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Official Report of Debates (Hansard)

Tuesday 15 May 2012

Journal des débats (Hansard)

Mardi 15 mai 2012

**Standing Committee on
Social Policy**

Accepting Schools Act, 2012

Anti-Bullying Act, 2012

**Comité permanent de
la politique sociale**

Loi de 2012 pour
des écoles tolérantes

Loi de 2012 sur la lutte
contre l'intimidation

Chair: Ernie Hardeman
Clerk: Katch Koch

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Tuesday 15 May 2012

Mardi 15 mai 2012

The committee met at 1617 in committee room 1, following a closed session.

ACCEPTING SCHOOLS ACT, 2012

LOI DE 2012 POUR
DES ÉCOLES TOLÉRANTES

ANTI-BULLYING ACT, 2012

LOI DE 2012 SUR LA LUTTE
CONTRE L'INTIMIDATION

Consideration of the following bills:

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

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

The Chair (Mr. Ernie Hardeman): We'll call the meeting back to order. First of all, we thank the members in the audience for their indulgence for the one presentation that we've made.

ONTARIO PUBLIC SCHOOL
BOARDS' ASSOCIATION

The Chair (Mr. Ernie Hardeman): We now will start the presentations with the Ontario Public School Boards' Association. Thank you very much for coming forward to make your presentation.

Interjections.

The Chair (Mr. Ernie Hardeman): If we could just have the members of the committee come to attention, maybe the delegation can hear me make the comments. You have 15 minutes to make your presentation. You can use any or all of that time to make the presentation. If there's time left over for questions or comments, we will allow the committee to do that. In this case, we will start with the official opposition in the rotation.

Thank you very much for being here, and the floor is yours. If you would also state your name as you start your presentation for Hansard so your name can be recorded.

Ms. Catherine Fife: Thank you. My name is Catherine Fife and I am president of the Ontario Public School Boards' Association. You have copies of my comments. My preference is actually to move through them fairly quickly and leave room for questions.

Our association represents public school boards which serve two thirds of the elementary and secondary school students of this province—31 public school boards.

I thank the members of the standing committee for this opportunity to address the important implications of this proposed legislation. I would like to speak to some key elements of the Accepting Schools Act, Bill 13, as well as Bill 14.

We support the intent of the standing committee to look at the provisions in both bills and anticipate that this will result in a piece of proposed legislation that will add to the school system's efforts to create a positive, safe and caring school climate for all students in Ontario. We also feel that this legislation should be accelerated.

As an association of school boards, OPSBA has a strong record of advocacy for measures that ensure that the schools of Ontario are safe places for our students to learn and for our staff to work. We welcome the focus that is currently being brought to bear on addressing the destructive effects of bullying behaviour and we are supportive of the intent behind Bills 13 and 14.

As a founding member of the Coalition for Children and Youth Mental Health, OPSBA champions the value of focusing on the whole child. In our schools, we want to ensure that the social, physical, emotional and mental well-being of our students is nurtured. This calls for a holistic approach to fostering pro-social behaviour in children and youth and underscores the importance of an integrated approach to supports and services for our young people.

We advocate a strong focus on a positive school climate. This is what we strive for through our character education programs and our approaches to equity and inclusion. We want an environment that has no place for bullying behaviours. We want to see legislation that supports an integrated and consistent approach to the implementation of policy and recognizes the need for

self-development in our schools that can be delivered in an integrated way.

When we look at the definition of bullying in Bill 13, we feel that the emphasis on repeated behaviour does not take into account a situation where there is a notable single act that is intended to cause harm. We feel that this does happen and it should be recognized. We certainly support the recognition of the role that technology and social media have played in today's society and welcome its inclusion in any definition of bullying. We believe that the specific reference in Bill 14 to cyberbullying is a valuable inclusion to recommend, but recommend that the specific examples given in this bill not be incorporated in legislation and would suggest a general example along the lines of "engaging in activities such as inappropriate online behaviour."

Under student well-being and surveys: When the Education Act was amended just over two years ago, responsibility for student well-being was included in the governance responsibilities of school boards. The scope of the term "well-being," however, was not defined. School boards, however, have always felt that student safety, wellness and readiness to learn are intricately connected and linked with student achievement and well-being, and we are committed to ensuring safe and nurturing learning environments.

We want to direct our energies and our resources to students and classrooms and suggest that legislated requirements such as the one for conducting surveys in this bill be aligned with what schools are already doing in terms of school climate surveys. Bill 14 proposes surveying staff and parents/guardians as well. Many boards already do this. Another proposed requirement of Bill 13, under section 6, related to the reporting of incidents of bullying, would also benefit from alignment with existing policies dealing with reporting requirements under the safe schools provisions act. These reporting procedures should be consistent with what school boards are doing already.

The holistic approaches that I mentioned earlier: The emphasis on measures that address bullying behaviours brings me back to my earlier point about the desirability of a holistic approach to addressing issues of pro-social behaviour which would include all students: those who engage in inappropriate behaviour, those who are directly impacted by it and those who are also involved because they are witnesses to it. OPSBA suggests that wherever possible, curriculum be carefully integrated with other similar initiatives such as mental health and inclusion and equity to provide continuity within a common framework and thereby promote a positive climate for learning and working. OPSBA is also on record for calling for support for boards to incorporate violence prevention education in all aspects of the curriculum and has emphasized that it is vital to strengthen programs which teach responsible social behaviour and address important issues including racism, sexism, homophobia and youth alienation.

The proposed changes to the provincial code of conduct provisions of the Education Act are highly

prescriptive. They are also expanded to deal specifically with bullying prevention and intervention. The staff training provisions will raise possible collective agreement implications for how it can be scheduled and how it will be funded. OPSBA further suggests that any training needs to be integrated into other staff training. The requirement for mandatory training is already an issue for school boards in a variety of health and safety areas. There is considerable pressure on the effective use and timing of professional development days in ways that both support requirements for training and the efforts of school boards to sustain and improve student achievement. These are challenging economic times and OPSBA feels that the government will need to fund the training and resources required to implement the policies and guidelines.

Boards across the province should be supported to have a consistent approach to bullying prevention and intervention. We believe that the provision in Bill 14 which calls for the minister to develop a model plan that would guide what local boards put in place is an effective approach. We do not feel, however, that the elements of the plan should be spelled out in legislation. It should be the responsibility of the minister to develop a model that incorporates the most up-to-date, evidence-based approaches.

The proposed provisions that support certain pupil activities and organizations align with practices that currently exist in schools in our public school board system. We believe that bullying can be inflicted on anyone, and we also believe that there is evidence that bullying is inflicted on children and youth specifically because of their race, because of their gender, because of their sexual orientation or their ability. It is crucial that all students in this province are safe and able to pursue their education free from discrimination, from stigmatization and from victimization.

Many of our schools have after-school voluntary clubs such as equity clubs or gay-straight alliances or other peer-support clubs known by names that the students have chosen. These voluntary clubs support students in activities that promote inclusion, caring and safe schools, and they represent a haven for many young people. There is credible research that shows that schools with gay-straight alliances or similar voluntary peer-support clubs are safer and they are more inclusive learning environments. The passage of Bill 13 would be another important step in that direction.

OPSBA notes and welcomes, in addition, the inclusion of people with disabilities in this bill and sees this as supportive of the provisions of the Accessibility for Ontarians with Disabilities Act.

Our responsibility is to support our students to succeed and foster pro-social behaviour. We suggest that, as with all other causes for suspension or expulsion, the decision to suspend or expel be exercised with great care and that suspended or expelled students be offered appropriate supportive programs, such as restorative justice.

On a related matter, we believe that trustees who have responsibilities dealing with expulsion hearings should be supported in this role by appropriate training.

The subject matter of these bills represents a complex and important social issue. It is an issue that extends beyond the school and one that schools, families and communities must work together to deal with. We believe our students and our schools are best served when policy implementation and staff training that are related to safety, character education, mental health and well-being, inclusion and equitable practices around bullying are integrated and understood as interconnected components of a comprehensive strategy to build a positive climate and a healthy learning environment.

We believe that we must move past respecting differences. We need to accept and we need to embrace our own differences in our schools. Our diversity is our strength in the public education system in the province of Ontario. We should not just be aiming for tolerance; we should be aiming higher. We should be leading, because that is our job in public education.

The document we have left with you contains several specific recommendations based on the remarks that I've given you today. It is a pleasure to be here, and I thank you for the opportunity.

I'd like to leave you with just one quote from an anti-bullying initiative that recently came to the Waterloo Region District School Board, and it's a program called Breaking Down the Walls. The quote is, "It's hard to hate someone when you know their story." And that is our challenge in public education: We need to reconnect students with students, parents with students, the administration with the school culture. There are real challenges, but there are ways that we know work. Gay-straight alliances or equity and inclusion clubs or rainbow clubs—or call them whatever—create safe spaces in our schools, and they are an important part of ensuring that our students are successful in a safe learning environment.

1630

I thank you for your time today and I would welcome questions from all the members.

The Chair (Mr. Ernie Hardeman): Thank you very much. We have about two and a quarter minutes. Ms. MacLeod?

Ms. Lisa MacLeod: Thanks very much, Catherine, for coming in today. I appreciate that.

There are a lot of kids and parents that have been here throughout the past four days of hearings. One thing that comes up frequently—regardless of which school board it is, what part of the province and regardless of what type of bullying—is the frustration in dealing with school boards. I appreciate that there are school climate surveys and there's a resistance on the part of boards to do a little bit more, but we're hearing from parents—and some of them are here today—that they want more tracking done, they want reporting. At the end of the day, they want someone held accountable for their kid being bullied and nothing being done. So I'd ask you to respond to that.

Some of the instances from some of the kids and from some of the parents have brought members of this committee to tears. They have left an indelible mark on how we view both pieces of legislation in front of us. It makes us wonder where in the system we can better protect the kids.

I understand when you say that clubs might be one part, but it's not the full part. We're hearing from people who are up against a system that is broken. I get that you want to move past respecting differences and embrace them, but at the end of the day, something's got to give. It's very frustrating for us, as legislators, with legislation before us. You've cited a number of acts and school climate surveys—but something is just not stopping this from happening.

Ms. Catherine Fife: I appreciate the question. I'm on the front line as a school board trustee, so I get those calls. I would suggest to you that we have moved the agenda forward at the local school level. This is a societal issue that we are facing, and what I'm seeing in schools is remarkable. You cannot walk into almost any school in the province of Ontario without seeing some evidence that bullying is on the agenda. The issues that we've addressed in our delegation come down to training, they come down to accountability, and they also come down to having the best evidence to address the issue. We don't know what we don't know, and we are unsure as to what policies or programs are best working in the province of Ontario. That's why we need evidence-based policies to drive the agenda, not politics.

What I'm seeing is that the students are taking the leadership—because we have to be honest about the circumstances that we're facing. This is not just an issue that happens in the four walls of a school. This is happening in the community. This is a shared responsibility that we have as a society, including our parents. So we're looking towards engagement policies to pull everyone together. Just as this committee has come together, that's happening at local school boards.

Ms. Lisa MacLeod: The big thing, I think—

The Chair (Mr. Ernie Hardeman): We've used all the time.

Ms. Lisa MacLeod: All right. I appreciate it.

Ms. Catherine Fife: I thank you for the question. I look forward to seeing some very strong legislation from this committee.

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

MS. GILLIAN LEA

The Chair (Mr. Ernie Hardeman): Our next delegation is Gillian Lea and Betty Richards.

Ms. Gillian Lea: Just to let you know, Betty Richards couldn't be here on a matter of personal—

The Chair (Mr. Ernie Hardeman): Okay. Thank you very much. You have 15 minutes to make your presentation. You can use any or all of it. If there's time left

at the end, we will have questions from the committee. The question round will start with the third party.

With that, if you would just say your name into the microphone to start your presentation, and from there on, the floor is yours for the next 15 minutes.

Ms. Gillian Lea: My name is Gillian Lea. I'm a parent and an educator in the Toronto District School Board.

Bill 13 is a good start for legislation to address safe schools and issues of bullying around three primary groups: LGBTQ students, the disabled and those of different races or ethnicities. However, it falls short on several accounts. It is time-bound and reacts to several situations instead of being framed to be timeless in nature. Bill 14 does a much better job at this. Bill 13 addresses bullying specifically around LGBTQ lifestyles, the disabled and race. This is a great step; however, according to a 2006 census on bullying in the TDSB for sevens and eights, 38% of students were bullied for body image, 17% for grades and marks, 11% for race, 7% for language, 6% for gender, 5% for religion and 5% for income. Leaving body image, grades, language, religions and income groupings out of the legislation is obviously a mistake if the intent is to reduce and prevent bullying in schools. The unmentioned groups represent tens, if not hundreds of thousands of students in Ontario. Good legislation should have values and measures that are timeless in nature. Bill 14 does not specifically address certain groups; therefore, it creates principles and values that can be implemented for generations to come. It speaks to every situation and not just some situations. It speaks to every group, not just some groups. I would ask you to remove reference to specific groups in the bullying legislation in order to make it a timeless piece of legislation that can be applied equitably and justly in all times and places in Ontario, which I believe Bill 14 does very well.

Bill 13's definition of bullying is ambiguous and open to wide interpretation. Principals who must administrate this will probably not use it because of its ambiguity. Judgments are not made based upon actions and words; rather on perceptions, knowledge, lack of knowledge and the likelihood of something happening. That's veritable speculation. It judges motives, intentions and what is supposed to be known. Could we ask teachers and principals to judge the motives of the heart? This is clearly subjective and could continue nearly any type of bullying behaviour.

I will now read the definition of bullying to you from both bills. Bill 13 states that "'Bullying' means repeated and aggressive behaviour by a pupil where,

"(a) the behaviour is intended by the pupil to cause, or the pupil ought to know that the behaviour would be likely to cause, harm, fear or distress to another individual, including psychological harm or harm to the individual's reputation; and

"(b) the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social

status, religion, ethnic origin, sexual orientation, family circumstances, gender, race, disability or the receipt of special education."

Using the language "ought to know ... would be likely to cause, harm, fear or distress to another individual, including psychological harm or harm to the individual's reputation" and the words "perceived power imbalance" leaves the definition of bullying wide open to interpretation. In this case, the principal has to read the mind of the student, look into their heart to render a verdict which would mean suspension. The definition is so ambiguous that it will create a quagmire for principals to implement and, therefore, probably won't be used at all. If it's not clear, it's not used. Good legislation, laws, policies and procedures are clear. Bill 13 is not clear.

In Bill 14, however, "'Bullying' means the severe or repeated use by one or more pupils of a written, verbal, electronic or other form of expression, a physical act or gesture or any combination of them if it is directed at another pupil and if it has the effect of or is reasonably intended to have the effect of,

"(a) causing physical or emotional harm to the other pupil or damage to the other pupil's property,

"(b) placing the other pupil in reasonable fear of harm to himself or herself or damage to his or her property,

"(c) creating a hostile environment at school for the other pupil,

"(d) infringing on the legal rights of the other pupil at school, or

"(e) materially and substantially disrupting the education process or the orderly operation of a school."

Using the words "has the effect" and "reasonably intended" limits the judgment to real, observed words and actions in order to make a judgment upon whether or not a student needs to be suspended or disciplined in another manner. Furthermore, Bill 14 does an excellent job in explicitly defining cyberbullying and the parameters for principals and superintendents to know whether or not a case of bullying has happened in their jurisdiction. With the subsection "Bullying in schools," principals are not left wondering how far their authority goes in dealing with issues of bullying.

Bill 13's definition of bullying is ambiguous and open to interpretation and will probably not be implemented by principals for the most part because of these factors. Bill 14 is specific in its definition but broad in its application to the public school system. I would ask you to use the specific, detailed and easier-to-implement definition of bullying found in Bill 14 or risk having legislation that most likely will have little effect at the individual school and principal level. In really addressing helping students to care, tolerate and show empathy towards one another, such a broad definition of bullying will most likely not help to reduce bullying at the school level.

1640

Thirdly, switching places: Bill 13 says, "(2) Section 301 of the act is amended by adding the following subsection:

"Agreements with third parties re use of schools

“(3.1) If a board enters into an agreement with another person or entity, other than a board, respecting the use of a school operated by the board, the board shall include in the agreement a requirement that the person or entity follow standard standards that are consistent with the code of conduct.”

Bill 13 will require that any public group renting space from a school must abide by the equity and inclusive policies mandated by the board and their code of conduct. Currently, this poses no problem, but what if the code of conduct of the school board doesn't allow certain behaviours, teachings or beliefs to be shared? What if the code of conduct of a public group and a school board differ? According to this legislation, there will be little or no room for tolerance, free speech, discussion and freedom. The moral or other judgments of the school board, implemented through the code of conduct, will silence other views. This is always a dangerous proposition.

Good legislation looks at what would happen if the tables were turned and the places were switched. The freedom of speech, conscience, religion and association are hallmarks of this province. We can't afford to become intolerant of the variety of public voices that make this province rich. In a public place, people need the freedom to make choices for themselves.

In Ontario, if an organization is able to freely exist and speak in a public forum, it should be able to freely exist and speak in a public school. The local school board should not have to be policing public organizations with its code of conduct. Criminal laws are already in place to do so. We do not need a parallel justice system.

I'm asking you to allow all public groups and individuals to rent publicly funded schools and buildings without having to abide by the local board of education's code of conduct or moral views of righteousness. The current laws of the land allow groups to meet publicly with a variety of beliefs and values. The current civil laws and justice system are sufficient to ensure safety for the public. Any group that currently meets in public or has a public building should be able to freely meet and abide by their own code of conduct in a publicly funded building.

Promoting and legitimizing sex and gender orientation while removing parental rights: my fourth section. You may ask, “Where in Bill 13 does it talk about teaching explicit gender/sex issues?” It's a good question, one that I couldn't answer until last fall, when the TDSB released its *Challenging Homophobia and Heterosexism: A K-12 Curriculum Resource Guide*. The guide specifically references the equity and inclusive education strategy in Ontario schools, 2009, from the province of Ontario as one of the main sources giving legitimacy for its need. Paragraph 29.1 of the Education Act, as Bill 13 currently states, will now include the words “equity and inclusive education.” Therefore, Bill 13 will now directly endorse and legitimize the TDSB's new sex and gender curriculum resource guide.

In the Angus Reid poll for November 2011, it found that 69% of Canadians think that parents or guardians

should be primarily responsible for teaching sex education to children and teens; 80% of Canadians polled think the ideal age to start sexual education is between eight to 13.

