legislation applies to all teachers employed by school boards in the four publicly funded systems in Ontario and to qualified teachers in the independent school system. We are concerned, however, that there still remain a significant number of teachers in the independent system that are not caught by this legislation. We urge the government to find a way to address this concern so that all children in Ontario can enjoy the same measure of safety and security as the legislation provides to the publicly funded school system.

Prevention programs: Abuse prevention is a moral duty and a legal duty in all school boards. Since abuse is foreseeable in many instances, the law imposes on school boards a duty to protect students from abusive circumstances where it knows, or ought to know, that the potential for abuse exists. This duty of care requires a school board to take reasonable measures to protect students from abuse and the effects of abuse. Failure to adopt such reasonable measures can cause harm to students, their families and staff, and expose the school board to liability for the harm.

Since school boards, principals and teachers are often understood by the law to stand in loco parentis to their students, or in a quasi-parental relationship, the law can impose a fiduciary duty or a duty of utmost good faith that repeats and underlines the duty of care.

In recent days the courts have imposed on employers vicarious liability for the actions of their employees relating to sexual abuse. This imposition of liability without fault on the part of the employer is an attempt to ensure the victim is properly compensated and to encourage employees to take special care to prevent abuse. School boards take these responsibilities seriously and are very aware that the key to successful prevention programs is education and training.

It must be pointed out that there are significant extra costs associated with doing this prevention work effectively. We urge the government to seriously consider providing appropriate funding so as to support the timely development and implementation of these programs in school boards.

A final matter we wish to address is the timely sharing of information on matters of child sexual abuse between school boards, the police and child protection services. It is often difficult for school boards to obtain information from these organizations, who sometimes feel that the disclosure of information may impair an ongoing investigation or court conviction. There needs to be a real effort by all government ministries to require a complete sharing of information in these matters.

In closing, we commend the government for introducing Bill 101 and pledge to work with all partners to implement this legislation on behalf of our students in the Catholic schools of Ontario.

The Chair: Thank you, Ms Ervin. We have a brief minute for each party if there are any comments.

Mr Marchese: Thank you for your submission. Quickly, if I can sneak in a couple of questions, first,

“We urge the government to seriously consider providing appropriate funding.” I’m not sure whether you know how much money we’re talking about, and second, do you really seriously think the government would deliver some money for you folks?

Ms Ervin: There is a lot of in-service and training that has to be done with not only the teachers, principals, vice-principals and superintendent, but all the staff in the schools around this legislation. The training often has to be done at times where there are significant costs involved.

Mr Marchese: I appreciate that. Good luck.

On page 4 you say, “Even when employees are acquitted ... our school boards make assessments to determine appropriate employee work placements that will ensure the safety of our students.” If the person has been acquitted, we assume innocence, right? If that’s so, shouldn’t that person be put back into the environment he or she might have been in?

Ms Ervin: There are times when the person is acquitted for lack of evidence, but we’re not that comfortable with that. Sometimes persons are acquitted in the courts because of technicalities, and the boards feel it would be better to place that teacher in another environment than with direct contact with students.

Mr Dunlop: I’d like to thank you for coming here this afternoon to make a presentation on Bill 101. Just a quick comment on the definition of grooming: instead of having a broader definition, what about the thought of more specialized training for all teachers in the field when it comes to identifying people who might be doing some actual grooming, or trying to identify sexual predators?

Mr John Stunt: The question was, would we see having extra training as a way of dealing with the grooming issue?

Mr Dunlop: Yes.

Mr Stunt: I don’t know whether they’re exclusive. I think that with the idea of more training in terms of the kinds of in-service we would envision for our employees, we would certainly include teaching about grooming behaviours, but I think it’s important the definition capture that as well.

Mrs Dombrowsky: I’m very happy to report that these fine people are former colleagues of mine, so I’m especially delighted to see them here this afternoon. I have a couple of questions. I will try and roll it into one, but perhaps you would address a couple of points.

The first is with regard to the fact that while the legislation is intended to protect students, and I believe it certainly will improve the ability of school boards to offer protection to students against sexual abuse, it applies only to teachers. I was wondering, first of all, if OCSTA would have an opinion that perhaps this is an opportunity for the government to include in legislation other individuals in positions of trust in our schools, in our classrooms, and that would be volunteers, education assistants and so on.

The second part of my question relates to the point you have raised in your document with regard to the

application of the legislation. You have a concern about the fact that teachers in the independent system would not be caught by this legislation. I suggest to you that these are teachers who could ultimately come to your system and you would have no information about this previous activity. With the teacher shortage there is in Ontario, I know that boards, in their eagerness to place a qualified body in front of a group of students, might engage a teacher who was not a member of the College of Teachers when working for a private school, but is prepared to become a member now working in a publicly funded school, but may have had a history in the private system that would not have been reported.

If you could just offer some comments on those two issues, I would appreciate that.

