



Submission to the Standing Committee on General Government Bill 13, Supporting People and Business Act, 2021

The Ontario Secondary School Teachers' Federation (OSSTF/FEESO) was founded in 1919. OSSTF/FEESO represents almost 60,000 public high school teachers, occasional teachers, educational assistants, instructors, psychologists, secretaries, speech-language pathologists, social workers, plant support personnel, and many other educational workers.

On October 7, the Progressive Conservative Government introduced Bill 13, the *Supporting People and Businesses Act*. This bill includes proposed governance changes to the Ontario College of Teachers (OCT) and removing government oversight of two key aspects of the appointment of supervisory officers at Ontario public school boards.

Part A: Governance Changes to the Ontario College of Teachers, Schedule 17

The idea of self-regulation of the teaching profession in Ontario dates back to 1994. In their report, *For the Love of Learning*, Ontario's Royal Commission on Learning stated, "the teaching profession in Ontario must now be considered equal to other established professions". The commission recommended establishing a professional college, and in 1997, the Progressive Conservative government, under Mike Harris, passed the *Ontario College of Teachers Act*, creating the college. The college was intended to be at "arm's length" from the provincial government, but recent legislated changes and appointments by the Ford government suggests otherwise.

A Transition Supervisory Officer (TSO), Paul Boniferro, was appointed by the government to replace the governing council for an entire year instead of extending the terms of the experienced, elected council.

Boniferro was a former Deputy Attorney General of Ontario for the Ford Progressive Conservative government and was a partner at McCarthy-Tétrault, the legal firm that provides counsel to the Ontario College of Teachers.

Key changes proposed include:

1. In 2020, the government passed legislation that changed the existing elected governing council to an appointed council. Bill 13 further proposes reducing the number of appointees from 18 members to 12. This change was proposed to the Minister of Education by the Transition Supervisory Officer, Paul Boniferro, and not from the last elected governing council. By decreasing the number of members, the governing council will now be less likely to represent the diversity of the teaching profession. This move seems to follow a corporate governance model versus a self-regulatory body model.
2. The OCT Governing Council spent many years and a great deal of money and staff time investigating and debating governance changes – now, a government-appointee (TSO Boniferro) is singlehandedly making changes to governance of the college, further diminishing the idea of a self-regulatory body and disregarding the time and resources

previously expended in debating governance changes. What does this mean for other “self-regulatory” bodies for professionals such as engineers and accountants?

3. The Ontario College of Teachers has a number of statutory committees (Discipline, Investigation, Fitness to Practice, for example). With these proposed changes, the panel composition will now have equal members of the college and of the public, again limiting the self-regulatory nature of the college.
4. Additionally, new authority will be passed to the registrar to appoint individuals to the Deputy Registrar position, without approval of the governing council, reducing the transparency of the governance and the staffing of the college.
5. In this new legislation, the College is codifying the use of the Ontario Certified Teacher designation, OCT, after a teacher’s name, comparing it to designations earned by engineers (P. Eng.) and accountants (CPA), which is very ironic since these male dominated professions continue to be self-regulated (with a majority of members of those professions reflected on their governing bodies) while the teaching profession, whose members are predominantly female, is moving in a different direction.
6. Members of the teaching profession may not apply for a position at the college under the new legislation if they have participated in any Teachers’ Federation work in the previous three years. This disrespects the work of the members and their federations. Members are legislated to belong to the Ontario Teachers’ Federation, as well as one of the four affiliate teachers’ federations, such as OSSTF/FEESO. Teachers are additionally required to be members of the College of Teachers, and yet, their recent participation in the federations would see them excluded from involvement with the college.

What is the conflict of someone sitting on a local or provincial federation, Human Rights, or Professional Development committee? Skills that the college is looking for are often developed by participation in federation committees at the local or provincial level. Small northern or rural boards have a relatively high proportion of members active in federation activities compared to larger, southern boards. Will the northern and rural members suffer greater discrimination?

Members who are engaged in their federation are ethical and moral individuals who should not be excluded from participation with their college. Federations are providing training that aligns with the college’s standards.

The college claims to be looking for members who are “in the field”, working on the “frontline” in the classrooms of the province day to day who know the system the best. This should also include those members who participate in the work of the federations.