Let me quote from *Challenging Homophobia and Heterosexism: A K-12 Curriculum Resource Guide*, 2011. It calls for the following explicit teaching and activities for children in kindergarten to grade 3. Think for a moment of a child you know who is three, four or five years old. This is what the Toronto District School Board, using the province's equity and inclusive education policy, has asked teachers to teach. Firstly, ask students: “What kinds of name-calling do you hear when girls and boys don't follow gender rules? (e.g. sissy, fag, gaylord, batty man, poofta, tomboy, lezzy, lezbo, dyke, homo, queer, etc.)”—page 43.

“Search images of Pride Week and the Pride Parade on the Web, especially from the Pride Toronto website ... and print out for the class or project on a smart board or screen”—page 54.

“Explain to the students that Pride Week is a week when same-sex families celebrate their community. (This term and other related words such as gay, lesbian, and bisexual should have been introduced and discussed in the previous activity.)”

This is for students as young as three.

The TDSB document also states that parents cannot withdraw their child from this instruction for any reason and that they will not be notified when this instruction takes place. This is an erosion of freedom, one that Pierre Trudeau would probably be ashamed to see.

In 1967, Pierre Trudeau, the justice minister, introduced his controversial omnibus bill in the House of Commons. In it, he made the appeal for the decriminalization of homosexual acts performed in private, telling reporters, “There is no place for the state in the bedrooms of the nation.” He went on to say what's done in private between adults doesn't concern the Criminal Code.

Today, this TDSB gender and sex curriculum ensures there is a place for the state in the children's bedrooms of the nation; furthermore, what's done in private between adults is the concern of the Education Act and should be taught explicitly to children. I appeal to you: Should this be?

Why are Mr. Trudeau's values passé now? If the state needs to stay out of the bedrooms of the adults, how much more should it stay out of the bedrooms of our children?

Let parents decide how they want to parent. Currently, sex and gender classes are explicitly taught at grades 5 and 6. This needs to continue, absolutely. Mr. Trudeau said, “There is no place for the state in the bedrooms of the nation,” and I'd add especially those of our children, especially aged three to 10.

I would ask you to let parents parent their children in the areas of sexuality and gender. The state does not need to impose its moral views of righteousness in the bed-

rooms of the nation, especially of those who are in kindergarten and primary schools.

Bill 13 is clearly linked to the current TDSB gender and sex curriculum. The lines of association have already been drawn. That's where the problem starts. In Toronto, I already know of parents being upset by lessons from this guide or similar programs being taught to children. Teachers and principals are being addressed. Parents are unhappy. If this continues, the link between these programs and curriculum delivery will be to Bill 13 and the Liberal Party and the NDP that supported this bill. The public will be able to see that and vote with it in mind.

Bill 13 addresses bullying, but also may have far-reaching effects that alienate and cause conflict among a large amount of the electorate. To reach a majority, a party does not need to alienate a majority. In fact, the one thing that people in Ontario don't want their government to do is social engineer. Health care, education and business are important. That's the priority of Ontario voters. I would ask you to create legislation that unites Ontarians, not divides them along the lines of different groups.

Finally, you may ask: Gay suicides show that bullying of LGBTQ students needs to be dealt with; how will they be protected? An excellent question.

According to the Canadian Mental Health Association, it is a myth that young people rarely think about suicide. The reality is, teens and suicide are more closely linked than adults might expect. In a survey of 15,000 grade 7 to 12 students in BC, 34% of them knew of someone who had attempted or died by suicide; 16% had seriously considered suicide—

The Chair (Mr. Ernie Hardeman): You have one minute to wrap up.

Ms. Gillian Lea: —14% have made a suicide plan; 7% had the attempt; and 2% had required medical attention. Furthermore, in Canada, suicide accounts for 24% of all deaths among 15- to 24-year-olds.

There was a recent case, a very public case, in Ottawa of Jamie Hubble, who committed suicide because he couldn't take being the only openly gay student in the high school. This is tragic. It is terrible that this happened. Something needs to change. Legislation needs to be created to help the Jamie Hubbles of this world, but do we know the name Caylen Millben? He was 17 and he committed suicide in Brampton about two months ago. He was the third teenager in the school to take his life since November. Do we even know the names of the other two students?

We need legislation for Jamie, Caylen and for every student who, for some reason or another, commits suicide. We need timeless legislation that addresses bullying, where there is equity and inclusion for everyone. We need legislation to protect LGBTQ students. We also need legislation to protect students with physical disabilities, psychological needs and ethnic, religious and socio-economic needs.

Bullying is wrong, no matter what the reason. Let's have legislation that reflects that reality.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That's what we call using up the 15 minutes to its full extent. Thank you very much.

Ms. Gillian Lea: Thank you.

ONTARIO CATHOLIC SCHOOL TRUSTEES' ASSOCIATION

The Chair (Mr. Ernie Hardeman): Our next delegation is the Ontario Catholic School Trustees' Association. Welcome to the committee meeting this afternoon. We thank you very much for coming out. As with other delegations, you will have 15 minutes to make your presentation. You can use any or all of the 15 minutes for your presentation. If there's any time left at the end for questions, we will start the questions with the third party. With that, as you start to speak, if you would introduce yourself on the microphone for our Hansard. Thank you very much.

1650

Ms. Nancy Kirby: Thank you very much, Mr. Chair, ladies and gentlemen. My name is Nancy Kirby. I am the past president of the Ontario Catholic School Trustees' Association.

I would like to begin by thanking the members of the social policy committee for allowing us to be present here today for what is an essential discussion on a matter of urgency in society as a whole, but seems to be especially prevalent in our education system.

As a representative of Ontario's 29 English Catholic boards, OCSTA has been heavily involved in working with all parties and other education stakeholders to promote equal, inclusive and safe schools for our students. Our mission includes providing leadership, service and a provincial voice for Catholic education, and ensuring the safety and well-being of our students.

The issue of bullying is by no means new, nor is it isolated to the school environment in Ontario. Rather, it is a problem that permeates our society and affects many people at some point in their lives regardless of age, gender, faith, creed, ethnicity, race or sexual orientation.

As school board trustees, we firmly oppose all instances of bullying in our schools and view these acts as threats to the safe and positive educational environment we seek to provide. As Catholic representatives, we see bullying as inherently contradictory to our values and faith, as the primary message of the Catholic church is universal concern and care for one another. That care is to be expressed in both word and deed and that understanding is at the core of what we teach in Catholic schools.

For the better part of a year now, we have been working with the ministry and other stakeholders on how to improve our effectiveness at promoting equity and inclusion in our schools. An essential component of this work has been to equip our administrators, teachers, support staff and students with the tools necessary to create universally supportive atmospheres in each and every Catholic school. A fundamental aspect of Catholic educa-

tion is respect for the dignity and uniqueness of every human being.

Examples of anti-bullying initiatives are quite prevalent in our Catholic schools. For instance, Imagine A School Without Bullying is a collaborative undertaking between the Region of Waterloo Public Health unit, the Waterloo Catholic District School Board and the Waterloo Region District School Board. The program was instituted in 2003 to assist all schools within Waterloo region to develop and put into action a plan to create positive school climates to reduce bullying.

The Niagara Catholic District School Board was one of the first boards in the province to implement a bullying prevention policy, which has been in place since 2003. And two of its schools have recently been awarded the Premier's award for safe schools.

My own board, the Catholic District School Board of Eastern Ontario, has based its various anti-bullying initiatives on the philosophy of restorative justice, most recently evidenced by our participation in the WITS program. Through this initiative, children are encouraged to walk away, ignore, to talk it out and/or to seek help if they are being bullied or harmed. WITS will be extended and offered in all elementary schools next year.

The Toronto Catholic District School Board has been instrumental in raising awareness about bullying and educating the public about prevention strategies, seen most notably on their bullying awareness and prevention website.

Lastly, the Kenora Catholic district school board has spearheaded various anti-bullying initiatives, like its EPIC, or Every Person is Cool, flash mob; its STOP, or Strong Together, One is Power, student group; and its Awesome program, where students are recognized for their kindness and contributions for peaceful schools. Across the province, Catholic schools are at the forefront of making schools safer and raising awareness of anti-bullying measures.

Equity and inclusion debates have been high on Catholic board agendas for quite some time, but this has been especially true for the last year. Discussions about these measures culminated in the writing and presentations of Bills 13 and 14. I stood with the Minister of Education when Bill 13 was first read. We have strongly supported Bill 14 since its initial presentation. We continue to stand behind all measures designed to protect our students and strengthen the loving environments in our schools.

I would like to spend a moment to discuss specific elements of Bill 13 that we stand behind and also to mention some areas that we hope the committee will contemplate as your work moves forward.

One of the most important contributions of Bill 13 is the clarity in defining bullying. We feel that the definition included in the bill strongly reinforces the requirements outlined in policy memorandum 144 and will help policy-makers and educators better comprehend the wide array of variables included in bullying behaviour.

Catholic schools strongly support student-led initiatives, particularly in the areas of social justice. By empowering our students to form their own clubs, we believe this will be an important step in changing the culture surrounding bullying. The creation of a Bullying Awareness and Prevention Week is, as we see it, a strong addition to the legislation's efforts to educate Ontarians and eliminate instances of bullying.

While we are positive about the anti-bullying initiatives being proposed, our member boards have also expressed concern about aspects of the bill which I think are important to consider or reconsider before the bill receives royal assent. With the comprehensive and ambitious efforts at addressing bullying made throughout Bill 13, it is clear that new financial and administrative guidelines will be placed on our boards. While we are supportive of measures like student surveys to obtain students' feedback about our efforts at reducing instances of bullying, we are hopeful that the ministry might indicate who will be responsible for organizing and funding such initiatives. Further, the increased levels of responsibility at both the staff and supervisory officer levels would also deserve ministry attention in its determination of financial support to boards in the future.

Further, we are in favour of involving students in virtually every step of this process, as they are at the heart of why these anti-bullying measures are so important, but we also emphasize the need for clear and specific guidelines when legislating the use of surveys in schools. Presently, there is some confusion regarding the age at which students are to take surveys, the content of the surveys and their respect for Catholic values that we hope might be explained before implementing any such measures.

While OCSTA's approach to addressing bullying is a universal approach, welcoming and protecting all students, there are aspects of the bill where a qualification on the use of the term "student" might be helpful. In its current form, no reference is made as to whether the bill allows students at all grade levels to form clubs or groups, or whether such options would apply to secondary students only. Given the sensitive and mature nature of student-led conversations about identity, we encourage the ministry to limit such possibilities for students to the secondary level, where there is a greater chance for privacy and sensitivity to be respected.

1700

Lastly, there is a concern that Bill 13 largely emphasizes the impact of bullying on one specific group. It is our belief that all forms of bullying pose a danger to our students, and as such, we advocate approaching the issue universally, as is consistent with the Catholic teachings of love and acceptance. This attention culminates with section 303.1, in which the specific suggestion of GSA language is included, while no other group experiencing bullying is presented with a suggested name or classification.

The government has raised awareness around the issue, and that is outstanding. Now leave it to students

and boards to determine the names of support groups to serve their unique communities around the province. It is our belief that no such suggested names be included in legislation so as to allow students at the individual school level, in conjunction with existing administrative procedures and with respect for denominational rights, to name clubs as they wish.

In shifting for a moment to Bill 14, we are in full favour of the universal and holistic approach taken by this legislation. It is obvious that Bill 14 is well researched and is reflective of existing education policies and procedures. Of particular importance in Bill 14 is the inclusion of and emphasis on the role of cyberbullying. In an age where our students use technology constantly, the sometimes negative uses of these tools must be included in any contemporary debate about bullying.

We would also like to support the sections of Bill 14 that seek to strengthen the reporting procedures in the school system. In order to bring about the cultural change necessary to tackle bullying in our schools, a clear and defined process which our staff and administration can use is a vital tool.

A chief component of Bill 14 is its efforts to prevent bullying behaviour from happening at all, which is a necessary part of any anti-bullying initiatives.

One area of ambiguity related to these preventive measures is the unclear funding structure. It must be made readily clear whether it will be the government or school boards themselves that will be left with the financial responsibilities in implementing these endeavours. It is our belief that only the highest standard of prevention strategy be used if our students are to be protected, and a clear and fair funding structure must be provided if we are to achieve these standards.

According to the provisions of anti-bullying policy that would be mandated under Bill 14, a periodic review of the bullying prevention strategy would be a requirement for school boards. With the ever-evolving nature of bullying tactics and the technological impacts outlined in Bill 14, we urge a more specific time frame for such policy reviews to guarantee that boards are as vigilant as possible in protecting students.

We know the work of this committee is difficult, and the passion and emotion caused by this legislation pose particular challenges to finding a singular legislative solution. Even so, we are confident that this can be done in a way that protects all students through a universal approach that emphasizes the uniqueness and dignity of all people.

As we enter the final phases of Bills 13 and 14, we are pleased to have been granted the opportunity to discuss this important legislation with you today and to have hopefully illuminated some areas for further consideration by the committee. We urge all political parties and stakeholders to work together and not lose sight of the ultimate goal for which we all strive, and that is to provide safe and nurturing environments for our students to learn and grow.

I thank you for your time, and I'm happy to answer any questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. You couldn't have hit the 15-minute mark any closer. Thank you very much for your—

Ms. Lisa MacLeod: I saw some hand gestures.

The Chair (Mr. Ernie Hardeman): I'm sure your presentation will be of great assistance to the committee as they deliberate further on dealing with the two bills. Thanks very much for the presentation.

Ms. Nancy Kirby: Thank you very much, Mr. Chair.

ONTARIO HUMAN RIGHTS COMMISSION

The Chair (Mr. Ernie Hardeman): The next delegation is the Ontario Human Rights Commission: Commissioner Barbara Hall. Thank you very much for being here this afternoon to help us with the hearings on these two pieces of legislation. As with the previous delegation, we'll have 15 minutes for your presentation. You can use any or all of that for your presentation. If there's time left at the end of the presentation, we will have questions. I believe we're going to be starting with the third party. As the last two have not left any time, we keep going back to the third party.

We thank you very much for being here. The floor is yours. If you would, again, for the record, state your name when you start your presentation for Hansard.

Ms. Barbara Hall: Yes, thank you very much for this opportunity. My name is Barbara Hall, and I'm the chief commissioner of the Ontario Human Rights Commission. I'm pleased today to be accompanied by Jeff Poirier and Jacquelin Pegg, two staff from the commission who have been very involved with this issue.

I'm very pleased to be here today, Mr. Chair, on behalf of the commission to indicate our general support for this proposed legislation. Let there be no doubt: Bullying is a critical human rights issue.

Ontario's Human Rights Code is, in a sense, Ontario's highest law. All schools—including public, Catholic and private—have a legal duty to provide students with an educational environment free from harassment and other forms of discrimination because of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, age, marital status, family status, disability and sex, including gender identity.

Bullying is a form of harassment within the meaning of the code. Courts and tribunals have recognized that lesbian, gay, bisexual, transgender, transsexual, two-spirited, intersex, queer and questioning youth are especially vulnerable to discrimination, harassment, violence and suicide.

Human rights laws require that all schools and boards take steps to prevent homophobic and other types of bullying and harassment, respond to incidents and provide support to students experiencing bullying. Failing to do this effectively may result in the school, the board and

even staff being held liable. The proposed legislation will help everyone meet these legal obligations.

The preambles of the bills name the problem, a first key step to systemic change. Recognizing the serious physical, mental and social impacts of bullying is important. So is naming groups that are targeted and marginalized by bullying.

The proposed definitions of bullying are generally consistent with the definition of harassment in the code—though keep in mind that under human rights law, intent is not a necessary factor. Whether or not a person intended to harass or bully, the focus is on the individual and social impact. If a situation doesn't meet the definition of bullying, the behaviour may still amount to harassment, and the rights and obligations of the code would apply. Also, harassment and bullying not only happens between two individuals; it may be perpetrated by and against groups as well.

1710

Human rights law expects organizations to take both proactive and reactive measures to prevent and address bullying. The proposed legislation would do both. Individual employees, volunteers and others can be held liable under human rights law and should report harassment, including bullying. Schools and boards also have a legal responsibility to respond and deal with harassment, including incidents of bullying that may occur outside of school premises during school-related activities such as field trips and other extracurricular, sporting or social activities.

Requiring schools to support student-led gay-straight alliances and other equity clubs is one very good prevention strategy. We also welcome other proposed measures to prevent bullying, including requirements for provincial, board and school-level anti-bullying policies and plans.

Bill 13 in particular incorporates many of the progressive policy changes put in place by the Ministry of Education around safe schools, school discipline and inclusive education. The requirement for school board policies on equity and inclusive education is especially important and would bring the code's prohibited grounds of discrimination within the terms of these provisions.

The provisions for supports to students targeted by bullying and those who engage in bullying are in keeping with the settlements the OHRC reached in 2005 in complaints we initiated against the Ministry of Education and the Toronto District School Board. This led to legislative and policy change recognizing the adverse effect that safe school policies can have on racialized students and students with disabilities. Changes included requiring mitigating factors relating to code grounds be taken into account when determining suspensions and expulsions.

We support provisions for educating all students, teachers, administrators and the public about human rights and obligations, how to get help, and what the consequences are for those who bully and for those who fail to react.

Finally, we support provisions that require data collection and reporting on incidents by code ground as well as people's views and experiences.

All too often, bullying is rooted in stereotyping and social prejudice. It's an affront to human dignity and a violation of the Human Rights Code when it takes place in our schools and targets people because of their sexual orientation, gender identity, race, disability and other protected grounds. That's why we welcome this legislation and your efforts to create safe and inclusive schools. Unanimous approval of the ultimate bill would send a strong message to the people of Ontario about how important bullying prevention is.

Thank you for the opportunity to speak today, and I welcome your questions.

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

Ms. Cheri DiNovo: Thank you, Barbara, for your presentation, and also thank you for your support for "gender identity" and "gender expression" as explicit words in the Ontario Human Rights Code and your letter to that effect. As you know, Toby's Act passed second reading. We're hoping to get it in place by Pride.

My question really hinges on that. There's not really explicit language in this bill around trans folk generally, gender identity or transphobia, that kind of language, and we've heard that we need to strengthen that. Would you see that as something that would be a positive step here?