Ms Ervin: I'll start and I'm sure John and Carol will have some comments to add as well.

As you know, under the Child and Family Services Act, we all have a duty to report sexual abuse or suspicion of sexual abuse, and that covers everyone. So although they are not teachers, if we suspect any of our staff in our schools, if we have suspicions of sexual abuse, we are supposed to report that to family and children's services. The Child and Family Services Act protects children only to age 16. If you have a teenager in a high school who is beyond the age of 16, where do we report this? We're not sure if we have to go directly to the police or not.

On the issue of unqualified teachers or uncertified teachers in our schools, you're correct, some school boards have had to hire them and that does cause a concern. We are suggesting that the government probably should discuss that issue with the independent schools and see how we could best address teachers who are not qualified, because I'm sure they have the same concerns as we do about the safety of their students. Somehow these teachers have to be captured in legislation somewhere.

The Chair: That pretty well wraps up our time. Do you have a final comment, sir?

Mr Stunt: I was just going to comment that in terms of the reference checks and criminal record checks of all employees, we try to be as thorough as possible and talk not only to the previous employers but to the College of Teachers, obviously, when they're qualified. In that way, hopefully we don't let them into the system.

The Chair: I wish to thank you for your presentation on behalf of the Catholic school trustees.

1730

CANADIAN FEDERATION
OF STUDENTS-ONTARIO

The Chair: Our next delegation from the agenda is the Canadian Federation of Students. Good afternoon. We would ask you to give us your name for Hansard. Please proceed.

Ms Pam Frache: My name is Pam Frache. I'm with the Canadian Federation of Students. My comments will

be somewhat brief today, although I welcome this opportunity to raise a couple of concerns that we have.

Like many of the previous speakers, for sure our organization welcomes this effort that's being made to protect the children in the school system in Ontario. We understand it is a difficult issue to address, so we applaud the initiative most definitely.

I'd like to agree with many of the issues that have been raised by previous speakers, especially those issues raised by the Canadian Hearing Society. It is true there are very few resources for students with disabilities in all of our education system, from elementary school right through to the post-secondary system. We strongly support the idea that additional special education and sensitivity training be made available to teachers on their way through school themselves, and also regarding expanding access and availability of a variety of interpretation and other special services for all students with disabilities and special needs.

For us, however, there really are two areas of concern we have with the legislation. Hopefully folks here will be able to address these concerns now. It's mainly the question about why this legislation isn't actually being applied to the private system, because it seems to me that all the students in the system require these kinds of standards. It seems to me there is a bit of a double standard that is emerging with respect to private schools in the area of teacher testing and so forth. Especially with legislation such as this, one would think it would apply to both the public and private systems. I'm hoping it's not that people just presume that, because it's part of a private system, somehow these issues are not going to emerge, because I think we all know that's not the case.

The only other area of concern, given that teachers will be reported even when there have only been allegations of abuse and misconduct, is that there is going to be a clear mechanism to ensure there is also a very speedy reporting when there has been a thorough investigation and it's found that the charges have been cleared. As people can appreciate, it would be quite damaging to the reputation of an individual if those who are accused are not also publicly acquitted.

I'll keep my comments to that. I'd be happy to answer questions, or perhaps you can enlighten me.

The Chair: We have about five minutes for each party. I'll begin with the PCs.

Mr DeFaria: I would like to thank you for coming forward. Your presentation was right to the point. It's important for the federation of students to participate at hearings and bring us the viewpoints of students, because they are people who have gone through the system later than anyone else. Thank you very much for coming.

Mr Beaubien: One of the concerns you mentioned was that there should be a speedy way of dealing with those who have been wrongly accused. But the reality is that once you're branded that you've sexually abused one child or children or whatever the case may be, whether you're guilty or not, you've been branded. Whether you are acquitted by the system, in the public community

there are a lot of people who still look with a suspicious eye.

How would you deal with that? I don't think we can deal with it, but have you got any suggestions?

Ms Frache: I think the biggest problem is that often-times the things that tend to get reported are the accusations, but not necessarily when there has been a thorough investigation. I would just like to premise this by saying that I don't think there's any intention to suggest that there are going to be a vast number of people who are wrongly accused, because I don't believe that's the case, especially with children. But on the odd occasion that that does take place, I think just making sure that every effort can be made to make sure the facts are made public, because the tendency is that the things that capture people's imaginations are the accusations and not necessarily the acquittals.

It is true that it's hard to undo things that have already been done, but I think that if there is basically a fair process implemented by which people do have a chance, do have their day in court, so to speak, and that it's properly reported and it's not something that's going to languish for two years while it's sorting itself out—if the process can be as speedy as possible and decisions made, clearly I think that would be effective.

Mr Beaubien: Thank you.

The Chair: Further comments? I'll go to the Liberals.

Mrs Dombrowsky: I appreciate your presentation this afternoon.

