

Second Session - Fortieth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Human Resources

Chairperson
Mr. Matt Wiebe
Constituency of Concordia

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MANITOBA LEGISLATIVE ASSEMBLY
Fortieth Legislature

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**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON HUMAN RESOURCES**

Wednesday, September 11, 2013

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Matt Wiebe (Concordia)

**VICE-CHAIRPERSON – Mr. Mohinder Saran
(The Maples)**

ATTENDANCE – 13 QUORUM – 6

Members of the Committee present:

Hon. Ms. Allan, Hon. Mr. Chomiak, Hon. Ms. Oswald, Hon. Mr. Struthers

Messrs. Cullen, Goertzen, Saran, Mrs. Stefanson, Messrs. Whitehead, Wiebe, Wishart

Substitutions:

Ms. Wight for Hon. Mr. Chomiak at 8:08 p.m.

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

PUBLIC PRESENTERS:

Ms. Sara Fournier, Conseil jeunesse provincial

Mr. Patrick Fortier, private citizen

Ms. Sonia Blanchette, private citizen

Ms. Francine Lee, Catholic Civil Rights League

Ms. Miranda Ward, private citizen

Mr. Clement Chaput, private citizen

Mr. Jorie Sawatzky, private citizen

Mr. Dylan Barkman, private citizen

Ms. Kristy Marsch, private citizen

Mr. Darrell Dyck, private citizen

Mr. John Loewen, private citizen

Mr. Francois Grenier, private citizen

Ms. Fiona Smith, private citizen

Mr. Philip Watts, private citizen

Mr. Andrew Fast, private citizen

Mr. Luke Esau, private citizen

Ms. Malinda Martin, private citizen

Ms. Barbara Douglas, private citizen

Mr. Michael Ringham, private citizen

Ms. Dawn Fastabend, private citizen

Mr. Jason Doerksen, private citizen

Mr. Paul Neustaedter, private citizen

Ms. Catherine Taylor, private citizen

Ms. Tasha Deschambault, private citizen

Mr. Al Deschambault, private citizen

WRITTEN SUBMISSIONS:

Kameika Funk, private citizen

Christine Toews, private citizen

Russell Klassen, private citizen

Mary Sawatzky, private citizen

Sherise Reimer, private citizen

Agatha Lepp, private citizen

Jenni Funk, private citizen

Brad Kehler, private citizen

MATTERS UNDER CONSIDERATION:

*Bill 18–The Public Schools Amendment Act
(Safe and Inclusive Schools)*

* * *

Mr. Chairperson: Good evening. Will the Standing Committee on Human Resources please come to order.

Our first item of business is the election of a Vice-Chairperson. Are there any nominations?

Hon. Stan Struthers (Minister of Finance): I'd like to nominate Mr. Saran.

Mr. Chairperson: Mr. Saran having been nominated, are there any other nominations? Hearing no other nominations, Mr. Saran is elected Vice-Chairperson.

This meeting has been called to consider Bill 18, The Public Schools Amendment Act (Safe and Inclusive Schools).

I'd like to inform members of the committee that, in accordance with the agreement of the House dated June 20th, the committee may, by leave, decide to hear from presenters in addition to those 30 scheduled for tonight's meeting. Since there appears to be more than 30 presenters on the list before you, what is the will of the committee?

Mr. Kelvin Goertzen (Steinbach): I think we've been pretty accommodating over the last few days. I don't think there's any reason to stop now, so if there's other presenters who would like to present, we can add them on if we have their names and their organization they're representing.

Mr. Chairperson: Okay, is there leave of the committee to hear from all presenters? *[Agreed]*

On the topic of determining the order of public presentations, I will note the following. We have out-of-town presenters in attendance. We have three presenters who have requested to speak in French, and arrangements have been made to have translation staff in attendance. As well, we have a request from Francine Lee, presenter No. 9, and Miranda Ward, presenter No. 23, to be moved to the top of the list or heard first due to some health concerns.

With these considerations in mind, in what order does the committee wish to hear the presentations?

Mr. Goertzen: Obviously, I think we should do the ones that require translation first, the ones that have health considerations following those and then proceed chronologically after that.

Mr. Chairperson: Is it agreed to follow the order suggested by the member—by Mr. Goertzen? *[Agreed]*

The following written submissions on Bill 18 have been received and distributed to committee members: Kameika Funk, private citizen; Christine Toews, private citizen; Russell Klassen, private citizen; Mary Sawatsky, private citizen; Sherise Reimer, private citizen; Agatha Lepp, private citizen; Jenni Funk, private citizen.

Does the committee agree to have these documents appear in Hansard transcripts of this meeting? *[Agreed]*

Before we proceed with presentations, we do have a number of other items and points of information to consider. For the information of presenters, while written versions of presentations are not required, if you're going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, I'd like to inform presenters that in accordance with our rules, a time limit of 10 minutes has been allotted for presentations with another five minutes allowed for questions from committee members.

Also, in accordance with the rules agreed in the House for meetings hearing from presenters on Bill 18, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list of tonight's presenters. If the presenter is not in attendance when their name is called a second

time tonight, they will be dropped to the bottom of the global list of presenters.

With regards to the process for speaking in committee, I would like to advise members of the public that the proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say their name. This is a signal for our Hansard recorder to turn the mics on or off.

Thank you for your patience. We will now proceed with public presentations.

I'd also like to inform the committee that we have two additions to our list: Tasha Deschambault and Al Deschambault, private citizens.

I will now call on Sara Fournier, president Conseil jeunesse provincial. Good evening, Ms. Fournier. Do you have written materials for distribution—and they have them, okay. You may proceed whenever you're ready, with your presentation.

Ms. Sara Fournier (Conseil jeunesse provincial): Alors bonsoir. Je m'appelle Sara Fournier puis je suis présidente du Conseil jeunesse provincial, organisme porte-parole des jeunes—par et pour les jeunes d'expression française, ainsi que porte-parole de la jeunesse d'expression française du Manitoba.

Nous sommes ici ce soir pour appuyer le projet de loi 18, *Loi modifiant les Lois sur les écoles publiques (milieux scolaires favorisant la sécurité et l'inclusivité)*, qui vise à obliger chaque commission scolaire de la province d'élaborer des lignes directrices sur le respect et la diversité humaine, des lignes directrices qui auraient pour but de promouvoir l'acceptation et le respect des autres dans le cadre d'un milieu scolaire sécuritaire, bienveillant et inclusif et visant d'encourager les activités étudiantes destinées à favoriser un milieu scolaire que est inclusif et où tous les élèves se sentent acceptés.

Nous aimerons—nous aimerions d'ailleurs féliciter la Commission scolaire franco-manitobaine qui, au mois de mars dernier, ont suivi l'exemple de d'autres en adoptant une motion appuyant la diversité humaine dans les écoles de la Division scolaire franco-manitobaine, une motion qui vise à accommoder les étudiants qui veulent démarrer des organisations étudiantes alliance gai-hétéro. Le Conseil jeunesse provincial était fier de pouvoir appuyer cette motion, et espère que la province

pourra elle aussi suivre cet exemple. Nous croyons fermement que tout jeune a droit à un lieu d'apprentissage sécuritaire, bienveillant et inclusif. Est-ce vraiment trop à demander?

Afin de souligner l'importance de ce projet de loi, j'aimerais prendre le temps de donner la voix à quelques jeunes ayant été victimes d'intimidation due à leur orientation sexuelle, et ce à l'intérieur des quatre murs de certaines écoles ici au Manitoba. Le premier témoignage est celui d'un finissant en 2007 d'une école de campagne, et le deuxième, finissant en 1999 d'une école urbaine.

Je cite : « Depuis un jeune âge, je savais que j'étais différent des autres dans ma classe. Mais je ne savais pas pourquoi. Enfin, j'ai compris que j'étais effectivement différent; j'étais gai. Je me souviens encore d'un jour pendant ma 5^e année, ou un garçon du secondaire m'avait appelé gai. Tout le monde a ri. Moi, je suis à la maison—je suis allé à la maison et j'ai pleuré. J'ai pleuré beaucoup. À tous les soirs, de ma 5^e année jusqu'à la 11^e année, je priais pour que je puisse être guéri. C'était un temps de ma vie où est-ce que j'étais très triste. Être gai, dans une école—une petite école de la campagne était la pire chose possible, la pire chose au monde. Je suis devenu très dépressif et j'étais toujours triste. C'était difficile pour moi de me concentrer sur mes travaux scolaires car j'avais un secret que je cachais à tout prix. J'étais devenu conscient de tout ce que je disais, tout ce que je faisais. En toute honnêteté, j'ai souvent contemplé le suicide même; je croyais que mourir était meilleur qu'être gai.

En 11^e année, j'ai accidentellement dit à une amie que je pensais que j'étais gai. Comme un feu sauvage, cette nouvelle s'est répandue partout dans l'école. Oui, il y avait beaucoup de gens qui ont réagi négativement; on m'a harcelé et j'ai perdu certains amis. Par contre, j'ai rapidement appris que plusieurs personnes m'acceptaient comme je l'étais. À ma grande surprise, il y avait plus de personnes qui étaient là pour moi, qui m'appuyaient, comparé à ceux qui m'harcelaient.

Je crois que s'il y avait eu une ouverture à une alliance gai-hétéro à mon école, qu'il y aurait eu une certaine sensibilisation de la situation de ceux avec des différentes orientations sexuelles, et un plus grand respect à leur égard. Mais c'est plus que ça. Je crois que s'il y avait eu un tel club à mon école, que je me serais senti beaucoup plus à l'aise avec moi-même. J'aurais eu moins peur tous les jours que quelqu'un découvre mon secret, car j'aurais su qu'il y

avait des ressources, des personnes qui m'auraient appuyé.

Un lieu favorable à l'apprentissage, c'est un lieu où tous, tous les étudiants se sentent en sécurité. »

Et maintenant pour le deuxième témoignage : « Je finis—je suis finissant du Collège Louis-Riel. J'ai fréquemment—fréquenté l'école secondaire de 95 à 99. Je peux certainement dire que j'étais gai pendant ces années-là, car j'étais gai toute ma vie. Cependant, je n'étais pas capable de confirmer cette composante de qui je suis pendant mes années au CLR.

Je suis présentement fier de mon identité gai, mais j'ai dû concentrer des énergies à y venir, ceci contrairement à la construction de mon identité francophone qui a souvent été appuyée par le travail et travaillée par le CLR, ainsi que par ma division scolaire. Dernièrement, j'ai beaucoup parlé de mon identité gai avec d'autres qui ont trouvé force dans cette identité minoritaire. J'ai beaucoup appris de gens qui ont été ouvertement gai au secondaire et comment ceci a changé leur expérience et où ils sont—où ils en sont rendus aujourd'hui. Ceux-ci ont parlé d'un appui sans pareil dans leurs écoles. Ils ont parlé des retombées positives sur toute la population étudiante vis-à-vis l'effacement du taxage, mais aussi de la valorisation de la diversité de notre population.

* (18:10)

Quand les gens me demandent si je regrette de ne pas m'avoir affirmé comme homosexuel plus tôt dans ma vie, au secondaire, à un âge important pour la prise d'identité, ma réponse est sans hésitation : oui. La question qui suit est quelles furent les conditions créant des obstacles à cette affirmation pendant mes années au secondaire. La réponse, simplement, que c'était—ce n'était pas vu, discuté, encouragé, valorisé ou permis de le vivre à l'école. Le silence et l'absence en dit gros.

Je fais souvent des louanges à des opportunités que j'ai pu saisir au CLR en sport, culture, apprentissage et leadership politique et étudiant; tous m'ont permis d'être fier d'être finissant au CLR. Mais je suis toutefois conscient que mes expériences ont été affectées par le fait que je ne me sentais pas appuyé d'affirmer mon identité homosexuelle, quelque chose qui fut beaucoup plus difficile à faire plus tard, après plusieurs années d'être refoulé sur moi-même. Nos écoles envoient des messages forts sur comment nous pouvons bâtir notre identité. Encore une fois, souvent, le silence en dit—en dit gros. »

Alors, ce que nous venons d'entendre est le témoignage de deux jeunes qui ont dû cacher qui ils sont vraiment, qu'ils se sont sentis mis à part, tristes, dépressifs, rejetés, en manque de sécurité et même suicidaires pendant leurs années au sein des écoles publique de notre province étant donné le manque d'ouverture envers qui ils sont. Si nous voulons que, et je cite l'article 41(1) de la *Loi sur les écoles publiques*, chaque élève évolue dans un milieu scolaire sûr et accueillant ou l'on encourage des comportements respectueux et responsables, les motions telles que décrites dans le projet de loi 18 sont certainement un pas dans la bonne direction.

Le projet de loi 18 répond à un besoin réel et de base et ce, les jeunes nous l'expriment à haute voix. Nous avons une responsabilité de valoriser la jeunesse dans toute sa 'diversé'-diversité, pardon. Et nous ne pouvons pas l'ignorer. Ceci ne devrait pas être une question d'appui or pas; la réponse est claire.

Au courant de la dernière année, le Conseil jeunesse provincial a mené un groupe de jeunes de la Division scolaire franco-manitobaine qui voulaient faire une différence dans leurs écoles, et ce en terme d'éliminer la présence d'intimidation dans leurs milieux scolaires. Au mois de mars dernier, le CJP a accompagné une dizaine de jeunes au Forum jeunesse pancanadien à—de la Fédération de la jeunesse canadienne-française à Charlottetown, où ces jeunes ont été réunis avec une centaine d'autres jeunes pour se pencher sur le thème de « créer la différence ». Cette cen—cette centaine de jeunes de partout au pays se sont engagés à créer des projets dans leurs communautés visant la promotion de la diversité pour contrer l'intimidation. Le groupe de jeunes du Manitoba se—sont présentement en train d'élaborer un projet qui viendrait sensibiliser leurs enseignants et leurs pairs sur les effets de l'intimidation dans leurs écoles et comment ils peuvent contrer—contrer en travaillant ensemble.

Ce que nous voyons aujourd'hui avec le Forum jeunesse pancanadien, les commentaires que nous voyons dans les médias sociaux, les projets des jeunes de la DSFM, est preuve qu'il y a un moment—un momentum jeunesse; la jeunesse est de plus en plus sensibilisée face à l'intimidation et ses effets et veut agir. Vous avez entendu l'effet d'un manque d'ouverture et de l'a—et d'appui de la diversité humaine sur les deux finissants de l'école publique ici au Manitoba. Ce n'est pas dans une perspective bienveillante et inclusive que ces jeunes ont pu jouir de leur secondaire. La jeunesse d'aujourd'hui est de

plus en plus sensibilisée à ces effets et ont—font preuve d'appui.

Faire de ce projet de loi une loi donnerait non seulement le message aux jeunes dans nos écoles qu'ils peuvent être qui ils sont, que leurs écoles et leurs province les appuient, les respectent, les accueillent dans leur vie scolaire mais donnerait aussi le message aux jeunes qui veulent prendre action qu'ils ne sont pas seuls, qu'on les appuie dans leurs actions, peu importe—qu'on leurs appuie dans leurs actions, peu importe ton appartenance—ton apparence, pardon, tes croyances, tes habiletés ou ton orientation sexuelle, ton école t'offre la chance d'apprendre dans un endroit d'inclusion et de respect. Encore une fois, est-ce trop à demander?

Tel que mentionné par le finissant du CLR, le silence en dit gros. Il est temps de briser ce silence. Merci.

Translation

Good evening. My name is Sara Fournier and I'm the president of Conseil jeunesse provincial, a spokes-organization of youth—run by and for French-speaking youth, and representing the French-speaking youth of Manitoba.

We are here tonight to support Bill 18, The Public Schools Amendment Act (Safe and Inclusive Schools), which would require each of the school boards in the province to establish a respect for human diversity policy that promotes acceptance of and respect for others in a safe, caring and inclusive school environment, and accommodates student activity that promotes the school environment as being inclusive of all pupils.

