



Legislative Assembly of Manitoba

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman:

**Mr. J. Wally McKenzie
Constituency of Roblin**



Tuesday, October 23, 1979 2:00 P.M.

**Hearing Of The Standing Committee
On
Privileges and Elections**

Tuesday, October 23, 1979

Time: 2:00 p.m.

CHAIRMAN, Mr. J. Wally McKenzie.

IR. CHAIRMAN: Have we got a quorum? Shall we proceed? Mr. Marshall. Carry on from where you left off, Mr. Marshall, Page 6 of your brief.

IR. MARSHALL: You won't lose congruence, Mr. Chairman, if I pick it up there?

IR. CHAIRMAN: I don't think so. It's up to the committee, of course. Is it agreed that we start where Mr. Marshall left off? (Agreed)

IR. MARSHALL: Thank you, Mr. Chairman. Mr. Minister, honourable members, continuing on the top of Page 6, the facts are, The Greater Winnipeg Education Levy was not imposed for municipal purposes as the Winnipeg School Division No. 1 brief suggests. With a single municipal corporation, there is automatically one equalized municipal mill rate. This municipal mill rate has nothing whatever to do with the education tax. Further, the time line associated with the municipal tax was not related in any way to the education tax.

Again, I quote from the Winnipeg brief, "What kind of equalization is it that accepts that a homeowner on Boyd Avenue should pay a higher rate of tax than one on Kildonan Drive or Handsart Blvd."

The facts are, after applying the Foundation Levy and the Greater Winnipeg education levy, the mill rates for Boyd Avenue, city centre, and for Handsart Blvd., Tuxedo, and indeed for all ten urban school divisions, are exactly the same.

The persons on Boyd Avenue and Handsart Blvd. are assessed the same rate of education tax to cover the Greater Winnipeg education levy.

Differences in tax levies arise from the individual decisions of school divisions to spend dollars, or example, the teacher serving Handsart Blvd., Assiniboine South School Division No. 3 is ninth among the ten urban divisions in salary and in some categories tenth and last. Instruction day budget category, which includes teachers' salaries, is 60 to 70 percent of a school board budget, and is one significant reason why the tax levy rates may be higher on Boyd Avenue than on Handsart Blvd.

To summarize, after the foundation levy and Greater Winnipeg education levy are in place, the tax rate for the ten urban divisions are exactly the same.

Again quoting from the Winnipeg brief, "Our inner city householders and residents, most of whom represent the poor of the total city population, very many of whom have minimum incomes, and very many of whom are senior citizens, pay realty taxes that are completely disproportionate to the quality and the value of their housing so that their more well-to-do cousins may not suffer a rise in taxes."

Where are these well-to-do suburban cousins? These statements are not born of logic. The difference in assessment reflects the affluence or lack of affluence; the difference in mill rate reflects the school division's spending of dollars.

The assets in downtown Winnipeg clearly do not belong to Winnipeg School Division No. 1.

Winnipeg School Division No. 1 suggests that the benefits of all the downtown development belong to them, despite the fact that all the citizens of Winnipeg, regardless of school division pay for services to that assessment.

Consistent with the originating legislation in 1971, it is clear that the Winnipeg School Division No. 1 in their brief, implies that the Greater Winnipeg education levy was crisis-motivated, intended to be temporary, and was intended only to balance municipal and educational mill rates during the first three years. This is false.

What was the intent of the Greater Winnipeg education levy?

The Greater Winnipeg Education Levy is a child of Unicity. The government proposal for urban re-organization in the Greater Winnipeg area identified the rationale for the succeeding legislation which created a single municipal corporation and retained ten school divisions within the Greater Winnipeg area.

We quote directly:

"The government proposed that partial equalization of the education component of the mill rate must be brought about as follows:

1. The provincial foundation levy would remain in existence.
2. The present special levy would be subdivided into two portions; the new Greater Winnipeg Education Levy standard across the whole urban area; and a residual special levy as it is needed in each school division.

The new Greater Winnipeg Education Levy would be fixed at a predetermined mill rate, related to per-student costs found in the urban area's school divisions. This rate would be levied in an area by the new urban council. The money would then be allocated to each school division on a per-student basis.

Thus, the Greater Winnipeg Education Levy would operate within the metropolitan area in much the same manner as the provincial foundation plan does in the province as a whole.

The cost of education would thus be spread more fairly across the entire urban area.

It is important to note that the Greater Winnipeg Education Levy is an integral part of the Unicity legislation. It is NOT a component of the transitional two-year assistance the province extended to the new municipality to cushion the effect of municipal mill rate equalization.

Loss of the Greater Winnipeg Education Levy would intensify the differences that presently exist amongst urban divisions and ultimately would lead to the dissolution of the ten divisions.

As a point of information, the Greater Winnipeg Education Levy does not cause dollars to fall on property; it only allocates dollars that need to be raised on property. For example, if the Foundation Program were used to relieve tax on property in the City of Winnipeg from \$113 million which is the 1979 total urban property levy to \$10 million, the dollars to be collected from property would still be \$10 million whether the Greater Winnipeg Education Levy were applied or not.

We have found in our discussions that this reality is not generally understood by proponents of property tax relief.

The position that the Greater Winnipeg Education Levy is not needed if there is sufficient property tax relief through general revenues is not defensible. The principle of the Greater Winnipeg Education Levy and its need apply so long as educational dollars are to be collected from property.

Table 1 shows an analysis of special levy in Transcona-Springfield School Division with and without Greater Winnipeg Education Levy. It should be noted from Table 1 that the actual 1978 statistics show that the total Transcona education levy, with the Greater Winnipeg Education Levy, is 54.3 mills and the special levy for 1979 without the Greater Winnipeg Education Levy is 86.3 mills for an increase of 32 mills. With the application of the Greater Winnipeg Education Levy for 1979, the increase is 5.6 mills; a difference of 26.4 mills.

It is obvious that the downtown commercial and business district has a high municipal requirement but a low educational requirement. It should be equally obvious if every citizen in Winnipeg has an obligation to retire the debt and to pay fully for municipal services, then every citizen of Winnipeg including Transcona has a right to share an assessment for school purposes."

For the information of the committee I submit Table 1.

"Item V. Considerations and Facts which cannot be ignored when determining the need for the greater Winnipeg Education levy.

A. The City of Winnipeg - The nature of the urban community.

The City of Winnipeg is a single municipality with a common municipal mill rate drawn from all the citizens of that corporation. While the City of Winnipeg is a homogeneous unit for municipal purposes, it is not a homogeneous unit for educational purposes. The City of Winnipeg is divided into ten school divisions for the purposes of delivering educational services.

More than half of the assessment for the entire City of Winnipeg for 1978 (a total of \$835 million of balanced assessment or 51 percent) lies in two school divisions, Winnipeg No. 1 and Fort Garry No. 5. In addition, Winnipeg and Fort Garry have two-thirds of the commercial-industrial assessment or \$390,456,870 of the total of \$580,444,800. All other divisions together have only \$189,984,610.00.

B. Inequities created for school divisions within the City of Winnipeg.

It is clear that ten school divisions cannot co-exist if by the accident of geography they inherit assessments that fall within their school divisions. If this were the case, school divisions would have to go into the business of attracting industry into their own divisions. Certainly this approach is contrary to the intent of Unicity which permits industry to be placed where it is best suited without

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penalty to any citizen of Winnipeg. If Winnipeg school division recommendations were followed, we could have conditions in which nearly two-thirds of the students would have to be supported on a tax base of less than one-half of the property assessment of the City of Winnipeg, and approximately one-third of the students would be supported by a tax base of more than half of the property assessment.

By contrast Winnipeg and Fort Garry have the educational responsibility for slightly over one-third of the students. The other two-thirds of the students of the City of Winnipeg, to whom educational services must be delivered live in the broad crescent which includes Tuxedo, Charleswood, St. James-Assiniboia, East Kildonan, West Kildonan, Transcona, Seine River, St. Boniface and St. Vital.

Comparisons will be made to show what inequities exist by virtue of assessment and student enrolment differences amongst divisions.

Assessment and Student Enrolment Differences for 1979.

Table 2A shows that Fort Garry No. 5 and River East No. 9 have essentially the same balanced assessment, \$130 (\$139) million respectively, but River East has twice as many students as Fort Garry, 12,365 as opposed to 6,691.

In Table 2B comparing Winnipeg No. 1 and St. James No. 2, Winnipeg has twice as many students, 4,570 as opposed to 16,680, but has approximately three times the assessment, \$724 million to \$252 million in St. James-Assiniboia.

Table 2C shows that while all the divisions shown in this Table with the exception of Assiniboine South, have more students than Fort Garry. Fort Garry has from 50 to 119 percent more assessment dollars than the divisions listed.

The three tables clearly show the imbalance that exists between students to be served and assessment available to deliver dollars to serve those students. Since all of the people in these divisions are citizens of Winnipeg and as such are paying to retire the debt and the costs of municipal services for the whole of the city of Winnipeg, they are entitled to share in the assets of their city for educational purposes.

A practical application of what assessment and student enrolment differences can mean is a current example. The city of Winnipeg is planning a 700 acre industrial park on the St. Boniface side of Dugald Road on the edge of the Transcona-Springfield school School Division. Everyone in the city of Winnipeg will pay for municipal services but without urban equalization, only the school division in which the industrial development has been placed will benefit. The millions of dollars of assessment for which everyone in the municipal urban area is paying will be pocketed in one division.

To cite a second example, Transcona-Springfield's boundary change with Division No. 9 was changed by mutual agreement so that the Devonshire Park area which formerly fell in both divisions may be planned for educational purposes. Under the boundary change, the commercial development east of Lagimodiere Blvd. remains in River East Division No. 9 and all the educational requirements of the area fall into Transcona-Springfield School Division. The educational arrangement is feasible under the Greater Winnipeg Education levy, but without it such a boundary change would have meant a severe penalty to the people of Transcona.

A third example is the city of Winnipeg's planned \$60 million storm sewer program in the downtown area. All citizens of Winnipeg will pay for these services, and yet without the Greater Winnipeg education levy, nine divisions will be denied a rightful share of assessment for school purposes.

The proposed Trizec development at Portage and Main provides a fourth example of how all citizens of Winnipeg have a responsibility to pay. Without the Greater Winnipeg education levy, however, only Winnipeg Division No. 1 would share in assessment for educational purposes.

The intent of the Unicity legislation, that development in the urban community may properly be planned with without respect to internal boundaries, is consistent with the continued application of the Greater Winnipeg education levy.

C. Projections if the Greater Winnipeg Education levy is withdrawn. It is quite evident and historically factual that bedroom divisions cannot compete educationally in the urban community. The school divisions provide the human resources that staff business and industry elsewhere, but cannot support their educational requirements on the residential tax base within the confines of their own school divisions. Table No. 3 illustrates how the urban divisions fare with and without the Greater Winnipeg equalization levy. Honourable members will note in the table that there's an extraordinary impact for poorer assessed divisions with a larger number of students.

The effect on Transcona and other divisions of the removal of of the Greater Winnipeg education levy would be a disaster.

D. The nature of Transcona-Springfield School Division No. 12. Transcona-Springfield School Division is one of the largest school divisions in the province, by geography larger than the city

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of Winnipeg. We have in Transcona well over 1,000 acres of residential development. Three 250-acre parcels are already under construction, and the residential development trends are towards high density. We face extraordinary growth in the Municipality of Springfield, which has primarily a agricultural property base.

The nature of the Transcona-Springfield Community results in high educational requirements and low assessment revenue recovery from property. Transcona carries 75 percent of the property tax base in the Transcona-Springfield School Division.

Since we are the most vulnerable of all the urban divisions if the Greater Winnipeg Education Levy is withdrawn, it is clear that the Greater Winnipeg Education Levy is central to our ability to compete as an urban division and to provide the necessary educational services without extraordinary penalty to the people who live in our Division.

We can foresee a considerable pressure on the local levy even with the Greater Winnipeg Education Levy continuing. For example, the policy of the City of Winnipeg of charging assessor values for property, the full cost of local improvements for school sites, as well as the spill-over of capital development into local revenue all primarily affect the expanding divisions, of which Transcona-Springfield is one.

In summary, so long as ten school divisions co-exist within a single municipal corporation, urban equalization of the educational mill rate is fundamental to fair treatment for all. Should the present provincial equalization plan be modified, it is essential to retain the well-considered urban educational equalization plan of Unicity so that there is fairness to all the people living in the same municipality.

The Relationship of Provincial Equalization to the Greater Winnipeg Education Levy

We believe that the Greater Winnipeg Education Levy must be maintained in any further move to provincial equalization. There is no need to adjust the Greater Winnipeg Education Levy since dollars equalized provincially do not fall on urban property. There is, however, an automatic reduction in the Greater Winnipeg Education Levy for every dollar that is equalized provincially. It happens automatically.

Consideration of Special Needs in Winnipeg School Division No. 1

If it is assumed that Winnipeg School Division No. 1 has problems because of urban equalization, then Fort Garry No. 5, which has a similarly high balanced assessment per pupil in the urban community, should also have problems. Such is not the case as Fort Garry has only the sixth highest mill rate of the ten urban divisions.

This suggests that the problems of Winnipeg No. 1 relate more to the nature and unique characteristics of the division. If this is so, then direct assistance to that division is necessary.

Removing the Greater Winnipeg Education Levy, quite apart from its being improper and unfair in principle, may help Winnipeg's dollar problem, but it would create survival problems for the other divisions, some falling by the wayside sooner than others, and ultimately leading to the dissolution of the ten divisions.

At a meeting of Metro Chairmen, March 8th, 1979, a motion was passed which indicated agreement in principle with the need for a Greater Winnipeg Equalization Levy.

Further to the above, on September 17, 1979, St. James Assiniboia School Division No. 2 issued a letter to the Minister and the news media at large in which they stated the following:

"We have read the brief on this topic which was presented by Transcona-Springfield School Division No. 12 and wholly support the continued need for the Greater Winnipeg Equalization Levy and recommend the retention of section 537(1) of the present Public Schools Act, which covers the Greater Winnipeg Equalization Levy.

Summary of Main Points Related to Support of the Greater Winnipeg Education Levy.

1. The Foundation program should continue to be used to collect dollars to provide equalization to the extent that the province can afford to fund their share.

2. Per pupil grants with an assessment bias to favour the assessment-poor school divisions should continue to be used to deliver dollars.

3. The greater Winnipeg Education Levy should be retained since it is fundamental to the equitable co-existence of ten separate school divisions within the single corporation of the City of Winnipeg.

The Greater Winnipeg Education Levy is automatically reduced in direct proportion to the amount of provincial equalization that takes place i.e. provincially equalized dollars do not fall on urban property.

4. All citizens of Winnipeg, regardless of which school division administers their educational needs, pay towards the costs of retiring the debt of and providing the services to the City of Winnipeg.

5. After the Foundation Levy and the Greater Winnipeg Education Levy are in place, the tax rate for the ten urban divisions is exact exactly the same.

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6. The intent of the Unicity legislation, that development in the urban community may be properly planned without respect to internal boundaries, is consistent with the continued application of the Greater Winnipeg Educational Levy.

7. It is clear that ten school divisions cannot co-exist within a single Municipal Corporation if by the accident of geography they inherit disproportionate assessments relative to the number of students they must serve.

8. Loss of the Greater Winnipeg Education Levy would intensify the differences that presently exist amongst urban divisions and ultimately would lead to dissolution of the ten divisions.

9. So long as ten school divisions co-exist within a single Municipal Corporation, urban equalization of the educational mill rate is fundamental to fair treatment for all.

In Conclusion. We are encouraged by the Minister's support of the Greater Winnipeg Education Levy as evidenced by its inclusion in Bill 22, Section 189 of the proposed Public Schools Act.

In the final analysis, we recognize that the pursuit and realization of equal opportunity in education in many respects with the attitude, the accord, and the initiative of the school divisions themselves.

From wherever advice for change may come, the responsibility lies with and must be retained by those directly accountable to the people, with the government and the school divisions."

I present this on behalf of my Chairman, Mr. Quail; on behalf of the Board; Mrs. Derenchuk, Superintendent of Schools; Mr. Baraniuk, Secretary-Treasurer.

Appendix 'A' attached, if I may, Mr. Chairman. The letter from St. James-Assiniboia, the second largest school division in the Province of Manitoba.