Ms. Barbara Hall: I think explicit language in naming is very important. We know under the code, for example, that gender protection is there because we've read it into sex, but to have it explicit clearly sends the clearest message.

Ms. Cheri DiNovo: Thank you. The other question: We've heard from a number of folk testifying here that they're concerned that the establishment of gay-straight alliances will override religious rights in schools. I was wondering if you could address that.

Ms. Barbara Hall: Well, we see that as an issue of competing rights, and it may be that ultimately the courts will decide that one.

We believe that there is an obligation to protect all children, and part of protecting them is giving them a sense that there are organizations or bodies in which they are welcome and feel safe. We have taken the position that a particular name is not necessarily the issue, and we've seen young people, for example, suggest other names that send a good message to them, whether they're young people who are gay and straight and most concerned about that issue.

When we look at competing rights, we know there's no hierarchy of rights. No rights are absolute; every right is inherently limited by the rights of others. Minor or trivial interference with the right is not necessarily likely to receive protection. I think we've seen in cases like Marc Hall and the Durham Catholic District School Board that courts have looked at core rights versus periphery rights where legal principles apply.

We would think that whatever name is used for the protection of young people, it needs to be a name that sends a strong, explicit message to them. “Gay-straight alliance” seems like a good name to do that, but there may be other names that would be equally effective.

Ms. Cheri DiNovo: Thank you. What you’ve just said really bolsters it. Canadian Civil Liberties also came here to testify, and they said much the same, but ultimately that the decision to name the organization rests with the child or young person in terms of freedom of expression and assembly. Thank you very much.

The Chair (Mr. Ernie Hardeman): Thank you very much. That concludes all the time. We thank you very much for your presentation.

Ms. Barbara Hall: Thank you. We did bring copies. A small tree went down, but—

The Chair (Mr. Ernie Hardeman): Okay. Mr. Clerk, could you take the copies there? Then we can get them to the committee.

Ms. Barbara Hall: Thank you, Mr. Chairman.

The Chair (Mr. Ernie Hardeman): Thank you very much for coming in and sharing your presentation with us.

MR. DAVID BLAIR

The Chair (Mr. Ernie Hardeman): Our next delegation is David Blair. Thank you very much, Mr. Blair, for your presence. As with the previous delegation, you will have 15 minutes to make your presentation. You can use as much or as little of that time as you wish. At the end of it, if there is time left over, we will have questions.

Mr. David Blair: I heard you.

The Chair (Mr. Ernie Hardeman): Okay. If we get to the questions, they will start with the government caucus. Before you start, if you would give us your name in the microphone for Hansard, and with that, we look forward to your presentation.

Mr. David Blair: My name is David Blair. I do not represent an organization per se but probably about 50 families scattered across the province: friends and professional contacts, pastors and different people within that grouping.

1720

I want to thank you for this opportunity to be here today. I would say that I do not support any actions or behaviour that forces people—and I stress the word “force” there—to do things and deny them the right to self-determination, especially when it stomps on established legal rights to accomplish it. People who force their wishes by manipulation of parliamentarians and law do not have a legitimate cause; otherwise, that would not be necessary. If it was a cause of real merit, force would be unnecessary and people would flock to it and support it on their own.

That isn’t happening with the people of Ontario and Bill 13. Bill 13 means a lot of established rights and freedoms for parents as well as increased forced subjugation of their children to principles and beliefs that are

definitely not healthy and are contrary to most family beliefs. Although the bill lists several groups it will supposedly protect, those are primarily window-dressing around the main group pushing this bill, and that is those from the gay agenda.

I bear them no malice; I have friends on both sides of the fence. But this is a typical move right across North America and the world. This is not just happening here in Toronto. If we look at the statistics, it shows that the gay community is actually the least victimized of any subgroup of society. Yes, there are some sad incidents that occur from outside perpetrators, just as there are very sad incidents that occur within the general population—nowhere, though, near the extent that we have been led to believe.

The people who are the most violent with gays are themselves. Forensic stats confirm that gays have higher rates of domestic violence by about three times the heterosexual community. There is more brutal crime and murders from gays than from outsiders. Not only are they higher rates; they’re also more bizarre and brutal in nature. Domestic violence is really the greatest danger to the whole gay community, and that’s unfortunate because no violence is acceptable, regardless to whom it happens or how it happens.

The contention that the gay orientation is healthy is scientifically unsupportable and a purposeful delusion/deception as part of the gay agenda, which is to force children, primarily, and their parents to embrace this toxic delusion. That is more than reprehensible and is a common form of terrorism used worldwide. MPPs mistakenly supporting Bill 13 certainly will not be serving the majority of the population of Ontario.

Will you give me my mouse, please? I’m sorry; I’m having trouble moving through this. I had a printing problem today, which would not co-operate at all. All right; we’ll have a smoother go here.

We are being forced and bullied to accept bad legislation to appease one special group of people who make up only 3% of the population. At the same time, we are very willing to ignore, to violate, to offend and injure the other 97% of the population. This, I cannot support in any way, shape or form. I must say that I am in total agreement with Mr. Banerjee of the Hindi community, who presented a few days ago, when he expressed that his community feared there would be increased animosity and hatred in the general public for gays if this legislation is forced upon the public. That is a natural response to force. It violates rights and endangers people. I suppose that same response may spill over to politicians too for the people who don’t want this bill to happen, if it should happen. Hopefully, we all avoid violence.

History clearly indicates that whenever anyone forces anything upon others, it doesn’t take too long before they refuse to comply. They will, as is happening in Middle East countries right now, move into a rebellious form of response to force. We have enough problems without seeding rebellion into our educational system. I would

ask you to carefully consider not supporting Bill 13 for that reason and others.

People are probably going to ask me questions about the two bills. Let me just answer them in this manner. I read both bills about six weeks ago—in fact, I wasn't even brought into this foray till about eight weeks ago—and I started doing research. I did notice that some of the conditions in Bill 13 almost require children and their parents—when you're defining instances of what is bullying and what is not bullying, you expect them to be able to discern the outcome of what happens in that relationship.

There are many professional psychologists who could not determine the outcome of what would happen should somebody say something. Think of your spouse. How many times have you thought you said something nice and not gotten an appropriate reaction?

We're asking people to be a bit too clinical when they don't have the skills. There are such things as accidents, and we need to give what is called "some margin for accidents." Not everybody is as knowledgeable as the wording of this bill would like to have them be, particularly young people. They don't have the experience of life, they don't have the experience of teaching, and that's why they get into trouble.

I'm really concerned when I see that teachers are supposed to do all this work because I want to know when they get to spend the time to prepare for this and when they get to spend the time to deliver it. I was a teacher for 24 years and my days were jam-packed; I did extra things. But how in the world are we going to maintain our level of education and still train teachers to work in these programs and deliver the kinds of messages that you want? If a teacher has tutored a child and the child messes up, are you going to come back and throw that teacher into court? I hope not.

Anyhow, once I'd read all the information that I chose to read, I found that Bill 14—there's so much of it out there—Bill 14 is a far superior bill. It's a one-issue bill. If you're addressing bullying, that's the bill. The other has a divided option, and since I know a bit more history of the development and impact of the gay community across North America in the last 25 years, I would say Bill 13 is a Trojan horse. It offers to look at bullying, but at the same time, it puts the gay community in a position where there can be damage done. I'll not belabour that any further.

One of the concerns of people I have talked to is that there will be—as the program for sexual orientation, whatever that portion is—a planned program of recruitment and initiation. What that means is gays coming alongside non-gays and encouraging them to try the gay lifestyle or the behaviour of the gay lifestyle, and sometimes, if they cannot control their impulse control, even going to the point of initiating a person against their will. This has happened across North America. It's not a common thing, but it does happen.

1730

What does initiation mean? It means that somebody—well, let me go back to a Republican congressman in 1980 who was viciously outed as being a married gay. Naturally, he lost his career, he lost his family and he lost everything he had worked for. When he told his story, he talked about the fact that at five years of age he had been raped by a 12-year-old boy. Another parallel case indicated a 19-year-old boy who had raped a 10-year-old boy and initiated him into the homosexual behaviour, if not totally into homosexuality.

Separation from the children and parents, as mentioned, is a serious problem. In one place, the bill talks about being all-inclusive, and yet in another place it talks about separating the children from the parents and not allowing the parents to have influence. I don't know how you can do both.

Children, especially in the primary grades—and I teach kindergarten, and when those kids come in in the morning, they're gung-ho. They're wired for anything that's going on. They have cherub faces, they're eager to please, and they stand there like sponges waiting to take in whatever the authority figure has to say. I'm really, really concerned about their ability to process and handle sexual orientation material. In fact, I would say that would be impossible.

As I have lived in the United States for five years, I also know what's been going on there too, and it's not uncommon. In one case, an eight-year-old boy came home, totally traumatized, shaking and crying, and the mother could not console this child. Why? Because he had sat through what has been in the press here in Canada, a lesson on condoms and the use of condoms, and the concept that was presented to him where he was supposed to use them or have them used upon him totally terrified him. That happens.

Gay victimization claims and calls for protection—and they've really proven to be bogus in the standings. Hunter Madsen—

The Chair (Mr. Ernie Hardeman): One minute left.

Mr. David Blair: One minute? All right. I'll leave that point, because the others are more important.

If you are going to do a program, the American college of pediatrics suggests that it not be done in school. We have people who, when driving, lose points. They go to school; they don't go to the Ministry of Transport and have a full program on them. We need to have something like a small—like a pregnancy centre in the town that I am nearby. It's in a mall within walking distance of the high school. Why punish those who haven't bullied? Don't run the whole herd through the lice machine, but those who offend should be withdrawn and put through a program off-campus.

One thing that you need to include too is the ex-gay information. I see no information that that community has ever been contacted or used. They have valuable input and would be more likely to come alongside people who are questioning their identity and give them a positive response because there's a way out.

The Chair (Mr. Ernie Hardeman): Thank you very much. That does conclude your presentation. We thank you very much for the presentation.

CATCH THE FIRE—AIRPORT CAMPUS

The Chair (Mr. Ernie Hardeman): Our next delegation is Catch the Fire—Airport campus. I'll give Mr. Blair just a moment to leave the microphone, then we'll turn it over to the next delegation.

Thank you very much for being here. As with the previous delegations, you have 15 minutes to make your presentation. You can use any or all of that time. If there is time left at the end of your presentation, we will have questions. We will start with the government side for questions if that opportunity arises. Before you start your presentation, we'd appreciate if you would give your name so the Hansard will record that. With that, the floor is yours for the next 15 minutes.

Mr. John Bootsma: Thank you, Mr. Chairman. My name is John Bootsma. This is my daughter Aquila. She's one of six children that I have. I also have a grandson. So I come to you not only as a representative of a church in the city—Catch the Fire has probably over 1,000 people represented at the Airport campus, which is my campus; but over the city, probably over 2,000. I feel like I represent them as well as my six children. This is my third child, Aquila.

Ms. Aquila Bootsma: I feel like I would represent high school students, as I'm 16 myself and currently in high school. I'm being home-schooled right now, but I have been through the system.

Mr. John Bootsma: First of all, I want to acknowledge the fact that, like myself, you represent a large number of people, except you represent way more than I do, so your role is very, very important. You have a lot of accountability to those people, and I want to honour you and respect you for that and thank you for your time in this.

When I was made aware of the situation between Bill 13, Bill 14, everything pertaining to the acts, I was quite alarmed as I began to recognize some of the potential ramifications of it. It's my intention to try to address that today, largely with an indication that my support really very highly stands behind Bill 14. There are numerous reasons behind that, and I want to address some of the concerns.

In light of studies that have been completed and records taken in previous years, one would expect that bullying has risen to disproportionate measures. I agree wholeheartedly that bullying is something that needs to end. I've been a victim of it. I've seen it happen on numerous occasions. My daughter has been one who has been a victim of it, in part. It needs to be addressed. But I also want to recognize that it appears that when you look at the stats, it actually has slightly gone down in the last five to seven years, which means that the efforts that have been taken have actually been very, very fruitful, and that's excellent news.

Recently, in a National Post article of March 15, 2012, stating that Ontario Catholic schools are divided, it says that the number one cause of bullying, according to the Toronto District School Board report of 2006, is physical appearance: wearing glasses, weight, freckles etc., 27% to 38%; the second was marks or grades, 12% to 17%; approximately 11% for race; fourth was language, 7%; and thereafter was gender, religion, income, whatnot, which was less.

When I begin to look at Bill 13, I recognize that a major emphasis in this bill seems to be that which pertains to the gay community.

I want to make it clear that, yes, I am a follower of Christ, I am a Christian—I am unashamed of that stance—but I am not a hater of gay people. It seems like we've taken on that label, and I can understand, in part, why perhaps that has been done, because I think we've probably misrepresented our very guidelines. As a Christian, it means we're a follower of Christ. You look back at Christ 2,000 years ago, and I recognize that he was actually known as one who would hang out with the outcasts of society. Back then, they called it hanging out with the prostitutes, the "sinners." So when you look at outcasts of society in today's modern culture, I think the church has very much been labelled as being haters of these people, which I feel is very unfortunate. I come in one sense to apologize for that, because I know from my stance, I would like to say that regardless of where you're from—the only reason that I become a follower of Christ is not because of what I have, but because I'm aware of my need.

I think that what would be really helpful is to dialogue over a lot of these issues, which I would see this in part as being, and I am a voice that is representing this—at least, I represent Catch the Fire. I think a majority of people who would declare that they follow Christ—our heart is not to hate any sector or position of society. We really want to come alongside and try to make society and culture the best that it possibly can be in a conjunctive way, that we work together on these things.

I want to recognize what the stats say. Bill 13 seems to give indication that sexual orientation is the major issue, where Bill 14 is much more exclusive in the sense that it is very wide and painted with a broad paintbrush in that regard, which is why it is a superior paintbrush. These stats, by the way, that I mention are very much confirmed by similar numbers in the United States. So as you begin to inspect Bill 13, it does not protect the children most bullied in schools for their body image or physical appearance.

1740

I'd like to make a note that there's a lot of anti-bullying legislation that has come into practice in years past—for example, even back to 1993, policy program memorandum 119, and it was updated in 2009, dealing in 1993 with racism, but also more with an equity and inclusiveness strategy in 2009; Bill 212 in respect of behaviour, discipline and safety—students can be suspended for bullying—in 2007; Bill 157, the Keeping Our

Kids Safe at School Act, February 2009-10. Bill 14, which is also in committee, is an excellent bill, very well-worded, and deals with protecting all students from bullying, not just specific groups like Bill 13 lays out. So it seems to me as though there comes across this emphasis or this sense that sexual orientation is “the” major area of bullying, which, when you look at the stats, just absolutely is not so.

I will stand to say that if people were to bully somebody else for sexual orientation, it’s wrong and it needs to be addressed, it needs to be dealt with and it needs to be stopped. But at what cost? Not at the cost of eliminating religious freedoms and parental rights, which is actually written between the lines in Bill 13. That’s really why I’m coming forward to be a voice at this particular time. I feel like the media is doing us an injustice in bringing this forward the way it does.

I also feel that laws, I think, really are only effective to a certain degree because—it’s good to put the laws forward so that there’s a sense of principles and values that we want to see released, but do they really work to change the attitudes and to promote goodwill? I feel we have to reach the heart, and that’s where dialogue will make a difference.

I would like to promote a culture of honour. We’ve had a large movement towards tolerance; we want to tolerate different differences. I want to honour people with different differences. I really appreciate people who are different than me because then I can learn from them and I can be able to have that communication. I may not agree with them; they may not agree with me—and they probably won’t on certain things—but I can still like them and enjoy their company in the midst of it. But we cannot bring forth honour, respect and appreciating each other’s differences through laws. I feel like Bill 13, even though there’s goodwill in trying to present it, has the ability to and probably will bring great cost to society and to our culture. It will start here in Toronto; the whole intention is that it will spread across Canada. It will affect the private school system, Christian schools, different faith schools, wherever you are where that takes place. Possibly, it will affect the home school system. I’m very, very alarmed at the potential of what that can state.

As an example—and I’m not a Catholic. I love the Catholics; I appreciate who they are; but I am not a Catholic. They came up on January 25, 2012, with a Respecting Difference document that was subtitled A Resource for Catholic Schools in the Province of Ontario: Regarding the Establishment and Running of Activities or Organizations Promoting Equity and Respect for All Students. Why is the government ignoring the fact that the Catholic system actually works to reduce bullying? They are going at it from a heart perspective, not a legal perspective, to hit it by virtue of the law.

I feel, when you really take a look between the lines, that the intent of Bill 13 is actually not primarily to stop bullying; I feel like there’s actually a hidden agenda to remove some parental rights and religious freedoms that is not present in Bill 14 and is not present in some of the

previous bills that were listed, such as Bill 157. We are doing a good job. I feel like it is politically correct and the media is jumping on the bullying bandwagon—and I agree; don’t hear me wrong. Bullying needs to end. But we need to do it in a way that actually has a long-term perspective and deals with the issues that are truly the issues, that statistics actually will back up.

Statistics do not back up that the LGBTQ, whatever it is—I mean, I’ll be honest: I’m a relatively educated man. I didn’t even know what some of those things were. You’d think that, meeting thousands of people, I would have met people who actually were intersexed and all these various things that you’d have to educate me on, you know what I’m saying? And bless them for where they’re coming from. We all are in this journey of life together. We will go farther together if we can appreciate each other’s differences and have an opportunity to dialogue where they don’t think we hate each other, because that’s not the stance that we take. But I feel like there is an agenda to remove parental rights and religious freedoms.

Bill 13 wants to embed into Ontario’s school curriculum the notion that there are six genders and that a child’s gender may not necessarily be connected to their physical anatomy. I disagree. Mr. McGuinty is poised, I believe, to strip away the rights of parents and to direct the moral and religious education of our children. He’s not a religious specialist, but I think that there’s this tension between the bills—and it is leading in that direction, and that sends alarm bells into my own heart and life, and the society in which I live. I believe it will undermine western society at its core and reduce our population growth. It will bring a lot of confusion. It will take a lot of tax money. It will actually begin to take away the emphasis that we need for the three Rs—reading, writing and arithmetic—and the technology advancements and so many different things that we need to focus on in our education systems. Suddenly, we’re bringing in a curriculum that may have its really good points, but it’s like the good can be the enemy of the best, and we want to see Canada maintained as an exemplary nation that actually releases excellent students who are the best, the top in the world, in this global economy. We have economic needs, and I don’t want to see taxpayers’ money—my money—put towards a curriculum such as this, because I believe it will really do damage in the long run. Bill 14 is superb; Bill 13, major flaws right through the very midst of it.