We would, by the way, like to congratulate the Commission scolaire franco-manitobaine, which last March followed the example of others in adopting a motion supporting human diversity in the schools of the Division scolaire franco-manitobaine, a motion to accommodate students who wish to develop gay-straight alliance student organizations. The Conseil jeunesse provincial was proud to be able to support that motion and hopes that the Province will follow that example as well. We firmly believe that every youth is entitled to a safe, caring and inclusive learning place. Is it really too much to ask?

In order to emphasize the importance of this bill, I would like to take the time to give a voice to some young people who have been the victims of bullying based on their sexual orientation within the four walls of certain schools here in Manitoba. The first

attestation is that of a 2007 graduate of a rural school, and the second, that of a 1999 graduate of an urban school.

I quote: “I knew from an early age that I was different from the others in my class, but I didn’t know why. Finally, I understood that I was in fact different; I was gay. I still remember one day in Grade 5, when a boy in high school called me gay. Everyone laughed. I went home and cried. I cried a lot. Every evening from Grade 5 to Grade 11, I prayed for a cure. It was a time in my life when I was very sad. To be gay in a small rural school was the worst thing possible, the worst thing in the world. I became very depressed and I was always sad. It was hard for me to focus on my school work because I had a secret I was hiding at all costs. I had become conscious of everything I was saying, and everything I was doing. In all honesty, I often contemplated suicide, even. I thought that dying was better than being gay.

In Grade 11, I accidentally told a girlfriend that I thought I was gay, and the news spread throughout the school like wildfire. Yes, there were a lot of people who reacted negatively; I was harassed and I lost certain friends. On the other hand, I quickly learned that many people accepted me the way I was. Much to my surprise, there were more people who were there for me, who were supporting me, than there were harassing me.

I believe that, had there been openness to a gay-straight alliance in my school, there would have been a certain awareness about the situation of those with a different sexual orientation and greater respect for them. But more than that, I think that, if there had been such a club at my school, I would have felt much more comfortable with myself. I would have been less afraid all the time that someone would discover my secret, because I would have known that there were resources, people who would have supported me.

A place conducive to learning is a place where all students feel safe.”

And now for the second attestation: “I am a graduate of Collège Louis-Riel. I attended high school from ‘95 to ‘99. I can definitely say that I was gay in those years, because I’ve been gay all of my life. However, I wasn’t capable of confirming this part of who I am during my years at the CLR.

I’m proud of my gay identity now, but I had to put a lot of effort into it, unlike the building of my

francophone identity, which was often supported by the—and worked at by the CLR and my school division. Lately, I’ve talked a lot about my gay identity with others who found strength in that minority identity. I’ve learned a lot from people who were openly gay in high school and how it changed their experience and where they’re at today. They spoke of unparalleled support in their schools. They spoke of the positive impact on the entire student body with respect to the elimination of bullying, and appreciation of the diversity of our population as well.

When people ask me whether I regret not coming out as homosexual earlier in my life, in high school, at an age important for determining one’s identity, my answer is an unhesitating yes. The question that comes next is what prevented me from coming out in high school. The answer is simply that it was—it wasn’t seen, discussed, encouraged, appreciated or permitted in school. Silence and absence speak volumes.

I often speak highly of the opportunities I had at the CLR in sports, culture, learning, and political and student leadership, all of which made me proud to be a CLR graduate. Nevertheless, I was aware that my experiences were affected by the fact that I did not feel I had the support to assert my homosexual identity, something that was much harder to do later, after many years of having been repressed. Our schools send strong messages about how we can build our identity. Once again, silence often speaks volumes.”

So, what we have just heard is the testimony of two young people who had to hide who they really are, who felt segregated, sad, depressed, rejected, insecure, and even suicidal during their years in our province’s public school system, due to the lack of openness to who they are. If we want—and I’m going to quote section 41(1) of the Public Schools Act—“each pupil [to be] provided with a safe and caring school environment that fosters and maintains respectful and responsible behaviours”, motions such as those described in Bill 18 are definitely a step in the right direction.

Bill 18 meets a genuine basic need and young people are telling us this out loud. We have a responsibility to appreciate youth in all its diversity and we cannot ignore it. It shouldn’t be a question of support or no support; the answer is clear.

Over the last year, the Conseil jeunesse provincial led a group of young people from the Division

scolaire franco-manitobaine who wanted to make a difference in their schools and eliminate bullying in their school environment. Last March, the CJP accompanied a group of about ten young people to the Forum jeunesse pancanadien hosted by the Fédération de la jeunesse canadienne-française in Charlottetown, where they joined a hundred other young people for discussions around the theme of "creating the difference". These hundred-odd young people from all across the country pledged to set up projects in their communities to curb bullying by promoting diversity. The group from Manitoba is in the process of developing a project that would raise their teachers' and their peers' awareness of the impact of bullying in their schools and how they can prevent it by working together.

What we see today with the Forum jeunesse pancanadien, the comments that we see in the social media, and the projects by young people in the DSFM is evidence of a momentum among youth. Youth are increasingly aware of bullying and its effects and want to act. You have heard about the effect that a lack of openness to, and support of, human diversity had on the two public school graduates here in Manitoba. It was not in a caring and inclusive atmosphere that they were able to enjoy high school. The youth of today are increasingly aware of those effects and are demonstrating their support.

Turning this bill into law would not only send a message to the youth in our schools that they can be who they are, that their schools and their province support them, respect them and welcome them into their life at school, but it would also send a message to the young people who want to take action that they are not alone, that they are supported in their actions, that regardless of your appearance, beliefs, abilities, or sexual orientation, your school offers you the opportunity to learn in an inclusive and respectful place. Once again, is it too much to ask?

As the graduate from Collège Louis-Riel said, silence speaks volumes. It is time to break this silence. Thank you.

Mr. Chairperson: Thank you very much, Ms. Fournier, for your presentation. We do have five minutes for questions. We'll now move to honourable minister.

Hon. Nancy Allan (Minister of Education): Thank you very much. We appreciated your presentation immensely. Thank you so much for telling us about the two testimonies. The two testimonies of two

young people who are gay in their school who felt segregated, sad, depressed, and thought about suicide. Thank you for mentioning social media in your presentation because we know that this is why we have to create new laws to protect all of our students in our schools and we agree with you, that all of our students need to learn in an inclusive environment. Thank you for your presentation.

Mr. Ian Wishart (Portage la Prairie): Thank you very much for your presentation and the stories were very touching and very true. You're very familiar with the use of social media, obviously, from your comments. Do you feel that this bill would be adequate to deal with the leading edge that appears in social media?

Ms. Fournier: Sorry, I didn't hear the question.

Mr. Wishart: The use of social media. Do you feel that this bill will adequately deal with social media issues?

Ms. Fournier: I think that—je peux-tu répondre en français ou en anglais, ou peu importe? Okay.

Je pense que la sensibilisation qu'apporterait ce projet de loi est très importante, étant donné que—je pense que les jeunes en seraient—ils seraient beaucoup plus au courant de ce qui se passe, puis ils seraient beaucoup plus—ils se sentiraient beaucoup plus accueillis. Les jeunes ont tendance de beaucoup communiquer à travers des médias sociaux, alors je pense que dans ce cas-là, les jeunes seraient plus sensibilisés en général, ils se sentiraient beaucoup plus ouverts en général, de parler de leur propre réalité. Alors je pense que de ce côté-là, ce projet de loi—on s'entend que le jeune, la plupart de son environnement est beaucoup basé à l'école. Il est à l'école de six, sept, huit heures par jour. S'il se sent inclus—s'il se sent inclus dans un environnement où il passe six à huit heures par jour, il va se sentir—ça va certainement avoir un impact sur sa confiance, donc ceci va pouvoir avoir le « spillover effect » dans les médias sociaux. Donc, oui, moi je pense que ce—oui.

Translation

Can I answer you in French or English? Okay.

I think that the awareness that this bill would bring is very important, given that—I think that young people would be—they would be more aware of what's happening, and they would be much more—they would feel much more welcome. Young people tend to communicate a lot through social media, so I think that, in that case, young people would be

generally more aware, they would generally feel much more open to talking about their own reality. So I think that, in that respect, this bill—we know that a young person, his environment is mostly based at school. He's at school six, seven, eight hours a day. If he feels included—if he feels included in an environment in which he spends six to eight hours a day, he's going to feel—it's definitely going to have an impact on his confidence, so that is going to have a spillover effect in social media. So, yes, I think that it—yes.

Mr. Chairperson: Seeing no further questions, thanks very much for your time this evening.

I'll now call on Patrick Fortier, private citizen. Good evening, Mr. Fortier. Do you have written materials for distribution?

Mr. Patrick Fortier (Private Citizen): Non.

Mr. Chairperson: Okay, you may proceed with your presentation whenever you're ready.

Mr. Fortier: Bonsoir, chers députés intervenants et autres invités. Premièrement, j'aimerais vous remercier pour l'opportunité d'être ici ce soir pour partager mon point de vue au sujet du projet de loi 18. Alors, je m'appelle Patrick Fortier, et je suis un commissaire d'école représentant la région de Winnipeg à la Division scolaire franco-manitobaine. Et je suis fier ici ce soir pour vous aviser que j'appuie le projet de loi 18, surtout le fait qu'il appuie très clairement la création des groupes alliances gai-hétéro. C'est pour cette raison là que dans mon rôle de commissaire d'école, j'ai introduit la proposition suivante lors de notre réunion du 27 février 2013 : que la Commission scolaire franco-manitobaine appuie la diversité humaine dans les écoles de la DSFM en accommodant les étudiants qui veulent démarrer des organisations étudiantes alliances gai-hétéro. Alors cette motion—cette proposition a été débattue et, après un très bon débat, adoptée lors de notre réunion du 20 mars 2013.

J'aimerais maintenant vous expliquer un peu plus du pourquoi. Alors, ma motivation était très simple. Pour moi, c'était une question de s'assurer que tous les élèves qui fréquentent les écoles de la DSFM se sentent accueillis, respectés et en sécurité. Et ceci peu importe leur religion, pays d'origine, origine ethnique, sexe, conviction politique, culture, traits physiques ou mentales, ainsi que l'orientation ou l'identité sexuelle. Et je pense que tout le monde ici ce soir et qui ont présenté lors des dernières semaines, sont d'accord avec le principe qu'aucun

élève ne devrait avoir peur d'aller à l'école à cause du taxage. Je crois très fortement que le projet de loi 18 réussira à réduire le taux de taxage de façon importante, incluant le taxage relié à l'homophobie. Dans nos rôles comme commissaires, nous sommes très au courant des enjeux dans notre système scolaire et bien placés pour comprendre les impacts positifs que le projet de loi va avoir ou pourrait avoir dans nos écoles.

Un autre élément important du projet de loi est le développement par toutes les commissions scolaires de lignes directrices traitant du respect de la diversité humaine ainsi que l'utilisation appropriée d'Internet, touchant aussi les médias sociaux, la messagerie texte et la messagerie instantanée. Comme francophones, c'est aussi une question de respect des droits humains d'un groupe minoritaire. Comme beaucoup d'entre vous—vous le savez déjà, ça fait bien longtemps que la communauté francophone œuvre à sensibiliser les Manitobains sur leurs droits linguistiques. Alors je crois pas qu'on peut faire la promotion sur une main des droits minoritaires d'une communauté, par exemple les francophones, sans aussi appuyer les droits minoritaires d'un autre, dans ce cas la communauté LGBT. Plusieurs gens vont dire que l'homophobie a toujours existé, et c'est vrai, mais ça n'excuse pas rien faire pour essayer de l'éliminer. Je crois qu'appuyer de façon publique la création d'alliances gai-hétéro dans les écoles du Manitoba est un bon point de départ.

* (18:20)

Plusieurs études et sondages démontrent très clairement le besoin pour tels groupes. Selon un sondage pancanadien effectué par Egale Canada en 2009, presque deux tiers des élèves LGBT ne se sentent pas en sécurité à l'école. Et pas se sentir en sécurité à l'école peut avoir des effets très négatifs sur la vie personnelle, la santé, l'estime de soi, ainsi que le rendement académique. Et trop souvent, ça peut même conduire jusqu'au suicide. D'après une autre étude effectuée cette fois par Santé Canada, le taux de tentative de suicide est six fois plus élevé pour un jeune de la communauté LGBT. Si le projet de loi 18 a pour effet de sauver juste une vie, ça vaut la peine d'aller à l'avant avec ce projet de loi dès que possible.

Nous savons d'après nombreuses études, que la création d'alliances gai-hétéro peut avoir un impact positif dans la vie d'un jeune de la communauté LGBT. Ceci se fait en créant une atmosphère plus tolérante de toutes les orientations et identités

sexuelles. L'expérience de la première alliance gai-hétéro dans la DSFM au Collège Louis-Riel, où j'étais moi-même étudiant, a aussi eu un impact positif d'après Alexandre Rémillard, fondateur du groupe. J'aimerais souligner que c'était un geste qui a pris beaucoup de courage de sa part, et je le félicite pour son initiative et son courage. Et comme vous avez pu le constater des deux témoignages d'anciens élèves de la DSFM présentés il y a quelques minutes par Sara du Conseil jeunesse provincial, il y a certainement un besoin pour de tels groupes. C'est clair.

C'est aussi important d'expliquer c'est quoi exactement une alliance gai-hétéro. Essentiellement, c'est un groupe formé et dirigé par les élèves, peu importe de leur orientation ou identité sexuelle, qui vise à promouvoir le respect de la diversité humaine, ainsi qu'offrir un milieu sécuritaire pour tous élèves. Je crois que c'est aussi très important de souligner que les élèves sont libres de choisir d'y participer ou choisir de pas y participer. Alors, par exemple, si un élève ne veut pas participer à cause de ses croyances religieuses, qui est correct, ils ont l'option de simplement choisir de ne pas être membres du groupe. C'est aussi simple que ça. Les parents ont toujours le droit de faire demande pour la prière religieuse ou même l'enseignement religieux dans les écoles publiques du Manitoba. Cette loi n'enlève rien de cet égard.

Alors, pour conclure, pour moi, personnellement, et dans mon rôle de commissaire, ça revient à une question de s'assurer que tous les élevés dans nos écoles, peu importe d'où ils sont, d'où ils viennent, se sentent accueillis, respectés et en sécurité. Nos écoles envoient des messages bien forts sur comment nous pouvons bâtir notre identité, et souvent le silence en dit gros. Merci.

Translation

Good evening dear MLAs and other presenters. First of all, I would like to thank you for the opportunity to be here tonight to share my views regarding Bill 18. My name is Patrick Fortier, and I am a school trustee representing the Winnipeg area in the Division scolaire franco-manitobaine. And I am proud this evening to tell you that I endorse Bill 18, in particular because it clearly supports the creation of gay-straight alliances. That's why, in my role as school trustee I introduced the following motion at our meeting on February 27, 2013: [translation] "that the Commission scolaire franco-manitobaine support human diversity in the schools

of the DSFM to accommodate students who wish to establish gay-straight alliances." The motion was debated and, following a very good debate, it was passed at our meeting on March 20th, 2013.

I would now like to explain a little more about the underlying reasons. My motivation was very simple. For me, it was a matter of ensuring that all students attending schools in the DSFM feel welcome, respected and safe, and this regardless of their religion, country of origin, ethnic origin, gender, political convictions, culture, physical or mental characteristics and sexual orientation or identity. And I think that everyone here this evening and all the people who have presented during the last few weeks agree with the principle that no student should be afraid of going to school because of bullying. I believe very strongly that Bill 18 will succeed in reducing the rate of bullying significantly, including bullying related to homophobia. In our role as trustees, we are very aware of the issues in our school system and well-placed to understand the positive impacts the bill will or can have in our schools.

Another important aspect of the bill is that all school boards are required to establish a respect for human diversity policy and a policy regarding the appropriate use of Internet, including social media, text messaging, and instant messaging. As Francophones, it is also a matter of respect for the human rights of a minority group. As many of you already know, the Francophone community has been working for a long time to raise the awareness of Manitobans regarding their language rights. So I don't believe that one can, on the one hand, promote the rights of a minority community such as the Francophone community without, on the other hand, also supporting the rights of another minority community, in this case the LGBT community. Many people will say that homophobia has always existed, and that's true, but that's no excuse for doing nothing to try to eliminate it. I believe that publicly supporting the creation of gay-straight alliances in Manitoba schools is a good start.