At a regular meeting of the St. James School Board held on Tuesday, August 21, 1979, Motion 891-79 was passed instructing me to write you in support of the Greater Winnipeg Equalization Levy.

The City of Winnipeg is a single municipality with a common municipal mill rate drawn from all the citizens of that corporation. While the City of Winnipeg is a homogeneous unit for municipal purposes, it is not a homogeneous unit for educational purposes. The City of Winnipeg is divided into ten school divisions for the purpose of delivering educational services.

More than half of the assessment for the entire City of Winnipeg for 1977 (a total of 875 million dollars of balanced assessment or 52 percent) lies in two school divisions, Winnipeg and Fort Garry. In addition, Winnipeg and Fort Garry have two thirds of the commercial/industrial assessment or \$378,400,000 of a total of \$568,400,000.00 All other divisions together have only \$190 million.

It is clear that ten school divisions cannot co-exist if by the accident of geography they inherit assessment that falls within their school divisions. If this were the case, school divisions would have to go into the business of attracting industry into their own divisions. Certainly this approach is contrary to the intent of Unicity which permits industry to be planned where it is best suited without penalty to any citizen of Winnipeg.

Winnipeg and Fort Garry have the educational responsibility for slightly over one-third of the students. The other 61.3 percent and approaching two-thirds of the students of the City of Winnipeg, to whom educational services must be delivered live in the broad crescent which includes Tuxedo, Charleswood, St. James-Assiniboia, East Kildonan, West Kildonan, Transcona, Seine River, St. Boniface and St. Vital.

If Winnipeg No. 1 and St. James-Assiniboia School Divisions are compared, Winnipeg has twice as many students, 32,671 as opposed to 15,714, but has three times the assessment, \$693 million to \$237 million in St. James-Assiniboia.

We have read the brief on this topic which was presented by Transcona-Springfield School Division No. 12 and wholly support the continued need for the Greater Winnipeg Equalization Levy and recommend the retention of Section 537(1) of the present Public Schools Act, which covers the Greater Winnipeg Equalization Levy. Yours truly, Ron Johnson, Chairman, on behalf of St. James-Assiniboia with copies to the media and copies to our Secretary-Treasurer, Mr. Baraniuk.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Marshall. Questions? Mr. Boyce.

MR. BOYCE: I just have one question, Mr. Chairman. Is this not a good argument for a unified school division in the City of Winnipeg?

MR. MARSHALL: I don't know of anyone who supports the idea, or rejects the opportunity to deliver educational services through ten school divisions. Our position is, though, that if there's no equalization we'll either have it right away or we'll have it pretty soon because without the equalization levy some of the divisions simply can't compete. We're out of business.

MR. BOYCE: And if that is the case I would support your argument that that would happen there wasn't some method of equalizing. But if there were one one division in the City of Winnipeg in the multi divisions outside of the City of Winnipeg, would not the next logical step for the province to take over the direct administration of the schools?

MR. MARSHALL: Most trustees support the decentralization of the delivery of services and most of us agree with the opportunity to deliver services in the urban community within ten divisions I'm sure that's just about everybody's first choice. But it requires a response from the Mother of Parliament, the Legislature, in order for that to happen, in my judgment.

MR. BOYCE: While doubtless financing has some impact on where the divisions of the school delivery system lie, are there some other things besides the financing itself, which should be built into the Public Schools Act, to see that it isn't amalgamated into one big system down the road because of inadvertence or some other process?

MR. MARSHALL: The economy is fundamental to education obviously because it's the environment in which education is suspended. And again that support across urban areas is necessary in order for there to be ten school divisions.

Another methodology might be to flood it with provincial dollars, in order to bring this more into balance. Unfortunately the provincial dollars simply are not available because under foundation the province must put up \$8.00 for every \$2.00 that's drawn on property, and I think that's a reality we have to face. And it's fundamental if we are going to have, and if it's the will of the government to have ten school divisions within the urban community and most educators and most trustees support that and I support it, then it's fundamental to that that this be retained in the present Act.

MR. BOYCE: Well, perhaps I should be clearer in my question, Mr. Marshall. I would agree that there is no valid reason to have the schools in smaller divisions rather than one big large division and this presentation has presented itself to the problem of financing, the proper financing of the system, to support the smaller rather than the larger system, I understand that. But my question is, are there some other things that we should build into the Act, for example, more flexibility in the types and programs which are offered by the school boards within their divisions and the schools within that division?

MR. MARSHALL: Well, that goes somewhat beyond the scope except perhaps to say that given the dollars that the province spends and the autonomy the division has, that that's a pretty reasonable balance considering the fact that the province is paying a fairly high percentage. I think the autonomy at the local level is reasonable in terms of dollar terms.

But the problem with one school division of course it would be more bureaucratic, it would be more expensive and it will be less receptive to the needs of the local community, and clearly that's opposite to the way that education should be delivered. So it's not something we aspire to but it's something that could happen by accident even if the funding is not such that the divisions could carry on.

MR. BOYCE: Well, isn't there more to delivering education under the aegis of a local school board than just financing?

MR. MARSHALL: There is. My purpose, sir, in addressing this is dealing with the scope of finance and dealing with the base upon which the programs and everything can be built. Our concern is that we don't have an economic condition in which a number of divisions are sitting on a slope in terms of their economic capability because this is where the programs eventually come from. And without getting into what programs should be there and shouldn't be there, our point quite simply is, that we have to have the financial base to begin with. This is the foundation of our division we're talking about; the programs come after that and they're important. But I'm trying to confine our brief to the educational question or to the economic question.

MR. BOYCE: I understand that you are confining yourself to the financing but our task is a little broader than that. I was just trying to pick your brain from your experiences as a member of the school board to see if you had an opinion on this — not necessarily reflecting the opinion of the board but just from your past experience how you see the delivery of education. Assuming that we can work out this problem of finance, what else should be done for the school board to do

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better job as far as the delivery of educational services in their . community?

MR. MARSHALL: Well, I'm reluctant to speak personally because that's really not my purpose. Generally personally I have no great complaint with the latitude that we're given, the direction that we're given and with the opportunity to choose programs, etc., which hopefully respond to the aspirations of the community we serve.

MR. BOYCE: Thank you.

MR. CHAIRMAN: Mr. Brown.

MR. BROWN: Thank you, Mr. Chairman. I have one question only. First of all I would like to thank Mr. Marshall for the brief that he has presented to us that gives us a better understanding of what the problems really are. But the question that I have of Mr. Marshall is, I wonder if he is happy with the way that the boundaries of the school divisions have been set. Is this part of the problem or does this not create a problem?

MR. CHAIRMAN: Mr. Marshall.

MR. MARSHALL: I think the member cites a good point. I think as long as the boundaries have — not unlike the rural area — have come to be as a result of historical facts and there are legitimate communities within the City of Winnipeg and I think the school divisions generally retain those historical facts.

There are in our division two communities of Transcona and of Springfield which are distinct which has had a happy marriage for a number of years in the field of education. If there were any change in boundaries, I think that that would certainly be one thing taken into account, but fundamental to the question we pose here is the retention of those boundaries is dependent on our ability to serve the students and to share in the urban community.

MR. CHAIRMAN: Any further questions? Mr. Hanuschak.

MR. HANUSCHAK: Yes, Mr. Chairman, I would like to hear Mr. Marshall's views or the views of his Board with respect to the section of The Education Administration Act which indicates that the Education Administrative consultants, who, I suppose, would be the departmental overseers of the delivery of our education program in Manitoba, will now be political appointees rather than professional individuals appointed via the Civil Service process as they formerly were. Does he see any dangers in that or any apprehension?

MR. MARSHALL: Well, I'm not speaking for the board; I'm speaking for myself. I think that politicians have a role to play and that role is generally policy, and so do the professionals and that role is one to execute policy and to base their judgment upon whatever question may be raised, so I suppose there are pluses and minuses / to both approaches depending on what have you.

MR. HANUSCHAK: So I take it you make a distinction between policy formulation and the translation of policy into programming.

MR. MARSHALL: I'm pretty clear on that. I think it's the function of the elected representative to decide policy.

MR. HANUSCHAK: But you would not consider the education administrative consultant as a policy maker but rather one. . .

MR. MARSHALL: I would think that his role could be broadly defined by policy and he could work professionally within that. I don't have the specifics at hand but I think that certainly is possible.

MR. HANUSCHAK: But that would not be a job for a politician to do, to translate the policy into program, to evaluate the program, to. . .

MR. MARSHALL: Well, a politician can be a teacher and a teacher can be a trustee and it depends on what role one is playing. Even a teacher can be a representative person as well as a divisional

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person, so really, the important thing is for the person to know what their role is and to work within the confines of that role.

MR. HANUSCHAK: Would you want to suggest to the government . . . offer some suggestions as to the qualifications that you would like to see such an individual have? In other words, would you be satisfied if the only qualification the Education administrative consultant had was being a defeated candidate of the political party of the government of the day?

MR. MARSHALL: Well, you mean a defeated candidate who is not a professional?

MR. HANUSCHAK: No, I'm assuming that he were not an educationist, well, if he were Mr. Spivak, Mr. Masniuk, Mr. whoever.

MR. MARSHALL: Well, if the role has a fair degree of scope, there could very well be some arguments for being a person outside of an educator but I'd have to determine, you know, what the scope of the role was. I would think that the outside business person would have a broader perspective and the professional would have a more intuitive perspective, but again, that's a question of judgment.

MR. HANUSCHAK: Yes, with respect to School Finance, I am sure you are aware that there is indication within The Education Administrative Act by more clearly and precisely defining the types of schools for which the Minister may make regulations regarding the imposition of user fees, and now he has specifically pointed his finger to public schools, can you see the imposition of user fees upon the pupils and parents in the school system as in some way assisting you in financing education?

MR. MARSHALL: I think the free education system is fundamental to our system and I'd be prepared to defend that.

MR. HANUSCHAK: You would defend that. . .

MR. MARSHALL: I'd defend that there should not be a user fee under public education.

MR. HANUSCHAK: Thank you very much.

MR. CHAIRMAN: Any further questions? Mr. Walding.

MR. WALDING: Thank you, Mr. Chairman. Mr. Marshall, you're the vice-president of the. . .

MR. MARSHALL: Vice-chairman.

MR. WALDING: Vice-chairman of the School Board.

MR. MARSHALL: Yes.

MR. WALDING: Thank you. Does your school board have a policy on the release of public information to members of the public?

MR. MARSHALL: Can I refer you to my. . .

MR. QUAIL: I hate to interrupt at this time, but I'd like to clarify for the board that the item that Mr. Walding brings to your attention is under discussion at the board level and we don't wish to respond to that. It has nothing to do with the brief at this time, and I await your decision on it, sir.

MR. CHAIRMAN: Thank you, sir.

MR. WALDING: Well, Mr. Chairman, I'm not sure whether that outburst was justified at such a hearing. I was asking a question of broad policy; I didn't mention any particular specific at all. If Mr. Marshall feels some particular sensitivity about responding to such a question I will not press it, sir.

MR. MARSHALL: Well now, as the Chairman relates the question is under advisement, as I understand it. May I have a clarification?

MR. WALDING: Mr. Chairman, is Mr. Marshall telling us that the matter of whether they have a policy on public information is before the Board?

MR. MARSHALL: The matter that you raise, the Chairman says he is going to discuss with his board. It's a specific matter.

MR. CHAIRMAN: Mr. Walding, would you repeat your question once again for clarification for members of the Committee?

MR. WALDING: Yes, Mr. Chairman, I'd be very pleased to. I asked Mr. Marshall whether the School Board had a policy on the release of public information to members of the public?

MR. MARSHALL: I'll let the Chairman respond.

MR. CHAIRMAN: Mr. Quail.

MR. QUAIL: Thank you, sir. I'm sorry for the outbreak but I see ulterior motives that are not our purpose to be here. The policy of the Transcona-Springfield School Division is all public business done in public. We welcome the press, we welcome the members of the Legislative Assembly, we welcome anybody. As far as the policy, I think the policy is very clear in The Municipal Act and The Public Schools Act. Thank you, sir.

MR. CHAIRMAN: Mr. Boyce.

MR. BOYCE: On a matter of privilege, Mr. Chairman.

MR. CHAIRMAN: On a matter of privilege; Mr. Boyce.

MR. BOYCE: This gentleman should be advised he's before a committee of the Legislature of the Province of Manitoba and to attribute motives to a member of this Committee is a matter of serious impingement upon parliamentary privilege and he should be advised that being held in contempt of a Legislative Committee is as serious as being held in contempt of a court, that his knee jerk reaction in anticipation of some future question of a member of this Committee is reprehensible.

MR. CHAIRMAN: I will take the matter under advisement. I am at the discretion of the members of the Committee, shall we proceed? Proceed. Mr. Walding.

MR. WALDING: No further questions, Mr. Chairman.

MR. CHAIRMAN: Mr. Quail.

MR. QUAIL: My apologies, Mr. Chairman, I was not aware of this. My apologies to you, Mr. Walding, Mr. Boyce, and to the Committee, if I have offended you. However, our only intent, sir, is to present our brief.

MR. CHAIRMAN: Thank you, sir. Any further questions? Thank you, Mr. Marshall, Mr. Quail.

MR. QUAIL: Thank you, Mr. Chairman, Mr. Minister.

MR. CHAIRMAN: I call Mr. Gordon of the Manitoba Teachers Society. Could I have your name, Madam, please?

MARILYN THOMPSON: Mr. Chairperson, I am not Mr. Gordon.

MR. CHAIRMAN: I noticed that. My list says Mr. Gordon.

MS. THOMPSON: My name is Marilyn Thompson, I'm the President of the Manitoba Teachers' Society. I have quite a large delegation with me this afternoon. I would like to indicate who is present.

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With us is John Wiens, the Vice-President of the Manitoba Teachers' Society; Julian Levesque, the President of the Educateur Franco-Manitobaine; Terry Clifford, the President of the Winnipeg Teachers' Association; Derwyn Davies, the President of the River East Teachers' Association; John Enns from the MTS staff; Michelle McDonald from the MTS staff; Glen McRuer from the MTS staff Tom Ulrich, MTS staff; Kris Breckman, MTS staff; Lee oage, MTS staff; John Collins, MTS staff and Wally Pindera, our Assistant General Secretary.

Mr. Chairperson, I wonder if it would be possible for five members of the delegation to come up around the end of the table with me.

MR. CHAIRMAN: No problem. We can make chairs available or they can bring their own. There are chairs on the sideline if they so wish. There may be enough chairs there. All the microphones are hooked into the one system so it shouldn't be any problem.

Proceed, Ms Thompson.

MS. THOMPSON: Mr. Chairperson, Mr. Minister, members of the standing committee on Privileges and Elections. The Manitoba Teachers' Society welcomes this opportunity to recommend amendments, raise questions, and make comments concerning Bills 22 and 23 as tabled in the Legislative Assembly by the Honourable Keith Cosens, Minister of Education. The proposed Acts, The Public Schools Act and The Education Administration Act have been streamlined and updated, and the Society commends the Department of Education and the government for their efforts in this regard. We recognize that this is a very difficult task. We also note that the committee has a very difficult task in that it is receiving a large number of presentations, and we realize that you will have to come to grips with a number of conflicting views. We hope, of course, that you will see it in order to support the views that we present.

Bills 22 and 23 have received careful consideration and study by the Society. The changes which are being submitted are based on the policies of the Society, which have been determined over a number of years by the provincial council. The council is composed of the elected representatives of the 12,000 teachers in this province. As such the proposed amendments of the bills may be considered as representing the informed opinions of the professionals in public school education. The society trusts that the Review Committee will consider the proposals favourably.

I must say, Mr. Chairperson, at the outset, that we were rather distressed to find out that although we had submitted our written brief some three weeks ago, the committee members have not had an opportunity to read the submission in advance of our presentation. I will resist the temptation to read the brief to you, as it is 42 pages in length. I would like to go through it with you, highlighting items and summarizing our positions. The written brief contains detail and recommended amendments. I trust that you will read the written submission carefully, and I urge you to do so.