Parental rights: Why is the plan that parents are not able to be told of this material to be taught? Why can’t parents be told about it? They have the rights in all things, but not this? It’s surreptitious, it’s stealthy, it’s covert, it’s trying to sneak it in. Frankly, I would consider that to be a form of bullying. Bullying is not necessarily just overt by what you do; bullying takes place by what you don’t do.

My daughter, for example, was in a situation in a school system—which is perhaps one of the reasons why we pulled her out of school. She has a very good friend; they pulled her out of school because of the type of

bullying that was actually underhanded. It was ostracization. It was whispering behind her back, making her feel as though she was different, that she really didn't fit, she didn't qualify; a lot of it was actually religious beliefs, in her particular situation. She was wanting to learn academically. I don't know if you want to touch base on that, briefly, or later, if you want, if there's a question, but let me know if you do. But it's situations where we want to see the parental rights—

The Chair (Mr. Ernie Hardeman): One minute left.

Mr. John Bootsma: One minute left. Okay, well, there we go.

We need to think globally. We need to move forward with this.

Let me say this: A 2009 Statistics Canada report on hate crimes—which I would say would be bullying at an extreme—states that 54% of hate crimes among those 12 to 18 years of age were racially motivated, 29% were religiously motivated and 13% were sexual-orientation motivated.

My suggestion, in closing, is, get rid of Bill 13. Sexual orientation—there's so many areas where they begin to talk to. But like the gentleman from the Hindu or Punjabi faith who was here the other day—there are so many groups. You are going to end up ostracizing some of them, and it's going to have the appearance that the McGuinty government is bullying those by virtue of not including them. Bill 14 is fully inclusive of all, by virtue of not mentioning them. It's like saying thank you to a few people and missing some. You can't do it.

Bless the LGBTQ culture. I'm happy to dialogue, but we have got to have something that will actually work, not waste taxpayers' money, and that will be effective for teachers, will be effective for parents, will be effective for students, so that we can continue to graduate the top-notch people across our university and college systems.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. Again, you used it right up to the 15 minutes. We have no more time for questions, but we thank you very much for coming in and making the presentation.

Mr. John Bootsma: Thank you.

EGALE CANADA

The Chair (Mr. Ernie Hardeman): Our next presentation is Egale Canada: Helen Kennedy, executive director, and Rev. Brent Hawkes, Metropolitan Community Church of Toronto.

Ms. Helen Kennedy: Hi. I know the drill. My name is—

The Chair (Mr. Ernie Hardeman): Thank you very much. We'll start off by welcoming you to the committee, and to say that, as with the previous ones, you have 15 minutes to make your presentation. You can use any or all of that or any part of it. If there's time left at the end of the presentation, we will start the questioning with the third party.

Interjection.

The Chair (Mr. Ernie Hardeman): Did you already have the last one?

Ms. Cheri DiNovo: Yes, we did, Chair.

The Chair (Mr. Ernie Hardeman): Okay, it will be the government. I thought I had it written here that we hadn't had a question for some time.

Thank you very much for being here. If you could, as you start your presentation, make sure that you give Hansard your name for the record. Thank you very much, and the floor is yours for 15 minutes.

Ms. Helen Kennedy: My name is Helen Kennedy. I'm the executive director of Egale Canada, Canada's LGBT human rights organization. We've been around since 1986. We have a stellar record in front of the courts at the federal level, the Supreme Court, divisional courts and multiple human rights tribunals.

Let me be very frank. Our LGBTQ youth are four times more likely to commit suicide than their straight counterparts. Our LGBTQ youth are nine times more likely to commit suicide when rejected by their families. Our LGBTQ youth are overrepresented as homeless youth on the streets of our city, in Toronto, and beyond. The economic impact of a suicide of any of our youth is huge in terms of the social impact and the economic impact directly. It is billions and billions of dollars.

Egale sees some issues with Bill 13 and its ambiguous language.

Interjection.

The Chair (Mr. Ernie Hardeman): Oh, I hadn't noticed. Thank you very much.

Ms. Helen Kennedy: Do I get to start over?

The Chair (Mr. Ernie Hardeman): We do have to quit. Some of us have a little trouble getting upstairs, and it takes a little time. We can go maybe a few more minutes, but then we need to quit so we have time to get upstairs.

Interjection.

The Chair (Mr. Ernie Hardeman): Yes, I think that might be—

Ms. Helen Kennedy: I can wait till after the vote.

The Chair (Mr. Ernie Hardeman): If we just put everything in abeyance until the vote is complete.

Ms. Helen Kennedy: Okay. I'm going to fly through this.

Interjections.

The Chair (Mr. Ernie Hardeman): Yes, just suspend the meeting until the vote is complete. Sorry for the holdup. You will get your full time when we return.

The committee recessed from 1752 to 1807.

The Chair (Mr. Ernie Hardeman): Thank you very much for your indulgence, but we must do what we must do. As we have started out earlier, we will now start the clock again and let you go on with your presentation.

Ms. Helen Kennedy: We had a little chat while you were away. Now we've switched things up a little bit just to confuse you. So Rev. Hawkes is going to go first.

Rev. Brent Hawkes: Good afternoon. I'm Rev. Dr. Brent Hawkes. I'm the senior pastor at the Metropolitan Community Church of Toronto. I'm here to speak in sup-

port of the Accepting Schools Act, Bill 13, the proposed anti-bullying legislation. I know that over the course of the past few days, you've heard a lot of advice from many parties and many points of view about the proposed bill, and I appreciate the opportunity to share my views as well.

Firstly, I want to assure you that notwithstanding what you have heard, I believe the vast majority of people of faith support strong anti-bullying laws. Most people regard this as a matter of justice and basic human rights and that their faith calls them to uphold this. I strongly believe you will have overwhelming support from people of faith as you proceed to approve anti-bullying legislation. The radical religious right represents between 5% and 7% of the Canadian population. The vast majority of Christians want our kids to be safe.

Second, every single time human rights laws have been proposed in Canada that would afford LGBT people the same rights as other groups, the radical religious right has organized en masse to oppose them, saying the laws infringe on their rights or are anti-religion or anti-Christian. We saw this with non-discrimination laws, we saw it with marriage equality, and I think we saw it again here today. They have consistently suggested that simply treating LGBT people as equal citizens will lead to the downfall of civilization as we know it. And every single time when such laws have been passed, they have been wrong.

At one point, they said that recognizing LGBT relationships would decimate the birth rate. I heard that again today. My understanding is that heterosexuals are still very proficient at having babies. At one time, they said that giving gay people the right to marry would destroy the institution of marriage. It's my understanding now that having a married gay couple in the neighbourhood has not ruined straight marriages down the street. The sky-is-falling approach of the radical religious right has consistently proven false, and it will also in this legislation.

It appears that some of the people testifying in opposition to Bill 13 seem to consider themselves as the real victims, in that they believe that efforts to protect gays from assault, discrimination and bullying somehow impinge on their religious freedom to express and act on their belief that homosexuality is wrong. That may be stating it harshly, but I'm convinced that this is the underlying belief. They have always wanted the law to send a moral message and to legislate their brand of morality. My understanding is that we do not have a state religion in Canada, and many of us, including most people of faith, never want a state religion. The moral message that should be sent is a clear statement that bullying is wrong.

I am saddened, but not surprised that the radical religious right couldn't even agree that bullying is wrong. Their belief relies on a warped understanding of religious liberty. Freedom of religious expression doesn't give someone the right to verbally or emotionally torment a young lesbian or to assault a young gay man psych-

ologically, any more than religious liberty would shield someone from a physical assault. We know the consequences of that kind of destructive rhetoric when we apply it to young people who are already vulnerable.

They can hold anti-gay rallies. They can preach sermons and say that gays are destroying the world. Those kinds of expressions, as distasteful as they are, are protected. But bullying is not protected by the charter. Such behaviour can never be tolerated in a society that supposedly cherishes diversity and that wants our schools to be safe places.

At the end of the day, this is what I hope you'll remember: that we, as Canadians, do cherish diversity, and we cherish a culture where all—especially our young people—may live their lives in peace and safety. Thank you.

Ms. Helen Kennedy: Helen Kennedy, Egale Canada, Canada's LGBT human rights organization.

While Egale agrees with the intent and spirit behind much of the text within Bill 13, we feel that the bill contains multiple instances of ambiguous and incorrect language which may diminish its impact and lead to extensive difficulties in its implementation.

Egale finds Bill 14 seriously weakened by its generic treatment of bullying conditions and its failure to address some of the key social causes, conditions and implications of bullying, for example, homophobia, transphobia and biphobia. Professor Elizabeth Saewyc from UBC, through her work in BC examining generic bullying policies, revealed that in a population of grade 8 to grade 12 students over the last 10 years that generic policies, yes, do indeed reduce the impact of suicide amongst the heterosexual student body, but this is not the case for LGBTQ students. LGBTQ students continue to be at risk, at a higher risk than their straight counterparts for suicide.

For a detailed response to Bill 14 specifically addressing the dangers of adopting certain sections of Bill 14, I'd like to refer you to the presentation yesterday submitted by the Ontario GSA Coalition, of which Egale is a member.

Issues of concern within Bill 13 specifically:

Inclusion and reference to trans communities: While it's clear from the preamble to Bill 13 that the amendments therein are intended to directly address bullying and exclusion of trans individuals in schools, references to gender identity and gender expression are not used consistently throughout the bill.

This issue is exacerbated by the inconsistent usage of the terms "sex" and "gender." Egale recommends the inclusion of the terms "gender identity" and "gender expression" within a number of the sections of the bill.

In the preamble, for example: In subsection 1(1) and clause 1(1)(b) of the Education Act, we need to add "gender identity" and "gender expression" to a number of these clauses.

In subsection 3(1), also "gender identity" and "gender expression" can be included after "sexual orientation, age, marital status, family status or disability."

Also, I'd like to make note of the French text and encourage the use of "gender identity" and "gender expression" in the French text as opposed to "identités sexuelles," which is used in amendment 9 to clause 303.1(d).

When referring to members of the trans community, it's important to utilize the correct and inclusive language. The preamble to Bill 13 includes outdated and incorrect language. Egale recommends removing the terms "transgendered" and "intersexed" and replacing these with "transgender" and "intersex," and I've got copies of this for the clerk so you don't have to worry about it.

There are extensive definitions and information on correct language that are available from an organization called Trans Pride Canada, and I would encourage you to review that before finalizing this bill.

Addressing transphobia and biphobia: Trans individuals are often the subject of harassment, assault and discrimination specifically focused on their real or perceived identity as a trans person. The motivation for this behaviour is referred to as transphobia, and that should be included as part of the bill.

The phrase "gender-based violence" is ambiguous. It's not commonly understood to include violence perpetrated against trans people on the basis of their gender identity or gender expression. As such, Egale recommends the explicit inclusion of the term "transphobia" in addition to "gender-based violence" and "homophobia."

Bisexual individuals can also face harassment, assault and discrimination due to various stereotypes and generalizations often specifically targeting their identities. The term used is "biphobia." We'd like to see "biphobia" added. While references to homophobia can encompass some elements of discrimination against bisexuals and their communities, we recommend the explicit inclusion of the term "biphobia."

Egale recommends the inclusion of the terms "transphobia" and "biphobia" within the following sections: again, within the preamble; in amendments to subsection 300.0.1(2); and in subsection 7(3), amendment to subclause 301(6)(a)(i).

Cyberbullying: Cyberbullying in Bill 14 includes further information and more explicit language regarding cyberbullying which we recommend be included in Bill 13. We have statistics—and we're probably the only organization in the country that has statistics—of violence against the LGBT population, both within the school environment and also cyberbullying. We're happy to share those with you.

The Senate Standing Committee on Human Rights is currently conducting similar public hearings reviewing cyberbullying and the extent of the problem of cyberbullying today in society. I recommend that we may want to review that prior to the implementation of this legislation.

Supporting educators: While Bill 13 does, in several instances, refer to support networks and tools for educators to use to address inequality and exclusion, there is

limited detail regarding their exact nature. There are several areas in Bill 13 where this lack of detail is problematic and can be improved so as to empower all members of school communities, especially LGBTQ and allied individuals, to feel included and equal within Ontario's education system.

References to school climate surveys within the bill: The amendments to section 169.1 of the Education Act do not clarify the meaning of "school climate," nor do they require school climate surveys to explicitly include the prohibited grounds for discrimination mentioned within the bill, including gender identity, gender expression and sexual orientation. The lack of clarity leaves boards without the guidance required to develop effective survey tools that would allow them to engage their school community and fulfill their duties as specified in both the Education Act and the amendments proposed by Bill 13.

Reference to specific training for educators: Bill 13 lacks reference to training and development for educators. Egale recommends explicitly including:

(1) Mandatory equity, inclusivity and safer schools training with explicit LGBTQ content for all pre-service educators, as delivered through faculties of education. If we want the teachers to do this work, we have to give them the training and the tools that they need to do it correctly.

(2) Mandatory additional qualifications—AQ—courses on equity, inclusivity and safer schools training with explicit LGBTQ content for educators already in service.

(3) Mandatory focus of one of three yearly professional development days on equity, inclusivity and safer schools with explicit LGBTQ content. This PD would provide educators with support for the proposed anti-bullying week.

1820

Egale recently trained every principal, vice-principal, guidance counsellor and school administrator in the province of Newfoundland and Labrador. This is the first of its kind in the country, and we're going back in the fall to educate every single teacher—there are 5,000. Why can't Ontario do the same?

Bill 13 does not include mechanisms by which boards, individual schools and educators can be held accountable if they fail to comply with legislated duties regarding equity, inclusivity and safer schools. Some key areas include: boards' accountability to the ministry, boards' accountability to their educators and students, and boards' accountability to their individual school communities.

I just want to wrap up on the whole issue of gay-straight alliances. While Egale applauds specific reference to the name "gay-straight alliance" within this amendment, we acknowledge that not all groups will be called a GSA; some prefer QSA, queer-straight alliance. We acknowledge this. However, given the controversy regarding the name of safer space clubs in general, we recommend the amendment to section 303.1(d) of the Education Act read as follows:

“Activities or organizations that promote the awareness and understanding of, and respect for, people of all sexual orientations and gender identities, including organizations with the name gay-straight alliance, or another name chosen by the pupils involved in the organization.”

The Chair (Mr. Ernie Hardeman): That does conclude the 15 minutes, so thank you very much for your presentation. We again apologize for the interruption—

Ms. Helen Kennedy: No worries.

The Chair (Mr. Ernie Hardeman): —but these things happen at Queen’s Park. Thank you very much.

FAMILY COALITION PARTY, NORTHERN ONTARIO

The Chair (Mr. Ernie Hardeman): Our next presenter is the Family Coalition Party of northern Ontario. Thank you very much for your attendance here today. You will have 15 minutes to make your presentation, and you can use all or any part of that. If, at the end of the presentation, there’s time left, we will have questions, and it will be the Liberal Party, the government party, asking the questions. With that, we do ask you to state your name for the record into the microphone before you start your presentation. The floor is yours for the next 15 minutes.

Ms. Jane Djivre: Thank you. My name is Jane Djivre. Does everyone have the handout that I provided? It’s going around. Super.

Good evening. I would like to start by expressing my thanks to the standing committee for the opportunity for public input regarding bullying and the province’s desire to address it. My name is Jane Djivre, and I am the president of the Sudbury Constituency Association of the Family Coalition Party, the FCP.

The FCP, in consortium with partners across the province, has had the opportunity to connect with tens of thousands of citizens concerned about the bullying issue, is actively engaging with representatives from communities across northern Ontario, and is even supporting a Bill 13 information tour across the north.

The results were illuminating. All citizens agree with the premise of an anti-bullying bill. Kids need to be protected. But what surprises those we speak with is the means by which the bill proposes to go about this and the granularity of focus to target specific bullied groups.

I have reviewed both Bills 13 and 14, and each carries elements of great merit and areas for improvement. The committee is to be applauded for considering how to bring the best of each bill forward to create a better bill.

The elements bringing considerable benefit include:

- the desire of both bills to assign a week each year that highlights the issue of bullying;

- the desire to help both the bullied student and the bully;

- the requirement of communicating incidents with caregivers and school officials;

- the addition of cyberbullying, through Bill 14;

- allowing children to report bullying in a non-threatening and non-identifying manner;

- collecting statistics every two years in Bill 13, which is likely easier on schools than every year, from Bill 14; and

- involving a wider community of stakeholders to establish a bullying prevention and response plan, as is seen in Bill 14.

However, there are several concerns relating to the bills. You have likely heard many by now. The general concern from traditionally principled families is that the wording of the bill will override traditional or faith-based values in favour of following school policy. This is an affront to the efforts of parents trying to raise their children in a manner that accepts and respects our neighbours despite our differences, and is far different than the proposed Bill 13 approach, which will lead to a narrowly and controversially defined school culture, leaving those in disagreement subject to retraining or expulsion.

Instead of legislating a point of view, why aren’t we teaching children critical thinking skills, empathy, respect and love?

I would like to briefly address specific sections of the bills.

First, unnecessary and onerous reporting to the principal: In Bill 14, the section relating to school staff duties requires every bullying incident to be reported to the principal for investigation, and caregivers to be informed. This represents an onerous administrative and attention burden to the principal, and the sheer frequency of such infractions will no doubt unnecessarily overwhelm both the principal and the parent.

Suggestion 1 is to establish response and consequence based on severity and frequency—of course, arresting all bullying; however, providing students with an opportunity to receive warnings and self-adjust. This will be likely most cases, because studies show that only a fraction of students are bullied repeatedly. Therefore, let’s direct the principal-led investigation to those meriting such attention. The goal is to create a learning environment in which children are lovingly taught respect and care for one another, and not to simply create a climate of fear of repercussions.