Many studies and surveys have clearly shown the need for such groups. According to one pan-Canadian study carried out by Egale Canada in 2009, almost two-thirds of LGBT students do not feel safe at school. Not feeling safe at school can have very negative effects on one's personal life, health, self-esteem and academic performance. All too often it can even lead to suicide. Another study conducted by Health Canada showed that the rate of attempted

suicide is six times higher among youth in the LGBT community. If Bill 18 saves even one life, it will be worth going ahead with it as soon as possible.

Numerous studies have shown that the creation of gay-straight alliances can have a positive impact on the life of youths in the LGBT community. Such alliances create an environment that is more tolerant of all sexual orientations and identities. The experience with the first gay-straight alliance in the DSFM at Collège Louis-Riel, where I was a student myself, also had a positive impact according to Alexandre Rémillard, the group's founder. I would like to emphasize that it was a step that took a lot of courage on his part and I congratulate him on his initiative and courage. As you saw from the two testimonials by two former students in the DSFM presented a few minutes ago by Sara of the Conseil jeunesse provincial, there is certainly a need for such groups. That's clear.

It's also important to explain exactly what a gay-straight alliance is. Essentially, it's a group established and run by students, regardless of their sexual orientation or identity, whose purpose is to promote the respect of human diversity and to provide a safe place for all students. I believe that it's also very important to point out that students are free to participate or not to participate. For example, if students don't want to participate because of their religious beliefs, that's fine, they have the option of simply choosing not to be members of the group. It's as simple as that. Parents continue to have the right to request prayers or religious instruction in Manitoba's public schools. This bill does not take anything away in that regard.

In conclusion, for me personally, and in my role as a trustee, it comes down to a matter of ensuring that all students in our schools, regardless of who they are and where they're from, feel welcome, respected and safe. Our schools send very strong messages on how we can build our identity and often silence speaks volumes. Thank you.

Mr. Chairperson: Thank you very much, Mr. Fortier, for your presentation this evening. We'll now move to questions.

Ms. Allan: Well, merci beaucoup, Commissioner Fortier, thank you for your presentation on behalf of the Division scolaire franco-manitobaine. I know that you were one of the first school divisions in the province of Manitoba to write me as minister and let me know that you supported Bill 18 because you believed that it would respect diversity for all

students in accordance with The Human Rights Code, and you've made that very clear tonight in your presentation. I also want to thank you for saying this evening that if Bill 18 saves one life, it is worth it. We have heard that from many presenters. Thank you so much.

Mr. Goertzen: Thank you for being here this evening and for waiting through all the different presentations and days that we've had.

We've had a lot of people who've presented who are either currently young people who are in schools being bullied or those who have gone through the school system and been bullied, and the vast majority of them are concerned that this bill wouldn't have helped them. They were bullied for issues of language, body size; we've heard from people who have been bullied because of height, because they're just new to a school, and they've been really concerned that they feel sort of left out of this.

Somebody specifically mentioned the bill in Nova Scotia that allows for a protection order where there is a very serious case of bullying and it's pervasive. And that, I think, is a good idea. In fact, we have a bill like that before the Legislature right now. If a bill like that could save even one life, would you support that?

Mr. Fortier: Well, I think that the current bill—or Bill 18 right now would do that as it is, and I think it also will help to reduce the incidence of bullying in our schools. And in my presentation I focused more on the—les alliances gai-hétéro [*gay-straight alliances*], but I think it also have a—on—in a larger sense on reducing bullying.

Mr. Goertzen: But the bill of Nova Scotia and the one before Legislature now, not this bill, gives police the right to have protection orders where there's significant and severe cases of bullying, regardless of the reason a person is being bullied, whether they're a gay and lesbian, or ethnicity, or any other reason. So you mentioned that this bill, if it saved even one life, you'd support it. Would you support a bill like that if it saved even one life?

Mr. Fortier: Sorry. Merci. I guess—I haven't seen the bill and I wouldn't want to comment on something I haven't seen yet. But I support Bill 18. I think it's going to do a good job of reducing the instances of bullying in our schools. And especially, publicly supporting gay-straight alliances, I think, will make lives a lot easier for students who are from the

LGBTQ community. So that's why I'm supporting it. And, yes, essentially, that's why I'm supporting it.

Mr. Chairperson: Thanks. Seeing no further questions, thanks for your time this evening.

We'll now call on Sonia Blanchette, private citizen.

Ms. Blanchette do you have written materials for distribution to the committee? Okay, you may proceed whenever you're ready.

Ms. Sonia Blanchette (Private Citizen): Merci pour l'occasion de me laisser m'exprimer dans ma langue maternelle. C'est un privilège que je ne prends pas pour acquis.

Alors, oui, je viens en tant que citoyen, premièrement en tant que grand-mère. Pour la cause de mes petits-enfants je viens questionner la loi 18. En demandant premièrement la question, quel en est le but? Est-ce que c'est la prévention d'intimidation qui mène au suicide parmi tant de jeunes? Ou bien est-ce pour la promotion d'un groupe désireux de vocaliser son orientation sexuelle?

Ici je demande des clarifications. Si c'est pour promouvoir l'équité entre les sexes, la sensibilisation de toute orientation et identité sexuelle, ou bien de donner le libre accès à utiliser le nom alliance gai-hétéro, bien qu'il en soit ainsi dans la façon dont nous nommons la loi. Il s'agit alors d'une loi qui fait le—qui se concentre sur un groupe spécifique minoritaire et qui veut réclamer ses droits.

Pour ce qui est de l'intimidation qui mène au suicide, j'aimerais faire un retour historique dans le début des années 1990 où les jeunes adolescents avaient un taux de suicide les plus élevés au monde dans la population québécoise qui est une de nos provinces ici au Canada. Ce taux était un des plus élevés au monde. Et la première cause n'était certainement pas l'identité sexuelle de ces jeunes. Il s'agissait d'abord et avant tout d'un malaise très profond dans la société qui changeait trop rapidement en ballotant par la fenêtre toute valeur traditionnelle au profit d'une jeunesse qui voulait la simple libération, liberté à tout prix, sans s'ancrer sur aucune valeur morale solide. Nous en payons le prix encore aujourd'hui.

Alors dans cette francophonie plutôt libérale que conservatrice, j'ai fait le saut parmi les Manitobains

en 1996. Et c'est là que mes enfants ont connus de l'intimidation en tant que nouveaux arrivants, en tant que maudits québécois, en tant que gens qui voulaient parler français parce qu'ils n'avaient pas encore maîtrisé la langue anglaise, et j'ai dû, à cause de cette réalité, choisir de mettre de côté ma langue maternelle pendant toutes ces années, au profit d'une institution où on offrirait d'abord et avant tout des valeurs spirituelles auxquelles je veux adhérer pour des générations à venir.

*(18:30)

En faisant ce choix, mes enfants ont grandi sainement et peuvent maintenant contribuer à la société au point où j'ai maintenant une petite-fille d'un an et demi et une petite-fille d'à peine un mois, où les parents sont fiers d'être mariés avec un conjoint, une conjointe, qui est entourée d'une communauté qui va soutenir les valeurs familiales essentielles au fondement de notre société actuelle. En rejetant ces valeurs, il faut réfléchir au prix et aux conséquences à venir pour les prochaines générations. Nous y sommes passés au Québec et nous y passons encore. Lorsqu'on ballote par la fenêtre la prière du Notre Père, il faut le remplacer avec quelque chose de solide, autrement notre bateau risque de faire naufrage.

Quand on institue une nouvelle loi, je demande la transparence et la logique. Je demande qu'on dise l'agenda destiné à emporter quelle cause et je demande qu'il y ait continuité dans la façon de faire les choses. En effet, si je réclamaient d'être francophone dans une école anglophone, on me demanderait de retourner au Québec, ce qui est déjà arrivé. Si je réclamaient de parler en français dans un milieu de travail ou c'est majoritairement anglophone, on me demanderait d'aller trouver de l'emploi dans une autre province ou un autre pays. C'est déjà arrivé.

En tant que pasteur pendant dix ans dans une église à Saint-Boniface où la francophonie était valorisée à tous les niveaux non seulement spirituels mais au niveau des services sociales et de l'accueil des nouveaux arrivants, nous nous sommes engagés à servir la communauté à tous les niveaux sans aucune discrimination. Maintenant avec une telle loi, non seulement on va décourager mes actions et ma mise en œuvre de l'encouragement dans les écoles primaires ou secondaires, de mettre la foi en action dans la communauté, parce que nous allons recevoir

l'imposition de mettre nos valeurs spirituelles de côté pour bénéficier à un groupe exclusif.

Si vous me permettez l'analogie, sans y connaître grand-chose au niveau des aquariums, je désire me procurer un aquarium et l'amener chez moi, je vais au magasin et la première chose qu'on me demande, est-ce que vous voulez des poissons d'eau douce ou des poissons d'eau salée? Alors, n'y connaissant rien, je dois déjà me prononcer sur un choix ou bien je choisirais d'élever les enfa-les poissons dans l'eau douce ou bien dans l'eau salée. C'est un choix que je dois faire.

À l'exemple de la- l'Église communautaire de la Rivière Rouge, lorsque la vague d'Africains réfugiés de toutes sortes de pays arrivait dans la communauté, nous voulions les intégrer dans le service d'adoration en français pour leur faciliter l'intégration. Nous voulions intégrer leurs valeurs culturelles autant que possible. Est venu le jour où nous devions trancher, est-ce que nous devenons une église africaine ou est-ce que nous restons une église nord-américaine, tout en ayant la langue commun. Éventuellement les styles d'adoration se séparaient et on devait trancher la question. Ici, on aura comme ça, et là, on aura comme ça. Nous sommes toujours frères et sœurs dans la foi, mais lorsqu'il s'agit de l'application comment nous faisons les choses, il faut prendre une position bien solide.

Alors, quelles sont mes options, en tant que grand-parent? Est-ce que je dois retourner à l'idée de Marguerite Bourgeois, de m'inscrire dans un autre pays, de partir une école dans une étable, elle qui est l'institutrice mère dans notre continent? Est-ce que je dois transformer une grange en école? Est-ce que je dois mettre mes petits-enfants de côté et dire nous allons faire l'éducation ensemble pour vous donner les valeurs que nous-auxquelles nous adhérons? Est-ce que je devrais faire comme Marguerite d'Youville qui a fondé la première école ici au Manitoba? Allons voir le Musée de Saint-Boniface ensemble. N'oublions pas d'où venons-nous venons, afin de savoir où nous allons.

Alors, en conclusion, je veux remercier madame Nancy Allan pour avoir intégré le-la nouvelle forme de bulletin dans nos écoles, c'est un beau travail qui facilite la tâche à tous nos directeurs et directrices. Maintenant, dans ce nouveau projet de loi je questionne : est-ce que nous allons vraiment faciliter la tâche de nos directeurs et directrices?

Quelle est l'autonomie que nous laissons à notre direction d'école selon les croyances et la charte de leurs valeurs morales? Sur ce, j'apprécierais vos commentaires.

Translation

Thank you for giving me the opportunity to express myself in my mother tongue. It's a privilege that I do not take for granted.

Yes, I am here as a private citizen, firstly as a grandmother. On behalf of my grandchildren, I am here to ask questions about Bill 18. First of all, what is the goal of this bill? Is it to prevent bullying that leads to suicide among so many young people? Or is it to promote a group that wishes to express its sexual orientation?

I am asking for clarifications in this regard. If it is to promote equality between the sexes, awareness regarding all sexual orientation and identity, or to provide freedom to use the name gay-straight alliance, although that is what it is called in the bill. In that case, this is a bill that focuses on a specific minority group that wants to claim its rights.

As for bullying that leads to suicide, I would like to go back to the early 1990s when the suicide rate among youth in Quebec, one of our provinces here in Canada, was among the highest in the world. This rate was one of the highest in the world. The main reason was certainly not the sexual identity of these youth. It was first and foremost a profound unease in the society that was changing too fast and tossing out all traditional values to the benefit of young people who simply wanted freedom at all costs, without being rooted in solid moral values. We continue to pay the price to this day.

So from this French-speaking province that is more liberal than conservative, I came to live among Manitobans in 1996. And that's when my children were subjected to bullying as newcomers, because they were those damn Quebecers, because they wanted to speak French given that they didn't have a good grasp of the English language yet, and because of this reality I had to choose to set my mother tongue aside for all those years in favour of an institution that offered above all spiritual values that I want for many generations to come.

As a result of this choice, my children grew up in a healthy way and can now contribute to society, and I now have a granddaughter who is a year and a half and another who is one month, with parents who are

proud to be married to their spouse, and a community that will support the family values that are essential to the foundation of our current society. When rejecting those values, it is important to think about the price and consequences for coming generations. We went through this in Quebec and are still going through it. If you throw out the Our Father, you have to replace it with something solid, otherwise our ship is at risk of sinking.

When a new law is passed, I want transparency and logic. I want to know what the agenda is to support a cause, and I want continuity in how things are done. In fact, if I demanded to be treated as a Francophone in an English school, I would be told to go back to Quebec, and that's already happened. If I demanded to speak in French in a predominantly English-speaking workplace, I would be told to go find work in another province or country. That's already happened.

I worked as a pastor for 10 years in a church in St. Boniface where the Francophonie was valued at all levels, not just spiritually but also with respect to social services and the welcoming of newcomers, and we were committed to serving the community at all levels without discrimination. Now with this law, not only are my actions going to be discouraged as well as what I was encouraging for elementary and secondary schools, of putting faith into action in the community, because we are going to be forced to put aside our spiritual values for the benefit of an exclusive group.

If you would allow me an analogy, although I don't know much about aquariums, if I wanted to buy an aquarium and bring it home, I would go to the store and the first thing I would be asked would be whether I wanted fish for saltwater or freshwater. It's a choice I would have to make. Although I don't know anything about it, I would still have to make a choice, either I would choose to raise the fish in freshwater or saltwater.

If I take the Église communautaire de la Rivière Rouge as an example, when the wave of African refugees from many different countries arrived in the community, we wanted to encourage them to participate in the services in French to ease their integration. We wanted to integrate their cultural values as much as possible. At one point we had to decide whether we would become an African church or remain a North American church, while sharing a common language. Eventually a difference between the style of services began to develop and a decision

had to be made. A decision was made to do things in two different ways. We remain brothers and sisters in faith, but when it comes to how we do things, we have to take a clear position.

So, what are my options as a grandparent? Must I go back to the idea of Marguerite Bourgeoys, of starting out in another country and setting up a school in a stable? She was the mother of teachers on our continent. Do I have to convert a stable into a school? Do I have to take my grandchildren aside and tell them that they will be educated so as to pass on the values we believe in? Should I do as Marguerite d'Youville, who was the founder of the first school here in Manitoba? We could visit the St. Boniface Museum together. We must not forget where we come from in order to know where we are going.

To conclude, I would like to thank Ms. Nancy Allan for integrating the new report card into our schools. It's a job well done that simplifies the work of our school principals. As for this new bill, I wonder whether we will be making things easier for our principals. What autonomy are we giving our school principals based on their beliefs and their charter of moral values? I would appreciate your comments.

Mr. Chairperson: Thank you very much for your presentation this evening. We'll now move to questions.

Ms. Allan: Merci beaucoup, Mme. Blanchette. You have now heard my whole repertoire of French this evening. Thank you so much for being here and thank you for your questions about Bill 18.

We believe that Bill 18 will help schools create positive school environments and reduce bullying so that all students, in accordance with the Manitoba Human Rights Code, will have a safe environment where they can learn and reach their full potential, and we also believe that Bill 18 will provide tools for educators so that they can continue to work with children and parents and communities to create safer learning environments, and that is the intent of Bill 18. Thank you so much for your presentation this evening. Very nicely done. Thank you.

