

STANDING COMMITTEE ON HUMAN SERVICES

Monday, April 20, 2009

MINUTE NO. 22

3:00 p.m. – Room 8

1. **Present:** Glen Hart in the Chair and Members Denis Allchurch, Doreen Eagles, David Forbes*, Andy Iwanchuk*, Serge LeClerc, Warren McCall*, Greg Ottenbreit and Trent Wotherspoon*.

Substituting Members

David Forbes for Judy Junor (3:00 p.m. - 5:00 p.m. only)

Andy Iwanchuk for Cam Broten (3:00 p.m. - 5:00 p.m. only)

Trent Wotherspoon for Judy Junor (7:00 p.m. - 10:20 only)

Warren McCall for Cam Broten (7:00 p.m. - 10:20 only)

2. The committee considered Estimates for the Ministry of Advanced Education, Employment and Labour.

The following Advanced Education, Employment and Labour Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Rob Norris, Minister

Wynne Young, Deputy Minister

Mike Carr, Associate Deputy Minister, Labour, Employee and Employer Services

Karen Allen, Executive Director, Corporate Services

Glennis Bihun, Executive Director, Occupational Health & Safety

Pat Faulconbridge, Executive Director, Status of Women Office

Jan Morgan, Executive Director, Career and Employment Services

Laverne Moskal, Executive Director, Labour Standards

Linda Smith, Executive Director, Policy and Planning

Scott Giroux, Director, Financial Planning

Peter Federko, Chief Executive Officer, Workers' Compensation Board

Gwen Mowbray, Manager, Human Resources, HR Services – Advanced Education,
Employment and Labour, Public Service Commission

Fred Bayer, Board Registrar, Labour Relations Board

Michael Berry, Masters of Public Administration Intern

3. The committee adjourned consideration of the Estimates for the Ministry of Advanced Education, Employment and Labour.
4. The committee recessed from 5:00 p.m. to 7:01 p.m.
5. The following document was tabled:

HUS 19/26 – Ministry of Education: Written submission entitled “Follow-up to committee April 6, 2009”, dated April 15, 2009.

6. The committee considered Estimates for the Ministry of Education.

The following Education Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Ken Krawetz, Minister
Audrey Roadhouse, Deputy Minister
Helen Horsman, Assistant Deputy Minister
Darryl Hunter, Executive Director, Accountability, Assessment and Records
Rosanne Glass, Executive Director, Policy, Evaluation and Legislative Services
Terry Myers, Executive Director, Regional and Integrated Services
Margaret Ball, Director, Education Finance and Facilities
Maureen Johns Simpson, Executive Director, First Nations and Métis Education
Rhonda Smysniuk, Executive Director, Education Finance and Facilities
Lois Zelmer, Executive Director, Early Learning and Child Care
Sue Amundrud, Associate Executive Director, Curriculum and E-Learning
Elaine Caswell, Director, Children's Services
Clint Repski, Director, Education Finance and Facilities
Dave Tulloch, Director, Financial Planning and Management
Gwen Mowbray, Manager, Human Resources, HR Services - Education, Public Service Commission
Angela Chobanik, Senior Policy Advisor, Education Finance and Facilities
Doug Volk, Executive Director, Teachers' Superannuation Commission
Joylene Campbell, Provincial Librarian, Provincial Library

7. The committee adjourned consideration of the Estimates for the Ministry of Education.
8. The committee recessed from 9:06 p.m. until 9:17 p.m.
9. The committee considered Bill No. 67 – The Education Amendment Act, 2008 (No.2) / Projet de loi n° 67 – Loi n° 2 de 2008 modifiant la Loi de 1995 sur l'éducation.

The following Education Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Ken Krawetz, Minister
Audrey Roadhouse, Deputy Minister
Helen Horsman, Assistant Deputy Minister
Rosanne Glass, Executive Director, Policy, Evaluation and Legislative Services
Drew Johnston, Manager, Policy, Evaluation and Legislative Services
Merv Woods, Crown Counsel, Ministry of Justice

10. The questions being put on clauses 1 to 22, they were agreed to.
11. During consideration of clause 23, it was moved by Mr. Allchurch:

Clause 23 of the printed Bill

Amend Clause 23 of the printed Bill:

Article 23 du projet de loi dans sa version imprimée

Modifier l'article 23 du projet de loi dans sa version imprimée:

(a) by striking out subsection 209.1(1) of *The Education Act, 1995*, as being enacted by Clause 23 of the printed Bill, and substituting the following:

“(1) A board of education, the conseil scolaire, a registered independent school or any other person or entity recognized by the minister that employs or retains a teacher to teach shall immediately provide written notice to the minister regarding the suspension, termination, resignation or retirement from employment of the teacher if the suspension, termination, resignation or retirement, as the case may be, results from conduct that the employer reasonably believes constitutes professional incompetence or professional misconduct that may relate to the suitability of the teacher to hold a teacher’s certificate of qualification”;

(b) in the French version, in subsection 209.2(1) of *The Education Act, 1995*, as being enacted by Clause 23 of the printed Bill, by striking out « contre n enseignant » and substituting « contre un enseignant »; and

(c) by striking out section 209.4 of *The Education Act, 1995*, as being enacted by Clause 23 of the printed Bill, and substituting the following:

“Professional misconduct

209.4 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, constitutes professional misconduct within the meaning of this Act if it:

(a) is harmful to the best interests of pupils or other members of the public;

(b) tends to harm the standing of the profession;

a) par suppression du paragraphe 209.1(1) de la *Loi de 1995 sur l’éducation*, que vise l’article 23 du projet de loi dans sa version imprimée, et son remplacement par ce qui suit:

« (1) Une commission scolaire, le conseil scolaire, une école indépendante inscrite ou toute autre personne ou entité reconnue par le ministre qui emploie ou engage un enseignant à des fins d’enseignement doit immédiatement aviser le ministre, par écrit, de la suspension, de la résiliation, de la démission ou du départ à la retraite de l’enseignant, si l’employeur a des motifs raisonnables de croire que la conduite qui est à la source de cette suspension, de cette résiliation, de cette démission ou de ce départ à la retraite, selon le cas, constitue de l’incompétence professionnelle ou une inconduite professionnelle susceptibles de se rapporter à la question de savoir si l’enseignant a les qualités requises pour détenir un brevet d’enseignement »;

b) dans la version française, au paragraphe 209.2(1) de la *Loi de 1995 sur l’éducation*, que vise l’article 23 du projet de loi dans sa version imprimée, par suppression des mots « contre n enseignant » et leur remplacement par les mots « contre un enseignant »;

c) par suppression de l’article 209.4 de la *Loi de 1995 sur l’éducation*, que vise l’article 23 du projet de loi dans sa version imprimée, et son remplacement par ce qui suit:

« Inconduite professionnelle

209.4 L’inconduite professionnelle est une question de fait; néanmoins, constitue une inconduite professionnelle au sens de la présente loi toute affaire, conduite ou chose, honteuse ou non, déshonorante ou non, qui répond à un des critères suivants:

a) elle nuit à l’intérêt supérieur des élèves ou d’autres citoyens;

b) elle tend à ternir la réputation de la profession;

(c) constitutes a breach of this Act or the regulations; or

(d) in the case of a teacher employed by a board of education or the conseil scolaire, constitutes a breach of *The Teachers' Federation Act, 2006* or the bylaws made pursuant to that Act”.

c) elle constitue une violation de la présente loi ou des règlements;

d) dans le cas d'un enseignant employé par une commission scolaire ou le conseil scolaire, elle constitue une violation de la loi intitulée *The Teachers' Federation Act, 2006* ou des règlements administratifs pris en vertu de cette loi ».

The question being put on the amendment, it was agreed to.

The question being put on clause 23 as amended, it was agreed to.

12. During consideration of clause 24, it was moved by Mr. Allchurch:

Clause 24 of the printed Bill

Strike out Clause 24 of the printed Bill and substitute the following:

“Section 212 amended

24 The following subsection is added after subsection 212(2):

‘(3) The board of education or the conseil scolaire, as the case may be, shall notify the minister in accordance with section 209.1 where:

(a) the board of education or the conseil scolaire reasonably believes a teacher is guilty of professional incompetence or professional misconduct that may relate to the suitability of the teacher to hold a teacher's certificate of qualification; and

(b) the board of education or the conseil scolaire and the teacher have agreed to terminate the teacher's contract of employment in accordance with subsection (1) or (2)’ ”.