The first item that I would like to raise this afternoon is the item that deals with sick leave, section 93(1) of Bill 22, and this is Pages 3 through 7 of our submission. The Manitoba Teachers' Society has proposed an amendment to Section 93(1) of Bill 22. We have two areas of concern. It has been the Society's position that the current Public Schools Act provides annual sick leave benefits as a legislated right, rather than an earned right. Although some school boards have attempted to interpret the legislation to mean that a teacher earns the right to sick leave at the rate of two days a month, to a maximum of 20 days a year, no school board has been prepared to take this interpretation to court. It has thus become accepted practice that sick leave benefits are presently a right established in law.

The proposed legislative change is unacceptable to teachers. It would pose a particular hardship to beginning teachers. The proposed changes, particularly distressing to teachers, who as professionals have demonstrated responsible utilization of sick leave entitlement. Usage rates for teachers in Manitoba, in the vicinity of 2 percent, are among the lowest of any employee group in the province. I ask you in your deliberations, to consider Table I on Page 5 and Table II on Page 6, and we have provided some data — I'm not going to go through it with you at the moment — based on a survey that we did covering over 8,000 teachers in 33 divisions and districts for the 1977-78 school year that will back up the claim that I have just made.

There is also an economic concern. Most teachers in the province have achieved sick leave coverage of at least 75 days which accumulates over a four year period. As a result of these provisions, most school divisions qualify for a partial Unemployment Insurance Commission premium reduction. The Society is requesting that the sick leave provided in Bill 22 be the minimum provisions that are required to establish entitlement to the full UIC premium reduction. I draw to your attention on Page 6 of our submission, the bottom of the page, the net total loss of dollars to school boards and teachers resulting from Bill 22's provision for partial reduction rather than the full UIC premium reduction, and again I would ask you, at your convenience, if you would take a look at that

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The Society therefore requests that its proposed amendment to Section 93(1) of Bill 22, to incorporate provisions that allow the maximum Unemployment Insurance premium reduction for all school boards in the province be accepted, and you will find our proposed amendment on Page 3 of our submission.

The next item begins on Page 7, and deals with due process. And this part of the submission is contained in Pages 7 through 11. Due process refers to the right of the individual to a fair hearing by an impartial Board of Arbitration in cases of dismissal. Bill 22 provides that right only after a teacher has been employed for more than 2 years by a given school division. A change of employer, and a teacher forfeits the right of due process until the two year requirement is again met. We believe that a teacher should have the right to require the employer to show just cause in the event of a dismissal. The right to a fair hearing does not guarantee one a job, nor does it protect an incompetent. It does, however, provide an avenue of appeal against arbitrary, unjust, and capricious dismissal by the employer. We suggest that fair employment practices should apply to all employees, and should not be related to length of service.

The Society believes that the right of due process should be available to all teachers, and we urge the government to amend Bill 22 to provide the right of appeal for all teachers, regardless of their length of service with a given employer.

There is a substantive change and a significant deletion which concerns the Society and which relates to due process. Sections 24 to 29 of the present Education Department Act which provided for the resolution of disputes between teachers and trustees, through conciliation or arbitration at the discretion of the Minister, have been removed. These sections provided a possible avenue of appeal for non-tenure teachers, an avenue for those teachers to bring employers to account for their actions. If the Society's amendment, which would provide for due process for all teachers is not acceptable to the government, the Society would request that Sections 24 to 29 of the current Education Department Act be incorporated in Bill 22 or 23. I would like to emphasize that we are concerned about the fair treatment of employees, and that such fair treatment should not be related to length of service. Our concern is for just and fair treatment and I urge you to consider favourably our recommended amendments on this matter.

Beginning on Page 11 and running through 13 we have some concerns related to teacher certification.

Under current legislation there is provision for a Discipline Committee which advises the Minister on request on cases dealing with the suspension or cancellation of certificates.

The Society has four representatives out of a total of 11 on this committee. Bill 23 would replace that discipline committee with a Certification Review Committee. Our concerns about the Certification Review Committee are as follows:

1. The reduction of the Society's representation to 2 out of 8 members. The proposed representation allows for four representatives to represent employer interests, representatives of superintendents and trustees. The Society submits that there should be an equality of representation from the employee and the employer side.

2. There is no provision for a citizen member. Currently on the Discipline Committee there is a citizen representative and the Society believes that this is desirable and should be continued.

3. The bill expands the power of the committee to include, in addition to matters of conduct, matters pertaining to teacher competency. The Society does not object to the expansion of the powers of this committee as long as certain principles are incorporated. And I will draw to your attention those principles which are on Page 12 of our brief. The last half of Page 12.

The principles that we wish to see incorporated:

a) That there be an equality of representation from the employee and the employer side.

b) That the legal rights and protections to the teacher involved be greatly expanded to include not only the right to counsel, but also the right to be present at the hearing, to examine and cross-examine witnesses, to challenge documentation and the right to subpoena witnesses on his or her own behalf.

c) A teacher whose certificate has been suspended or revoked shall have the right to appeal to the Court of Queen's Bench on the originating motion and the record of such appeal shall consist of all evidence, documentary or otherwise, adduced at the hearing, provided, that should the Court be of the opinion that any evidence was improperly admitted it may so rule and exclude such evidence from the hearing. The Court shall have the power to confirm, reverse or modify the sanction imposed by the Review Committee.

The Society, however, does object to the continuation of the power to suspend a teacher's certificate being exercised by an Education Administrative Consultant. We do not believe that such a power should be vested in a civil servant.

We also suggest that there is a conflict of interest as the proposed structure of the Certification

Review Committee includes in its membership an Education Administrative Consultant.

The Society is also concerned that the government fail to establish the Board of Teacher Education and Certification as an independent and statutory body which would have power to certify all teachers, approve programs and requirements for the certification of teachers and make the necessary regulations. It is our position that certification should not be a power of the Minister but of a Board as described.

As teachers we are concerned that the bills do not recognize the role of the professional in these areas of decision-making. We urge you to give these matters serious consideration.

Beginning on Page 13 continuing through 16 we would like to make some comments on private schools.

The Manitoba Teachers' Society welcomes the changes that have been made with respect to tightening control to private schools, but we suggest that the legislation has not gone far enough.

The Society supports the right of parents to send their children to private schools and other alternate schools. However, the parents' freedom of choice should not interfere with the child's right to an adequate education. We believe that the Minister should have regulatory powers with regard to the establishment and registration of non-public schools to ensure an acceptable standard of instruction that is at least equivalent to the public school system. The Society believes that certain standards should be met prior to the establishment of any new private school, and I draw your attention to the requirements set out on Page 14 of our submission, and this is at the bottom of Page 14.

a) That all teachers in such schools be certified in accordance with the Statutes and Regulations;

b) That the curriculum and standard of education be comparable to that offered by the public schools;

c) That the physical characteristics of schools reflect the health, comfort and safety of all children;

d) That all such schools be governed by the same attendance requirements as are stated in law for public schools;

e) That all schools be subject to inspection at regular intervals and at the request of the Minister, the school board of the area in which they are located or the authorities of the school.

The Society finds the current definition of "private school" inadequate. It is not the reputable private schools that concern us but rather those schools which cannot qualify as private schools because they do not meet the standard as defined. We, therefore, suggest the definition which is at the top of Page 15 of our submission, and I would draw that to your attention. We are recommending that a private school be defined as follows:

"A private school means any school other than a public school attended by children of school age in lieu of regular attendance at public schools."

The Society also urges that the Section of Bill 22 that provides for the transfer of funds to private schools be deleted. At its 1979 Annual General Meeting the Society adopted a resolution expressing its opposition to the funding of private schools as provided for in Part IV of Bill 22. The intent of the resolution is a return to the original concept of shared services as legislated by the government of Premier Roblin.

Pages 16 through 18 deal with the educational rights of children. It is the Society's contention that Bill 22 does not adequately protect the educational rights of children, especially those who may require special or different programs to meet their needs. We believe that children should have the right to an education that is appropriate to their individual needs. We suggest that there should be the right of appeal guaranteed to the child and his or her parents when any restriction is imposed with respect to educational placement or program.

Bill 22 makes provision for the compulsory attendance of the handicapped child but does not obligate school divisions to educate children in ways appropriate to their needs. The phrase "as far as possible and practicable in the circumstances" seems to indicate an out, or a loophole, for school districts and divisions so that they will not have to assume responsibility for the provision of special programs and/or services.

Opportunity is provided in the bill for children to be placed in appropriate programs of other school divisions, but there is no obligation to transport pupils or to provide equivalent compensation to the parent for the costs involved in this.

The Society suggest that as long as school divisions provide schooling for any child they must provide for all. I would like to read into the record a statement from the Manitoba Association of Resource Teachers, a special area group affiliated with the Manitoba Teachers' Society.

"The Manitoba Association of Resource Teachers supports the Manitoba Teachers' Society in their recommendations to the Minister of Education regarding Bill 22, Section 41(5). The Special

education Review, 1978, indicated that there is an awareness on the Department of Education, the wide disparity among school divisions in their ability to provide appropriate programming. There is no statement in Bill 22 to set new directions for solving the problem of large gaps in the training and availability of more qualified personnel. Resource teachers have been working closely with Special Needs children for a number of years, we therefore understand the vital need for, and the significance of appropriate educational programming for Special Needs children.

Special needs children require assistance from well-trained and experienced specialists in order to maximize their abilities. In addition, owing to the flexible nature of resource teacher qualifications at the present time, many resource teachers may require in-service training to help accommodate special needs children requiring individualized programs.

The Manitoba Teachers' Society believes that the bill would more adequately meet the needs of all Manitoba residents if Section 41(5) were deleted in its entirety and Section 41(4) changed as suggested on Page 16 of our submission to read:

"Every school board shall provide or make provision for the appropriate education of all resident persons who have the right to attend school."

In anticipation of the question, how do school divisions provide for children with special needs suggest to you that that is not the issue at hand.

We do not ask in connection with other children in the system how can we provide an education for them, we do it. We say to you that all children in this province, children of compulsory school age are required to attend school. We suggest that school divisions must provide an education which is appropriate to the needs of all children. We advocate this right for all children in the province.

We have some concerns with reference to French education and these are contained on Pages 18 through 20.

In June of 1978 the Society presented a brief to the Minister of Education which proposed a series of legislative amendments to Section 258 of the current Public Schools Act. Apart from one proposal none of the proposed amendments have been incorporated in Bill 22, and that would be Section 79 of Bill 22.

The Society would like to have Bill 22 amended to provide for the automatic designation of some schools as French language schools and as French immersion schools according to criteria used for the creation or maintenance of English language schools. In addition the Society would like to see an appeal mechanism created accessible to parents and boards. The Society feels that this would relieve the Minister of pressure for personal interventions on his part and make it easier for parents to appeal the application made by boards of the relevant sections of the Act.

The Society's policy strongly supports the principle of accessibility of French schools by all students within divisions that offer French language programs or French immersion programs and also accessibility to such programs by students from divisions which do not offer such programs.

We urge the government to consider our recommendations regarding French language education and to amend Section 79 of Bill 22 to incorporate our recommendations, and there is a series of recommendations contained in the brief for your information.

I would like to draw to your attention the item on Page 21 in the Appendix and you will notice that there is a memorandum at the beginning of our written submission.

The Minister has indicated to us that he is prepared to support the Society's proposed amendments to the Section of Bill 23 dealing with school clinicians and we would like to thank the Minister for his reconsideration of this matter and suggest that this amendment will take care of the concern that is expressed on Page 21 and also the Appendix which is contained.

Section 3 of our submission which begins on Page 22. These are some detailed concerns with regard to both bills. The Society is concerned with potential problems that may arise due to lack of clarity, lack of definition and inconsistencies or contradictions between sections. The question of no interpretation and misinterpretation arises. In the interest of trouble-free legislation therefore, the Society urges the committee to consider seriously the questions and concerns which follow:

We urge the committee to seek answers to the questions. We cannot take a position on many of these items until there is some clarification. We suggest that only the drafters of the legislation know what these sections mean. We urge you to consider the concerns on Pages 22 through 26 and I would like to draw to your attention just a number of the exales. There are a lot of items here and it's not my intent to go through all of them.

I'd like to draw to your attention on Page 23 item No. 3.

Section 92(5) makes reference to "school years" in the opening paragraph. What is the definition of a "school year"? If a school year runs from September to June, does the section infer that a teacher engaged in January must be in the employ of a school board from January to June and

then two school years from September to June before being able to dispute a termination — in effect, to be employed for two and one-half years? Or, was “school year” intended to mean year I think that a definition here is rather crucial.

Item No. 4. Section 93(1) refers to “actual teaching service”. What is the definition of “actual and of “teaching service”? Section 93(2) indicates that sickness does not constitute part of actual teaching service. What about compassionate leave, leave for jury duty, leave for Society affairs, maternity leave, in-service days, leave to serve on program review committees or other Department of Education committees, years on secondment? Obviously we believe that there is some clarification needed there.

On Page 24, Item No. 6. Section 97(1)(j) defines teacher in part by requiring employment “by a school board under a written contract in Form 2 of Schedule D or in any other form approved by the Minister under Section 92”. This definition is not consistent with the definition of “teacher” in Section 1(22) in that it requires employment under a prescribed written contract. Is it the Minister’s intention to make provision to enforce compliance with these sections which requires school boards to engage teachers in accordance with the Act and to provide employed teachers with written agreements? When school boards fail to comply as many do in the case of substitute and temporary teachers they can deprive these teachers of coverage under Part VIII. Removal of that section “under written contract” through to the words “Section 92” would resolve this latter problem and also resolve the inconsistency of definition. And again we are asking for some clarification.

Item 8, this was raised by somebody earlier today. In Section 227 of Bill 22, how are “employees” and “pupils” defined? Many people take courses offered by school boards on a part time basis either in the evening or the normal school day. Are all of these to be considered as “pupils”? And this is the item that deals with pupils and employees running for election as school trustee.

Item 10 on Page 25. Section 79(3) restricts application to “school divisions” whereas the previous provision for use of English or French as languages of instruction covered districts as well. Section 79(3) also seems to indicate that the pupils must be found in a particular school before the provisions would apply. This is not the case in the current Act which makes reference to school districts, school divisions or school area. Was it the government’s intention to reduce the applicability of English or French as a language of instruction? And again we are asking for some clarification.

No. 11. Why has the responsibility of the Languages of Instruction Advisory Committee to advise the Minister of Education been removed from Section 79(4)? Section 258(9) of the current legislation provides for the Minister’s discretion — this is the item dealing with Minister’s discretion for fewer pupils — and there is provision in the current Act for English Language Advisory Committee or the French Language Advisory Committee to advise the Minister. That’s not in the new Act and we’d like to know why.

On Page 26, this is in Bill 23. Section 6(2) provides that an education administrative consultant may suspend a teacher’s certificate for incompetency, misconduct and violation of The Education Administration Act, The Public Schools Act and regulations thereto. How is incompetency defined? How is misconduct defined? Are these to be ad hoc decisions? Are they subjective judgments? There is no definition in the Act. Item No. 3 on the same page, page 26. Throughout the Education Administration Act, the use of “teacher education institution” is consistent and the phrase is also defined. However, in The Public Schools Act, the phrase sometimes reads “teacher training institution”, and I’ve given you examples where that occurs. We suggest that the phrase “teacher education institution” as defined and used in The Education Administration Act be used throughout both Acts. I guess we would want to know is there any reason why different terminology is being used.

The Society raises these concerns and recommends changes and/or clarification in an effort to forestall potential problems. The Society has raised these matters with the Minister in the spring soon after the tabling of Bills 22 and 23. We have not to date received any answers or clarification. We believe that it is important that these matters be clarified so that all interested parties will clearly understand the intent. It is important that this be done prior to the enactment of legislation.

Section Four of our brief which begins on page 27: Some Additional Changes Sought by the Manitoba Teachers’ Society.

Section Four of our submission deals with a number of matters which have been brought to the government’s attention before. In 1978 the Society made a presentation to the Minister of Education recommending amendments to The Public Schools Act and The Education Department Act. The concerns contained in this section of the Society’s submission to the Committee have not been included in the proposed legislation. These are problems that are not going to disappear. We have brought them to the attention of government in the past, both this and the previous one, and will continue to do so. We suggest that now, while the legislation is being updated and revised, that now is the time to deal with these concerns. Society urges the government to incorporate these changes and additions to the relevant sections of Bills 22 and 23. I would now like to comment

riefly on the eleven items which constitute this section, beginning on page 27.