Mr. Goertzen: Thank you, as well, for your presentation. I appreciate the fact that you raise the issue about your kids being bullied because of language, and I know in the area that I live in many people come from different parts of the country and they have a different language abilities—English

language abilities when they come here, and that is an issue. They do often get bullied because of language, and you raise the fact that this bill might not have helped your kids, and I continue to hear that from so many people dealing with coming to a new country and learning the language and they're saying, this bill wouldn't help me, and that's a problem. And so we want to try to find a bill that will protect all kids and I think your presentation gives us motivation to do that, so thank you very much.

Mr. Chairperson: Seeing no further questions, thanks again for your time.

That concludes the list of presenters requesting translation services. Are there any other persons in attendance who wish to make their presentations in French? Seeing none, does the committee agree to permit the translation staff to leave for the night? *[Agreed]*

I will now call on Francine Lee, the Catholic Civil Rights League. Good evening, Ms. Lee. Do you have written materials for distribution to the committee?

Ms. Francine Lee (Catholic Civil Rights League): Yes, I do.

Mr. Chairperson: I'll just ask the staff to help you distribute those. Ms. Lee, you may proceed with your presentation whenever you're ready.

Ms. Lee: Okay, thank you.

Today is the 12th anniversary of the 9/11 tragedy, where the voices of 3,000 individuals were silenced forever. It is a reminder to all of us who live in a democracy how important it is not to be silent, to be heard in order that others are not silenced. I am honoured to be representing the voice of the Catholic Civil Rights League, and I thank the committee for the opportunity of having our voice heard.

The league is a national laity association which was established in 1985. The work of the league involves submissions to legislative bodies, court interventions and media engagements in order to promote a fair hearing for Catholic teaching in the public square. As such, we have several concerns about the bill. For the record, I wish to state that the league adopts the position of the Manitoba Catholic schools that was presented by Robert Praznik at this hearing.

On Saturday morning, I heard two significant messages. Ed Hume asked, are you listening? Listening is an act of love. Manitoba parents expects

the government to look—to love all our children equally, whether they attend the public schools or the faith-based schools. A comprehensive antibullying policy based on respect for the dignity of the person would recognize that all students should be free from bullying without categorization or qualification. This bill fails in this regard. The gentleman with special needs, George Edenhoffer, showed us what courage looks like. A man of wisdom, his message government should minimize the scope of legislation and maximize community autonomy.

Listening is the doorway to everything that matters, but in a world where we try to make ourselves known by making noise, how do we get to the other side to hear what matters? The Minister of Education (Ms. Allan) acknowledged that Mr. Edenhoffer had been very fortunate to have grown up in a loving, supportive family, but did the minister hear that it was faith that made it a loving, supportive family which in turn helped him through the pitfalls of his life?

And what is faith exactly? Abraham Heschel, one of the leading Jewish theologians and philosophers of the 20th century, sums it up well: Faith is not insurance but a constant effort, a constant listening to the eternal voice. That constant listening to the eternal voice gives individuals a larger foundation for life, and that is why parents, at great expense, choose the Catholic school system. They want a loving, positive learning environment consistent with the teachings of their faith at home and in their parish in order to provide their children with a solid foundation for life.

* (18:40)

This government seems to be taking issue with that constitutionally guaranteed right and wishes to devalue that foundation by enforcing a state-imposed mandate on sexual relationships or the rather contested area of gender, which marks new ground in the social sciences, which is not accepted by most parents, let alone the teachings of the Catholic Church.

What empirical evidence, what unbiased research makes this government think that legislation is the answer? And do we have the tools to evaluate the outcomes of this kind of legislation? And why were Manitoba's 59 funded independent schools left out of the consultation process for the drafting of Bill 18?

What has also become an increasing concern to Manitobans is an agenda by some on how to culturally transform our schools. In his paper, *Queering Schools, GSAs and the Law*, Donn Short investigates the reach and potential of the law to transform school culture for queer youth. In the paper, Professor Short states the following: The curriculum must change to include queer content and to recognize queer families, but the curriculum will not change unless the Ministries of Education direct it to change and if queer youth are reconstructed legally as full citizens within the school. That response lies a wall-to-wall transformational approach that also considers the playing fields, the stages, the artwork on display in hallways, media classes, sports, music, visual arts, friendships, libraries, music rooms, loyalties, clubs, the machine shops, the gyms and the classrooms, in pursuit of a time when sexual-minority youth may participate and thrive with their interests 'vestes' and valorized on and off school property for the time that schools are such a crucial part of their lives.

It appears that Donn Short is much more than a law professor, he is an activist and states in his paper, quite simply, freedom of religious expression needs to be a little less free. The government seems to concur with him by legislating political activist clubs from the early grades to high school. Placing a requirement on all school boards to support student-initiated LGBTQ clubs puts parents and educators who question the need for student-led clubs about sexuality in the inevitable position of appearing to challenge equality itself.

If Bill 18 is about bullying, Manitobans are asking, why has the government separated our children into four government-mandated groups? The government is not providing an inclusive response to a divisive behaviour. If the government is to legislate clubs, its approach needs to be inclusive and flexible. It should also allow customization of clubs which reflects the schools' and communities' beliefs and cultures. GSAs are prejudicially at cross-currents with Catholic teaching. What happens if an LGBTQ student at his Catholic school wishes to promote the gay pride parade? Gay pride events are dependable for their anti-Church overtones and grotesquely anti-Catholic imagery. Is this the way to address bullying or is it an example of programming to advance another agenda?

Professor Short, in his presentation to the committee, cited a 1994 decision of the Supreme

Court in Canada in *Degenais*. In that case, the court emphasized that there is no hierarchy of rights in the Charter. Why then is this proposed legislating-legislation singling out gender equality, anti-racism, the disabled and sexual orientations and gender identities? Why is this legislation promoting GSAs to the potential exclusion of all others protected by the Manitoba Human Rights Code? There is no hierarchy of rights.

Professor Short also cited a 2012 Supreme Court in *Scholar* in which he indicated, to establish an infringement on religious freedom, objective evidence of the infringement would be required. It is not sufficient for it to be just perceived infringement or trivial. Why then is the definition of bullying in Bill 18 subjective?

In 2013, Supreme Court decision in *Whatcott*, the Supreme Court confirmed that freedom of religious speech and the freedom to teach or share religious beliefs are essentially unlimited. Why then does Bill 18 not clarify the rights guaranteed under section 2 of the Charter?

Since the Minister of Education (Ms. Allan) and this government represents all Manitobans, and from the presentations made to this committee, it is clear that Bill 18 is controversial.

The government should ask the Manitoba Court of Appeal for a reference of the constitutionality of Bill 18. It would provide an opportunity for this government to provide greater assurances to the public that this legislation does not breach the Charter. The government should appoint two legal teams not employed by the Attorney General (Mr. Swan) to argue for and against this legislation. Interested groups should also be entitled to seek intervenor status. It would settle a number of constitutional issues about the wording of various sections contained in this proposed legislation. It should be submitted only after any amendments are approved. The government has nothing to lose and all interested parties would have the opportunity to be heard at the judicial and not political level. If this proposed legislation is constitutional, the government has nothing to fear; if the legislation or parts of the legislation is unconstitutional, it's best to know now.

This legislation fails to address all forms of bullying as being equally heinous. I would suggest that the lack of protection for religious rights contravenes the Charter, but, like Professor Short, I am not a constitutional expert; it is only an opinion.

Only the courts can determine the constitutionality of this legislation.

If the government is truly representing all Manitobans, they should not pit certain individuals against others and educational institutions against certain individuals and government against educational institutions at great personal cost to everyone. What did Whatcott tell us? An individual spent nearly 10 years of his life and hundreds of thousands of dollars to ultimately have the Supreme Court of Canada declare certain sections of the Saskatchewan Human Rights Code unconstitutional. This should never happen again.

This summer, my husband and I attended the Winnipeg Art Gallery's 100 anniversary art exhibition. There was one oil on canvas that does not leave me. The artist was John Byam Liston Shaw. The title of the painting was The Flag. There are various figures shown in different stages of grief or understanding, some comforting each other and some in solitary contemplation. Absent from the scene are the men in their 20s and 30s, who are serving overseas in the war. The Montreal Star reported in 1919 that the artist had captured the sacrificial spirit in which the sons of the Empire laid down the greatest gift they had to give that freedom might triumph.

Christians suffer real oppression from serious violations of religious freedom around the world. We understand the gift the sons of the Empire gave us, and we have a duty to make sure that freedom of religion is not violated. Quite simply, freedom of religious expression needs to be a little more free.

Thank you.

Mr. Chairperson: Thank you very much, Ms. Lee, for your presentation. We'll now move to questions.

Ms. Allan: Well, Ms. Lee, thank you so much for being here to represent your organization. Thank you for being here and visiting us from Ontario. We appreciate your presentation.

Floor Comment: I'm from Manitoba—

Mr. Chairperson: Ms. Lee.

Ms. Lee: I'm the national director.

Ms. Allan: Thank you. That's wonderful to know. I didn't realize that.

I guess that you realize as well that, I believe, Robert Praznik, who is the education director for the Catholic schools with the Manitoba Federation of

Independent Schools, presented, as well as Susan Eberhard, and we have been in discussion and in dialogue with them in regards to Bill 18 and we will continue to have that dialogue. We have also been in discussion with them and they quoted from letters and put quotes from my department and from me in their letters in regards to the promises that we have made to them in regards to some of the issues in regards to the freedom for them to teach to the tenets of their faith in their schools, and we will continue to have that dialogue and discussion as we move forward, particularly in regards to some of the policies that they've put in place, similar to Ontario when Ontario put the same kind of inclusive education in Ontario.

So we'll continue to work with them, and thank you so much for being here and for your presentation this evening.

Mr. Goertzen: Yes. Thank you, as well, for your presentation. Heard from many people of the Catholic faith—who are concerned about the bill.

Mr. Praznik also did a good presentation, as you did, about the concerns of legalities. He approached it a lot from the Manitoba law and some of the protections and promises that have been made through Manitoba legislation. You brought forward an interesting suggestion, and one I have not seen in any of the presentations so far, about a reference to the Manitoba Court of Appeal to ensure that the legislation is constitutional. And that's a very interesting suggestion, one, I think, that's probably a balanced suggestion. It allows people to step away from the adversarial perspective of bringing actions or applications themselves and yet still allows the law to be tested. So I thank you for that suggestion.

* (18:50)

My overwhelming feeling in both your presentation and other things that I've heard from the 97 per cent of kids who've come and said they wouldn't be protected by this bill, is that we've missed an opportunity; that if you're going to bring forward an antibullying bill, you need to consult broadly, you need to look at what's going to protect the most amount of kids for whatever reasons they're being bullied, and you've got to do it in a way that can get Manitobans' support.

Do you feel that, too, that we've missed an opportunity in Manitoba to bring forward a really good antibullying bill?

Ms. Lee: Yes, I do. And I also—from research I've noticed that, especially looking at the American experience, bullying legislation doesn't seem to work. And it ends up where there's more revisions than amendments, but it doesn't really get to the root of the problem. And I think that, you know, the government has to look at that and do research about addressing the root of the problem, because otherwise we're just putting Band-Aids on it.

Mr. Chairperson: Seeing no further questions, thanks for your time this evening.

I'll now call on Miranda Ward, private citizen. Good evening Ms. Ward. Do you have written materials for distribution?

Ms. Miranda Ward (Private Citizen): Yes, I do.

Mr. Chairperson: We'll ask the staff to help you to pass those out. And you may proceed with your presentation whenever you're ready.

Ms. Ward: I want to thank you for giving me the opportunity to say what I have to say. You might be wondering why a grandmother would be up here saying anything at all. I've been trying to follow this.

My children are grown up. My grandchildren are all through high school and some more. I have an interest in all this though, for some reason—for more reasons than one. You see, I have a gay grandson and that gives me a bit of insight into this from a kindly perspective, because I really love my grandson and I recall him being bullied for wearing nice clothes in school. The girls loved him and the boys called him gay until I think he just began to believe it.

But today I'm here because of the young children in my church. I see their innocent faces and just love to see that innocence in a child. This summer we did some art classes with the kids in church and I watched them closely and I listened to them talk. Not one of them, I'm sure, has any interest whatsoever in sexual orientation. These kids were from ages 5 to 16 and they were all behaving like normal kids, like I remembered children that I had known of—had always known. Carefree and happy and creative, they sing without inhibitions or prompting and chatter a mile a minute. That's what made me get up here and say what I have to say today.

That brings me to a personal story I have never told anyone before, except today I told my husband. In fact, it is so personal, I have not 'til now ever been able to put it on paper. My late husband never heard

it. My present husband heard it today. My kids and my church have never heard it. It happened almost 50 years ago. I was so traumatized by events that I could not think about it, so I buried it deep inside and that is where it has remained until today. At the end of the time—at the end of the last line, my computer froze up, just as if telling me, don't put it on paper now. But I have to try. This is a third attempt to type it.

I was attending a Bible college in Saskatchewan in my third year. I had a friend that I had as a friend for two terms already, she was full of fun, always the life of the party and had lots of friends. So she was a great asset to our fun times together. Mostly, of course, was study time, but in the evening when watching games in the gym or stuff, she was great fun to have around. She was like a magnet for those who liked to keep a bit—keep it a bit lively. She seemed sensitive enough, but always a bit of cut-up—excuse me.

When I got back there for my third year, I found she had requested me as a roommate, which was quite fine with me. But I wondered why, all—why she always only kept a roommate for one year and then changed. But I was glad she chose me. Thought it was because she wanted to stay friends and so I never gave it another thought. Everything was fine until almost Christmas. We had been asked, or maybe she had volunteered, to house-sit in a mobile home on campus when some staff members got called away on an family emergency. We thought it would be great fun to do some of our own cooking and stuff for a few weeks and then from there go home for Christmas, it would break up the school year a bit. Things were going just as planned for the first few days, then her attitude changed slowly. She started to make digs about my boyfriend at home and ask questions about, well, did I really care for him? Did I miss him? How well did I know him? Did I miss my parents? My siblings? Was I lonely? Why now all these questions, and the kind—very kind responses, always assuring me I was lucky she was here to take care—to take over for them.

I was 21 years old and very naive. I came from a family of three brothers and three sisters, where girls are girls and boys are boys, and never gave anything else a thought. Now, when you grow up on a farm, sex is very cut and dry. It takes a male bull and a female cow to produce. It took a male dog and a female dog to have puppies. Seen a lot of that. Sexual orientation? Never knew there was more than

one, and I was naive about any other way of thinking.

I was happy with my life. Now I was beginning to feel pressure from her to settle for her—to settle for her life instead of my own way of thinking. Just by her questions and subtle suggestions, it became foggy clear that the water was murky here somewhere. The longer this went on, the more confused I became. Still no advances, just talk, to see how much I knew. You see, I had been picked for a roommate because she really liked me and she really felt I was an easy pushover.

Then when evening came, the big push. I did not like what she seemed to be trying to groom me for, even though I was really still not aware what that was. Just when the light went on in my mind and she felt I might oppose, she made the attack on my person and tried to physically molest me. Did I tell you she was a big girl? Weighed over a hundred pounds more than I did at the time. Suddenly I realized I was in deeper than I had ever been into something as sinister. She was bigger than me and had some kind of hold on me. However, she did—how she did that, I have never quite been sure, but she was of herself—she was sure of herself, and I was most now confused. In my confusion, I thought, well, maybe just give in and then things would be all right. After all, she was promising to take good care of me. Did I not already know her better than my boyfriend who had met—who I had met in the summer and we had not really seen that much of each other? Besides, I'm not a fighter; I was usually a pushover for whatever she wanted to do. Being in this mobile home was her idea too.

Just at that moment, God brought a verse of scripture to my mind. I had never really thought much about that verse, not thinking that it would ever apply to me since I did not plan to have sex outside of marriage, which was the policy of the school as well. The verse in question is First Corinthians 6, verse 9. Now, if you don't believe in scripture, this will mean nothing to you. If you do, it will mean that God is still in the business of helping his own. It says: Do you not know that the wicked will inherit the Kingdom of God? Do not be deceived, neither the sexually immoral, nor idolaters, nor adulterers, nor male prostitutes, nor homosexual offenders.