Article 24 du projet de loi dans sa version imprimée

Supprimer l'article 24 du projet de loi dans sa version imprimée et le remplacer par ce qui suit:

« Modification de l'article 212

24 Le paragraphe qui suit est inséré après le paragraphe 212(2) :

‘ (3) La commission scolaire ou le conseil scolaire, selon le cas, avise le ministre conformément à l'article 209.1 lorsque les conditions suivantes sont réunies :

a) la commission scolaire ou le conseil scolaire a des motifs raisonnables de croire qu'un enseignant s'est rendu coupable d'incompétence professionnelle ou d'inconduite professionnelle susceptibles de se rapporter à la question de savoir si l'enseignant a les qualités requises pour détenir un brevet d'enseignement;

b) la commission scolaire ou le conseil scolaire et l'enseignant sont convenus de résilier le contrat d'emploi de l'enseignant conformément aux paragraphes (1) ou (2) ’ ».

The question being put on the amendment, it was agreed to.

The question being put on clause 24 as amended, it was agreed to.

13. The questions being put on clauses 25 to 30, they were agreed to.

14. The question being put on clause 31, it was defeated.
15. The question being put on clause 32, it was defeated.
16. The questions being put on clauses 33 to 35, they were agreed to.
17. During consideration of clause 36, it was moved by Mr. Allchurch:

Clause 36 of the printed Bill

Amend clause 305(6)(a) of *The Education Act, 1995*, as being enacted by Clause 36(2) of the printed Bill, by striking out “uniform”.

Article 36 du projet de loi dans sa version imprimée

Modifier l’alinéa 305(6)a) de la *Loi de 1995 sur l’éducation*, que vise le paragraphe 36(2) du projet de loi dans sa version imprimée, par suppression du mot « uniforme ».

The question being put on the amendment, it was agreed to.

The question being put on clause 36 as amended, it was agreed to.

18. The question being put on clauses 37, it was agreed to.
19. The question being put on clause 38, it was defeated.
20. The questions being put on clauses 39 to 47, they were agreed to.
21. During consideration of clause 48, it was moved by Mr. Allchurch:

Clause 48 of the printed Bill

Strike out “**clause after**” and substitute “**clauses after**” in Clause 48(a); and

Amend subsection 370(1) of *The Education Act, 1995*, as being enacted by Clause 48(a) of the printed Bill by adding the following clause after clause (i.1):

“(i.2) without restricting the generality of section 209.4, prescribing any conduct on the part of a teacher that shall be deemed to constitute professional misconduct within the meaning of this Act.”

Article 48 du projet de loi dans sa version imprimée

L’alinéa 48a) est modifié par suppression de « insertion de l’alinéa qui suit » et son remplacement par « insertion des alinéas qui suivent ».

Modifier le paragraphe 370(1) de la *Loi de 1995 sur l’éducation*, que vise l’alinéa 48a) du projet de loi dans sa version imprimée, par l’insertion de l’alinéa qui suit après l’alinéa (i.1) :

« i.2) sans préjudice de la portée générale de l’article 209.4, désigner des conduites d’un enseignant qui seront réputées constituer des inconduites professionnelles au sens de la présente loi ».

The question being put on the amendment, it was agreed to.

The question being put on clause 48 as amended, it was agreed to.

22. The question being put on clauses 49 to 50, they were agreed to.

23. It was moved by Ms. Eagles:

That the committee report Bill No. 67 – The Education Amendment Act, 2008 (No.2) / Projet de loi n° 67 – Loi n° 2 de 2008 modifiant la Loi de 1995 sur l'éducation – with amendment.

The question being put, it was agreed to.

24. The committee considered Bill No. 79 – The Education Amendment Act, 2009 (No.2) / Projet de loi n° 79 – Loi n° 2 de 2009 modifiant la Loi de 1995 sur l'éducation.

The following Education Minister and officials appeared before the committee and answered questions:

Witnesses

Hon. Ken Krawetz, Minister

Audrey Roadhouse, Deputy Minister

Helen Horsman, Assistant Deputy Minister

Rosanne Glass, Executive Director, Policy, Evaluation and Legislative Services

Francis Bast, Director, Special Projects

Drew Johnston, Manager, Policy, Evaluation and Legislative Services

25. The questions being put on clauses 1 to 3, they were agreed to.

26. It was moved by Mr. Ottenbreit:

That the committee report Bill No. 79 – The Education Amendment Act, 2009 (No.2) / Projet de loi n° 79 – Loi n° 2 de 2009 modifiant la Loi de 1995 sur l'éducation – without amendment.

The question being put, it was agreed to.

27. It was moved by Mr. LeClerc:

That this committee do now adjourn.

The question being put, it was agreed to.

28. The committee adjourned at 10:20 p.m. to the call of the Chair.

Kathy Burianyk
Committee Clerk

Glen Hart
Committee Chair