Second, overemphasis on students identifying as part of the LGBTTIQ community—lesbian, gay, bisexual, transgendered, transsexual, two-spirited, intersexed, queer and questioning: Bill 13’s preamble states that all students need to develop “a critical consciousness ... to take action on making their schools and communities more equitable and inclusive for all people, including” the LGBTTIQ community. Such language, coupled with Premier McGuinty’s alliance with the It Gets Better campaign, makes it really clear that the province’s anti-bullying efforts are about responding to the LGBT community, so we don’t need to pretend this isn’t the objective of the bill. Yet where are the consultations that indicate that this is the dominant bullying issue amongst children? It is known that some students who self-

identify as LGBT experience some form of bullying. However, a recent study within the Toronto District School Board showed that of all students bullied, as low as 5% of them are related to gender issues, which we can assume to include LGBT. So 95% of kids are bullied due to other issues. Why the resources, policies and everything else to meet the needs of the 5%, when their needs can be met when we meet the needs of the 95%?

Therefore, suggestion 2 is to remove the language of Bill 13's preamble with terms of inclusiveness specifically related to the LGBT community, and replace it with language that represents equity and inclusiveness for all students.

Concern 3 is about the potential impact on curriculum, and you have undoubtedly heard much about this already. Although the bill does not say "change the curriculum," the act does state that it will require boards to develop and implement an equity and inclusiveness policy. We need only to look at the Toronto District School Board to see the impact of its equity and inclusive education policy. The policy's objective is to affirm experiences related to sexual orientation. The policy is implemented through the curriculum guide *Challenging Homophobia and Heterosexism*, and through the learning environment, which is the curriculum. The same TDSB document says the curriculum is actually not just materials, but also includes extracurricular and in-class activities. It's an all-encompassing description of the school culture.

Therefore, suggestion 3 is to retain the language of Bill 14, requiring schools to develop a bullying prevention plan, and removing the Bill 13 reference to equity and inclusiveness if the interpretation of such language is specific to the LGBT community. Again, this will meet the needs of all students.

The fourth concern is a loss of rights. Through the implementation of such policies, parents, students and teachers will lose their right to freedom of conscience and freedom of religion. If a guide similar to the TDSB's is put into law, there's no reason why this wouldn't be the case—which mandates that a teacher cannot be excused for matters of conscience; they are not to inform parents, because this potentially fosters "a poisoned environment"; and parents cannot request to remove their children due to religious accommodation—all in the name of human rights.

1830

Suggestion 4 is, therefore, to include a religious accommodation or conscience clause to protect the rights of teachers, students and parents, even in public schools.

The fifth concern is mandating the support of student-led gay-straight alliance clubs and approval of such required resources. This is a particular concern in faith-based schools, yet children do need safe places and people with whom they can confide and understand the meaning of their emotions, feelings and life experiences. Although parents should be part of the equation, schools can be as well; however, not in the context of creating isolated segments of the student body and not in a manner that contravenes the school's own mandates and

reasons why parents trusted to put the children there in the first place.

If this bill taught respect and love for all, wouldn't that be better than telling Catholic schools they have to establish gay-straight alliances if a student wants, even though it's against their core doctrines? I'm not personally Catholic, but even in general terms, with the way the bill is laid out and the potential implications, it's unfair to parents with differing faith-based beliefs.

Therefore, suggestion 5 is to provide resources to the students in safe spaces in a manner that respects student needs, parental values and school mandates.

The final issue is the risk of biased interpretation, similar to what you heard in the preceding presentation by Egale: the biased presentation of seemingly ambiguous language in some of the sections of Bill 13—of course for different reasons. An example is if the pupil ought to know their behaviour would likely cause harm. That is extremely ambiguous and tries to understand what a child would or would not ought to know and should know. This kind of ambiguity is actually not appropriate in itself for the students and for those that are trying to reinforce these policies. Other ambiguities include activities deemed as "motivated by bias."

All of these are potentially problematic, and so it is suggested that the committee consider shifting to more inclusive language that reflects respect and tolerance of those holding diverse views.

In conclusion, concerns regarding this bill must be decoupled from diverse perspectives regarding sexual identity. In fact, communities we speak to are sympathetic towards any child facing unfair discrimination, bullying or any kind of abuse, including children and youth that are part of the LGBT community. So the issue of concern is really that parents are awakening to the potential impact of this bill, finding themselves facing an unwanted shift that will impose controversial values and mandate change in public schools and even in Catholic schools.

It's clear that Bill 13 is about more than bullying; it's about changing cultural and societal perceptions and openly doing so through the education system. Our position, and that of those we represent, is that it's not appropriate to use legislation intended to protect children as a way to change societal norms.

Bill 13 is not inclusive and marginalizes others. Children who are, for example, bullied for being short, fat, freckled, wearing glasses and lisping: Where are they in the bill?

Traditionally principled families are hard-working, loving people. They're people who vote, who give, who share. They're not afraid to associate with those who hold different beliefs and value systems, yet they're not afraid to hold their own and deserve to retain their rights. As you know, the Charter of Rights and Freedoms says that everyone has a right to believe and think and express the freedom of conscience and religion.

So how is it, then, that we're considering a bill that denies freedom of religion, denies freedom of thought,

denies freedom of belief? Further, how is it we're proposing to do it in a manner that denies parents the right to have a say, in the name of human rights? Truly, parents are the ones being bullied in a system set up to favour those who are influencing the pen.

Ontarians want a bill that is supportive of any child who is marginalized and bullied, and I believe the government of Ontario and this committee can put together legislation that will not, in the process, marginalize other students and bully the parents it seeks to serve. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. It was very much appreciated. The time has been used up, so we won't turn it over for questions. It will save you that job of having to answer them.

TORONTO CATHOLIC DISTRICT
SCHOOL BOARD, WARD 7,
SCARBOROUGH/NORTH YORK

The Chair (Mr. Ernie Hardeman): Our next delegation is the Toronto Catholic District School Board, Ward 7, Scarborough/North York: John Del Grande, trustee. John, welcome, and thank you very much for coming here today. You have 15 minutes to make your presentation. If there's time left, we'll have questions. If not, the floor is yours for the 15 minutes. If you would, for the record, just state your name before you start your presentation and from there on the floor is yours.

Mr. John Del Grande: Thank you, Mr. Chair. My name is John Del Grande. Good afternoon, committee members, ladies and gentlemen of the gallery. I'm appearing here as an individual trustee within the Toronto Catholic District School Board. I have been so since 2003. I currently represent over 35,000 constituents and 22 school communities.

My speech today will focus on the abstract and principles, as my submission that you are getting refers to the more technical considerations and recommendations.

One of the misnomers that needs to be set straight is the belief that we can legislate away bullying. It would be the same as saying that we can legislate away criminal behaviour. Bullying also happens as much outside of the schools as it does during the school day. We technically already have sufficient provisions as part of the safe schools code of conduct, the existing Education Act and the progressive discipline approaches. School boards have focused much time and energy on bullying prevention, awareness activities, and staff and student education, and want to ensure nobody has the impression that this is a new concept or nothing is being done in our schools.

That being said, it doesn't mean that we should do nothing, but the problem has existed for centuries and will continue to be an issue in the future. It's how we deal with it, both victims and bullies themselves, including bystanders, in a transparent, consistent way, that we need to turn our attention to. It is always beneficial that

our provincial lens on issues can ensure consistency and common expectations right across the province in all of our schools. My constituents and those around me have become concerned with the bias, exclusions and unequal protections of this bill, and special weight for certain groups or bullying types. Let me be clear: No student should feel intimidated or threatened at school. There is much unreported bullying and it seems much has been said around what is reported, sensationalized, and the example of a few tragic incidents.

I can say that the number one issue I've got in the past, outside of certain unusual or one-time events as a trustee, is bullying. This cuts across all ages, genders, cultures and walks of life. It is insulting that some bullying seems to be held in higher regard or importance than others. Tell that to the students and parents affected.

Sexual orientation, for which Bill 13 has caused all the rage, was not near the top, as I understand, in various school board publications. It was not the top item based on student surveys and bullying statistics. Does it make it unimportant? No. Does it make it more important than other issues? No. But let's not dwell on statistics because they change year to year, school to school, time and place. We need a bill that's universal. This bill should be about improving the Education Act to better create environments within or schools, ensuring strategies are in place in all schools to deal with the important topic of bullying. Some individuals and outside groups are using this opportunity to turn the attack against the Catholic church, faith-based schools and anyone else who doesn't share their opinion. Let's have them look in the mirror and reflect on who's bullying who. But that's not what this bill should be about. Instead of legal challenges and division, I ask members to remove these parts of the bill so we can focus on prevention and action for all.

Some weaknesses I see in this bill is it speaks to nothing of the bystander. I said at one of my board meetings when we were looking at statistics that maybe we don't need to go so far as a Seinfeld-coined good Samaritan law, but need to ensure that everyone takes a fulsome understanding of bullying, which includes reporting, and not participating, even through passive means. Doing nothing often borders on endorsing it.

There are general improvements, both in Bills 13 and 14. They ask for general bullying plans, but not specifics. Parents want to know how their individual son or daughter will be protected. This is absent. I've had parents ask what the bullying plan is for their specific child, what the protection plan will be.

Victims' rights: They're the ones who often feel punished, ostracized, need to stay indoors for recesses and need to play near a yard-duty teacher.

Anonymous reporting is absent. This compels students to report and identify.

Bill 14 does provide a fuller definition of bullying, but Bill 13, for example, requires an element of aggressive behaviour, but some forms of bullying rely on exclusion from participation or shunning, which is indeed passive and not aggressive. Bill 14 compels staff to report timely

and regardless of anyone else who may have already. Bill 14 adds accountability frameworks to staff, the principal, the board, right to the minister's door. Consultation, in addition to responsibility, is for and with everyone.

We need to ensure that the proposals and actions are going to generate less red tape and fit into the existing safe schools data reporting. We already have an overloaded school administration. I don't want there to be a false sense of security in this bill in terms of principal responsibilities.

Within Bill 13, I personally take offence at the minister rewriting and approving policies, as this may inadvertently yield inconsistencies between boards, the mood of the day and even between appointed ministers. The minister does not approve policy for boards, as this seems a smack in the face of public school boards and trustees for what we were set up to do and function for.

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On the issue of support groups, along with my earlier comments, Bill 13 specifies some groups and not others. I see nothing about students who are targeted about how they look. Even take examples of students bullied over religion: Some students get just as much bullying for being devout or ultra-orthodox as perhaps some more relaxed or those with none at all. Nowhere else are students set to create and lead their own groups on their own without school support and authorization. I remind members, as they will know, that teachers are not obligated to support or participate in anything beyond the school day.

I personally am unclear what the support groups will offer. They can be effective in providing supports to students, but this only works where the student self-identifies and seeks assistance and primarily centres around the victims. Support groups do little to address the aggressor/bully, the general public or the student who feels intimidated, shy or can't make time for after-school groups.

We have a fear that staff will then direct students to these peer-led groups, and parents will be uninformed. They have the first right to know and not have their child coached by another, possibly unqualified, student. Remember, even activities outside the traditional school day are covered under charter and constitutional protections and are the responsibility of the school board.

The better response is to ensure all victims and perpetrators are offered professional support. This will then lead to my big question of: Where will the money come from? School boards are already underfunded for counsellors, mentors and social workers.

We need to clarify around discipline and progressive discipline. Parents have this notion of zero tolerance, which was around and then disappeared but seems to be back again or understood as part of this bill. The provision includes a statement that the purpose of discipline provisions is "to encourage a positive school climate and prevent inappropriate behaviour" based on a number of specific things. Is it necessary to identify specific inappropriate behaviour? The list could go on and on—

perhaps forever—to include incidents based on racism. Is it not sufficient to say just "inappropriate behaviour"? There are already different interpretations of the word. Homophobia, like racism, will be used to describe something it's not. These words have been used completely out of context because it is convenient to do so and adds sensationalism to the situation being described.

I urge members here, especially government members, to seriously look at incorporating some of the amendments you have heard at these committee proceedings today and over the last number of weeks. I have heard some members question speakers and witnesses both at the committee and elsewhere where the speakers felt that certain elements of programming and sex education were derived. You've heard from people today about the specific references in Bill 13 to the EIE policy, but also consider that the minister, types of groups, speakers and materials that get perpetrated down from the ministry or different individuals could also lead to that kind of thing. I do thank you for your time this evening.

The Chair (Mr. Ernie Hardeman): Thank you very much. We have about four minutes. Ms. MacCharles.

Ms. Tracy MacCharles: Thank you for your presentation today. My question is regarding your recommendation number 8, which speaks to a recommendation for "boards to make general support groups available where there is student interest, staff support and where its goals are in harmony with the school's shared culture and goals." I'm wondering if you can tell me a bit about how a school's shared culture and goals would be established in this context—what that process would look like, who makes the decision and so forth.

Mr. John Del Grande: Well, I believe, I think as does the government, that local decisions are for local individuals and local needs. Obviously, we have Catholic schools, we have French schools, and we have public schools that have a variety of different alternative programming and specific needs they cater to. I think a lot of things have been said around what we call those groups, and I think those areas of division need to be removed. Let's just focus on ensuring that each individual school can look at what its needs are at that school, figure out what's best served and look at the individual circumstances that are contributing to bullying or students feeling unsafe within that school environment and then set up clubs appropriately.

Ms. Tracy MacCharles: So if a group of students was to approach the administration to form a club at lunch or after school for aboriginal use, do you feel the principal should support that?

Mr. John Del Grande: Well, I'm not in favour of individual things that exclude others. If that's an issue that has been raised, then that should be taken in context with, "Are there other things that students haven't come to the administration with?", and look at more of a broad-based approach to address those issues. Even individuals of specific student types, social or cultural, are not unique. The issue of bullying is broad-based, and the supports that people need are universal.

Ms. Tracy MacCharles: Recognizing there are thousands of clubs in our schools in Ontario—everything from chess clubs to groups that support children with disabilities—if a group of students were to approach their administrator asking for a lunch or after-school group and they wanted to be called a gay-straight alliance or some other name, do you feel the principal should support that?

Mr. John Del Grande: My opinion, Madam Member, is that when it comes to bullying, we don't need to create slices and segmentations. We don't need pink shirts, blue shirts, white ribbons, black ribbons; we need dignity and respect for all people. There are universal issues and we need to stop the issues that are happening in our schools, full stop, and make sure that all students, no matter who they are, are supported and are welcomed.

Ms. Tracy MacCharles: Thank you. I have no further questions for this round.

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

Mr. John Del Grande: Thank you.

ELEMENTARY TEACHERS' FEDERATION OF ONTARIO

The Chair (Mr. Ernie Hardeman): Our next presenters are the Elementary Teachers' Federation of Ontario. I see you've arrived at the table. Thank you very much for being here. As with the previous delegations, you will have 15 minutes to make your presentation. You can use any or all of that time for your presentation. If there's time left at the end, we will have questions from the committee. The questions for this presentation, or the next presentation that leaves us time, will come from the official opposition. With that, the floor is yours, and if you could, as you start speaking, make sure you introduce yourself in the mike for the Hansard reporting. Thank you very much for being here.

Ms. Susan Swackhammer: Thank you, Chair. Good afternoon, my name is Susan Swackhammer, and I am the first vice-president of the Elementary Teachers' Federation of Ontario. We represent more than 76,000 contract teachers, occasional teachers, designated early childhood educators and education support personnel. We are the largest teacher federation in the country.

With me today are Gene Lewis, our general secretary, and Vivian McCaffrey, well known to you and a member of our executive staff.

We are pleased to have the opportunity to participate in the committee's hearings on Bill 13, the Accepting Schools Act, 2012. ETFO supports the bill's focus on addressing bullying in schools and fostering a more inclusive school environment. While we support the overall thrust of Bill 13, we believe that the legislation could be strengthened by making a number of amendments. You will note that we list our recommendations at the end of our brief and that a number of the recommendations are based on provisions of Bill 14, the private

member's bill introduced by former MPP Elizabeth Witmer.

I would like to begin by addressing the issue that has attracted the most discussion regarding Bill 13: the provision for ensuring students can establish clubs that include those that are called gay-straight alliances. Fostering a more inclusive school environment is an overarching theme of Bill 13. A key strategy within that theme is supporting students who wish to establish organizations that promote gender equity or confront anti-racism, ableism and homophobia.

These organizations would provide the opportunity for students to educate themselves about equity issues and to support each other in their journey of awareness and understanding. The proposed new section 303.1 would require school boards to support students who wish to establish organizations that would address discrimination generally or to focus on one specific ground of discrimination.

ETFO believes that it is important that students have the right to use the terminology "gay-straight alliance" and to specifically focus on homophobia, transphobia and gender identity as these relate to their own development and their understanding of others. The federation also believes that once the legislation is passed, the ministry has the responsibility to directly communicate to school boards, school staff, students and parents about the new requirement for boards to support student organizations like gay-straight alliances.

I would now like to focus on our recommendations.

Recommendation 1: Bill 13 proposes to define bullying generally as "repeated and aggressive behaviour by a pupil." In contrast, Bill 14 defines bullying as "severe or repeated" harmful behaviour.

The limitation of Bill 13's definition means that a serious single act of anti-social behaviour could fail to be addressed. It also appears that a series of individual acts by different students against a single victim would escape the definition. ETFO believes section 1 of Bill 13 should be amended so that the definition of "bullying" under subsection 1(1) may include a single serious incident of student bullying.

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Recommendation 2: A common complaint we receive from our members is that principals don't always take the reports of student violence seriously, or that there isn't a systematic means for centrally tracking and reporting such incidents. Bill 14 proposes amending section 3 of the act by adding a new subsection 3(2) that would require the minister's annual report to the Legislature to include school board data about bullying incidents in schools and to identify the steps taken by the minister to address such behaviour. ETFO supports this proposal and believes it would lead to a more systematic documentation of bullying incidents.

Recommendation 3: Bill 13, through an amendment to subsection 169.1(1) of the act, proposes to require schools to conduct student surveys every other year to monitor the effectiveness of the board's equity and inclu-

sion policies. ETFO supports the survey proposal but believes that it's important to also survey teachers and other school staff to fully gauge the effectiveness of the policy implementation. School staff have an important perspective on what's happening at the school level.

Recommendations 4 and 5: Bill 14 includes two important policies that are fundamental to addressing the incidence of bullying in schools. First, the bill proposes to amend the duties of school boards under the act by adding new paragraph 7.4 under subsection 170(1), which would require school boards to provide instruction on bullying prevention. Additionally, through new paragraph 7.6, Bill 14 proposes to require school boards to provide teacher professional development on bullying and strategies for dealing with such behaviour. ETFO supports both proposals.