This verse had never applied to me before, so I had not paid any attention to it. Now it was there to remind me that something of what was happening

here and what all at once seemed to loom in front of me and could easily become a violent situation. She had already grabbed me and was in control of me physically, so she thought. The strength that suddenly got out—the strength that suddenly God had—I suddenly had to get out of her grip is only something God could do. My eyes had been opened. I had in those moments faced fear of myself and fear of her. In my confusion, I had, the first time in my life, faced my own sexual orientation, at 21 years of age, and hardly able to handle it.

Once the fight was over—and it was a physical battle as well as an emotional and spiritual one—I ran for my Bible, sat down and read this passage of scripture to her. Now she realized, even though I was terribly traumatized, I had strength she had not reckoned with. God was on my side, and as the last gesture of friendship, she went to the school infirmary, turned herself in and asked the nurse to come with her and take me to the infirmary for the night. I needed a good tranquilizer that night and a few more nights after that to settle me.

By the time the nurses had settled me down and told me what was really happened—what had really happened to me and I—that it was a—I was a premeditated victim, she had already left the school and suddenly I was empty. My best friend had turned on me, and now I lost a friend, a roommate and was forced at 21 to feel like left by the roadside like so much trash. Even though I managed to stop her, I felt terribly violated and traumatized to the point where this is the first time ever I have told this story in 50 years. Now it was time.

For years I wondered why God allows such things to happen to Christians. Now I know. It was waiting for now to be told. Only God knew that I needed it here tonight. I felt so traumatized 21—at 21 years of age that when I think of the young children being forced into thinking about sexual orientation, it is nothing short of robbery of innocent minds. They are too young for any kind of sex, never mind making choices of sexual orientation at such a young age. I wish I had never been put in that situation. I was happy the way things were. I did not need this experience to make me perfectly content with my orientation intact.

*(19:00)

No, I do not agree with any type of bullying, but why is it that we all assume bullying is being done by the straight community only? It is an untruth. There is plenty of violence within the gay

community, either toward straight folks or toward each other, especially toward the Christian community; football coaches that abuse young boys, for example; priests that abuse children of both sexes; boys that rape girls out of schools at parties; and it spills over into the adult world where employees harass their—employers harass—employees harass their employees.

When my forefathers came to Canada, they were promised freedom of religion, not tax increases, but freedom of religion and speech. Mr. Harper says we have freedom of religion; Mr. Selinger said in a speech in 2012 he would always uphold freedom of religion. Just another promise, I guess.

Mr. Chairperson: One minute remaining.

Ms. Ward: This Bill 18 gives us confusion but no freedom. It makes laws so vague that at the end of the day any one of us could have said, or not reported something, that could make us criminals. Even some of the things in our very speeches could do that, it is—if it offended someone or hurt their feelings. Mostly it pits one group against another and yet leaves no room for the kids that have faith-based—belief in—system to express themselves.

We need to allow an all-inclusive club including races and religions or none at all. My experience 50 years ago tells me that abuse can come from anywhere. Every person needs to be sensitive about the others. Bible study groups in schools are just as important as any other secular group. They are bullying Christians, trying to wipe—whip us into shape so we will all follow their way of thinking. You can all have your way of thinking and your lifestyle, only don't infringe on mine. If you must make it mandatory to protect one group of kids, you have to make it mandatory to protect all groups of kids.

Mr. Chairperson: I'm so sorry to interrupt, but time for your presentation has expired.

Ms. Allan: Leave.

Mr. Chairperson: Is there leave of the committee to allow the rest of the presentation as written to appear in our Hansard as if you had given the presentation here tonight at the committee?

An Honourable Member: No. Just leave. I think she's almost done. Just leave.

Mr. Chairperson: Oh, I'm sorry. Leave to continue your presentation. Please continue.

Ms. Ward: It's okay to finish?

Mr. Chairperson: You may continue, yes.

Ms. Ward: Okay, thank you. One thing I want to say very clearly, and that is that a child that too—is that a child that too young to have sex does not need to face their sexual orientation. Our youth would be better in school, make better marriage partners someday, make better choices—life choices all around in this area, was it not part of school life. That job, that is the job of the parents.

Our Christian kids are being bullied for their faith all the time. It has been so since the time of Christ, but we have always called it persecution. There is no law against persecution. Can the law also make it law for them so they, too, can live in peace and safety? Christians over the centuries have been persecuted, jailed and killed for their faith. Make it law that they can meet in groups too, and that they can live a pure lifestyle if they want, without the schools and governments telling parents how to raise their children.

Now, I have a picture for you. Would you mind looking at this picture for me? Pass it around. You've got time for that.

Mr. Chairperson: Sorry, just a reminder to all presenters. We're not allowed to have any kind display—

Ms. Ward: Okay, all right.

Mr. Chairperson: —or any kind of pictures—

Ms. Ward: Okay.

Mr. Chairperson: —that you can show a committee. I apologize.

Ms. Ward: Okay.

Mr. Chairperson: You may continue with your presentation.

Ms. Ward: Okay. Then all I want to say is that the picture that I have here shows a picture of innocent children, and our government removed a whole community of kids because of abuse. Why, now, is that same government trying to abuse the innocent by robbing them of that look—innocent look on their faces? I can assure you that children should not be exposed to the kind of stuff that is coming around the corner if this bill is passed. Shame on us adults if we make these children grow up before their time. It will affect their entire lives.

Live and let live. Have some compassion on the young, or else I would say our government is really bully—is the real bully here. Spare the innocent, please, folks. Thank you.

Mr. Chairperson: Thank you very much, Ms. Ward, for your presentation this evening. We'll now move to questions.

Ms. Allan: Miranda, thank you so much for being here this evening and for sharing a very personal story that you have kept in your heart for 50 years. This has been a very safe place for people to come and tell their stories and to share their opinions. And I want to thank you for being here, and I wish you all the best.

Mr. Goertzen: Miranda, thank you so much. I could tell how hard that was for you, and you expressed it very well. This—we've been trying to make this a safe place for everybody to come and tell their stories. One of the reasons it's been that, is because it's totally inclusive, is inclusive of everybody, doesn't name some people and exclude others. It allows everybody to come in a safe place of inclusivity. I want you to know that I hope that what you shared publicly and for the first time today will give you some healing and will maybe release some bonds. I've written your name down. I'm going to pray for you—I hope that that does that.

And I want to thank you. You're a grandmother. You've set a good example for your grandkids because you've come here and you've done something that's taken tremendous courage and you stood up for what you believe in, in terms of freedom of religion. We know, in terms of what's happening in Québec and other places, that that's an important thing to stand up for. And I'm glad that you've done that. You've done that with courage. And you've showed us that bullying is complex and that things aren't simple; as much as we might wish them to be simple in the world, they aren't simple. So thank you very much. You've done great honour to yourself and to your grandkids.

Mr. Chairperson: Seeing no further questions, thanks again for your presentation.

We'll now call on Clement Chaput, private citizen. Mr. Chaput, do you have written materials for distribution to the committee?

Mr. Clement Chaput (Private Citizen): No, I don't.

Mr. Chairperson: You may proceed with your presentation whenever you're ready.

Mr. Chaput: My name is Clement Chaput. My place of work is, for the last 35 years, in the autobody profession. Married 29 years, have a son and daughter, also an awesome son-in-law and daughter-in-law and very, very soon to be a grandparent. I also—also may add, the youngest of 11 children. My heart is troubled by this said Bill 18, for the future of my grandchildren to attend our Christian-based schools.

This bill, so I understand—please correct me if I am wrong—Christian-based schools would be forced to allow other groups than Christian-based to speak on topics that are not in line with our Christian teaching. Is this not a form of bullying?

I am a survivor. I was what is called today bullied by three teachers, two which I will speak of and one which I will remain to not speak about. Two of them, male and a female, who mentally and verbally abused me by telling me, quote, you will never account to do anything. Also, your grades are so poor that you will never be as good as any of your brothers or sisters. I had no options but to drop out of school at the age of 15 years old. I was much luckier than one of my friends who later took his own life.

Mr. Vice-Chairperson in the Chair

I thank God daily for my parents from a very young age prayed with us as kids daily, also telling us that with God all things are possible, for teaching us to forgive others, to love others and God gives us strength if we are obedient to Him.

We have removed the Lord's Prayer out of our public schools because it offends others. This Bill 18, as some parts are written, offends me. Could these parts be removed? Granted, we have a very serious problem in our school system. Some of us parents have failed at raising up our children and we expect our schools to raise them. This said, Bill 18 needs to be examined very carefully.

If I may read to you from the Gospel of Matthew, 18:6, says: But if you cause one of these little ones who trust in me to fall into sin, it would be better for you to have a large millstone tied around your neck and be drowned into the depths of the sea.

This Bill 18 does not protect our Christian-based schools for their teachings. It enforces different beliefs in our Christian schools. I am not here today to judge any groups or anybody involved in this bill. One day, we will all be judged for our good works and our actions.

I'm here today to share with you the school system did not fail me, but three out of nine teachers bullied me. Thank God He picked me up and guided me through this word—through His Word for the rest of my journey.

As I've been carefully watching our children growing up and attending all teacher interviews in their school years, I have to say I'm very proud of our Christian schools and teachers. Also, I may add, their group of friends and what they are becoming. Oh, what a blessing to our community. I wish I could have attended such a school.

As God said, the heaven—the harvest is huge, the workers are few. I am leaving you with this experience that I've—that I have been through as an example for all people involved, in clarifying this Bill 18 to be re-examined for the needs to protect all our children and also protect the rights of our Christian-based schools.

*(19:10)

Mr. Vice-Chairperson: Thank you for your presentation.

Do members of the committee have questions for the presenter?

Ms. Allan: Mr. Chaput, thank you so much for your presentation this evening. I'm sorry that you had to tell your story this evening about your own personal abuse, but thank you for being here this evening and for your personal comments about Bill 18. We appreciate it. Thank you.

Mr. Goertzen: I also want to say thank you for spending your time with us this evening, for sharing your story. I know it wasn't easy for you. It's important for us to see, though, that bullying is complex. It's not a simple thing, as much as we might wish it to be. And I also appreciate you mentioning, in particular, that we need something that protects all kids.

My great fear, and maybe you can comment on this, but my great fear is that we're going to pass a bill, and it might be relatively soon, and it's going to give false hope to so many kids who will hear that the Legislature has passed an antibullying bill and they're going to realize down the road after they've been bullied that it doesn't apply to them, or 97 per cent of the other kids who are being bullied. Is that a—is that something you think could happen, give a lot of false hope to people who are being bullied today?

Mr. Chaput: You know, I'm still having a—I'm having a bit of a problem absorbing what you—the question you're asking me, not to use our system that failed me, but I would have to need you to repeat it to me again so I could fully understand, if you don't mind.

Mr. Goertzen: I sometimes have a hard time understanding myself too, so you're in good company. I—we're—the bill's been promoted as an antibullying bill, but I don't believe that it's going to protect the vast majority of kids, and you alluded to that in your presentation. And I worry that a lot of kids who are being bullied today are going to have false hope when they hear that this bill's passed, because they think it's going to protect them, but it won't. Do you think that that's a possibility, that it's going to give false hope to a lot of people?

Mr. Chaput: Yes, absolutely.

Hon. Jon Gerrard (River Heights): Thank you for coming in and sharing your story and sharing your thoughts tonight.

Mr. Vice-Chairperson: Thank you.

Now, the next presenter, Jorie Sawatzky.

Do you have any written material? No? Thanks. Okay, go ahead then.

Ms. Jorie Sawatzky (Private Citizen): Good evening. I would like to thank everyone who are present tonight for giving your time to listen to the different presentations regarding Bill 18. We all must believe in the same thing. This antibullying bill is very important to all of us. You could have been spending time with your families and loved ones or doing something else, but you choose to be here.

I choose to be here to speak tonight, even though I was tempted not to, and was hoping to leave it to people who are gifted and well-versed in speaking to speak on my behalf. I am glad I came tonight. I am grateful to have the opportunity to speak, or I would have some regrets for not doing so. I am not a gifted speaker, but I am here to speak from the heart.

My name is Jorie Sawatzky. I was born and raised in the Philippines. I came from a big family of nine children. As a child, our father brought us up to just follow what the parents will say, and it was forbidden to speak up or you will get a spanking. Children are not supposed to speak up or it will be considered as disrespect to elders and you get punished.

It was very hard not to be able to speak up, and the worst part is for parents to think that they are always right. It is also very hard when parents favour one child over the other and to deal the future effects of it. Although I know my parents love all of us, but you can never deny that there was favouritism. And how could they know whether they are right or wrong if they don't even sit down and communicate with their children with open minds and open hearts?

I am telling you the story about my family because, as a citizen, I belong to a Manitoba family. I am one of the citizens and I am under the people who are in power to run the government, just like as a child I was under the care of my parents. We all have our differences, different culture, beliefs, values and morals, but I hope we can agree on one thing: We all have the same equal rights as citizens, which I still hope we do.

Bill 18, an antibullying bill, is a good start to minimize bullying. I agree that no one should get bullied and that all our children, no matter who they are and what certain support groups they belong, should have equal protection against bullying.

I am fortunate that as a child in my school days I did not experience bullying. Of course, I experienced kids saying things to me, single offhanded comments that I did not like, and it hurt my feelings. But, to me, that was not bullying.

I also know how it's like to be bullied and abused. As an adult, I had a taste of it. I came to Canada in 1995, got married and had a child a year later. I happened to marry an abusive man. I was bullied by my own husband. I was called names. I was yelled at with profane language, belittled, degraded as, poor Filipino from a poor country. I am a woman and I was just supposed to submit to him all the time. I was a Catholic and I should know that men are the head of the family and I'm just supposed to follow. I was threatened to be killed if I won't obey his wants and I was forced to leave the house in the middle of the night without my child. I was an adult then and it was very hard to handle the emotional pain and the fear. I can't imagine the pain and damage it will do to a child, who gets bullied and picked on all the time.

Being a new immigrant, I did not have friends. I had no chance to make friends. I felt so very alone. I did not have any family or relatives around and I did not know if there was ever a way out of my situation. I didn't know what to do and I was terrified to lose my child, not knowing if I will ever see him

again. I panicked. A friend from Alberta advised me to call the crisis line. It was a relief to talk to someone who listened, who believed in me and offered a place for me to stay, a shelter for abused women where I can find help and support.

And that is why I also believe in the importance of having different support groups in schools. A group of people who can relate to each other, support and help each other's struggles. During the point of my time—my life, I don't know what would have happened to me if I did not find help and support.

Mr. Chairperson in the Chair

But why do you think Bill 18, as it is written, created so much chaos and division? You have been here since September 3rd listening to different presentations and the reasons while Bill 18, as is— it is written, will not be an effective bill against bullying. But still it saddened me when I just read from the website of themanitoban.com of the honourable Nancy Allan's comments saying, the opposition and what we are hearing from their supporters is opposition to students being allowed to create support groups for gay classmates.

For the rest of you here who have been listening to the different presentations, I truly hope you heard it differently, or we are just wasting our time. I am not against GSAs forming a support group, but how is mentioning and promoting one group over the other affect the purpose of this bill? How will this bill continue to protect one's religious freedom? How will this bill protect the children with different religious beliefs? What will happen to faith-based schools? Shouldn't faith-based schools have the discretion on the activities that happen within the school that will not conflict with their faith or community values? Do you really want to have a legislation that will truly protect all our children against bullying?

If your answer is yes to my last question, then I beg you, as a child begging his parents to sit down and listen to her concerns on what is important to her, a confused child, wanting more explanations and clarifications of the rules given to her. Likewise, as one of the citizens, I also beg you and Honourable Nancy Allan and to all the leaders of this government to listen with an open mind and an open heart to all the concerns being brought up here by concerned citizens.