I did want to inquire about the fact that the act is intended to protect students. I was wondering if you would have any comment about the fact that when students arrive at school, they encounter a number of adults in the course of their day. There are many individuals who have positions of trust with students, and yet the bill makes reference only to the conduct of teachers.

I was wondering if you have a comment or an opinion on how this legislation might be improved or strengthened, if you think that would be appropriate, so that other individuals who are in positions of trust in the daily lives of students—it might be their educational assistant, it may be the custodian, it may be the secretary, it might be the speech pathologist or the psychometrist who comes to meet them on a regular basis. Do you have any comment about the other individuals who meet children daily or on a regular basis and who have an opportunity to abuse them, although they're not caught in this legislation?

Ms Frache: I'm not an expert in terms of amending this particular legislation, but our feelings are always that if you can actually educate children enough and create enough self-empowerment and awareness and mechanisms through which they themselves can begin to identify experiences that they have—I think this speaks to a broader issue in terms of having adequate counsellors and so forth who can spend time with students, because workload issues obviously have an impact in terms of whether or not students feel they have enough of a relationship with somebody in the school system to be

able to report on incidents that may involve non-teaching staff.

Again, as I say, for our organization, trying to create space and sort of empowerment for students themselves is a key factor. I think that's why some of the previous comments about sensitivity training and so forth could actually be expanded to all students so that students themselves—on the one hand, there are ways of reporting abuse when it takes place, but there are also ways of empowering students themselves so they themselves can help to head off abuse before it actually emerges. But I think that requires some investment in the school system itself to create those kinds of avenues and programs for students.

Mrs Dombrowsky: Are you suggesting that people who are not teachers would be held to a different standard, that teachers would be held to one standard and other employees would have a different standard?

Ms Frache: I think high standards for all is ultimately the goal, both the private and the public systems, very much so. I'm just not completely sure how you would accomplish that through the legislation itself.

Mrs Dombrowsky: Do you think police checks would be sufficient? Do you think that's good enough for the non-teaching sector?

Ms Frache: I think it's a start, for sure.

Mr Marchese: I want to thank you, Pam, for taking the time to come and make some comments on the bill.

One of the things that concerns us and that obviously concerns you is how this bill covers, or does not cover, those who teach in the private school system. Clearly it captures the certified teachers in the private schools, so it's not as if there's some oversight. They know, and they are saying those who are certified will be covered. So we know they understand that issue very well.

But it surprises me a great deal—I'm sure it surprises you too—because part of the objective of the bill is to make sure that we prevent sexual abuse and that we catch sexual predators the best way possible. That's what this bill was intended to do. Given that intention, it really surprises me and somewhat amazes me that certain people within the private schools, those who are not certified teachers, who obviously teach those young men and women, are not covered by the law. It must be a puzzle to you too that it doesn't cover those people. What do you think?

Ms Frache: I was actually hoping that someone from this committee might answer that as a question from me, because again it seems to me that it's a double standard that is emerging where there's some notion that the same standards don't have to apply to the private system. If someone could answer that question for me, that would be very useful. Is there a reason?

Mr DeFaria: The parliamentary assistant, I guess, on a point of order?

Interjection: He's the expert.

Ms Frache: Just the thinking between the kind of double standard between the public system and the

private system, just for my own enlightenment, What was the thinking behind that?

Mr Marchese: The fact that non-certified teachers are not covered.

Mr Dunlop: The focus of the bill is between the Ontario College of Teachers and sexual predators in the school, and we're dealing with that legislation only. That's what the bill focuses on at this time. We're listening to other comments as we go around the tables and as we listen to stakeholders and people like you; we listen to your comments about how they would impact on non-certified teachers in private schools.

Mr Marchese: But they're teachers, Garfield. In the private system they are teachers; they're not certified, but they are teachers. How do you deal with that?

Mr Dunlop: I understand that, and that's why I said the focus of the bill is between the Ontario of College of Teachers and—as I told you earlier, it doesn't deal with janitors—

Mr Marchese: So maybe those people shouldn't be teaching. Is that it?

Mr Dunlop: I told you the focus of the bill was between the Ontario College of Teachers—

Mr Marchese: What about those poor students who might be subject to abuse?

Mr Dunlop: You can suggest amendments to it, then.

The Chair: Anything further, Mr Marchese?

Mr Marchese: No. Thank you for coming. Thank you, Toby, for allowing that.

The Chair: Thank you, Ms Frache. I appreciate your presentation on behalf of the federation of students.

Seeing no further discussion, this would conclude this afternoon's hearings. I would remind the committee that Friday, November 2, is the deadline for amendments for Bill 101 and also Bill 69. The deadline is 12 noon.

We reconvene on Monday, November 5, to continue with Bill 101, and on Tuesday, November 6, we consider Bill 69.

Seeing no further discussion, committee adjourned.

The committee adjourned at 1744.

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