It is important, however, that the Ministry of Education provide the appropriate curriculum and work with the teacher federations to develop and deliver meaningful professional development for classroom teachers and school staff. The ministry should fund release time to ensure that the training takes place during the instructional day. Too often, the ministry introduces policy initiatives without adequate financial support for related classroom resources and professional development.

Recommendation 6: As mentioned earlier, a common concern we hear from our members is that their reports of bullying or other incidents of violent behaviour are not always taken seriously by school administrators. Bill 14 proposes, through new paragraph 7.8 under subsection 170(1), to require school boards to promptly forward principals' reports on school-related bullying incidents to the minister. ETFO believes this amendment would clarify the reporting requirements of school principals.

Recommendation 7: Bill 13 proposes more prescriptive language regarding the minister's authority to develop policies and guidelines with respect to student discipline under the provincial code of conduct. A new subsection 306(7.1) would also establish specific authority for the minister to establish policies and guidelines for bullying prevention in schools. ETFO believes that intervention programs and resources should also be targeted at bystanders who witness bullying so that they too can be educated about the effects of such behaviour and how to respond. Clause 306(7.1)(b) should be amended to include bystanders as the focus for resources to support pupils who are impacted by bullying.

Recommendations 8 and 9: Since I'm running out of time, I'll direct you to our last two recommendations that support Bill 14's proposal for bullying prevention plans.

Before concluding, I'd like to take the opportunity to respond to comments made yesterday by representatives of the Ontario Principals' Council regarding the cap on supervision time that teachers have achieved through the collective bargaining process. The OPC continues to react against contract provisions that place some limitation on principals' authority to assign duties to teachers outside of their classroom responsibilities. Supervision time is a red herring. Teachers' responsibilities include

supervision before and after school hours, but there have to be limits for individual teachers, and our collective agreements establish those reasonable limits. Students cannot be watched every minute of the day and we cannot supervise their activities in cyberspace, where much of this bullying takes place.

The real issue about addressing student bullying is to teach students the importance of respecting others and to self-regulate. We teach self-regulation beginning in kindergarten. Assigning more supervision time to teachers is not going to reduce student bullying. We need to address the issues we've discussed in our presentation today, namely appropriate curriculum for students, professional development for teachers, and leadership training for school administrators to ensure that incidents of bullying are reported and addressed within the regular school day.

In conclusion, we urge the committee to take advantage of the provisions outlined in Bill 14 when it considers amendments. The presence of both anti-bullying bills provide a unique opportunity to develop policy that will bring positive changes to Ontario schools. The new legislation will not, however, have the desired impact unless the policies are supported by clear communications from the government and by resources and professional development that go beyond what was in place to implement previous safe school legislation.

Thank you. I'd be pleased to answer questions.

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

Ms. Lisa MacLeod: Thanks very much for your presentation. It's very nice to see all of you here today. I appreciate your views on Bill 14 as well, that was introduced by my former colleague and still my friend, Elizabeth Witmer. I really don't have much to add. You've given us a very thorough presentation with some serious recommendations which we'll make sure to put across at clause-by-clause. I was wondering if there was anything else that you would like to add.

Ms. Susan Swackhammer: No.

Ms. Lisa MacLeod: Thanks very much.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. It's much appreciated. We look forward to considering your presentation as we review the implementation of the report. Thank you very much for being here.

CATHOLIC CIVIL RIGHTS LEAGUE

The Chair (Mr. Ernie Hardeman): Our next delegation is the Catholic Civil Rights League. Thank you very much for coming in. I noticed that the faces look familiar, so you've heard me say this more than once before: You have 15 minutes to make your presentation. You can use any or all of that. If there's time left at the end of the presentation, we can have questions from the committee. The questions would come from the third party.

With that, as you start your presentation, if you would introduce yourself into the microphone for Hansard, we'd very much appreciate that. The floor is yours.

Ms. Joanne McGarry: I'm Joanne McGarry, executive director of the Catholic Civil Rights League.

The Catholic Civil Rights League is a national laity association established in 1985. The work of the league involves submissions to legislative bodies, court interventions and media engagements in order to promote a fair hearing for Catholic teaching in the public square. As such, we have several concerns about Bills 13 and 14—or now Bill 80—that we would like to share.

Bill 13 is more focused on gender than on bullying. Any bullying is unacceptable, and the vast majority of Canadians support efforts to address bullying, including cyberbullying, through legislation and efforts by schools and the community at large. Several studies show that bullying at school-age levels is most likely to be based on body image, race or culture, or performance in school, with gender and sexual orientation issues lagging behind. Body image is by far the leading cause. Therefore, an effective anti-bullying strategy will be comprehensive and focused on making schools safe for all students and indeed all members of the school community. For this reason, Bill 14, or now Bill 80, offers a better strategy since it is comprehensive and insists on accountability.

We challenge the emphasis that Bill 13 puts on matters of gender and sexual orientation, including the insistence that all schools offer gay-straight alliances, or similar organizations, if requested by students. Although we applaud the effort to require school boards to develop policies that discourage and penalize bullying, Bill 13 seeks to impose a radical understanding of gender.

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Bill 13 introduces in its preamble the acceptance of the disputed notion of gender as a social construct, making use of the acronym LGBTTIQ to describe variants of sexual orientation and gender identity. It is not necessary to advance a discussion of the countless theoretical variants of gender in order to give teachers the tools they need to combat bullying.

There is also mention in the preamble and numerous times throughout the bill of “homophobia.” In our view, the use of this term is objectionable in that it tends to label people, shut down debate and, in many quarters, is meant as an insult. It's not far-fetched to regard the term as a bullying one in itself and, as such, it has no place in an anti-bullying strategy.

A comprehensive anti-bullying policy based on respect for the dignity of the person which is consistent with Catholic teaching and the teaching of all major religions would recognize that all students should be free from bullying without categorization or qualification.

Anti-bullying spokespersons who have addressed this committee, including Anthony McLean, the founder of iEngage Bullying Prevention, who spoke last week, also have said that labelling people and putting them into boxes is not effective. It should not be necessary to identify and label various students according to notions of

their sexual orientation in order to hold bullies to account.

Mr. Philip Horgan: My name is Philip Horgan. I'm president of the Catholic Civil Rights League. Joanne has given some broad-strokes propositions. I'd like to focus on two items: denominational rights guarantees and then questions that have been raised to this committee a few times regarding impact on curriculum.

In our view, Bill 13 undermines denominational rights. The bill deems that school boards shall “support pupils who want to establish and lead activities or organizations that promote ... the awareness and understanding of, and respect for, people ... of all sexual orientations and gender identities,” including organizations with the name “gay-straight alliance” or another name. The clause I have quoted excludes parents, trustees or school officials. Why are they to be shut out from the oversight or involvement in such clubs?

Parents of all faiths, including those with no religious affiliation, will wish to know just what is being offered at their school, especially in the areas of sex and gender, with or without the engagement of faith and morals. However, a student-led club for discussion of gender and sexual orientation issues cannot be adopted in a Catholic setting in the absence of knowledgeable adult leadership.

Forcing a student-led club on these themes on Catholic boards would be an affront to church teaching and an infringement upon the denominational guarantees established in the Constitution with respect to Catholic schools in Ontario. We therefore object to making such organizations mandatory in any school and suggest that adult supervision at a minimum is essential in such student settings.

If there is no adjustment to the bill to accommodate the constitutional guarantees of Catholic schools, a constitutional challenge can be anticipated.

Given that everyone opposes bullying and that equality and respect for all are central to Christianity, there should be no problem implementing a comprehensive anti-bullying policy in any school, especially in Catholic schools, by, for example, having reference to the principle of the dignity of the human person.

Turning to curriculum, it is our view that Bill 13 will impact the curriculum. Proponents of the bill say that the amendment is concerned with policy, not curriculum, but in our view this is a questionable distinction since policy and curriculum often influence one another.

I refer you to the Ministry of Education's own website, which lists more than 150 program and policy memoranda, many of which involve curriculum to a considerable degree, such as graduation requirements, religious education programs eligible for credit, daily physical education, home-schooling, or graduation literacy test requirements.

From a positive perspective, policies on inclusion of the disabled have led to the creation of curriculum materials with good role models, encouraging the acceptance of students and teachers with physical challenges.

In the present case, many parents believe that an excessive emphasis on matters of gender and sexuality in anti-bullying programs will encourage the adoption of content in health and family life programs that many families would find controversial, objectionable or contrary to their religious perspectives.

In conjunction with previous policy guidelines of the ministry, the June 24, 2009, equity and inclusive education guideline for policy development and implementation, which is PPM 119, uses the language that a board is expected to take steps to “embed the principles of equity and inclusive education” into all aspects of the learning environment, and further, at page 16, is expected to embed the principles of equity and inclusive education in all its policies and practices, and to integrate an equity and inclusive education focus into its way of doing business and all operations of its schools, including instructional practices.

It seems incongruent to us to suggest that this bill, which provides the opportunity again for the minister to implement further policies in this area, will not have the impact of piggybacking on to existing policy guidelines such as PPM 119, where it is specifically indicated that it should have an impact on instructional practices.

Members of the Legislature are certainly aware that, in a broad sense, the law has an educative function. The league has raised concerns about the adoption of gender as a social construct in this bill, and the impact it may have on other educational applications. The incorporation of Bill 13’s recognition of categories of gender is in opposition to a Catholic understanding of this area of sexual relations. In our view, Catholic school boards and Catholic stakeholders are entitled to the protection afforded them under the Constitution.

We believe that a new anti-bullying strategy is needed, one that will respect the dignity and equality of all members of the school community, with requirements for accountability in how boards are implementing their policies and what progress they are making, and also with an explicit recognition of the constitutional guarantees of Catholic schools. We think, in the circumstances, that Bill 14 meets this objective far better than Bill 13.

Thank you.

The Chair (Mr. Ernie Hardeman): Very good. That’s your presentation?

Mr. Philip Horgan: Yes, sir.

The Chair (Mr. Ernie Hardeman): I’m sorry. I just arrived back. With that, we have a few minutes left here, about two and a half. Ms. DiNovo?

Ms. Cheri DiNovo: Thank you, Mr. Chair. A question we’ve received in many deputations here from the Catholic school system, one of them from the Ontario English Catholic Teachers’ Association, which at a recent meeting voted 90% in favour of supporting, essentially, Bill 13 and its hopes, its aspirations—I’m wondering if you could speak to that.

Mr. Philip Horgan: Well, I think OECTA has certainly indicated in its positions its support for anti-bullying programs. I do not wish to mince words.

Having said that, you’ve heard, for example, the Ontario assembly of Catholic bishops speak to this bill. You’ve heard them speak to various members of this committee privately or—

Ms. Cheri DiNovo: Actually, we haven’t, but that’s okay.

Mr. Philip Horgan: Well, I’m expecting that that will come.

Ms. Cheri DiNovo: Okay.

Mr. Philip Horgan: My view, though, is, in the circumstances, OECTA has also supported the bishops in what they’ve had to say about the bill. So there seems to be a disconnect there with respect to their public portrayal of the issue and the support for Bill 13.

Having said that, they’re the teachers. We represent, I think, a broader cross-section of the Catholic community, whether it be parents and other stakeholders, and in the circumstances, we see grave concerns with the impact on denominational rights.

Ms. Cheri DiNovo: We’ve also heard from students within the Catholic system who have asked for gay-straight alliances in their schools, and there is a group that has organized themselves to fight for just that, citing civil liberties, that this is their constitutional right under the charter. I’m wondering what you would say to those, I have to say, very courageous young people who have gone up against teachers, boards, everything, to be able to do this, just to protect themselves. After all, they have four times the suicide rate of straight students. What would you say to those students?

Ms. Joanne McGarry: When parents choose a Catholic school, they do so in the expectation that Catholic teaching will be upheld. Much as we have every respect for the viewpoint of those students, you’re not always going to get every group or every organization that you may seek, and the views of the parents and the views of the teachers and other members of the Catholic education community must be brought to bear so that Catholic education principles are being upheld.

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Mr. Philip Horgan: I would like to think that one of the cardinal virtues we teach is courage: the cartilage, the hinge between rash action on the one side and inaction on the other. The question arises in my mind whether in fact those students may be pursuing a direction which may be verging on the rash action in the context of the Catholic denominational guarantees.

We see persons from a Catholic perspective as more than their sex or their orientation. We see the dignity of the human person.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That does conclude the time. We appreciate your participation.

FAMILY COALITION PARTY OF ONTARIO

The Chair (Mr. Ernie Hardeman): Our next delegation is the Family Coalition Party of Ontario. Thank you very much for coming in today. We very much

appreciate you being here. As with the previous delegation—that's right, if we just give that to the clerk, he will pass it out to the committee.

As we've said with previous delegations, you have 15 minutes to make your presentation. You can use all or any part of it and if, at the end of the presentation, there's time to have questions, we will hear the questions from the government side this time. With that, when you start the presentation, if you will state your name for the Hansard and from thereon, the floor is yours for the next 15 minutes. Thank you.

Mr. Eric Ames: Thank you, sir. My name is Eric Ames. I'm the communication director for the Family Coalition Party of Ontario. Presenting also with me tonight is Devon MacPherson, and I'll let her briefly introduce herself when the time comes.

Honourable members of the standing committee, I am privileged to sit here before you to represent the people of the Family Coalition Party of Ontario. I also speak as a father, as a certified teacher and a citizen of Ontario.

You had heard earlier this evening from my northern colleague, Ms. Djivre, and I thank her for representing the concerns from the perspective of her region.

We sit here tonight discussing a very important matter and I want to thank each of you for the time that you invest in these long debates and proceedings. I'm sure you can all agree that when we have these opportunities, just like in your constituency offices, when you get to hear different perspectives, your own perspective can't help but be broadened, as mine has been through the conversations with people in our office.

I want to be clear on where we, as the Family Coalition Party, stand. We believe that bullying for any reason is wrong. We therefore believe that legislation that fails to address bullying for any reason is inadequate legislation. Not only that, we also believe that for tangible success to happen with this bill, we need to not only look at the wording of it but also at its implementation.

At no time—and I don't believe this is the interest of those who have written the policy nor those who are debating the policy—should we be excluding the input from school boards, teachers and especially parents.

No doubt you've heard many appeals in these committee hearings, so I'm going to keep my comments brief to try to leave time for questions. We've provided documents for you to use and I'll refer to them as we go through here.

You'll also hear from Devon this evening and it's important that you hear her perspective on how bullying has affected her. She'll share that with you in a moment.

I want to draw your attention to the Bill 13 document that was handed out, on page 6. I'm just going to briefly highlight our major concerns with Bill 13. Looking at page 6, we ask that section 303.1 be amended to not limit mandated support to these mentioned four clubs. Even though we're not fully convinced that creating clubs will actually lead to more inclusion, since they are in their very nature exclusionary, we are asking that other rea-

sons for bullying be acknowledged so that this bill truly supports all students.

Second, we call attention to the inconsistent use of the word "religion" in Bill 13. On page 1 in the preamble, religion is omitted from the list of reasons for protection. We note that the word "religion" is only used in describing a power imbalance in regard to bullying. Parents have contacted our office and have expressed concerns about whether or not their constitutionally protected rights to their beliefs will be protected by this bill.

We also have a concern, given the events that took place in Parkside High School in November of last year—which you also have in your document package. If these reports are indeed correct as they are reported, if this is leading to the way in which this is going to be implemented in schools, we do have a concern that people's rights are going to be protected.

In your package, as well, we've included the hate crime statistics report from 2009, presented by the police, that was reported in Statistics Canada. Using these reports, religion was the second highest motivator for hate crimes in 2009, at 29%. Most of this occurred between the ages of 12 and 17, so indeed this is a school-based problem. I'll say again, legislation that fails to address bullying for any reason is inadequate legislation.

Third, we call into question amendment 3.1 on page 3, requiring that third parties sign and abide by the prescribed provincial code of conduct. We measure this amendment by the statements made in the Legislature by Honourable Laurel Broten and by Mr. Peter Tabuns, which I will address in a moment. Again, in this case, we are simply making sure that legislators have the intent to uphold the constitutional rights of the citizens of Ontario.

I'd like you to hear now from Ms. MacPherson. It's unfortunate that we don't have time to hear all that she has to share—she has a very powerful story—but I've asked her to share how bullying has affected her.

Ms. Devon MacPherson: Thanks again for letting me come up here. As Mr. Ames said, my name is Devon MacPherson. I'm a 21-year-old third-year university student, a charity founder and owner, and I work full-time at a company called Key North Productions.

I ask that you take what I'm saying today very, very seriously. This is not something to be taken lightly, as you all know. This is the time when my voice can be heard—when it was silenced. This is the time when my voice can be heard—when everyone told me it wasn't right. So this is very serious, and I ask you to take that in a very serious manner. I've made my speech very candid, and I'd like any questions that you have for me to be very candid as well. Feel free to ask me anything you want, and I will try my best to answer.

If you don't remember anything else I say today, I want you to remember one word: "scar." First off, the word "scar," by definition, is a mark left on the skin or the body tissue where a wound has not healed completely. You're probably wondering, "What does a scar have to do with Bill 13, and what is this girl up here talking about?" Well, I actually think it's one of the most

important words that should be involved in this act, as I can guarantee that any child who is bullied or involved in bullying will be left with a scar that will not be removed.

As I will demonstrate with my handy label here, this is name-calling. When you're called a name, a label goes on. This leaves you with a significant scar. Some people will get off with a small scar, but others, like me, will be left with a scar that has long-term ripple effects on them. We have put initiatives in place which I call band-aid effects to try to deal with the scar, but as you notice, even when you take the bandage off, look what's still left: the scar.

Let me tell you about my experiences and the scar that they have left me. Although I cannot blame bullying for 100% of why I have mental illness, I can say that my doctors, psychiatrists, nurses and other members of my therapy team know that the cumulative experiences of my bullying—everything from daily name-calling, physical abuse, texting abuse, Facebook abuse, any other social media methods—from grade 3 to present, have played a major and significant role.

Last May, I was diagnosed with OCD, generalized anxiety disorder, depression, a learning disability in math, ADHD and social phobia—at the age of 20. No one noticed before then. It was these illnesses that made me an in-patient at the hospital twice: once for 13 days and another for four days. I was also a patient of the mental health day centres for months. This is a very scary experience, for anybody who has not gone through it. I am very fortunate that I got the opportunity to see these doctors, but it's a very scary experience for anybody to go through.