Thank you for listening.

Mr. Chairperson: Thank you Ms. Sawatzky for your presentation this evening. We'll now move to questions.

Ms. Allan: Ms. Sawatzky, thank you so much for your presentation this evening. And first of all, let me thank you for coming to Canada and coming to Manitoba from the Philippines to live here. We appreciate your courage and we also appreciate your courage and 'stell'—in telling us your own personal story about domestic violence.

I want you to know that in accordance with The Human Rights Code, Bill 18 will protect all students. We want to ensure that all of our students, regardless of who they are, regardless of what religion they come from, are protected in our schools from bullying. And that is the reason for this legislation.

We appreciate your comments that you've made tonight and we appreciate you for being here. Thank you.

* (19:20)

Mr. Goertzen: Jorie, thank you for being here tonight. I don't know if Ben's [*phonetic*] here or not, but he'd be real proud of you and your presentation tonight. I want to thank you as well for the work that you do in welcoming new Canadians and, in particular, welcoming the new Filipino families that we have throughout Manitoba. You do a great job of that.

And I'm glad that you pointed out some of the comments that have come from government about those who are opposing Bill 18 because it is true that government has tried to label those—everyone who's opposed to Bill 18 as being opposed to it for a particular reason. That's a form of bullying, too, and we can't have that sort of thing. So I really appreciate the fact that you mentioned that; that you've cited the source where that was brought forward because it's instructive. It's very instructive for all of us that we need to be respectful of each other, be respectful as legislators, that we don't set a good example when we say those sort of things and act in a bullying way when we try to prevent bullying.

I want to thank you for the great work that you're doing in Manitoba and really proud of you for your presentation.

Mr. Gerrard: Thank you for your presentation and being so open about what's happened to you and, you know, why preventing bullying is so important. I think part of the message that I got from you was

that the importance of putting somewhere in the bill a specific reference to protection of people from bullying based on religious differences. Is that right?

Ms. Sawatzky: Yes, you are correct.

Mr. Chairperson: Seeing no further questions, thanks for your time this evening.

I'll now call on Dylan Barkman, private citizen.

Good evening, Mr. Barkman. Do you have written materials for distribution? We'll just ask the staff to help you distribute those. And you may proceed with your presentation whenever you're ready.

Mr. Dylan Barkman (Private Citizen): Thank you. Good evening, ladies and gentlemen. I understand you guys have been here for a number of days already, and so I kind of feel like I'm on America's Got Talent, and you guys are the judges and you've heard all the good acts go through already. But, nonetheless, I want to tell you who I am, and I'll present you my act.

I am a farmer. I'm also a councillor from the RM of Hanover, and I'm a pastor of Pansy chapel. It's a little country church about an hour south of Winnipeg. And I'm a husband to a beautiful wife of 17 years, and I'm a father of three kids in grades 1, 3 and 5. And so, if you guys are the judges, I'll be the guy in the talent show and I'll present to you my act, and I'm going to call it the Bill 18 analogy. And I'll try and present it in a way that you can follow along.

But we're all here gathered today because our current problem is bullying in Manitoba. In my analogy that I'm about to present, the Bill 18 analogy, in the analogy, the problem will be speeding in Manitoba. The current solution for us is to create an antibullying law, and in my analogy, the current solution will be to create an anti-speeding law. The current intent with the bullying is to eliminate bullying and protect all Manitobans, and in my analogy of the speeding law, it will be to protect all Manitobans from speeders. Currently, so far, according to what I just said about the antibullying law, everybody in Manitoba gives that a thumbs-up and same with the speeding law.

I'll continue on with the analogy. So the first question that—question in the analogy of the anti-speeding law is what is the definition of speeding? Obviously, speeding is defined as breaking the speed limit, which is quite logical. But in the law, as it is written, the definition of speeding

also states that you are guilty of speeding if anyone else feels that you are speeding. This presents a problem because if I'm doing 95 kilometres an hour in a 100 zone and I pass grandma who is doing 70 kilometres an hour in the 100 zone, she will feel like I'm speeding. However, if I'm doing 95 kilometres an hour in a 100 zone and Joe Blow comes up behind me and he's riding my bumper and he wishes he could go 120, he will feel like I'm going at a snail's pace. Therefore, the definition of speeding is a problem.

Further in the anti-speeding law, it states that you must show proof that you have not been speeding down Highway 8 between Winnipeg and Gimli. So I started off liking the idea of the anti-speeding law because we need to deal with speeders in Manitoba, but now I'm a little bit confused. What if I don't even travel on Highway 8? Granted, a lot of people travel there, and maybe I will this year, but why would I have to show proof that I have not sped there regardless of whether I drive there or not?

Secondly, why do I have to show proof of not speeding on Highway 8 but not on any of the other highways in Manitoba? There are a lot of other highways that would also need to abide by this law, and some of them also have a lot of traffic, and it would be important that they also don't have speeders.

So the anti-speeding law that started out sounding like a good law has now begun to smell a bit funny because it would seem that there is an ulterior motive. Speeding in Manitoba doesn't really seem like the issue, because the way the bill is currently written, it is not concerned with controlling speeding across all of Manitoba, but focuses on one particular highway. Why is Highway 8 more important than all the other highways? So not only is the definition of speeding a problem, the anti-speeding law has singled out one highway and it is protecting it more than all the others. This makes me question the original intent of the law, which was to protect all Manitoba roadways from speeders. Is the anti-speeding law a good idea? Yes, it is. Does it need some tweaking? Absolutely. Namely, the definition, and secondly, the fairness and equality of who it protects.

For me, personally, as a car driver in Manitoba, I can look back at my life and I realize that when I was much younger there were people that sped past me. If this anti-speeding law had been in effect back

then, they would definitely have been guilty of breaking the law. But I wasn't driving down Highway 8 when it happened, so would the bill have been effective? How am I supposed to be assured that Manitoba roads are safer for my kids because of this anti-speeding law, when it singles out and places emphasis on one highway that they may or may not ever drive on? And, just for the record, because I stand up and oppose the way that this anti-speeding law is written, it does not mean that I hate the people that speed down Highway 8.

That's the end of my Bill 18 analogy. I hope the analogy was clear. Let me explain my experience. I was bullied in middle school. Kids laughed at me, called me names, ridiculed me to the point of pushing me around and physical hitting. But it was because I was a pastor's kid. Now I'm a pastor, and my kids are in school. How does this bill help to protect my kids from being bullied for being different? As it's currently written, the bill singles out to protect one group and leaves out all the others. This bill might have good intentions, but it needs to be rewritten to give all children a safe learning environment, not just one group.

Mr. Chairperson: Thank you very much, Mr. Barkman, for your presentation.

We'll now move to questions.

Ms. Allan: Well, thank you, Mr. Barkman, for a very creative presentation. I'm trying to think of something catchy that would work along with the Bill 18 analogy and the speeding in the highway, but I just—you know, it's the eighth day in this committee hearing and I just can't think of something catchy. But I do want to say thank you for the comments that you have made this evening. And thank you very much for being here. Thank you.

Mr. Goertzen: Dylan, thanks for coming, and for Sheila [*phonetic*] as well, for being here. I hope the analogy causes the government to hit a speed bump and slow down and reconsider some of the things around Bill 18 because you've made it clear it's got to include everybody, it's got to protect all kids and it's got to be well-defined. And I think it lacks in all of those areas, so thank you very much.

Mr. Gerrard: Thank you for your presentation and your analogy. A question to you would be, you know, how do we make sure it covers all the highways? And, I mean, I think that—will we need to be more comprehensive in naming some of the other highways? Is—what would you suggest?

Mr. Barkman: I'm not sure if I have all the numbers right here, but I've got what I know as the Bill 18 here in front of me. And in—I—what I read as being section or article 41(8) here, it says, respect from human diversity policy must accommodate peoples who want to establish and lead activities and organizations that promote—and then it goes through a list, and one of the things it says is that the awareness and understanding of and respect for people. And I actually think it would be good to just leave it right there: the awareness and understanding and respect for people. But it goes further as it's written it says—and it says, of all sexual orientations and gender identities. And that's where it stops. And I think if you're going to include that, you should continue on and say: and religions and faiths and ethnic backgrounds and shapes and sizes and skin colour and intellectual ability and athletic ability.

* (19:30)

Hon. Theresa Oswald (Minister of Health): Yes, thank you very much for—well, really, the first analogy like this that I've heard in these committees that I've attended. I guess I just wanted to, you know, go back to the bill and reiterate for you, if it offers any comfort at all, that indeed, in section 41, it does require school boards to respect all protected groups under The Human Rights Code. I think that that's quite explicit in the bill. It does go on to name other groups, but it does say upfront all groups under The Manitoba Human Rights Code, so I hope that you're aware of that part of the bill and I want to assure you that it's—certainly is our goal that all students can be free from bullying and, therefore, able to learn as best as possible. And in Manitoba, you run the risk of getting a ticket when you speed on any darn highway.

Mr. Goertzen: You pointed out section 41(1.8) because that actually—a lot of the characteristics that are listed there come out of The Human Rights Code, but if you read The Human Rights Code—and I know you'll do this, Dylan—it actually, specifically, excludes three things that are in The Human Rights Code. It excludes religion and creed; it excludes social disadvantage and ethnicity. And it worries me that the government, sort of, picked some things from The Human Rights Code and then left out others. So, you were right to point that out and I hope the minister takes your comments seriously. Thank you very much.

Mr. Chairperson: Seeing no further questions, thanks very much for your time.

We'll now call on Kristy Marsch, private citizen.

Good evening, Ms. Marsch. Do you have written materials for distribution to the committee?

Ms. Kristy Marsch (Private Citizen): No, I don't.

Mr. Chairperson: Okay, you may proceed with your presentation whenever you're ready.

Ms. Marsch: Good evening, everyone. My name is Kristy Marsch and I'm from the surrounding area of Steinbach. I'm here tonight to express my opinion in the opposition of Bill 18 and I want to thank you for my opportunity to do so.

During my grade school years, I personally have been bullied and I have bullied others. While in elementary school, I was bullied often for my appearance, my shyness, good grades, lunches, maturity, lack of friends, poor eyesight, clothes, on and on. I also come from a broken home with a lot to deal with after school, and then I had a lot to deal with during school. Either place I was, I felt bullied and intimidated. By the time grade 8 came around, it was more than I could handle. I ended up enrolling to be home-schooled for grade 8 and 9 and I taught myself.

Grade 10, I entered into high school and this is when I began to take the role as the bully. My self-esteem by this age was at an ultra-low and I struggled for—to feel belonging and self-worth. All through high school, I bullied students for their appearances, weight, who they were dating, dedication to school, ambitions, faith and disabilities. Thankfully, through a series of events, Jesus got a hold of my life and flipped it around. Through his power, my self-image and self-worth is being restored, and I no longer look down on others to lift myself up or find purpose in bullying others around me.

Based on my experience in bullying, I do understand how serious it is, how it can affect students' day-to-day activities, and how there needs to be something done to address this issue. However, this bill, as is, brings concerns to me regarding the freedoms of Christians in Manitoba. My first concern is the definition of bullying used in the bill.

The terms: should be known to cause or should be known to create—I feel this brings injustice to many students right away. What if there are students who actually didn't know that what they were saying or doing would be offensive to someone else? Would they then be punished even though they were

ignorant to the act? And who would be the one to determine what the child should have known? There are many situations when someone says something that unknowingly offends another. This is especially true in regards to the culture barriers we experience living in a multicultural country. By placing discipline on all these situations that occurs and creates unfairness on the side where the child genuinely did not mean to harm.

The terms: perceived power imbalance and hurt feelings—also brings some concerns to me. For example, if you have three atheists and one Christian standing in a circle talking about day-to-day things, it is very possible that some things may be said that would cause discomfort for the Christian. A perceived power imbalance has been created but it doesn't mean that any harm was meant. Would the atheist then be punished in such a circumstance? Essentially, there is a perceived imbalance and according to this bill, as is right now, they should be.

Another example could be a group of students chatting during recess about what they did with their parents last weekend while one of the students is actually lacking a parent. The child's feelings could be very hurt but, again, no harm was meant. What would be done in that situation? Under this bill, students could falsely accuse others or even their teachers of bullying. There are many students who are looking for attention and looking to cause trouble. Maybe one would falsely accuse another and say that somebody hurt their feelings just to get them into trouble. How will you discern between the true bullying, the false bullying and the unintentional bullying?

The definition also takes away from the freedom of religious rights. If a Christian were to say that homosexuality is wrong, this bill would allow and encourage that the student should be punished for such a statement. Christians could now be disciplined for speaking about their faith or stating things that they believe in. This is robbing our freedom of speech and results in the Charter of Rights and Freedoms to be in conflict with this bill.

The Canadian Charter of Rights and Freedoms states that Canada is founded upon principles that recognize the supremacy of God and rule of law. Section 2 states that everyone has the following fundamental freedoms: the freedom of conscience and religion, freedom of thought, belief, opinion and expression, the freedom of peaceful assembly and the freedom of association. The Government of

Canada website states that the Charter guarantees certain freedoms for everyone in Canada. Canadian traditions and laws have reflected the freedoms set out in section 2 for many years. Since 1982, the Charter has given these freedoms constitutional protection. Canadians are free to follow the religion of their choice. In addition, they are guaranteed freedom of thought, belief and expression.

The things that I just mentioned are only a small fraction of the circumstances that could arise. If the phrases, should be known to cause; should be known to create; perceived power imbalance; and hurt feelings are omitted, I feel that we would see a clearer definition of what bullying is, not only to the enforcers, but also to the students.

My second concern is the section, student activities on organizations, where you have listed gender equity, antiracism, people disabled by barriers, sexual orientation and gender activities—or identities. When listing off specific clubs, activities and organizations, many will be left out. It may not even be possible to list them all. By why is that these were chosen and not others? What about the children that are teased for their faith? Does this bill leave room to protect them?

I have read Nancy Allan's comments stating that she's unwilling to make exceptions to the bill to accommodate faith-based groups. I don't feel that this comment is in line with the same attitude of wanting a safe and healthy learning environment for each and every student. This bill is giving special attention to homosexuals and their need for public acceptance, while also taking away from the rights of Christians. Essentially it's protecting one group at the expense of another. Faith-based schools should not have to conform to the acceptability of gay-straight alliances. This would be stepping on their freedom to believe, practise and speak what the Bible says to be true. I feel that this is wrong and a form of bullying in itself. It doesn't sound like the Canadian freedom that we're all entitled to.

In my defense, I do not hate, judge or have anything against homosexuals. I have an auntie that is a lesbian and has been for as long as I've known her. I love her dearly; I'm not cruel to her; I'm not against her, but I do not condone or agree with her sexuality.

As Christians, we are called to love as Jesus loves, and he shows that it is possible to love someone without condoning their sin. By fighting for our right to say that homosexuality is a sin is not

saying that we hate homosexuals. It's saying that we love God and His original design for life. It's saying that God is everything and we want to legally continue to serve Him in our schools.

In conclusion, I ask that you will narrow the definition of bullying and also include religion as one of the protected groups listed, or remove all of the groups to silently include everyone. I hope that the amendments on this bill would be made to protect each and every student. We want you to hear us, and we want the people who are put in the position to protect us to do so.

I agree with you that bullying is a huge issue within the schools. I also believe that children have become hardened and bitter to the world much sooner than they should or ever be. I've seen from experience that it's often the biggest bullies that are the most hurt inside. They lack nurture, love and praise from loved ones and in turn inflict pain on others. We see more and more of that in schools. Communities and societies are falling apart, and I don't think that pushing God further out is the answer. Thank you.

Mr. Chairperson: Thank you, Ms. Marsch, for your presentation this evening. We'll now move to questions.

Ms. Allan: Ms. Marsch, thank you very much for your presentation. It's very obvious that you have put a lot of work into it. Thank you for being here and we appreciate your personal reflections on Bill 18. Thank you.

Mr. Goertzen: Kristy, thank you for coming out this evening and giving a presentation. It takes a lot of courage to both talk about how you were bullied and also talk about how you were a bully. It—a few people have done that over the course of the last several days, and it's not easy to acknowledge either.