7. The principle that underlies self-regulation is that members of the profession know the profession best and are best suited to regulate the profession. In 1996, Toni Skarica, Parliamentary Assistant to Minister of Education and Progressive Conservative MPP for Wentworth North, made the following statement in support of that principle:

“By giving teachers the power to regulate their own profession, we are putting the responsibility for excellent teaching in the hands of those who are best qualified to know

what a teacher should and must be, today and in the future... After all, it will be teachers who, like other Ontario professionals, will set the standards by which they are trained and by which they practice their profession throughout their careers... In developing this legislation, we have learned from the same basic public policy that characterizes more than 30 other self-regulating professional bodies in Ontario”

At the creation of the Ontario College of Teachers, the majority of the governing council and committees were composed of diverse members of the teaching profession. Now an even split of members of the profession and public members (the latter appointed by the government) will form the governing council. Critically, members of the teaching profession will no longer hold the majority of votes on the College of Teachers Governing Council. Originally, members of the profession were elected - a robust, transparent, democratic election process that was the best way of ensuring that professional members of council reflected the diversity of the teaching profession across Ontario. Now there is an application and random selection of members using set criteria.

Part B: Changes to Regulations Regarding Supervisory Officers, Schedule 8

Under Bill 13, these parts of the *Education Act* are to be repealed - Subsection 285 (2) of the act and subsection 286 (4) of the act.

The rationale for these changes has merited no mention in any of the debates in the house, nor commentary from the Associate Minister of Small Business and Red Tape Reduction or the Minister of Education. There is little in the way of information that speaks to the reason for removing either of these sections of the act.

The two proposed changes are:

1. Responsibility of supervisory officer

The Education Act S.285 states that:

(1) A board with a supervisory officer,

(a) shall, subject to the regulations, designate the title and area of responsibility of the supervisory officer; and

(b) may assign to the supervisory officer such administrative duties, in addition to those prescribed in section 286 and the regulations, as the board considers expedient. 1993, c. 11, s. 40.

The following clause is to be repealed:

Confirmation by Minister (R.S.O. 1990, c. E.2, s. 285 (2).)

(2) No person shall be appointed as a supervisory officer by a board until notice in writing of the proposed appointment and the area of responsibility to be assigned has been given to the minister and the minister has confirmed that the person to be appointed is eligible for the position.

With this first deletion, it may be a clerical piece in that there would be potentially significant delays to school boards in that they would need to wait until the ministry signs off on any appointments

prior to those candidates starting in their new roles. Otherwise, we cannot ascertain the rationale for including such changes in this omnibus bill.

Note that Reg 309 of the *Education Act* (www.ontario.ca/laws/regulation/900309) speaks to the qualifications of supervisory officers; this has not been proposed to be deleted or amended so the deletion of this clause, we assume, has no impact on ensuring that supervisory officers are qualified as per the current regulation. The lack of ministerial approval shows a lack of responsibility by the minister in ensuring transparency when someone is appointed by a board's government appointed supervisor or ensuring that supervisory officers are appropriately qualified.

The minister will now have plausible deniability for any future supervisory officer appointment and the rewriting of regulations and legislation does not bode well for a transparent process where the best qualified and diverse applicants are appointed.

2. Duties of supervisory officers

Section 286 of the Education Act speaks to the duties of supervisory officers, which include assisting teachers and designated early childhood educators to bring about improvement in the quality of educational practices; to assist and co-operate with boards to the end that the schools may best serve the needs of the pupils; visiting schools, making reports to the Minister and other duties as outlined in the Act.

The following clause to be repealed:

Full-time position

(4) Except as otherwise provided by this Act or the regulations, a supervisory officer shall not, without the approval of the Minister, hold any other office, have any other employment or follow any other profession or calling, during his or her tenure as a supervisory officer. R.S.O. 1990, c. E.2, s. 286 (4).

The rationale for deleting this clause is not immediately apparent. We are concerned that this could allow supervisory officers to also be working for the Ministry of Education, private schools or corporations, or others whose interests may compete with those of a publicly funded school board.

Summary

In conclusion, OSSTF/FEESO recommends the following:

1. Changes to the public education system should be standalone legislation where the rationale can be explained and debated. There has been no information provided to the public or to the members of the teaching profession or school boards to justify the proposals contained in this omnibus bill.
2. OSSTF/FEESO is opposed to the reduction in the number of members of the governing council, which will limit diverse member representation. Reducing the number of people on the governing council has nothing to do with supporting business or people but will limit the engagement of diverse and active members of the teaching profession. Any further recommendations for governance changes to the Ontario College of Teachers should come from an elected governing council, not a government appointee.

3. OSSTF/FEESO recommends that any member be allowed to participate in the college. Engaging in federation work should not prevent any teacher from participating in the governance of the Ontario College of Teachers.
4. Removing ministerial oversight into the appointment of supervisory officers at school boards and ensuring that their only employer is the public school board makes little sense at this time. Supervisory officers should be well qualified and be acting without conflict of interest and repealing these two clauses only serves to provide cause for concern. OSSTF/FEESO recommends that these two clauses of the *Education Act* not be repealed.