No. 1. Teacher Files. Our concern here is the right to know, the right to know the content of one's file, and to know when and to whom information is given from the file. We've had discussions in the past concerning The Personal Investigations Act. In the past, we've had correspondence with Mr. McGill. Last year we had discussions with representatives of the Department of Consumer Affairs. We've been informed that The Personal Investigations Act was not designed to deal with our concerns about teacher files. We would urge the government to include therefore, legislation in Bill 22 to guarantee teachers the right of access to their files.

Item 2 on page 28, Teachers Holding Office of Trustee. The Society is recommending that Section 27 of Bill 22 be deleted and this is the section that reads, "No employee and no pupil shall be a trustee of the School Division or School District of which he is an employee or a pupil". We submit that the decision as to whether or not a teacher should hold the office of trustee should rest with the electorate and not with The Public Schools Act.

Item 3, the Rights of Teachers, on page 28 and continuing on page 29. We have a concern that there should not be the sorts of difficulties that we sometimes experience when we are elected to the provincial executive of the Society or appointed to some of the committees thereof, to participate fully in the activities of the Society. Many of the commitments that we have require day time and that's not always at our desire. For example, most government committees that we have representation on, many outside bodies that we have representation on, meet in the day time and it is important that the people who are elected by the 12,000 teachers of the province are able to participate and it poses a real hardship on teachers from some parts of the province. If we don't receive the sort of co-operation we would like to receive from school boards and teachers one part of the province may not be able to participate fully and I would like to acknowledge at this time that we do receive excellent co-operation from many school divisions in the province. But we find year after year that there are members of our provincial executive who run into real problems trying to fulfill the sorts of responsibilities that they have been elected to.

Item No. 4, the Suspension or Discharge of Teachers. We are asking for an amendment of Section 101(5) to read as follows: "Except as expressly provided in this Part, nothing in this Part affects the right of a school board to suspend or discharge a teacher for proper and sufficient cause". The amendment would remove the section "or to transfer a teacher at the discretion of the school board". This amendment is consistent with our policy on due process. We submit that teachers should have the right to consultation in due process with respect to transfers. Arbitrary transfers are not in the best interest of teachers and certainly not in the best interests of students and programs.

No. 5, the Consent by School Boards to Certification, and Nos. 6, 7, and 8. These are items that deal with collective bargaining.

With reference to item 5, we urge the deletion of Section 105(3). The Society believes that the determining factor in whether or not a bargaining certificate is granted should be the wishes of the employees involved and should not require the consent of the employer.

Item No. 6 deals with the part entitled Strikes Forbidden. The Society urges deletion of Section 120 for these reasons: Teachers in Manitoba are the only teachers in Canada who are specifically denied the right to strike. Secondly, the statement is unnecessary as the Act lays out the process by which bargaining disputes will be settled and that is through binding arbitration. And three, a definition of "strike" as the meaning given to that word in Clause 115 of The Labour Relations Act really has very little relevance to The Public Schools Act, and we are urging the deletion of that statement.

Item 7 deals with the Selection of Chairman by the Chief Justice. This section is intended to deal with those instances when the persons nominated by the parties and appointed by the Minister to an arbitration board, are unable to select a chairman. We submit that the Minister who is responsible for the administration of this Act should exercise this responsibility. It is our understanding that this is a responsibility exercised by the Minister of Labour in administering The Labour Relations Act.

And Item 8, Reference of Certain Complaints. The Society believes that complaints dealing with failure to comply with procedures under this part of the Act should be dealt with by the board which is responsible for the administration of that part. Referral of such complaints should not be at the Minister's discretion.

Item 9, which is on page 31, deals with Fines. We would simply bring to your attention that the fines that are listed in the sections that are listed on page 31, were established in 1956 or perhaps even earlier, and they haven't been changed since then. We note that in The Labour Relations Act, comparable sections did have "Fines" amended and we would suggest that if Fines are going to be included in the Act, that they be updated so they have some meaning.

Item 10, the Fixing of Retirement Age by School Board. We're asking for an amendment of Section

50 of Bill 22 to have added the statement, "nor shall it adversely affect the teacher's right to pension". Teachers' pensions are governed by The Teachers' Pension Act and we believe that should be that Act that determines the teacher's right to a pension, not a statement in The Public Schools Act or the lack of a statement.

No. 11 in Bills 22 and 23, I would like to comment briefly on the language of the bills. We are recommending that these Acts be written in non-sexist language. The government has undertaken an updating of the Public Schools Act and other related Acts. The Society suggests that it is also time to update the Acts in their use of language in keeping up with changes in society and in an attempt to update the Acts so that they are more relevant to the present and to the future. The Manitoba Teachers' Society recommends that The Public Schools Act and The Education Administration Act be written in non-sexist terms.

Mr. Chairperson, at this time I would like to thank the Government of Manitoba for the opportunity to present our concerns and suggested amendments to Bills 22 and 23. We do trust that the committee will give thoughtful consideration to our submission. We are prepared to discuss these changes at greater length if required by the committee. I would say that we are willing to meet as individuals or as a group with the committee at any time to explore details of concerns raised in our submission, or proposals contained in any of the other presentations. Mr. Chairperson we would be very pleased to answer any questions that you may have.

MR. CHAIRMAN: Thank you Ms Thompson. Any questions of the committee. The Honourable Member for The Pas.

MR. McBRYDE: Thank you, Mr. Chairperson. First of all I'm having a little bit of difficulty, not having a chance to read the brief ahead of time and to follow along as you went through it. My first question is related to the sick leave, the first section in your brief, and a quick glance through it would indicate that the change you recommended would benefit both the teachers and the taxpayer through the school boards. Am I interpreting that correct and could you explain that more fully, what you are proposing in that section.

MS THOMPSON: Yes, Mr. Chairperson, that is the understanding. We are asking for provisions in the Act that would provide for the full unemployment premium reduction. And, if you look at the chart that is on Page 7, this is based on 1979 rates for 12,000 teachers, you can see the amount of reduction that is available to teachers and boards with a partial reduction which Bill 22 currently provides for and the full reduction that would be possible if our amendment was incorporated in the Act. And, if you look at the right hand side of that column where it says "provincial value", and if you look at the section that is entitled "variance", you will note that based on 1979 rates the net total loss amounts to \$156,240, of which \$91,200 would accrue to the school boards and \$65,040 would be available to teachers.

MR. McBRYDE: I see the chart, Mr. Chairman, and I'm not sure I understand it fully. This, I guess you could call it a saving, comes about through the nature of the UIC regulations, is that . . .

MS THOMPSON: . . . and the sick leave provisions that are available. And the proposal that we have made would provide the minimum requirement for sick leave in order for this full premium reduction to be available to boards and teachers.

MR. McBRYDE: Does that minimum requirement mean, like, the day one a teacher started then they would be eligible for their full amount?

MS THOMPSON: That is correct.

MR. McBRYDE: The section on "Due Process", and again I want to see if I understand this without having had a chance to fully read the brief. Does the main concern here for due process relate to beginning teachers, teachers that are not yet two-year teachers, and that if you, in fact, haven't been teaching for two years then your due process is somehow denied. Could you expand on that section?

MS THOMPSON: That is certainly part of the concern. However, as I pointed out in the comment that I made, teachers forfeit their right of due process when they change employers until they have put in another two years, so you could, in essence, have a teacher who has 10 years experience in one school division who becomes employed in another school division and then has to put in two years of service to the new employer before they are entitled to due process rights. So it would

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affect both new teachers and teachers who are changing employers.

MR. McBRYDE: Mr. Chairperson, if other members have questions they could pursue them while I'm trying to get fully informed here.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: Thank you, Mr. Chairman, I was just looking over the list of items here, too. I wonder if it might be better for the committee if we were to take one item at a time so that any members having questions on one item, before we moved on, otherwise there would be a repetition of members having questions on each one.

MR. CHAIRMAN: I'm certainly agreed, Mr. Walding.

MR. WALDING: I did have a couple of questions on this matter of due process that my colleague had just referred to, if we could perhaps deal with that before we went on.

MR. CHAIRMAN: Okay, proceed.

MR. WALDING: Ms Thompson, like Mr. McBryde here, I didn't get the brief in advance so I haven't had a chance to read over it. I found a little difficulty in following it and listening to you at the same time. As far as due process is concerned for teachers in their first two years, does the Society recognize that there should be some form of probationary period for a new teacher?

MS THOMPSON: I don't think we are arguing with a probation period. Our concern is fair treatment and we are saying that any teacher, regardless of length of time of service, should have a right to, not only request reasons if they are dismissed, but to have those reasons judged by an impartial arbitration board. That has nothing to do with the teacher being on probation.

MR. WALDING: Does the Society see two years as being a reasonable probationary period, or is some other length of time more suitable?

MS THOMPSON: I think, Mr. Walding, I am going to defer to one of my colleagues who has had a great deal of experience in this area and ask Mr. John Enns if he would give you some further details on this.

MR. CHAIRMAN: Mr. Enns.

MR. JOHN ENNS: The point at issue here is, of course, one of natural justice to all teachers, and really the matter of probation is a substance apart from what this is asking for. It is asking for a right to due process for all teachers. I think that circumstances have certainly changed from the time that this legislation was originally enacted, insofar as teachers, who are now certificated and come into the marketplace, have four years of preparation for that position and have had considerable work in the classroom with teachers and with children in schools preparatory to the initial certification, the interim certification. And so that in view of the changed circumstance the traditional concept of rights being withheld during a so-called probationary period seems to have dropped away to a very large extent, on the premise that teachers in their preparation periods have had considerable opportunity for so-called probationary experience.

This does not take away the right of school boards to say that a teacher in the first year, or first two years, is to be placed on probation so far as employment in that school division is concerned, but it need not relate directly to their right to due process, that could be something apart from that.

MR. WALDING: I see. The next question has to do with a trial program that was in effect about a year or two ago called "Teacher Induction." I don't fully understand what it means. Did this have some bearing on the introduction of new teachers into the school system? Can you explain that to me and how that would affect this issue.

MR. ENNS: The thrust of that project was to try, or to first of all, I guess, create an awareness that the new teacher really does need some assistance to get accustomed to the marketplace; and that the employer had some responsibility to aid in that assistance. I think it is premised on the fact that no matter how good a teacher preparation program no teacher comes out of that program

a full-fledged professional. We all learn through experience and learning to teach really is a lifelong process. And, whereas that project drew attention to a very essential part of a teacher's professional development — and I might say that certainly the model has not been picked up in detail but it has certainly created an awareness and has generated all kinds of other types of activities in school divisions and schools for the assistance of new teachers to help them get accustomed to their new jobs — but, I think, again, this is apart from what we are talking about here, the right to natural justice of all individuals in the profession.

MR. WALDING: I have no further questions on this now.

MR. CHAIRMAN: Mr. McBryde.

MR. McBRYDE: I think that for my benefit you'll have to fill us in a little bit more. So the question is, the existing situation of a teacher that has been in the same division, as I understand it, for two years, and their due process now, or the lack of same, and the situation of a teacher that has changed jobs or has not been in a system two years. What actually is the situation now and how are teachers affected in both those categories and maybe even with some examples of what can take place?

MR. ENNS: Under the present system a teacher, either new to the profession or new to a particular employer, must work for that employer for more than two years in order to have the right to submit reasons given by a school board for terminating the contract of such a teacher to a Board of Arbitration. The Board of Arbitration may hold hearings; both sides may present witnesses; there is provision for cross-examination; and the Arbitration Board then has the power to rule as to whether or not the reasons given by the school board for the termination of the teacher's employment are cause for dismissal. And the Arbitration Board may rule that the reasons given are cause for dismissal, in which case the dismissal stands. Or the Arbitration Board may rule, subsequent to the hearings, that the reasons given by the Board are not cause for termination, in which case the teacher's contract is reinstated or the teacher's contract continues. Now, either party may appeal the decision of the Arbitration to the Manitoba Court of Appeal. That that, in very brief terms, is what is happening now.

And if I may just expand here. One of the main reasons, I guess, why the teachers have become very concerned about this is that the new teachers getting into the field are really very highly dedicated well-trained professional people. Sometimes conflicts of one sort or another develop in the first year or the second year and, at the present time, if let's say a particular administration finds a person to be at variance with their own concepts of what a teacher should be, then rather than working with the teacher to try to get the best out of that teacher, they too often will do nothing and simply at the end of the year issue a notice of termination and then try their luck next year with a new teacher. This has caused some very real concern.

There appears to be, in a few divisions, a lack of adequate administrative and hiring practices that will ensure that the people you hire, or at least will reduce the likelihood of hiring people that you don't want later on, and we believe that a right to due process will not result in appreciably greater number of arbitrations. There are some very basic checks and balances built into that. But we do believe that it will result in better evaluative practices, better administrative practices and better hiring practices at local school divisions.

MR. McBRYDE: Is the Society satisfied with the present arrangement for those teachers who do have their two years in? Or are there problems with those?

MR. ENNS: The present arrangement appears to be adequate there. They have a right to a hearing and this does not take away the right of an employer to terminate the contract of a person. It simply says, "Upon termination these people do have a right to a fair hearing by an independent Board of Arbitration", which is what we think is a matter of natural justice which all teachers should have.

MS THOMPSON: Mr. Chairperson, Mr. McBryde did ask if we could provide some examples and Mr. Pindera is prepared to do that if . . .

MR. CHAIRMAN: Mr. Pindera.

MR. WALLY PINDERA: Thank you. In an effort to dispel the possible thought that we're chasing a bogeyman, Mr. Chairman and members of the committee, I have three examples of specific cases

which I think you can appreciate the reason for our concern. No names will be given and no places will be given.

Teacher A was in her first year teaching position. The school board chairman made an unwarranted complaint about her social life to the superintendent. She was, as a result, placed under considerable pressure for a few weeks adding to the expected stresses of a first teaching job. Eventually she was told that she was not considered suitable to continue in the school in which she was teaching. The blanket reason was inability to co-operate with the administration.

A series of supporting specifics were given ranging from social activities to chewing gum and all in turn were withdrawn or indefensible. Nevertheless, the board decided that as she could no longer remain in her particular school and no transfer was open, she would have to be fired unless she first resigned. She resigned out of fear of having the stigma of being fired on her record and this is not 1878, this is in the late 1970s.

Teacher B was a teacher with a number of years of experience who moved to another division to take up the position of principal in a school in a small community. He inherited some problems from the previous administration. In dealing with them he antagonized some community and staff members. Rumours of this antagonism reached the superintendent. Despite the principal having had only seven months to settle into his new jobs, the superintendent told him that he had a "gut feeling", things weren't going to work out and gave him the choice of resigning or getting fired. This was in March. There was no formal evaluation and no appeal. The principal resigned out of fear of having the stigma of being fired on his record, and this was not 1878, it was in the late 1970s.

Teacher C had about eight years teaching experience when he began employment with a new school division. He felt that the students needed more challenging instruction than they were used to and suggested a number of changes that were not popular with some of the older staff members. He antagonized a few uncooperative students whose parents were influential community members. For the final few months of his first year he took over, at the principal's request, a particular difficult class and ran it satisfactorily. All his formal evaluation indicated a satisfactory level of work. At the end of his second year he was told to resign or be fired.

His teaching did not appear to be the main reason. The main reason appeared to be connected with his opinions about education, yet without an avenue of appeal there was no way to question this. Teacher C resigned out of fear of having the stigma of being fired on his record. And again, gentlemen, this was not 1878, it was in the late 1970s.

It may very well be had these teachers had an opportunity to question, or at least have brought into question the rationale or the reason for dismissal, that they'd still be teaching in these positions. It may very well be that if these teachers had the right to question, it may have been found that there was sufficient evidence to indicate that the reasons given for termination were, in fact, appropriate and cause for termination, but we'll never know because there was no avenue of appeal for these three teachers.

MR. McBRYDE: It appears from that that it seems that a new teacher or a teacher who changes division would be very unwise to rock the boat for at least two years. And that also restricts the education as well as interferes with the rights of that particular teacher.

I'm just trying to check here. Are you recommending that the due process then start on Day One? Is that the recommendation?

MS THOMPSON: Mr. Chairperson, that is correct.