Do you think if Bill 18 would have been around and in law at the time that you were both being bullied or bullying that it would have done anything to change either of those situations?

Ms. Marsch: No, I don't think that it would have.

Mr. Gerrard: Thank you very much for coming and presenting. I think you've put a good argument for a bill which comes across as very fair to all groups, and I appreciate your comments.

* (19:40)

Mr. Chairperson: Seeing no further questions, thanks again for your time.

Now I'll call on Darrell Dyck, private citizen.

Good evening, Mr. Dyck. Do you have written materials for distribution? Okay, we'll ask the staff to help you distribute those and you may proceed with your presentation whenever you're ready.

Mr. Darrell Dyck (Private Citizen): Good evening. I just want to first thank you in advance for allowing me to present my concerns regarding Bill 18. I greatly appreciate the representative democracy that we enjoy in Manitoba and Canada.

I grew up west of Portage la Prairie and currently live in Steinbach, having previously lived in the Winkler area, Niverville and Winnipeg. I am currently the pastor at the Gospel Fellowship Church. My daughter attends—my youngest daughter attends high school at the Steinbach Christian High School. My second youngest graduated there. My son graduated at the Steinbach Regional Secondary School. And my oldest graduated at a school in Belize. My children have all attended public school in Manitoba and a private Christian school in the country of Belize where we lived for four years. I myself was educated in the public school system so I am familiar with a variety of educational systems and practices, but am not an educator myself in terms of schooling, although being a pastor, I am an educator in terms of faith in God.

In terms of bullying, I am intimately acquainted with bullying in school. I was bullied simply because of being small and thin. Nothing I could do about it, but I experienced it. In turn, I bullied others as a defence mechanism. Since I was shy and had a low self-esteem, I also bullied others as a way to boost my own ego. I was, of course, entirely misguided.

I'm a Mennonite by faith and also by cultural heritage. My ancestors fled from the Low Countries, Holland, Belgium and northern Germany, to the country of Prussia, at that time, in the 1600s, to escape severe persecution which led to many people being killed for their faith. My ancestors came to Canada in 1874 from the present-day Ukraine because they were promised freedom of religion and the freedom to educate their children according to their conscience and their faith. In fact, they were guaranteed that they would be able to have their own schools. At that time, the province of Manitoba had a publicly funded system of Protestant and Catholic schools. My forebears, being of the Mennonite faith,

did not receive nor want any funding in the running of their schools. They simply wanted to be left alone to raise and educate their children according to their practices and conscience.

All of this began to change in 1890 when the Manitoba schools act came into being. This, of course, caused a great upheaval in Manitoba and Québec because of the disenfranchising of the Catholic French minority. The intention at the time was not to do away with faith instruction, but to lessen the partisanship that then existed between the many faith communities and to make loyal British citizens out of the many immigrant groups from all over Europe.

For many years the Mennonite schools continued to exist beside the public schools. Beginning in the 1920s, the Province began to enforce The Public Schools Act in Mennonite communities. This caused a lot of consternation among the Mennonites. Many Mennonites refused because of their faith and were impoverished because of the fines that were levied on them. And because of the guarantee they had received from Prime Minister John A. Macdonald when they immigrated, the Mennonites took it to court and, in fact, it went all the way to the Privy Council in London, which stated that the guarantee by the federal government, in writing, wasn't valid because education was a provincial jurisdiction. This decision prompted thousands of Mennonites to flee Canada for Paraguay and Mexico, where they were guaranteed the right to operate their own schools.

While I disagree with how the provincial government of the time went about the enforcement, I do agree that the Mennonite schools of the time had poor academic standards and did need upgrading and did need to begin to offer English instruction.

Since that time, private religious schools in Manitoba have been allowed as long as they adhere to reasonable educational standards, and, if they adhere to provincial educational standards, have received partial funding. They have always been able to teach their faith and teach other courses from their faith perspective as guaranteed first by Parliament, then by the Bill of Rights, and now by the Charter of Rights. In any case, my ancestors took their faith in life very seriously. I do as well.

I believe that Bill 18, as it is currently written, is an encroachment on the rights that I and my family have under the Canadian Charter of Rights and Freedoms. The freedom of religion is the first right

talked about. I'm not implying that it is more important, but that it is one of the rights that first was recognized in our land. It is very possible that Bill 18 will cause a faith-based school to be forced to allow a group to exist on campus whose sole purpose is to promote something that is against our faith. I believe that this is a continuation of a slow but steady encroachment on our freedom of faith. I fail to comprehend why one right is raised above all others.

This—the statistics on bullying in schools show that bullying occurs for a multiplicity of reasons. How many people are bullied in public schools because of their faith? Why is that not specifically mentioned? The law that is now being proposed implies that unless approval is given to a particular viewpoint of sexuality, bullying is happening. This is simply not true. I, as a person of faith, have often not experienced approval for my beliefs and practices. That does not mean I experience bullying. There is also no evidence that people with homosexual leanings experience bullying in a significant way in faith-based schools in Manitoba unless, of course, they interpret disapproval of their actions as bullying. Respect of persons has nothing to do with approval of actions.

Secondly, the definition of bullying as it now stands in Bill 18 is far too vague and open to interpretation and abuse. The idea that by stating what I believe to be true in terms of faith could be construed as bullying goes against my constitutionally protected freedom of speech and religion. In the recent Whatcott case, the Supreme Court of Canada ruled that a portion of The Saskatchewan Human Rights Code, section 14, which addressed hate speech, should be struck out: the terms ridicules, belittles or otherwise affronts the dignity. While language that ridicules or belittles others could be hurtful to others, this restriction on speech was found to be a violation of free expression rights.

To show the ludicrousness of this proposed law, all you have to do is go and read any of the comment sections after the articles on CBC.ca that have to do with the public meeting held by the Steinbach Christian High School on Sunday, February 24th. The vast majority of derogatory comments and name-calling towards all evangelical Christians by people who weren't at the meeting, have no idea what was really said and what went on, would all be considered bullying under your proposed legislation. I could claim that both my feelings and self-esteem have been hurt. Does that mean they should not have

the right to speak their conviction? No. They should have the right, although in many of those cases, it was neither civil nor respectful.

Do I agree that there is a problem with bullying in school? Absolutely. They should have—in—to make the feelings of another person the ultimate test of actions is far too subjective. However, to be considered a bully simply because of repeating what the Bible teaches or because I might hurt someone's feelings inadvertently is unenforceable. It will lead to trivial and ridiculous expulsions and lawsuits.

I wish we could stop bullying. As a student of humanity and as a student of the Word of God, I can say fairly confidently that we never will. As long as people are selfish, and dare I say, sinful, we will have bullies. Can we mitigate it and work toward meaningful ways to deal with and help those bullied? Yes. But I do not believe that Bill 18, as it is currently written, does that. It begins to trample on freedom of faith for faith-based schools and introduces vague and unenforceable definitions.

I urge you to reconsider the bill as it now stands.

Mr. Chairperson: Thank you very much for your presentation, Mr. Dyck.

We'll now move to questions.

Ms. Allan: Pastor Dyck, thank you very much for being here this evening. Obviously, you've put a lot of work into your presentation, and thank you for the history that you've put into your presentation. We've had a lot of people do that over the course of the last eight days, and we've appreciated that immensely.

Once again, thank you so much for being here.

Mr. Goertzen: Pastor Dyck, just a couple of comments. I want to thank you as well for the history. I think it's important because a lot of people who come to Canada, even today, and value freedom of religion, they might not be coming from countries where their religion was oppressed, but it's often—we see the surveys—it's one of the top reasons they come to Canada. And we've heard, not just from the Mennonite community or the Christian community or from the Muslim community, the Sikh community; many Filipinos represented the Catholic community, who have expressed that that's important to them, and they've expressed concerns about Bill 18.

I also want to thank you for mentioning that meeting on Sunday, February 24th. I think about 1,500 people came out, and most of them came out

not knowing what Bill 18 was about at all. And they wanted to come and just hear what it was about. And I'm sure some people left with different opinions, but I said at the time that I was proud of the people who came out—still am—who—people who came to that meeting to hear about it. I got mocked by the NDP caucus. They put out a press release mocking me for being happy that people came to a meeting to hear about a bill. You know, could've hurt my feelings, but I got pretty thick skin, I suppose.

But I appreciate you mentioning that because I don't care if I get mocked for saying that it's good that Manitobans are concerned about a bill. It's—I'm not ashamed to say it's good that you and others have come out and expressed your view, and then government can mock me all they want in their news releases. Thank you very much.

Mr. Chairperson: Seeing no further questions—Dr. Gerrard.

Mr. Gerrard: I just want to say thank you very much for coming and presenting here.

* (19:50)

Mr. Chairperson: Seeing no further questions, thanks for your time this evening.

We'll now call on John Loewen, private citizen.

Good evening, Mr. Loewen. Do you have written materials for distribution?

Mr. John Loewen (Private Citizen): No, sir.

Mr. Chairperson: Okay, you may proceed with your presentation whenever you're ready.

Mr. Loewen: Not really much of a public speaker. Ten minutes is a lot of time to fill. I'll leave that to those who do it professionally, and I'll be brief. Presenting this late in the process leaves me with the feeling that it's all been said before. I do hope the points I'll be raising have all been said and that everything I'm about to say has been recognized by the committee already.

Logically, bullies feel that bullying—only bullies feel that bullying should be ignored. The mass majority of our society, those who are victims or feel they will potentially be victims of bullying and those who have not experienced bullying, cripple—the cripple—bullying's crippling effects, all firmly believe that bullying should not be tolerated. So it being said—it can be said that—so it can stand to be said of the two sides that seem to be emerging in this debate, both agree on the point that bullying should not be

tolerated. So if it's so obvious that bullying should not be tolerated in our society, why are we debating this issue? I think the problem lies in how the solution is being presented. And to begin to find a solution to this, both sides need to realize that both are pursuing the same goal.

So let's examine the bill from the point of view of the reaction it's getting. There have been two obvious sides emerging, and let's be blunt. In general, it seems to be the LGBT community and its supporters versus the Christian right and their supporters. At least this is what the media would have us believe. But what is it about the bill that is setting them both off, if both sides agree on what the purpose of the bill should be? I think the answer to this lies in the perception each camp has over the other: the LGB community has a hidden agenda. Most of the friends I have who are part of the LGBT community or support it would laugh at this notion, but they might just as well believe that the Christian right is trying to reserve their right to bully gays. I'm sure when it's stated like this, it seems quite laughable. But just to be sure—you can be assured that this is not the case.

These may seem like obvious points, but it's the subconscious belief in these lies that drives the two sides apart in this debate and slowing progress towards leaving—alleviating our schools from the problems associated with bullying. The LGB community needs to realize and to believe that the God that Christian beliefs represent, no matter how poorly His creation has represented Him, cares for them and their concerns. And the Christian right needs to know that the LGB community in our society needs to be acknowledged and cared for.

But what does this all have to do—what does all this love, peace and understanding and bringing opposite sides together have anything to do with Bill 18? The point is simply this. The bill, as written, is driving two sides apart that it's supposed to be bringing together. How this could be fixed, I'm not going to address here. I'm sure the committee has heard more than enough ideas this week. While you're still our elected officials, we still trust that you can find a solution to the—to better for—to be better for the people, all the people. Both sides are against bullying, but that single unifying fact is being overshadowed by the passion and intensity generated by the way this bill has emphasized protection of one group more than any other. The bill must be changed for the sake of society—for the sake of the society it's trying to protect.

Thank you for your time. Any questions I can answer?

Mr. Chairperson: Thank you very much, Mr. Loewen. We'll now move to questions.

Ms. Allan: Mr. Loewen, thank you very much for your presentation. It's surprising how fast 10 minutes can go when you're speaking. Thank you, once again, for your comments and your thoughts this evening on Bill 18. We appreciate you being here.

Mr. Goertzen: Thanks, John. It's very pragmatic, you know, and I think, of the presentations that I've heard, I think you addressed it very head-on, how there's probably misconceptions in two of the communities that are talking about this bill. There's many others, but I mean, you certainly identified two. And I think that, you know, you talked about there's a common ground and how to find it. I mean, I think, really the—probably what should have been done is there should have been a consultation, should have been opened up to many people, to young people, to identify the issues and then try to come up with a common way to address them, because I think you're right. All kids need to be protected regardless of the reason and to do it in a non-divisive way.

I mean, do you think that's one thing we could have done, is to sort of just start at a base level without any preconceived ideas of solutions or even the problems, I suppose, and get together young people and other leaders in the community and say, what are the ideas and go from there?

Floor Comment: Yes.

Mr. Chairperson: Sorry. Mr. Loewen?

Mr. Loewen: Yes. Consulting with the people whom this bill could and will affect would have been a good place to start.

Ms. Oswald: Yes, thank you very much, Mr. Loewen, for your presentation. I apologize if you said this at the beginning, but I wasn't sure that I heard correctly if you're a teacher or not. If you're not, I wish you were. Let's put it that way. You're a marvellous presenter and communicator.

I guess, as I have listened to the presentations and read the presentations, and, certainly, coming from the perspective of the Minister of Health, one of the things in your presentation that I'm concerned about is the interesting point that you make about the singling out of one group and that maybe that that's what's causing the divide between the two sides that you so clearly articulate. But, statistically speaking,

we also know that of our young people, our too many young people that are making attempts at suicide and, heaven forbid, being successful in their attempts, there are a disproportionate number of LGBTQ kids that are doing this. And I wonder what your perspective would be about this legislation, indeed, singling out a group, albeit encapsulating groups—all groups under The Human Rights Code, but singling out that group, perhaps, from that perspective—I wonder what you would think just about that statistical reality and our need for collective efforts to try to stop that from happening.

Mr. Loewen: I'll answer your question by posing another question: Why would it be so hard to just say all groups inclusive?

Ms. Oswald: Well, I guess, in my view, it does say that in section 41—requires school boards to respect all protected groups under Manitoba's Human Rights Code, and then does go on to make issue with the gay-straight alliance provision and allowing the opportunity for kids to meet with a view to the fact that there is this disproportionate number of kids that are so frightened that they're hurting themselves from that LGBT community, and I know that it's a problem that, as you said at the beginning of your presentation, I suspect that we all care about, and I just wondered about your view on—and effort to try to address that horrible statistic head-on.

Mr. Loewen: Can you tell me what the statistic actually is?

Mr. Chairperson: I'm going to ask the committee—I want to recognize Dr. Gerrard. I appreciate the back and forth, but Dr. Gerrard has had a question that he'd like to pose, so I'm going to recognize him first.

Mr. Gerrard: Thank you for searching for some balance here in bringing people together. It seems to me that part of the balance that you're seeking is if you're going to recognize certain groups, then recognize, for example, protection of bullying on the basis of religious beliefs and that, you know, even though it's covered in The Human Rights Code, in a sense, and tied in that it would be important to put it in the bill, just to achieve that sense of balance. Would you comment?

Mr. Chairperson: Mr. Loewen, and we have about 30 seconds left.

Mr. Loewen: Quite frankly, I'm apologizing. That's beyond me. I don't know.

Mr. Chairperson: Time for questions has expired, so thank you very much for your presentation this evening.

Well now call on the next presenter, Francois Grenier, private citizen.

Good evening, Mr. Grenier. Do you have written materials for distribution?

Mr. Francois Grenier (Private Citizen): Yes, I do.

Mr. Chairperson: We'll just ask the staff to help you distribute those, and you may proceed whenever you're ready with your presentation.

* (20:00)

Mr. Grenier: Thank you to the committee for allowing me to speak of my opinion of Bill 18. My name is Francois Grenier, and I currently live in the beautiful French community of La Broquerie. I have three young children, with two currently going to the local French school, École Saint-Joachim, which is part of the DSFM school division.