This diagnosis, as you can imagine, turned my life upside down. I was unable to do even the simple things. Let's talk about watching TV: I couldn't watch TV last May because it fed into my OCD thoughts. I was not able to spend any time with my friends, as I had to be home within 20 minutes. I think the most I could do was go to Tim Hortons and come back. I also, unfortunately, had thoughts of suicide, and when my thoughts would get too much, I would scrape my arms. Talk about a scar; it will be there forever.

I could not take the mental or physical pain any longer. Anybody who has not suffered from mental illness, just imagine the worst flu you've ever had in your life and times that by 10. That's about what mental illness feels like.

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Although I've worked through much of that now, I will always have mental illness and, as one country singer says, the scars to prove it. This is where Barkley comes in. If you didn't notice, he's down here. He is a service dog for mental illness, and he is able to sense when my anxiety is going to strike and warns me. He also has very good senses and knows when I need him around and will report if anything serious is happening to me. I have had him for four months now, and to be honest, even after this short time, I cannot imagine my life without him.

With that, my wishes for Bill 13 are very simple but very, very important. I feel that I am the voice behind this bill as I am the students who you are talking about. I wish that staff and faculty be fully encouraged to report acts of bullying. I often find teachers—not all teachers; I'm not going to say that—see acts of bullying and, instead of addressing them, walk beyond them, as they feel like it's too much work.

I also suggest that supports be put in place. Now, I'm not talking about clubs; I'm talking about legitimate social workers. For instance, I go to a social worker once a week, let's say, and I have about five different specialists. The cost to see a social worker is about \$160 an hour. I work for minimum wage, so I make \$60 a day. Because of my math disability, obviously I'm not good at math, but I do know one thing: that that wage does not cover that amount. What happens to students who don't have this or do not have health benefits to get the support they need? This is farther than just clubs; this is that a social worker needs to be present.

When you think of Bill 13, I want you to think of this speech. I want you to think of this label. I want you to think of the word "scar." I came down here today to tell my story candidly, as I never want another student to have to experience what I've gone through.

Thank you so much for your time.

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

Mr. Eric Ames: I'd like to say one more thing. In Ontario and in Canada, we pride ourselves on our diversity, on our cultural mosaic. We don't all look the same and we don't all think the same, and diversity adds vibrancy and flavour to our culture. But along with the virtues of diversity comes an enormous responsibility. It's a skill that I believe has been lost in Ontario today. It is the skill of communicating with respect in the face of difference.

In our province and country, we have the right to choose how we live, as long as we live within the limits of the law. We also have the right to choose what we believe, and in that, there will always lie difference.

I think the Catholic trustees produced an aptly named document: Respecting Difference. Let me contrast that with the name of Bill 13, the Accepting Schools Act. Do we truly understand the difference between respecting and accepting? Bill 13 seems to imply that to stop bullying, people need to accept anything, and there have been comments made by some that people who fail to do this are agents of hate. This attitude, however, ignores the fact that you can't have diversity without difference. So I believe the most important task anyone has in living in a free society is not to accept at all costs, but rather to respect in all circumstances.

It's saddening to see how this bill has highlighted and made contentious the issues of religion and sex. By certain omissions and inclusions, the government has taken an issue that has plagued us all and politicized it, inciting social shoving matches and clouding what is simply a straightforward issue: No bullying is okay.

It's our hope that the best of both Bills 13 and 14 will come together into legislation that respects and protects all bullied.

I wanted to ask if I may ask a question. Is that possible?

The Chair (Mr. Ernie Hardeman): You can ask a question. I'm not sure you're going to get an answer.

Mr. Eric Ames: Okay. I do want to leave this as an open-ended question. May I address an individual?

The Chair (Mr. Ernie Hardeman): No, you're addressing the committee.

Mr. Eric Ames: Okay. A comment was made in the Hansard report on March 26, and it was echoed by the education minister. In both cases, it was stated that our culture needs to be changed to stop bullying. Ms. Broten stated on December 7 that the Liberal government's goal with Bill 13 is to change the attitudes and behaviours of Ontario and change them for good. Reading these statements in the bill and considering the discussion of the Legislature, I want to ask, who or what in our culture needs to be done away with?

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about one minute to answer, and it's the government side that has a question, if they would like.

Mr. Kevin Daniel Flynn: What would you suggest then? I actually enjoyed the presentation; I thought it was very detailed.

A young man or a young woman in an Ontario publicly funded post-secondary, or secondary, school, in this case, is being bullied because of their sexual orientation and thinks, "You know what? If I could talk to some of my other students in some sort of setting, and if they understood me better, maybe they wouldn't bully me anymore and they'd learn a little bit more about me." Do you agree that's a good thing or a bad thing?

Mr. Eric Ames: I think any opportunity that people have to discuss themselves openly and to have communication is a good thing. I'm not convinced that clubs work. I know that a number of people have talked to us and said that they don't agree that they do either because a club excludes certain things. There are certain requirements for a club. So, you've basically created a box for kids to sit in. That might be an empowering thing for those people in the box, but have you broken down any walls in the school? I would argue no. If someone was to approach a principal and say, "I would like to start a group," I think the principal should ask, "Why?" and secondly, "Will this group be respecting of others outside of it?"

Mr. Kevin Daniel Flynn: We had a young lady in yesterday. She'd managed to start a group, after quite a struggle, in her own school. I was able to get some answers out of her that seemed to indicate that it had gone very well. It had the support of the school, it had the support of the students and had the support of the parents in the school. This was a young lady who had gone through quite a struggle to get this thing initiated.

Ms. Devon MacPherson: Can I just add something—sorry, quickly—as a victim of bullying? I know that the issue of groups/no groups is a very important one, but I think what we need to do is, if we're placing people in a box, if we're calling it a box, the club, to protect people, we just also have to make sure what we're doing for those students outside of that box. I don't think a club or no club is really the issue here. I think the issue is that even if they have the club, what are we doing for students outside of the box and not just in the box of the club?

The Chair (Mr. Ernie Hardeman): Okay, thank you very much. That concludes the presentation. Thank you very much for coming in.

CENTRE FOR INQUIRY

The Chair (Mr. Ernie Hardeman): Our next delegation is the Centre for Inquiry.

Thank you very much. As with the previous delegations, you'll have 15 minutes to make your presentation. You can use any or all of the 15 minutes to make your presentation. If there is sufficient time left after the presentation, there will be questions, and they will come from the official opposition in this round. We also ask you that as you start your presentation in speaking, you introduce by name whoever is speaking so we in fact will know that for Hansard. They can record who's speaking. With that, the next 15 minutes are yours.

Mr. Kevin Smith: My name is Kevin Smith. I'm the chair of the board for the Centre for Inquiry. Thank you for the opportunity to present at this important committee.

I would like to introduce Greg Oliver, president of our sister organization, the Canadian Secular Alliance—

Mr. Greg Oliver: Hi.

Mr. Kevin Smith: —and Justin Trottier, the national communications director of the Centre for Inquiry. He'll be making a statement on behalf of the Centre for Inquiry. Justin?

Mr. Justin Trottier: Thank you, Kevin; thank you, Greg. I also want to thank the esteemed members of this committee for the time and opportunity to present today. We will prepare a submission and distribute it later today as per attempting to answer your questions and adding our responses into that submission along with my prepared remarks.

Both the Centre for Inquiry and the Canadian Secular Alliance are member organizations of the Ontario GSA Coalition, which is a network, as you probably know, of 13 organizations pushing for the constitutional right of students to form GSAs under their chosen name. We wholeheartedly endorse the Ontario GSA Coalition briefing paper to this committee, so we will not therefore repeat the thorough legal analysis contained therein, which in our opinion makes a watertight case for the absolute necessity of mandating the allowance of GSAs in publicly funded schools. We do recommend, though, that the bill tighten the currently ambiguous language in Bill 13 with respect to students' rights to name their club whatever they want.

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The Centre for Inquiry's broad mandate includes three areas of relevance here. First, we promote evidence-based decision-making. Second, we propose that fundamental freedoms and equality between all citizens be a priority. Third is the protection of our secular society.

The evidence is clear and compelling: Three quarters of LGBT students feel unsafe at school; 42% of LGBT youth have had thoughts of suicide at some time. I think we're all familiar with those and other statistics at this point, and no one disputes those or the need to fight bullying.

Instead, much of the debate seems to centre on the name "gay-straight alliance." Now, what's in a name? In this case, everything. Depriving students of the right to include the word "gay" in the name deprives them of an element of their identity, of who they are. It's another, more pernicious form of bullying, one in this case that has been systematically implemented by certain school boards and, if this bill fails to pass, that will then be passively supported by the government.

The attack isn't only on the name. Some Catholic schools forbid the rainbow symbol to be associated with whatever club ends up being created. The Orwellian intent is clearly to keep gay students in the closet and the student club focused on anything other than the one area urgently requiring attention.

The Centre for Inquiry also supports basic equality rights and fundamental freedoms; in particular, those enshrined in our charter. Even if there was not a shred of evidence that GSAs were necessary due to the statistics on bullying, our charter guarantees freedom of association and freedom of expression, especially in public institutions.

But both the public secular school system and the public Catholic school system are public institutions. In fact, only 8% of Catholic school funding comes from property taxes of Catholics; 92% comes instead from general government revenue. Now, given the fact—undisputed—that the per pupil cost to educate a Catholic student in a government-funded Catholic school is substantially higher than the cost to educate a non-Catholic secular student in a secular government-funded school, it is mathematically guaranteed that non-Catholics are funding Catholic schools.

In that sense, I respectfully submit that Catholic schools should be described as more publicly funded than even public schools, which brings me to our final point: The Centre for Inquiry stands for secularism; that is, church-state separation. As the Ontario GSA Coalition paper compellingly argues, the acceptance of public funds by an institution entails that that institution will not discriminate.

One of the repeated remarks we've heard by opponents of GSAs has been that Bill 13 unfairly singles out one group for protection, namely, LGBT students. Not only is that simply inaccurate, given that Bill 13 speaks to supporting gender equity, anti-racism and disability awareness groups too, but it is in fact a backwards

argument. It's the opponents of GSAs who unfairly single out one group for attention. Bill 13's explicit inclusion of GSAs is only necessary because certain Catholic school boards, supported by these anti-GSA activists, have chosen to oppose these, but only these, single-issue clubs.

In my public secular high school, for example, there were Christian clubs, Muslim clubs, and I was glad to start an astronomy club. These were all single-issue clubs among many others, and I don't recall any opposition to these single-issue clubs.

Bill 13's partial focus on GSAs is in fact made necessary because of the Constitution-violating precedent already set by a number of Catholic school boards which banned GSAs, and we know they will continue to do so if given any legal loophole.

I was at a Toronto Catholic District School Board meeting in which booing courageous gay students gave way to the TCDSB legal counsel reminding the trustees to stand tall, because when human rights contradict a denominational school privilege—and I use the word "privilege," not "rights" there—human rights must lose. It is this anti-gay agenda by Catholic school boards, and not some gay agenda by the gay and lesbian community, that requires and demands a GSA focus within Bill 13.

We've been circling around the real elephant in the room, which is publicly funded Catholic schools. Let's deal with that. This debate would hardly exist and GSAs would hardly be controversial if Catholic schools were in the equivalent position of every other religious school system in Ontario: privately funded.

The following remarks, I should say as a caveat, are those of the Centre for Inquiry and the Canadian Secular Alliance, not the Ontario GSA Coalition, which has no official position on the government funding of Catholic schools. But we do feel it's imperative to point out that legislation to mandate what should be plainly obvious, namely, a student's charter right to freedom of expression and freedom of association, is a band-aid solution. These problems of discrimination, violations of fundamental rights and equality, will crop up again and again so long as a system exists—the Catholic government-funded school system—in which the funding for the system comes from one source, the people and the government of Ontario, but accountability lies somewhere else, namely, with the Ontario Institute for Catholic Education and the Assembly of Catholic Bishops.

Today, it's GSAs; a couple of weeks ago, it was attempts to turn students into pro-life activists during class time; a few years ago, it was the banning of books written by atheists, God forbid; some years before that, it was Marc Hall being denied the right to bring his same-sex boyfriend to the prom. I could go on and on and on.

We realize this committee is in no position to take a stand on this particular issue of public funding of Catholic schools, that denominational privilege, but on the other hand, it would be farcical to deliberate on this particular matter without pointing out the inherent conflict. Other provinces, including Quebec, have defunded

Catholic schools. It's legally simple but politically difficult. It takes courage. But it isn't a wacky, marginal position. Actually, a CBC-commissioned poll—one of several polls on this—from 2007 found that of those who responded, whether they wanted to merge Catholic and secular public schools, two thirds responded favourably to that question.

The question as to whether Catholic schools should be required to support GSAs has been satisfactorily answered. The real question to us is whether Ontario should be required to continue to support Catholic schools. If we do, as history has shown, we will be in for a never-ending series of fights for equality and fundamental freedom which, in terms of time, money and focus, Ontario can ill afford. It's time to emulate the inspiring courage of the students fighting for GSAs and deal head-on and just as bravely with one of the basic problems of our educational system.

Thank you again. I think Greg had a couple of remarks that he wanted to add.

Mr. Greg Oliver: I just wanted to say, just to elaborate on what Justin said, clearly, I realize we're not addressing a specific issue right now, but it is related. The Catholic school system itself is a broken model. It provides public money but it doesn't attach the strings of public equity policy. I think in this case, with the GSAs specifically, there are no constitutional grounds to interfere in the students' rights to do what they want. The least we can do, as citizens of this province, is intervene to provide protection for these students. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you. That's the end of it. We have about a minute, a minute and a half left. The official opposition.

Ms. Lisa MacLeod: So you took your opportunity today, I guess, to support GSAs, but mostly, I guess, your message to MPPs is defunding the Catholic system.

Mr. Justin Trottier: Our message is dealing with a problem.

Ms. Lisa MacLeod: Which is?

Mr. Justin Trottier: GSAs are a symptom of a larger problem, and as I said, there are lots of examples of other symptoms: banning of books written by atheists, turning students into pro-life activists but suspending students who dare to write "pro-choice" on their clothing. We know that some of these boards have removed, generally quietly and discretely, lesbian and gay teachers. There are lots of problems that crop up, and a fundamental issue is the inconsistency; it's the conflict that's created. This is a great example of that conflict. We would be remiss, as secularists, not to point it out, which we think is quite obvious. You have a conflict. You have the funding for the system coming from one source, and the accountability, whether actual or perceived, going somewhere else. This is an obvious conflict—

Ms. Lisa MacLeod: Just quickly: You were a member of the astronomy club. Is that what you said?

Mr. Justin Trottier: I was one of the founders of my astronomy club in high school, yes.

Ms. Lisa MacLeod: Did you need that legislated?

Mr. Justin Trottier: Well, nobody was trying to ban the astronomy club, though.

Ms. Lisa MacLeod: No one is trying to ban student clubs.

Mr. Justin Trottier: They are banning GSAs, with respect. They have done that, actually.

The Chair (Mr. Ernie Hardeman): Okay, that does conclude the—

Ms. Lisa MacLeod: Don't you think that children should have the right to choose the group?

Mr. Justin Trottier: Of course they should. We're saying where students want to have GSAs, they get to call them that.

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

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MR. JOHN G. GOTS

The Chair (Mr. Ernie Hardeman): Our next presentation is John Gots. Thank you very much for coming in. As you're finding your seat, the directions are the same as for the previous ones. I notice that you've been sitting in the audience patiently awaiting your opportunity to speak. We very much appreciate your perseverance.

You will have 15 minutes to make your presentation, and you can use all or part of that. If there's any time left at the end of your presentation, we will turn it over for questions, and the questions this time will be to the third party. I would just add that if you could, as you start to speak, tell Hansard your name to make sure that the record has that clear. With that, the next 15 minutes are yours.

Mr. John G. Gots: Thank you, Mr. Chairman and all MPPs. My name is John G. Gots. I am an engineer, and my wife, Barra, is a retired fisheries biologist. We have dedicated a good portion of our lives to raising our two children, from conception to completion of their university education, until they were able to live independently. We paid our education taxes and tuition, along with all the other taxes and fees, and lived through the "he said, she said" and name-calling episodes, as well as the "she made faces at me" and "he pushed me" sibling rivalries.

It did not occur to us to call 911 or start human rights or other legal proceedings against either of our children when they acted up, nor did we keep a record of their offences, like the present bills seem to advocate. But we loved them both and they were aware of the home rules and its requirements.

The financial burdens of raising a family are significant for young people. A child born today is expected to have family expenses, up to age 18, of around \$200,000. These expenses grow rapidly during post-secondary education and continue until they establish themselves with a job after graduation, which covers their living costs and debts.

We support our children as best we can. We love them unconditionally, without strings attached, as they grow with confident hope into mature citizens enjoying their

rights and freedoms. Unfortunately, when it comes to public funding for education, our secular governments and institutions are much more selfish. They use the excuse of public funding to interfere and diminish our personal parental and religious rights and constitutional rights.

Mothers and fathers provide their fair share of public funding and the next generation of life to support society. Parents do so at considerable extra additional personal cost and thousands of hours a year of unpaid work for their children. The state should not work against mother and father. The threat by the Premier to re-educate parents to his liking by his education Bill 13 is counter-productive and chilling.

We strongly support those elements of Bills 13, 14 and 80 which serve as guidelines for controlling intimidation and promoting civility and good manners in the school system among students. I used the word “intimidation” and not “bullying” because bullying is a sexist term that is negatively impacting on males. We are not using the word “cowering” anywhere in this discussion, which would be very objectionable to the ladies, I’m sure. So let’s stick to intimidation.

Children in school should not coerce, demean, haze, pursue, stalk or physically fight one another. School teachers and principals used to be responsible to ensure discipline during school hours and on school property. Educators should be encouraged to uphold civility and teach their students enduring values. Unlike the Ministry of Education or the Legislature, they are in direct contact and engage with the child during school hours, day after day. Teaching staff should have the support of their boards and principals to maintain discipline. Most fathers and mothers want their own social and religious traditions, beliefs and faith transmitted to their children. They want to be shielded from laws, rules, regulations and practices that undermine or disregard the rights of parents as primary educators.

It is recognized that we live in a sex society, where the media is the message and porn is promoted 24-7, where commerce, politics and all human activity tends to be sexualized. Having lived through the sexual revolution, we have some understanding and perspective of how the present state of sexual politics has developed and its unintended consequences.