MR. McBRYDE: Then I have no other questions on that section, Mr. Chairman.

MR. CHAIRMAN: Okay. We'll move on then to another section. Mr. Walding.

MR. WALDING: On the matter of a certification, Mr. Chairman, would you run over it for me again the present system and the changes that are involved in representation on the committee?

MR. CHAIRMAN: Ms Thompson.

MR. WALDING: And your concerns with the change?

MS THOMPSON: Mr. Chairperson, as I mentioned, currently there is provision in legislation for what is called a "discipline committee" which does advise the Minister at his request on cases that are brought to his attention dealing with the suspension or cancellation of certificates. This is a representative group. There are currently eleven people making up this body and the Society

has four representatives.

The concern that we have in this area is twofold. With the new committee which is proposed and is referred to as the "certification review committee" — and this is in Bill 23 — our representation has been reduced at the same time that the powers of this committee have been expanded. And we're very concerned. We haven't had any explanation as to why our representation has been reduced and we're concerned that with the expansion of this committee to advise on matters dealing with teacher competency, which was not in its realm before, that we have at least equal representation to people on that committee who represent employer interests, and that would be superintendents and trustees. Those are the two main concerns.

I guess the other concern is the fact that the educational administrative consultants have a power to suspend certificates which we believe they should not have and at the same time that they have that power they're entitled to representation on the "certification review committee", and we do see a conflict of interest there.

MR. WALDING: You mention it's 11 to 4 under the present arrangement and it's going to what?

MS THOMPSON: Two out of eight is what is proposed at the present time.

MR. WALDING: And you have had no explanation as to why your representation has been reduced on a board with more responsibilities than before?

MS THOMPSON: No. Mr. Chairperson, that is correct. We don't know why.

MR. WALDING: You mention the educational — what was the new expression for . . . ?

MS THOMPSON: Mr. Chairperson, I believe it is educational administrative consultant? That is the terminology, Mr. Chairperson, that's in the bill.

MR. WALDING: Did the former inspector have the same right to suspend a teacher's certificate the way that this new person has?

MS THOMPSON: Mr. Chairperson, I would defer to Mr. Enns on that.

MR. CHAIRMAN: Mr. Enns.

MR. ENNS: The former inspectors did have a right to suspend a teacher's certificate. However, I think it needs to be noted that with the expansion of the powers of this committee to include competency as well as conduct, that the proportion of the consultant's input is certainly enhanced, and we are very concerned about that kind of a participation of the civil servant.

MR. WALDING: Thank you for that information. A question was raised last night with a different delegation about the necessary steps and the necessary time for a teacher to obtain certification in the first place. We didn't get a firm answer as to what is necessary and how long it takes. This had to do with the certification of private school teachers as well, by the way. Could you tell us what that procedure and the time limit is, please?

MS THOMPSON: Mr. Chairperson, again I will defer to Mr. Enns who has been working in this area.

MR. CHAIRMAN: Mr. Enns.

MR. ENNS: I'm wondering if Mr. Walding could clarify his concern a little further. Are you concerned about certification of private teachers teaching in private schools or in public schools?

MR. WALDING: I was concerned about teachers in private schools. We have heard that it will be necessary in the future for all teachers to have certification. The question was raised as to how many teachers we're talking about and will they be granted certification, or how much time they will be granted to obtain this certification, and what moves or what courses they will have to undertake in order to get certification? And the question that arises from that of course, are we treating teachers in the public school system different from those in the private school system?

MR. ENNS: At the present time, or I should say until September, 1979, it was possible for teachers to receive a teaching certificate following three years of post-high school education including at least one year of teacher education. And all of those who were in such a three-year program are going to be permitted to complete certification requirements on that basis. But beginning September 1, 1979, all teachers entering a teacher education program will be required to complete four years of post-high school education including at least one year of teacher education before they become eligible for certification.

So I think it's May of 1981 — or after May of 1981, there will be no teaching certificate issued to teachers who have less than the four-year minimum requirement preparation.

Now this will apply, of course, to teachers in the public school and as far as teachers in the private school are concerned, there is no requirement for certification at all for teachers in the private school.

There is, as a result of recent changes in legislation or regulation, a provision whereby certain public moneys are available to private schools provided the private schools meet certain conditions, and one of those conditions is, that the teachers in that school possess a valid teaching certificate.

Now, for private schools who want to qualify for that assistance the teachers are going to have to have, or meet the same certification requirements that public school teachers do. However, for private schools who are not party to that shared services provision, there is no stipulation that their teachers must possess a teaching certificate. As a matter of fact, there are many examples where teachers in such private schools do not qualify for a Manitoba teaching certificate.

There was a special provision operative last spring that applied only to teachers in private schools, existing private schools, and teachers who were already on staff in private schools as of last spring. In order for their schools to qualify for the shared services assistance, the Department of Education made some special provision to permit the teachers in such schools who were not certified to complete five education courses offered by the Faculty of Education. These were not comparable to the certification year provision that other teachers get, but it was a special provision for one group of teachers, and I'm not sure how many were involved in that, but a relatively small number, I am told. But that special provision ended as at the end of July, I believe.

MR. WALDING: Are you telling me then there are some teachers who have certification by a special provision at a lower level than all of the other teachers?

MR. ENNS: The concern, I guess, that arises, is whether or not this is a service or a disservice to such teachers, because they will be issued a teaching certificate by the province, and I guess it will be a valid teaching certificate in the province. But the concern is that if these teachers would want to go to teach in another province, or if these teachers wanted to embark on graduate work at the universities, even in this province, there is a very grave question as to whether or not the five courses which they are taking will be accepted as an equivalent of the certification year. The Faculty of Education says, very vehemently, that this is not the equivalent of the certification year.

MR. WALDING: Then to follow that one step further, the special provision that you mentioned has now ended. I presume that there are still some teachers within private schools wanting public assistance who have not yet certified, so even within the private schools you have two different levels of teachers, the special provision certified and the uncertified non-special provision teachers. Would that be accurate?

MR. ENNS: Any teachers hired by private schools who wanted to qualify for the shared services would have to hire teachers who had a valid teaching certificate.

MR. WALDING: That's from now on.

MR. ENNS: As of last September.

MR. WALDING: What about teachers who were already on the staff with them?

MR. ENNS: Teachers who were already on staff, there would certainly be no non-certificated teachers on that staff any more, but there would certainly be two levels of certification, one level of people who had come through the regular teacher preparation program and received a certificate, and the other who are going to be completing this special provision program of five courses and

be issued a certificate based on that. As far as the certificate is concerned in Manitoba, Mr. Chairperson, I think perhaps there would not be a distinction.

MR. WALDING: I don't think I have any further questions on this.

MR. CHAIRMAN: Mr. Hanuschak.

MR. HANUSCHAK: Yes, Mr. Chairman, I would like to ask Ms Thompson whether she is aware of political appointees in any other area of operations of government having the power to send people to jail if they fail to comply with whatever that political hack requests the individual to do?

MR. CHAIRMAN: Ms Thompson.

MS THOMPSON: Mr. Chairperson, I wonder if I could have some clarification on that question? You say "other". Other than whom?

MR. HANUSCHAK: I'd be happy to. In our system, Mr. Chairman, there are many individuals who have the power to limit, curtail, rights and privileges of individuals, civil servants appointed through the normal Civil Service machine. We have health inspectors, we have police officers, we have customs officers, just to mention a few. And if any of those individuals make a certain request of you or of me and if we fail to comply, then we have committed an offence for which we may be convicted and fined or imprisoned. But these are people appointed through some employing process, such as the Civil Service Commission, or I suppose in some other public agencies through another method. But nevertheless, they are appointed strictly on the basis of their experience and qualifications. Here, in this instance, the education administrative consultants, we don't know what their qualifications will be, will have to be, they'll be appointed by Cabinet, strictly political appointments, on whose recommendation we do not know, whether that of the Minister of Education or that of the Minister in charge of the pork barrel, because I'm sure that both have lineups of applicants looking for appointments at their door, and these individuals have the power in various sections of The Public Schools Act, to take action against teachers, to take action against the ordinary man in the street. And if you fail to comply, you can be put in jail. Do you support that particular section of the bill in giving individuals of that type, appointed in that manner, that broad a power?

MS THOMPSON: Mr. Chairperson, with regard to the first part of the question prior to the clarification, it would be very presumptuous of me to pretend that I had a full understanding of government. I have been trying for some time to figure out some of the inner workings of government so that we might be successful in some of our endeavours. I wouldn't want to comment about whether it's possible in other areas for this to happen. I guess what I would say is that we would have a concern about any sorts of political appointments. We would certainly support the best qualified people having positions and I don't think political appointments are unique to any one government.

I would also say that we have some concerns about the powers which appear to be vested in the educational administrative consultants, and I think that's something that we will be monitoring very carefully as this develops and we may be back.

MR. CHAIRMAN: Any further questions? Mr. Cosens.

MR. COSENS: Thank you, Mr. Chairman. First of all, let me express my appreciation to Ms Thompson and her colleagues for a very comprehensive presentation, and as usual they have done their homework very well. I wonder, Ms Thompson, if you're aware that in the employing of people by the government, that the Civil Service Act applies in this employing procedure up to a particular level of salary? The hiring of a person beyond a particular level requires an Order-in-Council. It must be done by the Lieutenant Governor-in-Council. In the matter of education administrative consultants, it was the opinion of the drafters of the bill that they might fall into this category above that particular salary level. Now, the latest information we have received would indicate that the said persons, the education administrative consultants, do not reach that particular salary level. There's been an amendment in The Civil Service Act a few years ago that raised that particular level, hence the necessity for that particular section in the Act no longer really exists. I would suggest a redrafting will take that into consideration. I'd ask you if you are aware of that?

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MR. THOMPSON: Mr. Chairperson, through you to the Minister, no, I have been made aware of a number of things in the last two days while I have been sitting here, and I think I indicated that our concern would be that we have the best qualified people in these positions, and our concern would be rather with the responsibilities, I think, given to these people, rather than how they get their positions.

MR. COSENS: Well, Ms Thompson, in all respect, you needn't apologize, because the Member for Burrows wasn't aware of it, either.

MR. CHAIRMAN: Any further questions? Mr. Hanuschak.

MR. HANUSCHAK: Mr. Chairman, one or two general questions. From time to time the Manitoba Teachers' Society has expressed comment on education finance. In fact, it's played a very active role in attempting to advise many governments as to its — or attempt to propose its suggestions with respect to education finance. Now, in one of the bills before us, namely the Education Administration Act, in the process of making a slight revision we now have a point clarified that public schools are one of the categories of schools to which user fees may apply, that the Minister may make regulations governing the imposition of fees and charges in the public school system. He may also make regulations with respect to other matters, but I'll ask about that later. But my question to you, Ms Thompson, is, what is the position or the attitude of the Teachers' Society toward legislation that appears to open the door to make it permissible for the Minister to impose user fees upon the pupils in our school system.

MS. THOMPSON: Mr. Chairperson, having been here for some time, I suspected I might be asked this question. Everybody else has been asked. We would be opposed to user fees for public school education, Mr. Chairperson. Our position is that children have a right to education, and the state has an obligation to provide that education.

MR. HANUSCHAK: Has the Teachers' Society any concern about some of the other portions of that same section of the bill, namely 4(1)(e) which will allow the Minister to make regulations, designating the groups, kinds, classes or types, and please don't ask me what the difference is between a group and a kind and a class and a type, that I don't know, but there are those four categories and he may designate these four groups, kinds, etc., of person to be admitted as pupils therein. And again, that refers to public schools in addition to the other categories of schools. Does this raise any concerns in the collective mind of the Teachers' Society.

MR. THOMPSON: Mr. Chairperson, I think it might if we clearly understood what was intended here. I have to admit that this was not one of the items that we gave a great deal of consideration. These Acts are very comprehensive, as you know, and every time you read them through one more time, you see something you didn't see the time before.

MR. CHAIRMAN: Mr. Cosens.

MR. COSENS: Thank you, Mr. Chairman. Ms Thompson, could I refer back to Section 48(1)(x). I know that we are moving around here over a variety of topics and it probably is due to the comprehensive nature of your brief in part. Could I ask you at this time that if 48(1)(x) did not appear in the draft of The Public Schools Act, would this create any hardship in your view?

MS THOMPSON: Mr. Chairperson, through you to the Minister, it would be my opinion that if that was omitted, it wouldn't, in practice, have any effect, on the understanding that there were no alterations to Part VIII which deals with collective bargaining.

MR. COSENS: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: I wanted to move on to Part IV of the brief now having to do with Private Schools, if I may, and ask a question about the five recommended requirements on Page 14, having to do with certification, standard of education, physical characteristics, etc., where you say that there should be some parity between the private schools and the public schools. Given that you are recommending that they should be so similar, or almost equal, would the Society have any objection to private schools receiving funding at the same per student rate as the public schools, namely

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about \$2,000 a year, as opposed to the present \$350-something a year?

MS THOMPSON: Mr. Chairperson, I think our position at the moment on that is clear, in that we are advocating a return to the legislation as it was before, when we dealt with a shared services concept as opposed to funds being actually transferred to private schools. That is our current position.

MR. WALDING: Can I then ask you, given that declining enrolment is causing so many problems for school divisions with reduction of services and layoff of teachers, closing schools, etc., etc.; given also that the purchasing power of the Provincial Grants to Education this year actually shows a decrease, yet on the other hand, the government has doubled the amount of funding to private schools; given also that the private schools cater to some 8,000 children and the public schools to maybe 200,000, does the Manitoba Teachers' Society agree with the priorities involved in those two areas?

MS THOMPSON: Mr. Chairperson, our priority obviously is the public school system and we are very distressed at times, as the government is aware, that there isn't money for some of the things that we believe are essential in the public schools. And I would just use as the example the problems that we had with Bill 58 and the present problem in trying to get some guarantee of the right of children who do have special needs and require special teachers and special programs, the lack of resources that is being made available for that to happen.

MR. WALDING: Yes, I'd like to come to that in a moment. I just have one further question under the area of private schools. A delegation last night suggested to us that enrolment in private schools was a very cyclical thing and presently it is on the upswing but he thought that it would moderate and go back because this is a historical situation. I asked him whether the present upswing is being reinforced by declining enrolment since these cycles have occurred in the past during times of increasing enrolment. He didn't think so. Does the Society have an opinion on this; do you think that is so?

MS THOMPSON: Mr. Chairperson, that would be a judgment and that's all it would be, I don't know.

MR. WALDING: Thank you. I have no more questions on private schools, I have a couple on education rights.

MR. CHAIRMAN: Proceed.

MR. WALDING: We have heard several briefs on special education, if I can term it as that, with suggestions that there are two parallel programs in effect at the moment, one for high incidence-low cost and one for low incidence-high cost. Can the Society report to the committee as to how those two programs are progressing? Are they progressing satisfactorily; could the effects of Bill 58 now be put into effect.

MS THOMPSON: Mr. Chairperson, I'm going to defer at this time to Mr. Kris Breckman, from our staff, who has been involved in the development of our policy in this area.

MR. CHAIRMAN: Proceed, Sir.

MR. KRIS BRECKMAN: Perhaps we need to just take a moment to clarify, or be certain that everyone knows what is referred to in terms of high incidence and low cost students and the low incidence and high cost students. When we talk about low incidence-high cost cases we're talking about children that have quite serious handicaps. Now, your question related to how effectively are these programs operating. I think perhaps one base for looking at this would be on the basis of data that the department itself has generated; and in terms of looking at the low incidence-high cost student, by and large, there is a fair amount being done for those children. And in the other area, though, of the high incidence-low cost sort of student, this would be the person that might have an emotional problem, it might be a learning disability, it could be any one of a host of different kinds of problems that basically involves some additional help to what the normal teacher can provide in the classroom, and it is in this area where we have our greatest concern, that there are rather massive unmet needs on the part of students in these categories. And it's along these lines where we hope that a tightening up of the particular legislation would make it a heavier responsibility

to see that the needs of those children are met.

MR. WALDING: Are you in a position to give a reason why these needs are not being met; is it lack of funds, lack of personnel, lack of a commitment on the part of either the department or school boards, just what is the cause of it?

MR. BRECKMAN: I think a lot of that has to be sort of speculative and I am sure it is all of the things that you've mentioned and in differing proportions. I think that maybe to put it in a little bit of a perspective, that there has been an increase in awareness in recent years about the immensity of the problem and of the potential for doing something about the children with these different kinds of needs. And certainly our concern, and we've expressed this concern to government over the past several years, has been one about providing both monetary kinds of resources to help to provide the changes in facilities, the kind of upgrading of staff, and basically the kind of support staff that is needed to deal adequately with these children.

MR. WALDING: Just one more question on that. As far as this group of high incidence-low cost children are concerned is it the Society's view that the children should be screened by experts in order to find out these problems, or should the initial identification or noticing these children be done by teachers in the schools; and if the latter are teachers capable of doing this.

MR. BRECKMAN: The Society has a fairly extensive brief on this whole area of special needs children and there's a section that deals with this matter of identification of students with special needs. Regardless of how you might approach this theoretically the simple fact is that most of the children with special needs are identified by their regular classroom teachers. They quickly become apparent in the teaching situation.

Now, the department has over the past few years initiated a screening program for children with problems of hearing and sight and this has helped to uncover a number of problems. So, the Society policy on this suggests that there should be a systematic screening procedure that would get at these rather obvious and sometimes — well always serious problems — but, that in addition there is a recognition that many of the children would be identified through the classroom teacher. So it's a kind of a shared responsibility on the part of the professional and — well always the professional — but the system as a whole and the individual teacher. Well, I'll stop at that point.

MR. WALDING: Are you satisfied that teachers have the necessary expertise and training to spot these cases?

MR. BRECKMAN: I was going to go on to deal with that second part of your question. Okay, I think that we have stated on several occasions, through briefs to the Department, that we are concerned about the training of teachers in this regard. There has been a great deal done over the last few years that has helped to increase professional awareness of the problems, and a number of teachers have been involved in workshops that have helped to develop these skills. But, I think that a fair answer to your question would be that there is a continuing need in this area; things are improving but there's a continuing need.

MR. WALDING: Thank you. I have no more questions on this topic.

MR. CHAIRMAN: Mr. Boyce.

MR. BOYCE: I'm sorry I was out of the room for a while, Mr. Chairman. First of all, I appreciated the President's comments relative to timing in receiving the brief, but the committee did not exist until yesterday . . . Well we existed on paper. Until it has its first meeting and organizes it the committee, as such . . . I'm not offering excuses. It is regrettable that the process isn't updated to take care of such problems; because it is a problem, sitting here trying to absorb all these points which were well taken is most difficult.

With reference to the sick leave, I have no questions but I will just comment that I have heard the arguments and will be considering it, and our recommendations as far as the report to the Legislature is concerned.

Briefly, to go back a bit if I may, on this due process. I was just wondering, in listening to Mr. Pindera's comments, there are many cases, though, that are still solved without going through the formal process, are there not? I'm not thinking just of the people without tenure, the total process. While it is in the statute, and the processes are established, there are many cases which never

reach that process, is dealt with by the Table officers, by the staff of the Society and . . . Is that not still the case?

MR. CHAIRMAN: Mr. Pindera.

MR. PINDERA: Mr. Chairman, yes, in the large majority of cases there's never a dispute. Termination takes place amicably on both sides.

MR. BOYCE: So, really what you are asking for is for this to be put in statute some way for the few cases where it may be necessary to have it, not as a club to be used on every incident, is that . . . ?

MR. PINDERA: Exactly.

MR. BOYCE: With reference to the question of certification. You may have heard earlier my comments relative to another brief that the teachers in the Province of Manitoba, in many people's opinions, have become professionalized over the last 20 years. To resolve this problem what is the position of the Manitoba Teachers' Society toward the suggestion that a parallel be constructed similar to that which is used in the professions of law and medicine?

MR. CHAIRMAN: Ms Thompson.

MS THOMPSON: Mr. Chairperson, I would like a little more clarification in terms of what he means by parallel.

MR. BOYCE: Well, where you have one body that is responsible for certification in the College of Physicians and Surgeons, and you have another organization which takes care of the organizational needs of the professional providing the service.

MS THOMPSON: Mr. Chairperson, we're not contemplating at present any split in our organization and I guess we don't share the concern that Mr. Boyce does. We will be presenting, hopefully very soon, our proposed professional bill to the Minister for discussion, that I don't really feel at liberty to say very much about that until we have had a chance to present it to him for his consideration. I think, Mr. Enns might want to add something to my comment.

MR. CHAIRMAN: Mr. Enns.

MR. ENNS: Further to the President's comments, I think it should be noted that the Society's policy does not advocate that teachers alone should have the sole power of certifying teachers for work in the public schools, that this should be the role of a representative committee that we refer to as a certification committee; and a proposal to this effect has been made to the Minister on previous occasions. I think that with that kind of an approach that it would sort of obviate the consideration of two kinds of organizations; one to do the welfare job and the other to do the certification job.

MR. BOYCE: In the dying days there was a copy of a Private Member's Resolution, to which was appended some suggestions as to the rationalization of provision of professional services in the public interest in the Province of Manitoba. Has the Manitoba Teachers' Society had an opportunity to review those recommendations?

MS THOMPSON: I'll defer to Mr. Pindera on this, Mr. Chairperson.

MR. PINDE: Mr. Chairman, through you to Mr. Boyce, with great difficulty, we finally got ahold of a copy of such a report in the recent last few weeks. We have not yet had a chance to study its implications, or its ramifications. I think I would also add that as an organization, and this may answer Mr. Boyce's earlier question in part, that we have looked at the concept of two organizations, parallel organizations, one for "professional matters" and one for "welfare matters" or self-interest matters, and basically have rejected that model for an organization as being outdated in 1979, 1980, or wherever we're at. It developed some 100 years ago through the legal profession, through the medical profession, when in fact these professions set their own fees without reference to either group, either the public or anyone else, and then the public interest was served by their organization in terms of professional matters. Now, even today that model may be outmoded in itself. I'm not

sure. But as a teachers' organization we looked at, and rejected the two model concepts.

With reference to the specific report, once we became aware of its existence and the suggested legislation, we finally got ahold of a copy of it but we're not sure whether it was intended that it apply to our profession or not. It's not very clear in that particular legislation, and I'm really not sure who to go to to determine whether it should or it shouldn't because the committee and the personnel, in drafting that particular report, have long since disappeared. We're not even aware of its status with the current government or anybody else.

MR. BOYCE: Mr. Chairman, perhaps that resolution will provoke some discussion. I have to cringe when it is mentioned that they just got the report because I will publicly confess that I had undertaken to provide you a copy and then promptly left town for six weeks. But I just wondered if you did have an opportunity to . . . Mr. Chairman, that's to reinforce what you've probably already said anyway.

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But with reference to private schools, should it not be the case, albeit they're one organization or something, should not all teachers in the province be required to belong to "The Teachers' Association" regardless of how it is done, with the resurrection of the MEA or the MTS.

MS THOMPSON: Mr. Chairperson, this is a proposal that we will be making in our professional bill.

MR. BOYCE: Well, it's regrettable that we can't take these things into consideration in juxtaposition, but I guess time is just . . . Can you, through you, perhaps some discussions that have taken place with staff and with the board of the Manitoba Teachers' Society, the executive rather, see the possibility of making all schools public schools in the province, if they're going to be eligible for public funds?

MS THOMPSON: Mr. Chairperson, this is something that we have really not looked at in recent years, and I would just like to emphasize that policies that we have do change and it may be necessary for us to take a look at that in the future.

MR. BOYCE: Thank you, Mr. Chairman. One of your recommendations is the deletion of Section 120 . . . No teacher shall strike. This particular part of the Act and in the conciliation and such matters, it's interesting to note that the preceding clause allows the schools to lock out, but it prohibits teachers from striking. The Act as it's written at the moment, says, "Nothing in this part prohibits the closing of a school, or a reduction in the size of staff employed by the school board because of a decrease in enrolment or for any other cause." And it's interesting that the drafters of this bill, which in my opinion — I'm going to make a political statement, I'm a politician — it happens to be in this conciliation section of this particular Act which deals with the whole matter

of how these problems will be resolved, and in a juxtaposition to the next statement, next clause which says, "No teacher shall strike".

MS THOMPSON: Mr. Chairperson, I would just say that that's a very interesting observation that Mr. Boyce has made.

MR. CHAIRMAN: Mr. Hanuschak.

MR. HANUSCHAK: Yes, Mr. Chairman. Ms Thompson is quite correct that the more you read draft legislation, the more little tidbits you spot here and there. I refer you to Section 3(1) of Bill 23. 3(1)(i) and I recognize the fact that this section is not all that different from one presently contained in the Education Department Act, except for this one difference. You will note that it gives the Minister the power to order a public school to be closed in an emergency. Now that, I think is quite simple for all of us to understand. It can be fire, flood, some structural defect that may suddenly appear, a tornado, perhaps even a snowstorm. Or, where he deems it in the best interest of a community in which the school is located, and cancel the order where the emergency no longer exists, so it would appear that if the Minister closes the school in an emergency, he can cancel that order and re-open it, but if he closes the school because he deems it in the best interest of the community, then that order becomes irrevocable.

Now, I suppose that for many years this did not concern us. But can you, Madam President, conceive, or can you see anything in here, in this section that would prevent the Minister from closing schools with a declining enrolment, because he may consider that to be in the best interests of the community, that he can go into the Winnipeg School Division or wherever there's a significant declining enrolment, and say, I consider it in the best interest of the community to close X number of schools, and on his initiative so to do.

MS THOMPSON: Mr. Chairperson, that's an interesting question. I guess there are some political realities that even the Minister of Education has to recognize, and I think that there would be a lot of reaction from a school division, from parents in the community if this sort of thing was done.

- **MR. HANUSCHAK:** But apart from the political realities, insofar as the legal interpretation of — or the literal interpretation of this section of the bill is concerned, do you not agree that there is nothing to prevent the Minister from taking such a course of action?

MS THOMPSON: Mr. Chairperson, that would appear to be the case.

MR. HANUSCHAK: Thank you.

MR. CHAIRMAN: any further questions? Mr. Boyce.

MR. BOYCE: Perhaps through you to the President of the Manitoba TEACHERS' Society, when Mr. Breckman was commenting earlier about speculation on testing, on the use of diagnostic testing within the system, I'm thinking of high incidence-low cost handicaps, or difficulties or whatever term a person wants to use, briefly, Mr. Chairman, a person thinks of all the things that can happen to youngsters in a — is that a usable term in 1979? youngsters?

MR. CHAIRMAN: All accepted sir.

MR. BOYCE: . . . pupils, students, young people, in the school year a parent dying, or siblings dying, the things that shake up a youngster within a system that they perhaps miss something, a month or two months, which cause learning gaps, at one end of the spectrum, things that simple, that there's really nothing built into the system to find out what these people miss during a school year except the ability to recall. Has there been any studies done on the utilization of diagnostic techniques and remedial programs outside of the child guidance approach within the total system in the province? Is there any formal study?

MS THOMPSON: Mr. Chairperson, I'm not aware of those studies if they have been done. I couldn't categorically say that they haven't. I'm not aware of them. Unfortunately, Mr. Breckman isn't able to be with us any longer. If that's a point of interest, I would undertake to pursue that and get you some information on that.

MR. BOYCE: It was just more of information.

MR. CHAIRMAN: Any further questions from the committee? Mr. McBryde.

MR. McBRYDE: I'd like to ask the President if she has had the opportunity, or staff or members have had the opportunity to peruse the MAST brief as it relates to Section 48(1)(x), which they express concern about losing their management rights in negotiation, and want the section strengthened so that in fact negotiations are limited to matters of financial compensation, basically, or matters related to financial compensation. I wonder if you would like to make any response at this time to that position, or to tell us how that differs from your position.

MS THOMPSON: Mr. Chairperson, I have not had time in detail to peruse the written paper that the Manitoba Association of School Trustees presented this morning. I did hear their presentation, and I have some grave concerns about some of the things I heard this morning. Our position is, and has been, that any matters that relate to salary, to conditions of employment of teachers, and to working conditions of teachers are negotiable, and we would take great exception to having amendments made that would specify or limit these areas.

MR. McBRYDE: Mr. Chairman, I suppose I'm looking for a little bit more, because the school trustees, and this is one area where there is a difference between presentations coming before us, did go into quite an elaborate rationale for their position, and I wonder if I could get, I suppose a more elaborate rationale from you for the position of the society in terms of — and as I understand your position, you didn't state that much in your formal brief, although you asked some questions about that section in your unclear . . . As I understand your position, and maybe you can clarify it if I am incorrect, is that basically there shouldn't be a restriction on what can come to the bargaining table.

MS THOMPSON: Mr. Chairperson, that would be our position, and I'm going to defer to Mr. Pindera, who has been involved in bargaining with our organization for a long time and I think can put this into some sort of perspective for you.

MR. PINDERA: Mr. Chairman, and members of the committee. I wouldn't be honest at all if I didn't say that I had great difficulty restraining myself this morning when I listened to the presentation made on behalf of the Association of School Trustees concerning this area and concerning collective bargaining. Unfortunately, we have not seen a copy of their submission, either the general submission, though it was handed to us as they started their presentation, and the supplementary submissions that were made, and this is one of the supplementary submissions. So that my reaction, Mr. Chairman, and members of the committee, that is really on the basis of memory, and really from the point of view of some particular background.

I think that we have to remember, when we are talking about working conditions, or I think as MAST said this morning, teaching conditions, that we're talking about not just working and teaching conditions, but learning conditions of students. Because when we're talking about our concern for size of classes, when we're talking about our concern for some preparation time for teachers, then the matter is also related to the conditions under which students learn in a particular classroom. So there is a considerable difference from our point of view, and MAST's point of view, when MAST said that these are management rights. These are rights of management to determine and the things that you, as an employee should determine are your salaries and leaves, etc.

Similarly, we are concerned, from the point of view of people in most instances, in 80 percent instances, with five and six years of training and preparation, to be told that when we're dealing with — and told is the right word — when we're dealing with areas of curriculum and educational policy, that these are areas that should be restricted to management side of the table and you people will talk about your salaries and leaves etc.

To put the whole matter in perspective, I would submit, Mr. Chairman and members of the Committee, that if you acceded to the requests as I recall them being made by MAST this morning, that you would turn the clock back fifty years. Teachers and trustees have bargained in Manitoba under legislation since 1948 under the old Labour Relations Act and under The Public Schools Act since 1956. I have been involved in collective bargaining for teachers either at the local level or as a staff person with the organization since 1955 one way or another. So it's almost 25 years. I can recall stomping the province from one end to the other, talking to teachers and school boards about the right of teachers as employees to sit across the table with their boards and talk about salaries and leaves and some payment for experience. I can also remember being told by school boards that really you don't need to certify and really you don't need to enter into a collective agreement because we will look after your best interests, because that's why we're here; we're

management and we will look after your best interests. We have your best interests at heart, that's why we have been elected by the public.

So that I have grave concerns, when in 1979 for 1980 the organization representing the employers of this province comes to this board and says, "What we have to do is restrict those items that the teachers should be prepared and allowed to negotiate and conduct collective agreements on," because we're in the public interest. These are for us to determine.

The experience in the United States in the education field, where negotiations under law or sometimes without law, have been carried on, I guess, from about the mid sixties, from about the beginning of the A.F. of T.E. New York contract, is such that some of the things that were referred to by the delegation this morning from the Trustees' Association, are negotiable: policies, curriculum, size of school, size of budget, the whole gambit. I've got a list in the office that covers two or three pages of all items that are negotiated between boards and trustees.

On the other hand, the Society's involvement with school boards across Manitoba since 1948, since we've had legislation, before 1948 and certainly in the last few years, the last three decades, is one of responsible collective bargaining. We seem to forget that the provisions under the current Act and under those proposed in Bill 22, define "collective bargaining" and define a "collective agreement" as those things that deal with terms or conditions of employment and rates of pay. Well, what does terms and conditions of employment mean? It really means all conditions and that was as much as alluded to by the representative of MAST this morning, because all terms and conditions under which teachers work then, can be classed as a term and condition of employment. Now, to my knowledge, there hasn't been an association, a group of teachers, that have come to a school board at the local level and said, now we want to bargain about the curriculum here or this or that or all these paranoiac sort of things that were suggested this morning where the Association then is going to determine unilateral control. I think that what we have said as teachers across this province is that we want some say in terms of the decisions made with reference to those aspects that affect our contact with kids in the classroom, which really determines what education is all about; which is really why we're all here, that we should have some voice in this particular matter.