Bill 13 mandates indoctrination and legislation, seeking special educational, social and human rights based on minority sexual attractions, orientations or practices, from age four, kindergarten, to senior high school. Bill 13 promotes minority lesbian, gay, bisexual, transgendered, transsexual, two-spirited, intersexed, queer, questioning and other self-identified sexuality clubs. However, it is blocking and excludes clubs that represent a heterosexual view.

The Education Act should uphold truth and evidence-based reality rather than discard it. To brand mothers and fathers who sustain the human life cycle as homophobic is offensive and wrong. It is also undemocratic and un-

fair. How did the school system get into sexualized training from reading, writing and arithmetic?

The proposed gay-straight alliances and other sexualized elements of the education bills being considered by this hearing and others were originally developed by Mr. Kevin Jennings, who was, and is, a strong advocate of gay and lesbian rights, and initiated what became GLSEN, the Gay, Lesbian and Straight Education Network in the United States. He was also the author of the landmark 1993 education report to the Massachusetts Governor’s Commission on Gay and Lesbian Youth. It was titled Making Schools Safe for Gay and Lesbian Youth: Breaking the Silence in Schools and in Families. It was the basis of the safe schools programs of Massachusetts and has been strongly promoted, both in the US and internationally, by the gay-lesbian movement, which at that time, around 1993, were the only real movements that were supported by the boards.

This movement later, in increments, was expanded by additional sexual attractions and practices as the BTTTIQQ, who were seeking special legal privileges. In my opinion, the list of protected sexual practice rights will increase as time progresses, with such potential additional rights as cybersex, sexting, AFSR, or alternate sex fetish robots, technosexuality and so on. How schools will perform scholastically by satisfying such wide-ranging forms of sexuality and sexualization in our education system is difficult to predict. It is likely to have unforeseen circumstances and consequences for students, schools and families.

Jennings was also safe schools czar for Mr. Obama from 2009 to 2011. He led the anti-bullying initiative of the Obama administration. His Gay, Lesbian and Straight Education Network, GLSEN, has published a widely distributed manual called the GLSEN Jump-Start Guide for Gay-Straight Alliances, which the present Bill 13 and other similar bills seem to follow closely and can be seen at the Web.

In Ontario, we have an indication of how the LGBTQ training in schools is likely to be done. It is outlined by Jer’s Vision, Canada’s youth diversity initiative, which developed the LGBTQ curriculum resource from kindergarten to grade 8 for the Ontario curriculum and program expectations. They appear to share much with the GLSEN direction and process. These are outlined in Jer’s Vision on the Web.

After having a quick look at it, my question is: Why is the LGBTQ minority’s sexuality promoted by Bill 13 to students from kindergarten to senior high school, while at the same time the majority’s position is questioned and agitated against in silence?

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Are children in school going to be groomed into alternate lifestyles and sexuality by the education system? I’m sure that is not the stated Education Act amendment purpose, but will it be its consequence?

There was an article that was on LifeSiteNews. “The Real Agenda Behind Gay Anti-Bullying Clubs in Your School” was the title of it. The article quotes and refers to

the operational strategy of Mr. Jennings and GLSEN. To quote, “‘If the radical right can succeed in portraying us as preying on children, we will lose,’ warned Jennings in a 1995 speech to fellow GLBT activists, outlining his strategy. ‘Their language—‘promoting homosexuality’—is laced with subtle and not-so-subtle innuendo that we are ‘after their kids.’”

“Jennings argued that the key to success lay in ‘framing’ the issue in another way, to the advantage of the GLBT cause.

“The strategy consists in linking the GLBT cause to ‘universal values’ that everyone in the community has in common, such as ‘safety.’ One then builds on this universal value the idea that ‘homophobia’ represents a ‘threat’ to students’ safety since it creates a ‘climate where violence, name-calling, health problems, and suicide are common.’ From this point, one simply promotes legislation and programs for schools that frames the GLBT agenda in the language of these universal values....

“If anyone objected to the homosexual and transgender indoctrination that the activists planned to push in the schools, they would be accused of heartless disregard for students....

“The final goal of the campaign, according to Jennings, is that one day, when ‘straight people’ hear that someone is ‘promoting homosexuality,’ he would say ‘Yeah, who cares?’ because they wouldn’t necessarily equate homosexuality with something bad that you would not want to promote.”

The stumbling blocks of this campaign strategy, of course, are parents of faith who are not indifferent—

The Chair (Mr. Ernie Hardeman): You have one minute left.

Mr. John G. Gots:—those who care what sexual ethics and morals the education system promotes to their children. In the case of the separate school system, Roman Catholics are supposed to have constitutional, guaranteed rights to teach and promote the teachings of the Catholic church. The Constitution-guaranteed rights of the separate school system are threatened by proponents of Bill 13—similarly, the rights and freedoms of mothers and fathers of many other faiths who support schools promoting their faith.

We feel that the bill will generate much further opposition and court action if implemented with its sexual biases against heterosexuals. We are an integral part of the human life cycle, and the more than seven billion humans on earth are here because opposite-sex couples became mothers and fathers, and most sustained their children until adulthood. Let the bills control intimidation of fellow students. Have bills that promote civility and good manners in the school system without sexualization or attacking the faith and religious rights of children and their families. Teachers and principals should be carrying out this task—

The Chair (Mr. Ernie Hardeman): I think we’ll have to—

Mr. John G. Gots:—with truth and sensitivity towards all those in their care. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. We hate to cut you off, but the 15 minutes has disappeared.

Mr. John G. Gots: I’m sorry. I’m a slow reader.

The Chair (Mr. Ernie Hardeman): No, that’s just fine. My job is to make sure that we try and keep it on time. I haven’t done so well today.

Anyway, thank you very much for your presentation. That part which you didn’t quite get finished, the committee has all that, and they will read it to make sure it’s there.

OFFICE OF THE PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH

The Chair (Mr. Ernie Hardeman): Our next delegation is the Office of the Provincial Advocate for Children and Youth—not only the next, but the last for the day. We thank you very much for coming in. As with all the other delegations today, you will have 15 minutes to make your presentation. You can use any or all of that time. If you don’t use all the time, questions will come from the third party, as we go in rotation. We would ask you, before you make your presentation, to put your name on the record through the mike. From there, we will proceed on. The floor is yours for the next 15 minutes.

Mr. Irwin Elman: My name is Irwin Elman. I’m the Provincial Advocate for Children and Youth. Thank you for having us here, and for the hard work that you’re undertaking. I commend the committee members, from all sides, for the work you’re doing. I feel I have a sense of why you’re doing it and the motivations behind this, and for that reason I’m fully aware that I’m not the only child advocate in this room. I wanted to say that.

I’m here with O’Neil, who is a young person involved with our office, who wished to share his views on bullying and the proposed legislation before the committee. We’ll share our time, and we’ll be making a written statement as well.

I entered this discussion on bullying thinking about safe space. Safe space is crucial to the young people in my mandate. I’m thinking about group homes, foster homes, places of custody and, yes, schools, including special section classrooms. In fact, in preparing for what we wanted to say to you and meeting with young people from across the province, they reminded me that for many of them, school is a refuge; that some have found that one person, that place of safety in the midst of incredible struggles, at school, in the teachers, in their classmates, in that building. They’ve also reminded me that when one person is unsafe, actually everybody is unsafe. They spoke about bullying being able to be viewed as a mental health issue for both the bully and for those who are bullied.

I thought to myself, listening to them and some of the other things that they were talking about—after-school

programs, mental health services—that the issue and strategy around bullying is a perfect opportunity to work horizontally in government across ministries; even within ministries, across sectors in ministries. They talked about—and youth actually knew this—funding for mental health services from the Ministry of Community and Social Services. They knew after-school programs could exist, and that was from what was formerly the Ministry of Health Promotion, now part of health, and that this is a chance to do things differently, as has been talked about even in the Ministry of Education, where there's a myriad of departments, to create a strategy across ministries and sectors.

For me, safe space is about meaningful participation of students. I think that participation of students is a key to safe space in schools; it's a key to safe space anywhere and anything we do with children and young people.

I remember one girl who said, "Do not think that you can move to participation of students without adults being involved and setting the stage for that. That won't happen until adults take their responsibility." Meaningful participation is a partnership between adults and young people.

I remember this one girl crying—and I know you must have heard these stories. She was talking about being bullied, a humbling story. She said, "If a teacher had intervened, had gotten to know me well enough that they had intervened before the bullying became intense—or gotten to know the bully, for that matter, before. That was the key. I wish somebody had noticed me or had noticed the bully earlier on." The relationships that we need in those schools, between teachers and students, are what's key to stopping the bullying that she felt was going on. I remember how profound I thought her statement was—simple but profound, but it's what young people tend to come up with. She talked about—and this is probably another topic for another day—the need for training of teachers, the need for more time for teachers to actually get to know their students. That was something that was very important to her. It's true in our homes—the relationships we have with our children are crucial—and it's true in our schools.

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There's an opportunity in the legislation, though, that you are crafting to encourage meaningful participation. I think that youth groups initiated by students should be encouraged and supported in all forms. This, of course, should be guided by Ontario human rights legislation. Some of you have suggested to me that this support should be or might be proactive by school officials, identifying leadership qualities even in those students who seem to pose a challenge to the school and encouraging them to join and start their own groups—or young people, children with special needs, encouraging them to start their own groups or participate in them.

I know there's some language in the legislation about reviewing the effectiveness of the legislation. You've suggested to me that while surveys are one way to gain feedback from young people, they really want to have

meaningful dialogue with adults. They said to tell you, "Talk to us. Talk to us and listen to us."

The creation of this legislation in some ways is uncharted territory. I would suggest adding a clause to any legislation that's created that would see this committee review the legislation every year for at least three years. The committee should receive a report from the Ministry of Ed that's created about the effectiveness, and discuss it.

We have witnessed this week how enriching the voice of young people can be in the work of the Legislature. I believe the review of the legislation by this committee could involve a process engaging students across this province about its effects and its effectiveness. We would be pleased to assist in any design of that process. That idea of reviewing legislation—because I know your intent; I know where your heart is—may allow you to find the way in which you can craft legislation at this point in time for the province.

I would encourage a strength-based approach to thinking about the issue. The glass is actually half full when we think about our students. Young people have said that they want those who bully to be held responsible for their actions, but they also want me to remember that bullying happens for a reason and that restorative justice approaches to the issue can be particularly helpful.

I want to say one last thing before O'Neil talks, and that's that I have been, Mr. Chair, personally to your riding several times. I think you know that. I've been to a town called Ingersoll more than once, and I go to Ingersoll—it's one of Ontario's few designated youth-friendly cities—to visit this place called the Fusion Youth Centre. It's an amazing safe space for young people—amazing. I have gone to nourish myself, to see what is possible. I said to the young people and the staff there, "How, in Ingersoll, does this exist where it doesn't exist in so many other places in the province?" I was told that some years ago, young people there said that they wanted a youth centre. They brought the city officials together, and you, Mr. Chairperson, and said, "We want this." Basically, their story is that you didn't know how to do that, but you said, "I support you. Go ahead and do that." I think that was a remarkable achievement when you saw what those young people and adults in Ingersoll did.

I say that because I believe that the deliberations of this committee are in good hands. I think with that kind of spirit, you'll be able to craft legislation that will enrich our schools and support our students.

Mr. O'Neil Allen: Hi. My name is O'Neil Allen. I'm 22 years old. I'm not only here to be on the side of the person who has been bullied, but I've also been a bully myself. I believe this bill needs to have supports to protect the victims and healing and scarring of those people, but as well, protect the bullies themselves, because they could be victims in their own right through abuse at home or mental health or even learning disabilities. That could be different reasons why they bully themselves.

Some of the ways we think we can help the bullies and victims is by maybe not suspending these kids, because sometimes when you suspend these bullies, they go home to more violent situations, or they get bullied themselves by their parents. So maybe going home with suspension is not good; maybe more learning experience in the school with a consequential background with it, but also a learning experience so we can stop the bullies bullying themselves and maybe become regular students in the school as well.

I also believe that the language for this bill, when created, should be distributed from all grade levels and taught. Make a way so kids can understand the bill from kindergarten to middle school to high school and through the age of whatever thing it teaches them, through the bullying week or whatever awareness, that each level or group knows and understands bullying and why not to do it, why not to be a bully and whatnot.

I think there needs to be training with the teachers, more of a social aspect—like teaching them how kids can sense a bully or who's being a victim and who's a bully, and if you sense a bully in your classroom or in your school, how to take that person aside and maybe help them. Why are they bullying? What's happening at home?

More school-community outreach: Because there's not that much in our school system right now where the parents and the school are disconnected, when there should be more of a community base since all your kids are going to one school and to one middle school and one high school. Why isn't there a connection of outsources through all so that the kids' experiences through all schools in the area are like one, connected like a family, instead of kids being picked on or whatnot?

I think that's about it. I think that's it, yes.

Ms. Lisa MacLeod: Great job.

Mr. O'Neil Allen: Thanks. I'm shaking here.

The Chair (Mr. Ernie Hardeman): That's your presentation?

Mr. O'Neil Allen: That's all I have to say.

Mr. Irwin Elwin: Yes. Thank you.

The Chair (Mr. Ernie Hardeman): Very good. We do have about two and a half minutes left, so—

Ms. Lisa MacLeod: Mr. Chair, may I seek unanimous consent for each party to be able to at least make one comment to our presenters today?

The Chair (Mr. Ernie Hardeman): Okay. We'll ask for unanimous consent after we have the time from the third party, who are entitled to this questioning.

Mr. Peter Tabuns: Thank you very much, Chair. I'd like to thank both of you for being here. I'd like to thank you in particular for presenting this evening. It has been a long haul, so thank you for hanging in right to the end.

Do you see the provision of resources for those bullies to be really critical to turning them around in school?

Mr. O'Neil Allen: I think the way bullying is seen now, it really demonizes the kid, the individual who is being the perpetrator or the bully—seeing them in a negative context, when that person could be a victim in

their own right, but the teacher or the system doesn't see them as a victim but only as the perpetrator of the bullying, and only the victim is the one who's hurting when possibly the bully could be a victim themselves.

I think instead of seeing bullying as this person is doing this to this person, we need to look at both persons, because you might see one victim and there might be two victims in the room, and we just don't know it.

Mr. Peter Tabuns: Thank you. I appreciate that.

The Chair (Mr. Ernie Hardeman): Did we have unanimous consent? Did you want to make just a comment to the delegation? This is the last delegation of the hearings here in Toronto, so we'll take special exception. Before we go today, we'll have the government side. We'll just have them wait a minute.

I thank you for your kind comments about the Fusion centre. I have coffee across the road from it just about every day that I'm home, so thank you very much.

Mr. Flynn.

Mr. Kevin Daniel Flynn: Thank you, Mr. Chair, and thank you, Irwin, for coming today. You know this place as well as anybody. Issues can tend to become very politicized very, very quickly. I think your attempts at the start of your presentation to remind us that we're all here for the same reason resonated with me certainly, anyway, and I hope with some of my colleagues on my side and on the other side.

O'Neil, you told us a little bit about what you think, but you seem to have some intimate knowledge of this. You didn't tell us much about yourself. Is there anything? How did you come to these realizations?

Mr. O'Neil Allen: Well, as a young man—as a young kid—basically, I was taken from my family at a young age. I was put into the care of the CAS, and I started bullying because I was in a group home area, and it was a very gangster mentality. It was more survival, who survives—the weakest, you know. So you go to school with that mentality, and you go home, inside that home, every day and have to be a soldier. When you go to school, you're going to be a soldier. So sometimes I would bully, not because I'm a bully but because that's my mind state. If I exit out of that mind state, when I go home, I'm going to be bullied myself.

Then I went to high school, where my size became a weakness, so I'd be called "fat kid." So I went from being the bully, the big guy in middle school—you know what I'm saying?—who bullies kids sometimes to being called fat and hiding in the library. I was reading books because I didn't want to be in whatever high school lunchroom, because they would all call me fat if I ate my lunch in front of them or whatever.

So it went from me being a very powerful person in middle school to me being a weakling, and then I understand both sides. When I was a bully, I understood how people and the teachers were ignorant. They were always suspending me and always saying, "You're bad, you're bad, you're bad." Then, when I was being bullied, I'd also see the teachers ignoring the problem and not being able to see the steps of me being bullied: sort of trapped

into the library, to skipping school, to getting expelled for not even going to school no more. You know what I'm saying? There are both sides.

I can see how easy it is to see the victim, but it is also harder to see that bully who is in the school bullying. You don't know what's happening in his home. You don't know what he's going back to. You don't know what depression he's dealing with or if he's being molested or anything. You don't know. All you see is a kid that's bad, and sometimes we need to stop saying "bad, bad, bad," because at the same time, we're bad as a society for not doing a good job by raising these kids with their parents or whatnot. You know what I'm saying? It's just a cycle that's going round and round, and that's all.

The Chair (Mr. Ernie Hardeman): Okay. You have a comment?

Ms. Lisa MacLeod: Yes, just simply thank you very much, Chair, and to my fellow committee colleagues.

First, to Irwin, I was on the committee with Andrea Horwath and the former MPP for Ajax-Pickering, Wayne Arthurs, when we hired this man. We're very, very proud. You've done us very well. It's not common to have an officer of the Legislature appear before committee on a bill. It doesn't happen every day, but when it does, we certainly appreciate your views. I thought it was very important that you brought some of our most disadvantaged youth in Ontario into this discussion.

To O'Neil, thank you very much. You're the first bully who we've seen in the past four days, and for the people behind you, the problem is, this young man has the biggest smile of anybody here, and it's awfully hard to believe that he ever would have been one. But I thank you for bringing that to our table today as part of our discussion. It is something that we're all contemplating: rehabilitation of the bully. We are talking about restorative justice, and we do know that we have to get this right. So I want to say thank you for your courage here today. You did a great job.

Mr. O'Neil Allen: Thank you for having me, guys.

Ms. Lisa MacLeod: And you have a wonderful mentor who is beside you, and I can't say enough about our independent child advocate here in Ontario, so thank you very much.

The Chair (Mr. Ernie Hardeman): Does the third party have anything they wish to add? They have another turn.

On behalf of all of us, thank you very much. I also want to say thank you, on behalf of all the committee, to the members of the audience who have faithfully sat through the hearings most of today and some even before today. Thank you very much for all your input. We very much appreciate it, and we look forward to coming up with the best possible result we can at the end of these hearings.

The committee stands adjourned.

The committee adjourned at 2012.

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