So I would say, without having discussed it with the executive or anyone else, I have no fear of saying that the teachers of this province would not agree to going backwards and saying now you've been talking about certain matters, you can no longer talk about them with your board. As a matter of fact, to give you an example, we have been attempting to sit down and discuss the problems that you were trying to raise with reference to declining enrolment, the problems it means to education, to programs and teachers and staff positions in a particular district.

We have a study that goes back to 1974, was published in 1975, on the impact of declining enrolment. That study by and large gathered dust. There were voices crying in the wilderness saying, look, there's a problem coming here, there are some things that we should be able to do co-operatively to deal with this problem. I can say without fear of contradiction where associations in 1979 went to their school boards and said, let us talk about the lay-off of teachers, that the board's response was, this is the management rights; not negotiable. And how can you then turn around and say to this group or any other group, we're willing to talk about those things but it's not negotiable, which really means, you can raise it but if in the Legislature it says that selection of staff, deployment of staff is not negotiable, then we can say to you, we can't talk to you about it, we'll determine it in the best interests. Now if you would like to have some input, perhaps we'll give you some input. That's not what we talk about when we're talking about development of some policies that deal with this particular matter that affect education of the students in a particular area.

Justice Freedman, some years ago, in a decision — it's not as dramatic as the problems that we may be facing in declining enrolment, but in a decision dealing with working conditions, outlined in his decision that the conditions of employment that employees are involved in, that employers must be aware of, is a developing thing, an evolving thing. What is considered negotiable, a fair condition of employment 30 years ago may not be considered such 30 years later.

We've got an interesting development happening right now in the city in the city's test of the arbitration award for the Firefighters' Association and the matters in which an arbitration board can make a decision. Are these in fact conditions of employment, that the employees should have some input in. And as I understand the court decision while I haven't read it, the court decision was "yes". They are decisions that the employee should have some input. Now, they don't seem like the normal thing and perhaps were not the normal thing ten or fifteen years ago, and I say to you, members of the Committee, if we take a look at the area of restricting those kinds of things that we can talk and negotiate to our boards about, to our employers about, then we are in fact going back fifty years, going back to a time that I didn't think we'd ever see people suggesting.

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Now, I don't know whether that answers your question or not, Mr. Chairman, but it's the best I can do from memory on the basis of not having read the specifics in this submission. And it's maybe more of an emotional reaction than anything else but I feel extremely strongly in this whole area and I would see us going backwards. I think in fairness to the question asked by the Minister of Education, that this particular section, 48 (1)(x) is a new section in there and I think that the proposers of that section way back when, whenever it was originally proposed and agreed upon by all parties, didn't seem to think that it was wrong to include somewhere in the legislation the act that employers and employees could conclude agreements dealing with the relationships that exist between them. Now whether or not the bogeymen indicated are there behind that, only time will tell, really.

MR. CHAIRMAN: Mr. McBryde.

MR. McBRYDE: I wonder if you could just capsule for me, what do you want in this legislation now and in this area that we were just talking about?

MR. PINDERA: Mr. Chairman, I would agree with the president that if this section were removed altogether, it really wouldn't have an impact on the collective bargaining between school boards and teachers in the area. We have some concerns because of lack of definition that are in there, that we've asked for some clarification on as you will find indicated if you read all those questions. Now depending upon those answers, we may be here supporting what the trustees have said this morning but for different reasons, to eliminate the thing.

MR. McBRYDE: Yes, I think I understand that situation, Mr. Chairman.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: Now, Mr. Chairman, I would say to Ms Thompson that we've heard from a number of different groups very much involved in education as sort of institutional groups. Most of them have given us their own opinions as this Act would affect them specifically, and there is nothing wrong with, you know, speaking up for your own interests. But these two Bills do govern education as it's going to be in the foreseeable future. What we have not heard very much on at this committee is about the education of our children, whether present education is properly equipping our children for 1979 and we've heard nothing at all about education to equip our children for the 1980s. Now, as a group of professionals in the teaching field, what have you to tell us about the standards of education? Are they proper, are they right, which way are they taking us, which way is education going and is it going to be adequate for the eighties?

MR. CHAIRMAN: Ms Thompson. Ms

M THOMPSON: Mr. Chairperson, I don't even know where to start with that, I guess I would say, first of all, that the sorts of concerns that you are raising are not something that one deals with through legislation, I think we're dealing here about relationships, relationships between teachers and children in classrooms; programs, the sorts of programs that are available. I have no hesitation in saying that I think the public schools are doing a good job. I recognize that there are problems; we're always trying to do better, and I think that we do recognize where there are needs and I think I can say also we have some concerns about some things that we see happening at the present time that we think may affect the quality of programs that we're able to provide for children, concerns in the area of declining enrolments but perhaps more concerns because of economic restraint, where we're just a little afraid of some of the things that we see developing: programs that are being cut, classes that are being combined, class sizes in many instances that are really too large to deal with children as individuals.

I guess one of the things that I might just comment on that doesn't seem to be in the legislation that would concern us is the role of the professional in decision making in education which doesn't seem to be here and we feel that we do have an important role to play in the development of curriculum, and at the same time I recognize that we have input into department committees and so on that are working on curriculum. There doesn't seem to be any principle in the legislation that says in law that there is a role for the professional to be involved in these sorts of decisions.

MR. WALDING: I have difficulty in knowing what questions to ask or how to phrase them. Given that the world is a rapidly changing place and that the pace of change seems to be more rapid

as time goes by, do we expect our education system to try to keep up with this year's changes or last year's changes, and if so, is that the proper way to go recognizing that there will be changes next year and the year after that? Is that in the best interests of the children, to try to make these changes in a reactive sense, or are we better served by trying to give children some sort of a basic rounded education that will somehow enable them to cope with whatever conditions change into the future?

THOMPSON: Mr. Chairperson, I guess I would agree with your last comment. I think that's what we should be doing and what we're trying to do. At the same time I say that I think we have to recognize that sometimes there are very unrealistic demands that are made on the schools and these come as a result of social problems and areas of concern that are identified in the community that perhaps other institutions were more involved in in the past than they are at present. I guess because of the nature of the people that we have working in the school system, when needs are identified, there is an attempt to try and do something about it, and I guess maybe it becomes a matter of priorities and these priorities are going to differ from one area to another, and teachers, I think: need to be involved in the establishment of these priorities as to school boards and as to parents. And I guess the concern is that we can't be everything to everybody and I think that sometimes there is that sort of public expectation and perhaps we have to look at working closer with some of the other agencies in society to try and meet some of these needs. But I think that sometimes there's a great deal of public criticism of schools because they don't meet these rather unrealistic expectations.

MR. WALDING: Then to follow from that, to what extent is the Teachers' Society telling parents and legislators and the public generally, that such demands are unrealistic, that the direction of education should be changed?

MS THOMPSON: I think we're using every opportunity we have and I think we're also encouraging our teachers, at the local level, to become involved with their boards and with parents in looking at what the priorities are for education in that particular area.

Mr. Chairperson, if I could add something to that. The conditions vary greatly from one part of the City of Winnipeg to another, from Winnipeg to some of the rural areas, some of the problems in the north and I think one has to look at education in the context of where children are at the particular time that they're in school. And at the same time we recognize that children need certain skills in order to become productive citizens and to exist in society. Those skills may not all be the same depending on the sorts of background people have in the particular place where they're at.

MR. WALDING: Further to that last remark, the necessary skills. Should we try to give all of our children these certain basic necessary skills or should education be moving in terms of more individualized teaching to make the best of a particular child's potentialities, capabilities, particular skills, even at the expense of not developing some of these more basic areas?

MS THOMPSON: Mr. Chairperson, I think that's what we're trying to do. I think certainly our position is that one looks at the child and tries to determine what that particular child needs. I guess the problems are that sometimes, because of the lack of resources or because of pressures in the system, we just can't do that to the extent that we would like to do. But I think certainly that is the objectives, is to treat the child as an individual and to try and assess what that child's needs are and the skills that you might want to develop in a child — they'll differ from child to child.

MR. WALDING: Thank you, Mr. Chairman.

MR. CHAIRMAN: Any further questions? Mr. Hanuschak.

MR. HANUSCHAK: I would like to get the Teachers' Society's expression of its views with respect to the snooper clause contained within Bill 22. You will recall, Mr. Chairman, when we were government, your concern about snooper clauses and much of the legislation that we introduced, and I have a similar concern and I share it with you and with other members of the committee.

I'm referring specifically to Section 96(d) which gives an education administrative consultant the right to seek any information — and in fact the onus is upon the teacher to provide the education administrative consultant any information that it may be in his power to give respecting anything

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onnected with the operations of the school or in any way affecting its interests.” And I can’t help out think of some of the examples of dismissal that Mr. Pindera cited earlier and then I can’t help out think of the shocking consequences of this section in terms of encroachment upon a teacher’s human rights, professional rights that this could lead to.

Here this political — sorry, we have now been assured that it will not be a political appointment — the education administrative consultant may be seeking some information from a teacher; as far as the teacher is concerned they couldn’t see any serious consequences or implications through the whole thing; without the protection of counsel, without the protection of The Evidence Act, without whatever legal protection the teacher may be entitled to and what there is written into the law, offers information to the education administrative consultant. The consultant feels that it is dissatisfied with the information; feels that that teacher should have given different information or that it was within that teacher’s power to give more information and hence that constitutes a violation of the Act, leading to all the consequences that you and I know, Madam Chairman, that it could lead to, not only the conviction of a teacher for violating the Act but also suspension of a teacher’s certificate which could ruin the teacher for life, because just totaling up the appeal process of a suspension of a certificate, it’s at least 49 days and it could conceivably be more, and if the young teacher has a number of mouths to feed in his household even that period of time — at the wrong economic time — could break him. Has the Teachers’ Society any concern on giving that great a power to an education administrative consultant?

MS THOMPSON: Mr. Chairperson, I did comment earlier that we had some concerns about these sorts of powers that might be given to the education administrative consultant. I guess I’m developing a little concern about this item after listening to you. I think we will take this under advisement and take a look at this.

I can see some difficulties in terms of our own professional code of ethics that might arise if we are to interpret this literally. 3

MR. HANUSCHAK: Thank you very much.

MR. CHAIRMAN: Mr. Boyce.

MR. BOYCE: Yes. First of all, Mr. Chairman, I wonder if Mr. Pindera could undertake to get us a copy of the chapter and verse of that judgment of Justice Freedman’s. You referred to a judgment of Justice Freedman’s several years ago and I wonder if you could find chapter and verse on it.

But in looking back at this section once more, on Conciliation the clauses 114 to 121 inclusive, in which you have commented on one clause, 127(1). In re-reading it again I find that 117(1), (2) and (3) are such that the removal of 120(1) really has no effect because it requires you to write into a contract. In looking at Section 117(1), “Every collective agreement entered into shall contain a provision for final settlement, without stoppage of work, by negotiation, conciliation or arbitration or any of those means,” etc., etc. So the impact of 117(1), (2) and (3) is such that you haven’t got the right to withdraw. So just focusing on that. Is it not the case still that each school district is a bargaining entity unto itself? Is that obsolete? Is that still the case?

MS THOMPSON: Mr. Chairperson, I’ll defer to Mr. Pindera on this item.

MR. CHAIRMAN: Mr. Pindera.

MR. PINDERA: Mr. Chairman, through you to Mr. Boyce. If I understand his question correctly, dealing with the last question first, each school division and almost all the school districts — I say almost all because I believe there’s one or two special school districts that do not have a collective agreement, they follow the provisions in either Frontier or something else, but they don’t have one of their own — has a collective agreement negotiated between itself and the association in place and there are some 60 of those currently covering the bulk of the teachers, or all of the teachers in the province.

With reference to your reference of Section 117(1) — this is a provision which requires a mandatory clause in every collective agreement which will outline some means of resolving a dispute concerning content, application and so forth that may arise out of a collective agreement. And though the content isn’t specified, the content of the exact clause is not specified in statute, the second portion provides that, “Where a collective agreement does not have such a clause, the collective agreement board then can, in fact, put one in.” It has never been — well, I shouldn’t say that — we had one case years ago where that became an issue but by and large every collective

now has such a provision.

MR. BOYCE: Well, from your comments on Justice Freedman's decision and your suggestion that it is an evolving process, that if for those who believe in true collective, free collective bargaining and the government should not be involved in collective bargaining, then should this not be the process of how to resolve their differences, should this not be left up to the resolution of the bargaining people on both sides; and we should put in place a conciliation procedure if that is so desired by the party? There should be an arbitration procedure if it is so desired by the parties? Which should not that in itself be a matter of negotiations between the two parties?

MR. PINDERA: In many respects, Mr. Chairman, I think Mr. Boyce is correct. The concern of government, be it government concerned with The Public Schools Act or government concerned with labour legislation, has been that there be peace during the term of a collective agreement. And the genesis of this particular clause is no work stoppage during the term of a collective agreement. So if there is a dispute then we don't have wildcat strikes or wild lockouts or whatever the case may be, to try to resolve that particular dispute during the term of the collective agreement.

And in complete free collective bargaining the parties themselves have determined a judicial procedure to affect themselves and by and large, as far as I am aware, they have all opted for arbitration dealing with interpretation type sort of a grievance kind of problems that arise out of a collective agreement.

Whether they use arbitration or not to resolve in the last analysis what goes into a collective agreement, is a moot point. Labour by and large rejects arbitration as the final method of resolving what goes into the collective agreement, an impasse. Without getting into the history — and it goes back as you well know, way back in 1952-53 — of why we have this particular legislation, the teachers currently, and boards are required to resolve what goes into a collective agreement by binding arbitration, not by strike or lockout.

Now the problems that we get into — and the problems, part of which I referred to earlier and part of which MAST referred to — are those issues of what is negotiable and what isn't negotiable. Now, one side comes to the table and says, "Well, we want to negotiate, let's say, a lay-off clause," — and that as a matter of fact is before the courts right now — and the other side says, "Well, that's fine, you think it's negotiable but we don't think it's negotiable," and therefore, don't negotiate and you end up before an arbitration board and the arbitration board in this one instance has made a decision and that decision is before the courts as to whether they should or they shouldn't have. So I don't know whether I'm answering your question exactly, but the question really doesn't become so much of the means of resolving it, it is just exactly what should be the substance of our discussions.

Our position, as an organization, has been as the President indicated, that all matters should be negotiable. And our own position, quite frankly, I think can be demonstrated that in terms of what has been asked at the bargaining table, is no more and no less that's available in the general milieu in all kinds of other agreements. As a matter of fact it may be much less if we look at some of the American agreements.

In this same area, it is very interesting that the matter was raised this morning that trustees have the public interest at heart and teachers have the private interest at heart. There's a very well established maxim in law that governs teacher actions and has for at least 100 years, if not more, and that's the whole principle in loco parentis, which means that the teacher stands in the place of the parent in the classroom and that has some very real legal implications concerning supervision, concerning relationships with pupils, concerning discipline and all those other matters. Well, I am surprised somewhat to have someone here, that the teachers have no concern for the public interest when, in fact, they are the only group, the only person that stands in the place of the parent. It is not the school board or the trustees or the government, but it is the teacher in the classroom, by tradition, by law, by practice, for at least 100 years. Does that answer your question, Mr. Boyce?

MR. BOYCE: Well, Mr. Chairman, what I am trying to solicit from The Manitoba Teachers' Society is an understanding of their position on this very important matter, because doubtless we will be making recommendations on the redrafting of this whole Section, and while I haven't discussed it with my colleagues in caucus my personal inclination would be to argue that it should be more expansive than restrictive. I would argue for the deletion of 48(1)(x).

Mr. Chairman, I realize that the President, without having dealt with this with the Executive and with the membership or another staff man, is really in a position to give the position of the society on this matter, but where parties in a negotiation choose, whether it is in the local division, you

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now, Winnipeg No. 1, they may negotiate and say, well, all right, anything we can't agree on we will have it arbitrated. That is legitimate collective agreement. Another school division, because of the milieu in which they are negotiating, may decide differently.

What I am asking, is it necessary in the 1980s to carry forward this evolving step which perhaps should join the dinosaurs.

MR. PINDERA: Mr. Chairman, through you to Mr. Boyce, are you saying is it necessary to carry forth 117 specifically. Yes, I would say yes, from my experience. It would be a mistake to remove from the legislation a provision which mandates a means of settling disputes between a board and its employees during the term of its collective agreement.

Maybe the answer, through you, Mr. Chairman, to Mr. Boyce, is that we haven't evolved quite far enough.

MR. BOYCE: Well, Mr. Chairman, through you to Mr. Pindera. I respect his opinion, because the first time I met him was in a negotiation, as a result of which I got fired by the way because I didn't have a pen with me. That was reason enough to fire me at that time. They did me a favour, but nevertheless. . .

I respect your opinion and will take it into consideration in discussing it with my colleagues, because I can appreciate your own position as a staff person for the Society, to take that away without some undertaking that there would be some support mechanism in there, the acceptability of some support mechanism. But nevertheless it is a . . . many people are arguing in general principle that the sooner government gets out of negotiations, and I agree, Mr. Chairman, with the earlier statement that there should be peace during the negotiations, and various attempts, including Taft-Hartley and the rest of it, in addressing themselves to this problem. But nevertheless, the sooner governments get out of negotiations and leave it to the people to be responsible, because if they have that Greek "Deus ex machina" in the background that is going to come along and solve their problem, in many people's opinion it is not conducive to "free collective bargaining".

MR. PINDERA: Mr. Chairman, maybe further to respond to Mr. Boyce, that while I can agree in theory, the theory becomes applicable generally if the parties are equal in strength or the circumstances in which they are bargaining make them equal in strength so that they listen to one another and it is to their interest to work out some particular provision, procedure for the keeping of peace.

We are in a situation in a circumstance quite frankly that it may very well be that in the next five or six years, you can question whether or not the parties are going to be equal in strength. The questioning of the members of the Committee this morning and yesterday concerning the impact of declining enrolment and the loss of jobs, you don't have to be an extremely brilliant strategist to figure out where the strength is and where the strength isn't under those circumstances. .

MR. BOYCE: So perhaps all we can expect reasonably at this stage in the amendment of the evolving Act is the deletion of 48(1)(x).

MR. PINDERA: You are quite free, Mr. Chairman, to leave the Section in, because I see nothing wrong with saying that relationships should be determined by negotiation or by whatever between employees and employers.

We see some concerns with definition. Now it may very well be that the way the definitions come out, then our position would be you are better off to take it out, because it is going to create more problems than it is going to resolve.

MR. BOYCE: Thanks, Mr. Chairman.

MR. CHAIRMAN: Any further questions?
Mr. Brown.

MR. ARNOLD BROWN: A good deal of the discussion and the briefs have centered around children with special needs. You have your EMH, TMH, but then you also have children, as was pointed in one brief that we heard yesterday, with special needs who are the children with a special capacity for learning.

I would like to hear some comments from you as to what is being done in this particular instance. Do you realize that they become a problem in classroom, they become bored with the learning process, because they are capable of going at a faster speed than what the rest of the pupils are? Is anything being done in that particular area?

MR. CHAIRMAN: Ms Thompson.

MS MARILYNN THOMPSON: Mr. Chairperson, our definition of special needs children would certainly include children with the sorts of abilities that you are talking about. I think what happens to these children varies very much from school to school. Probably not enough is being done for some of these children. We have had special programs in the past where they have been isolated and that approach has been abandoned. I think there are differing views depending on which educationist, I guess, that you subscribe to, as to the merits of isolating any sort of children as opposed to having them mainstreamed.

I think that by and large these children in recent years have been kept in the mainstream and there are many individual efforts, I think, being made to provide programs for these people, special programs in many instances, depending I guess on the circumstances. The reason I am hesitating is that, I guess, we have the same problem with these children that we have with other children if we don't have resources and time, and if you have one of these children in a class of 30 and you also have in that class one child with a learning disability, then probably not as much is being done for them as should be. But I think there is an awareness on the part of teachers of the need to provide very stimulating programs for these teachers, but I would say largely within the mainstream as opposed to segregating them as has been done in the past. But it is an area of concern to us.

MR. BROWN: I would be very much interested if we could get some kind of recommendation from your group as to how that particular problem should be looked at and possibly see what could be done in that particular area.

I think that we have gone quite a distance as far as looking after the children who are disadvantaged and so on, who have difficulty in the learning process. I am not saying that not much more needs to be done in that area, but certainly we have been travelling in that direction, but I think very little has been done in this other. So if there would be any recommendations that you could give us at some time or the other, I certainly would appreciate this.

MS THOMPSON: Mr. Chairperson, we have done quite a lot of work in this whole area and we do have some briefs and some documentation on this whole area of special needs, and if it would be useful to the Committee, I would undertake to see that copies of this are made available for your consideration.

MR. CHAIRMAN: Thank you for that opportunity, Ms Thompson. Mr. Brown. Mr. McBryde.

MR. McBRYDE: The question that Mr. Brown just asked was one that I was going to ask. A related question is, when we are talking about special needs students, and I guess you are expert on special needs, what is your indication in terms of numbers, I guess in the two categories — one is the low incidence-high cost, and the other is all students. The Winnipeg School Division give us a figure of up to 50 percent in that Division would be special needs students, and the person from the Mentally Retarded or one of the other organizations said about 10 percent. Do you have any idea, or what sort of figures do you use to . . .

MS THOMPSON: Mr. Chairperson, I wouldn't presume to give these to you off the top of my head. The brief that I mentioned does have some documentation in terms of numbers by different types of learning disabilities and special learning needs and we can provide that to you, but I wouldn't want to be throwing numbers off the top of my head. But there are some statistics that we have attempted to gather, that we are prepared to make available to you if that will help.

MR. McBRYDE: In a different Section, Mr. Chairman, the MAST brief says that one of the things that they would like is a definition of French language schools and French immersion schools, and I noticed that you used those two terms within your brief. Do you have a definition for those two terms?

MS THOMPSON: Mr. Chairperson, I would like to defer to Mr. Levesque, who is the President of the Educateur Franco-Manitobaine, who worked very closely with us in the area of French language education, and ask him if he would respond to this.

MR. CHAIRMAN: Mr. Levesque.

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MR. LEVESQUE: Well, the French language school is defined as the school where the language of instruction, communication and administration within the school is French, while the French immersion school is a school where French is used as the language of instruction internal, but not external communication.

In other words, we, in the French immersion school, communicate with the parents in English, but everything in the school is made in French.

MR. McBRYDE: Mr. Chairman, would it be fair to say then that the French language school is basically for people that are raised in French-speaking families and the immersion course is — like I could send my children to an immersion course and you would talk to me in English still when I phoned you up.

MR. LEVESQUE: Well, the French language school is the one that best meets the objectives of preserving and improving the language and culture of Francophone students, definitely. That is the policy of the MTS, the Manitoba Teachers' Society.

MR. McBRYDE: I think that is all for now, Mr. Chairman.

MR. BOYCE: . . . questions. First of all, does the Manitoba Teachers' Society have in their research figures the comparative length of stay of teachers within the teaching system?

MR. CHAIRMAN: Ms Thompson.

MR. BOYCE: There must exist something of the average length of stay of the teachers within the system. Is this . . .

MS THOMPSON: Mr. Chairperson, I am just trying to think whether we have done anything in that area in the last few years. We do do a teacher losses survey, but I am not sure if that is the sort of thing that you are looking for. There is nothing that comes to mind at the moment that I think would respond to the question that you are asking about, unless Mr. Pindera can think of something that I can't.

MR. CHAIRMAN: Mr. Pindera, then.

MR. PINDERA: Mr. Chairman, the closest that I may come to what Mr. Boyce is asking for would be the average experience of teachers within the Manitoba system, and those figures are available through the Department, through DBS. Now on an annual basis we are currently in the process of gathering data on those statistics of our teaching force this year, 1979-80.

As memory recalls the average teaching experience is about nine years. Now whether that would mean how long they stay, I would have to assume that that is the average they stay in the system, but we would have people that have been in the system, as you well know, forty years and some that have been in for one or two or three. I don't know in terms of frequency breakdown as to what percentage stay in for so many years, and what percentage, say, for fewer years, and so forth. In a way, the number of teachers that retire with a certain number of years of experience, gives you some indication of how long these people stay in the system. But if it's helpful, I think that the average experience level is about nine years. It might be slightly less than that.

MR. BOYCE: Mr. Chairman, I would assume that it is one of the things which could be used as an indice of frustration, the length of time that people are in the system probably grows and shrinks. But my question arises from the point that Mr. Pindera made earlier, that they're asking for four years certification, which implies a considerable public investment in the training of teachers, so I was just wondering, from a public finance point of view whether we could see what we are getting for our dollar's worth. That's an awful way to put it in reference to a teacher.

The President referred to a report which had been done on special needs. I guess I can best put my question in the specific rather than the general. A teacher over here remarked that the student who had been an "A" student in the lower years, 7, 8, had gone down to a "C" student, and one teacher overheard the other say that this particular individual couldn't read, so it prompted an assessment of his reading ability, and it came out that he was reading at a Grade 7 level, so that the fellow was referred to the reading clinicians. So what I'm getting at is, in this assessment of people who have special needs in this high incident area, what have we got as far as information of the frequency of difficulty, times of difficulty, the programs available, should we be able to diagnose his difficulty. Is that in this report that you referred to?

MS THOMPSON: Mr. Chairperson, I don't know that that particular concern that you mentioned about people that have made it part way through the system without being able to read, I guess we're very dependent here on the classroom teacher to discover students who are in that sort of situation, and then I guess part of the problem is what you do about it at a particular stage. Many of our secondary teachers are not trained to teach reading in terms of the process of how one learns to read. I think that certainly there is a much greater awareness than there has been in the past in terms of different materials at different reading levels for different students and so on, but I think one thing that we have to be looking at is remedial work and resource people to work with students, even in some of the senior grades. I think this is an area where we probably have a great lack at the present time.

We're dealing with the phenomena, as you are aware, of looking at individuals and trying to treat them as individuals, which mean that you take a lot of things into consideration when you're deciding about their placements, and you may have a student who has particular difficulty in reading who may be a very large child or may be older than some of the other children, and then you have to make a judgment as to whether or not you keep that person with the very young children who are just learning how to read, or whether that really is a great disservice to a child, that it may really cause all sorts of other problems socially for that particular person, or whether you move them along with their respective age groups.

Generally, that is what seems to be the practice, that they are moved along with their social group. And I think what we have to be doing is to perhaps be more aware than we have been in the past and to be getting the sorts of resources to deal with those problems, wherever they occur, and not assume that all of these things are going to be dealt with necessarily in the primary grades.

MR. BOYCE: As I understand what the President is saying, there is no formal assessment of all the different things that can happen to people. I can understand if you took everything into consideration it would be ludicrous but taking cases such as I mentioned and dyslexia or any other thing, which may, for some reason or other not been diagnosed along the stream, with this particular case that came to mind, through the ordinary process, I assumed that everybody had done their job in helping that youngster learn how to read up to a certain level, which was about Grade 5, and he sub-vocalized and he proceeded to grow two more years within the next seven years.

But nevertheless there are available in reading, remedial programs for those of us in the secondary system who really aren't trained in teaching people how to read. But is this extant in other areas?

MS THOMPSON: Mr. Chairperson, if I could just respond again, I think that this, as I made the point before, this is where the classroom teacher is very crucial in trying to detect. There's a difference between detecting a problem and being able to diagnose the cause of the problem. And you may be able to detect that a child is having a problem with reading. It's not always easy then to detect what the cause of that is. Is it the fact that the child really has never learned the process of reading? Or is there some impediment in the way? Is there a disability of some sort? And that's really where we need expertise, where we need people who are trained specifically in that sort of diagnosis. The average classroom teacher is just not trained to do that sort of diagnosis. I think that there is an increasing awareness all the time on the part of teachers to watch for things and to detect these problems. But then they need help. Once you've detected, what do you do?

MR. BOYCE: I was hoping the President would continue, once you detect them, what should we do?

MS THOMPSON: Mr. Chairperson, what we need are people who are trained. Some of those people are available, there just aren't enough of them available at the present time. Perhaps we need to also look at further training for the average classroom teacher in detection as well. I would suggest probably that's the case. That's not something that one learns at the Faculty of Education, how to detect children that do have particular problems. It comes about to some degree, I guess by careful observation at the classroom level, by intuition, by a lot of things.

MR. BOYCE: If we're looking at the provision of educational services in the province, we have, I understand in Winnipeg, a Child Guidance Clinic and a number of other clinicians to be of assistance in helping in this area. This is rather limited to the urban centres, is it?

MS THOMPSON: Mr. Chairperson, my understanding is that the Child Guidance Clinic works in

the Metro Winnipeg area. There are people working out of the Department of Education in this area who travel throughout the province and so on. I'm more familiar, I guess, with the situation in the Metro area with the Child Guidance Clinic. These people have very heavy caseloads.

Mr. Chairperson, if I could just add to that, there are excellent people in the Child Guidance Clinic, and I think there's a great deal of appreciation of their services, but they are overworked.

MR. BOYCE: So that the case I referred to, it would be nigh-on impossible for even a teacher who was sensitive enough to see that there was a problem in, say, The Pas. In The Pas, have they such facilities?

MS THOMPSON: Mr. Chairperson, I think perhaps the Minister would be better able to answer exactly what services from the department are available in some of the rural areas. I would not say it would be impossible. It might be slow, it might be difficult, but my understanding is that there are personnel working out of the department, Special Services of the Department of Education who do provide this service. I'm not really in a position to tell you about their workloads. I think perhaps the Minister would be a better source of information.

MR. PINDERA: I was going to comment similar to what the President had indicated. There are teams of people that are supplied by the department that provide this service, the resource service, I won't say the same as, but certainly, an attempt as equivalent to those provided in the Child Guidance Clinic. They operate on sort of a shared basis amongst school divisions. There are a number of these people in The Pas. The reason I comment on The Pas and Flin Flon and the north is that I was up, with the Minister of Education, at a meeting two or three weeks ago where this whole area was discussed by a group of principals and vice-principals and so forth from the northern community. They seem to be in strong support of the program because of the services that were being provided. If they had any criticism at all, as I recall, and the Minister can correct me if he wishes, that it wasn't enough. They really needed more, because they were very useful in terms of not just identifying but in the remedial end of what can be done with some of the kind of problems that you were describing.

MR. BOYCE: Mr. Chairman, I wasn't trying to get anybody in a box on this, including the Minister, who can get out of any box I can put him in. I got carried away in my interest on this particular subject.

MR. CHAIRMAN: Mr. Enns.

MR. ENNS: Just a further comment, the Society and other groups have, at different times, made suggestions and requests of the Department of Education to provide special grants to school divisions to enable them, that is special grants in the sense of teacher grants over and above those for the regular classroom teachers, to enable them to employ school clinicians that could serve the children in a particular school division. This does not exist yet.

MR. CHAIRMAN: Any further questions. Thank you, Ms Thompson, Mr. Pindera, Mr. Breckman, Mr. Levesque, and the Manitoba Teachers' Society for your presentation. This evening at 8:00 p.m. I'll be calling Mr. Clifford of the Manitoba Teachers' Association, of MTS, at 8:00 o'clock. Winnipeg Teachers' Association, pardon me. And the second one will be Mr. Carmichael from the Society for Crippled Children and adults at 8:00 p.m.

While you're still sitting here, gentlemen, there have been three more people signify their intention to appear before the committee. If you have your pencils ready, you can add at 59 a Mr. Bob Strong as a private presentation, No. 60 is Renaissance Manitoba, and that is a written one that will be presented to you, No. 61, Mr. Robert E. Clague, and No. 62, Mr. and Mrs. Pat Trotter.

MS THOMPSON: Mr. Chairman, just before you break for the supper hour, I'd like to thank you on behalf of the Manitoba Teachers' Society for the opportunity to present our concerns, and I would like to emphasize again that if we can be of any further assistance to you, we are available. I recognize that the material that we have left with you is rather comprehensive and that you haven't had a chance to read it, and if there are any questions that you would like any clarification of, we're available.

MR. CHAIRMAN: Thank you kindly. Committee rise.