I, like all of you here tonight, believe that each student deserves a safe and inclusive learning environment. There really is no debate about that. I think our government has introduced Bill 18 as a knee-jerk reaction to the story of Amanda Todd, which has—was followed up with Rehtaeh Parsons' story too soon after. Unfortunately, our government has used these events to push a flawed bill that will, in my opinion, bring a vague definition of—to bullying that will be impossible to enforce.

Instead, they could have easily shown a bit more respect to these poor, bullied individuals by honouring them, by educating all students, teachers, parents, and principals that it is time to speak up against any bullying. Because under the current Public Schools Act, all students are protected. You see, as it is stated right now in The Public Schools Act, starting at 47.1, all students are to be protected from abuse, whether it be physical, sexual, psychological, whether it be orally or written, all students are to be protected from bullying, including cyberbullying. All students are to be protected from being discriminated, which includes the characteristics set out in the Human Rights Code, which are: all students are to be protected whatever their ancestry including colour and perceived race; all students are to be protected whatever nationality or national origin; all students are to be protected whatever ethnic background or origin; all students are to be protected whatever religion or creed; all

students are to be protected whatever their religious belief, religious association or religious activity; all students are to be protected whatever their age, their sex; all students are to be protected whatever their gender identity; all students are to be protected whatever their sexual orientation; and it goes on and on and on. These are all listed in the human rights act—Human Rights Code.

As you have heard it, it is very clearly laid out and it is clear which characteristics under the Human Rights Code that all students are protected. My question to this government is, if we are so dedicated to making a difference in combating bullying, why are we not enforcing the current Public Schools Act as it is written? Why are we creating amendments to an unbroken legislation. If there is currently flaws in The Public Schools Act, can you show us which parts are not working and how you've come to this conclusion. Why are we promoting and supporting only a few of the applicable characteristics listed in the Human Rights Code instead of all?

In the past days, people have shared their own personal bullying stories and I'm sure there will be more in the following presentations. It is very unfortunate and I feel for these people that have been bullied. My only worry is that these stories were made possible to reoccur not because there were no laws to protect them but because of failure by our current government to further educate the students on how to safely report these incidents to their teachers, principals and parents. These bullying incidents need to be reported at the earliest moments so that they don't reoccur and educating our students on this is the key.

I don't know of any principal that currently wouldn't take any bullying incident seriously and, further, take the appropriate measures to deal with it once it has been reported. It's not only what every good hearted human would do, but it is also what is mandated currently in The Public Schools Act. You see, every employee of a school board, every employee of a school division, every employee of a school district or any person who cares—who has care and charge of any students must report the matter to the principal, whatever bullying incident must be reported. Again, it is very clearly laid out that all cases of bullying must be reported and that basically everyone is mandated to inform the principal of these bullying acts.

I truly believe that if the current Public Schools Act was enforced and if we would educate students

on how important it is to report bullying, bullying would not disappear, but it would definitely be stopped in its earlier stages and before getting out of control. If our current government cannot educate students on this law as it stands, why would these new amendments make any bit of a difference? I believe that once the government can fully enforce the current Public Schools Act as it is currently written, then maybe we can start considering making changes. Until then, I ask that you repeal Bill 18 in its entirety.

Now it's been very clearly stated by Minister of Education Nancy Allan, as well as Premier Greg Selinger, that there will be no compromises to this bill and that it will be passed exactly as it is written. Unfortunately, exactly what our government is trying to stop is what they are promoting by acting as bullies themselves. I urge you, as a committee, to please listen and consider all presentations that have gone before you and put yourself in these people's shoes and ask yourself these two questions: No. 1, if the bullying act was reported appropriately and in a timely manner, is the victim currently protected by the current Public Schools Act? And No. 2, would Bill 18 actually make a difference in this very instance?

Our government, as it stands now, has been very clear that they will not repeal this bill. But I ask that, if possible, a compromise be made and you consider making these amendments to Bill 18. Please remove from section 1.2, hurt feelings and self-esteem, from the bullying description. Describing bullying in a way that is so broad by including hurt feelings could be and would be considered bullying. For instance, in coaching situations, a player may sit on the bench longer than another player, and a player's feelings may get hurt. A student may receive a mark or a comment on a test that would be taken the wrong way and say that his or feelings were hurt—or her—his or her self-esteem attacked. There are many examples of how this broad definition of bullying could perceive good-hearted people as bullies.

My second amendment that I would recommend is to remove the following line in section 1.2(2)(a): real or perceived power imbalance between the people involved. This statement is used to determine whether or not bullying has occurred. By writing the amendment in this way, you are clearly putting anyone in a position of real power imbalance, for example, coaches, teachers, principals or anyone in a position of perceived power imbalance such as students, a student that is taller or stronger or maybe

smarter or even a team captain. These individuals are targeted as bullies when they themselves could just as be the ones being bullied as a result of this same power imbalance.

For my third amendment, I would recommend to remove section 41(1.8): student in its—student activities and organizations, to remove it in its entirety. By adding this section, you are privileging certain students and excluding others. You are clearly violating your own Human Rights Code by discriminating against all those not listed in this list. To protect or grant special privileges to a few types or groups of students at the exclusion of other students, cannot be justified. This is the inherent problem with listing groups that deserve protection. Some are always left out. Fundamentally and principally, every student should receive equal protection and equal opportunity.

I thank you for your time and consideration and hope that you will truly take a look at Bill 18 and repeal it in its entirety or at least make the proper amendments as recommended to the committee.

Thank you very much.

Mr. Chairperson: Thank you very much, Mr. Grenier, for your presentation.

We'll now move to questions.

Ms. Allan: Mr. Grenier, thank you so much for your presentation this evening, and thank you for your comments about Bill 18.

I beg to differ with you, Mr. Grenier. I do not believe that Bill 18 is a knee-jerk reaction to the death of Amanda Todd or Rehtaeh Parsons. I believe that this legislation provides new tools for educators in our public education system to provide safe environments for young people who are bullied through social media. I believe that that is our responsibility as policy-makers to up the standard and up our laws in regards to the incredible situations that are happening all across this country in regards to social media. It is very complex.

* (20:10)

The definition of cyberbullying is expanded in the legislation, and I believe that this is a good thing to protect young people from being bullied through social media.

Thank you very much for your comments tonight and for being here. We appreciate it.

Mr. Goertzen: Mr. Grenier, thank you for being here this evening, for your comments.

It's funny the government has said publicly that one of the reasons they brought forward this bill is the result of the tragic Amanda Todd case and the tragic Rehtaeh Parsons case.

You know, they did a very different thing in Nova Scotia in response to the horrible death of Rehtaeh Parsons. They took a very different approach. In fact, they took a much more inclusive approach and they gave some powers to their law enforcement. They did something else, and it touches on what you presented on; they put in place an enforcement unit. And the enforcement unit actually goes and investigates cases of suspected cyberbullying. It looks for the IP addresses. Works with police on that. So they do very much what you say; they're doing enforcement.

So you mentioned Rehtaeh Parsons, and it's interesting that in Nova Scotia, in direct response to her tragic death, they did something completely different than this bill. Do you think that it would be important to have that kind of enforcement provision to either enforce existing laws that are there, or other kind of laws?

Mr. Grenier: I'd like to respond to something that Nancy Allan has said first, and I—and then follow up with an answer to you.

Nancy Allan said that she is adding to the definition of cyberbullying, but that is actually a lie because she's taking out the definition of cyberbullying. You will see that it's being removed. That—at least, that's the way I've seen it. You have put more stuff about cyberbullying by saying social media, but it was already covered by saying any Internet activities, under the cyberbullying definition. So, really, any Internet activity is already covered. So to say that you're adding to cyberbullying by removing it, and then not defining it any more, you're actually lying to me and to the media and to everyone here. So I take offence to that.

And to—and honourable Kelvin Goertzen, I would add that, absolutely, we have current laws that are in place to protect many people. The more we enforce these laws right now, the more we tell our students that they need to report any incidents of bullying, or any harm that is being done to them, they need to report this to their teachers, principals, parents. And if the law need—if the police need to get involved, we need to let them know. And that's why

we report it to the principal, because the principal will look at the—every incident of bullying and will make, I believe, like any other good human would do, would make the right decision, and let the appropriate authorities know.

Let's enforce the laws that are there. Let's take this—The Public Schools Act as it is written right now, and let's push it. Let's show people what is in there. Right now, what we've done is we've taken—we've done a knee-jerk reaction because we've said, there's nothing in here. We've wasted so many months that we could have been telling students, you have ways of telling; please tell your teachers, please tell your principals, please tell your parents if you are being bullied so that we can take the appropriate actions.

Mr. Chairperson: Thirty seconds.

Mr. Grenier: What's that?

Mr. Chairperson: Thirty seconds remaining.

Mr. Grenier: Right now we have nothing from our government that is saying that. They're saying nothing is there; that we need this antibullying bill. Instead, it really—what I see is pushing their own agenda of something else, because we have something that is there to protect from bullying.

I thank you.

Mr. Chairperson: Time for questions has expired. Thanks so much for your presentation.

We'll now call on Fiona Smith, private citizen. Good evening, Ms. Smith. Do you have written materials for distribution to the committee?

Ms. Fiona Smith (Private Citizen): No, I don't.

Mr. Chairperson: Okay. You may proceed whenever you're ready.

Ms. Smith: Okay. Hi. I'm really honoured to be here, and I'm thankful to be a part of a process of an ongoing discussion with so many different points of view.

I'm here—I'm a psychiatric nurse, a registered nurse, and I'm a psychiatric nursing instructor. So I spend my time teaching people who hope to become registered psychiatric nurses how to conduct themselves in attending to others from diverse backgrounds, who are suffering, and who are experiencing mental illness and distress.

And so part of the reason I'm even here—I'm quite comfortable talking in a classroom where I can

be the expert—I am outside of my area of expertise here, and so I'll try to keep my comments to where my experience is.

I'm here as a result of conversations with students in class who have challenged me on some of my beliefs, on some of my ideas and on putting my money where my mouth is. Coming from the perspective of a mental health person, I look at Bill 18 and the process around it, and I have worked also as a children's mental health clinician and so have worked with families and with students who have been bullied in the school system over the years. I, also, when I teach my students, talk about the developing mental health strategies in Canada and in Manitoba: the Changing Directions, Changing Lives; the Evergreen child and mental health framework for Canada for children and adolescents; and also Manitoba's mental health strategy, Rising to the Challenge; and the common values contained in those around human rights, dignity, respect and diversity for all persons.

The Evergreen strategy particularly related to child and adolescent mental health goes on to say: Young people and their families will receive equal access to opportunities, supports, programs, services and core practices that match their diverse needs associated with age, gender, sexual orientation, health status or ability, religion, legal status, social or economic status, geographic location, language, culture, ethnicity, First Nations, Inuit or Metis identity or other similar personal, family or community characteristics. You have a challenging task in accommodating—in writing legislation that address such a diverse group of people as lives in our culture and our society in our province.

It's important that all persons are included. As a mental health nurse, I'm all too aware of the effects of stigma. Stigma, when people are socially excluded, not included as part of a society, and then what results is ignorance and negative attitudes about groups of people that we're poorly informed about. And these negative attitudes contribute to discriminatory behaviour in terms of what people have access to, what rights they may have within a society, and the discriminatory behaviour will continue the circle, that there's then continued social exclusion, continued stigma. And we could plug any number of groups into that pattern, whether it be persons with mental illness, whether, in another day, it may have been women, whether it may have been Aboriginal persons who are not 'continuously'—considered persons.

So when we look at stigma, and as a psychiatric nursing instructor and as someone who teaches family counselling, mental health and has worked in children's mental health, someone talked about what is the statistic of 'lifeside' 'sui'—lifetime suicide attempts for highly rejected lesbian, gay, bisexual and transgendered people? Eight-and-a-half times higher; eight-and-a-half times for youth who experience rejection from their families because of their sexual orientation or their gender identity. Small differences in rejecting behaviour, and this comes from the Family Acceptance Project out of the—San Francisco, small differences, small changes in accepting their children as they are reduce the risk markedly.

I'll stay brief in commenting on every class and every school because not just LGBT youth are affected by bullying and homophobic attitudes. I see that Catherine Taylor's 'nist'—name is on the list after me, and the idea that 58 per cent of straight students, 1,400 students in their survey, were upset by homophobic comments—why? Because they were targeted because they were assumed to be gay. They weren't a manly enough boy or a girly enough girl. Because they may have had an LGBTQ family or friend. Because they feel empathy for the victims. Because they're ashamed of themselves for participating or remaining silent. Because they're depressed to be involved in a community that abuses people when they have done nothing wrong. That it's not about their behaviour.

My understanding is that sexual activity should not be happening in schools, that people should not be looking under anybody's bathroom door. It's about who people are and that children need to have some sense of a safe place to build resilience in the face of risk and rejection elsewhere.

Why does this matter to me, why this particular piece? Because I'm hearing, in the slice of the media that I receive, a group being identified as being excluded, and I'm hearing reference to the LGBTQ community as if this is a unified community. And I'm hearing this as someone who is continuing on a learning journey of my own.

* (20:20)

When I teach family counselling, I teach the Calgary Family Assessment Model, and there are categories that you direct students to look at. And one category that I would just gloss over in the assessment assignment was gender because gender is obvious. People are either male or they're female.

You might talk a little bit about, this is a family with traditional roles, a family with non-traditional roles. And then life challenged me and I met, in the space of one year, three families in my natural social circle who had children who came out as transgender. And I've had the—life has taught me the types of suffering that is involved for those children and for their families. And these are persons who—synchronicity, serendipity, as I'm preparing to leave here today, and had my very studious presentation that I was going to stay to the theory—the Facebook activity on my account was number one. A friend who teaches philosophy in a college in Québec, distressed about legislation in Québec limiting people's ability to display their religion. Another Facebook comment was about the prerogative of parliament and the fact that the bill that may provide human rights for transgender persons in Canada may not make it through, and the other communication I got on the way out the door was someone from CBC news.

Because in my learning I've engaged in graduate studies and I'm looking at what is the experience of families with children who do not fit the stereotypes for male or female—wanting to find families that would be willing to talk about their children's experience and that'll be difficult to do because they don't feel safe. Because I've been doing this work, I have families who've contacted me from across North America, families who have moved their children across country to be able to attend school safely, to be able to live in their neighbourhood safely.

So I thought that gender—transgender children—gender non-conforming children were a rarity. I thought they were 1 in 300,000, and once I have entered into the process of engaging in learning and research about it, I have people finding me at an alarming rate. Now, maybe they're not all in the extremes that people would call trannies or freaks or other abusive language, but there are plenty of children and studies suggest 5 to 10 per cent of preschool age children and early-school age children, by questionnaires, do not fit typical gender behaviour. And the school—national school survey is finding that these are probably the kids who are experiencing homophobic bullying because they don't fit into what's expected in the boxes, but they do not necessarily fit in the boxes that people are pegging for them either. So I think it's important that all people, that federal and provincial commitment to mental health promotion and inclusion is in support of parts of Bill 18, that LGBT youth are at risk of

negative health outcomes, that all children are at risk of negative health outcomes if we do not provide inclusive, supportive and safe student spaces for all students across all those dimensions.

Mr. Chairperson: Thank you very much, Ms. Smith, for your presentation this evening.

Now move to questions.

Ms. Allan: Well, thank you very much, Ms. Smith, for your presentation this evening. Thank goodness, in this committee process, people who come forward to speak, who don't have a written presentation, their presentations are documented so that people can read them again. Because you didn't have a documented presentation this evening and you have said so many very profound things tonight, and I am—I can guarantee you that I'm going to read what you said again, in the future, to remind me of how important this legislation is. Thank you.

Mrs. Heather Stefanson (Tuxedo): Thank you very much, Ms. Smith, for being here tonight and for bringing your perspective and sharing your stories and your perspective as a psychiatric nurse to this committee tonight. I appreciate you being here and taking the time out of your schedule. It's very important to come forward when you believe strongly in issues and so we appreciate you being here tonight.

Mr. Chairperson: Seeing no further questions, thanks again for your presentation.

Ms. Smith: Thank you.

Mr. Chairperson: We'll now call on Philip Watts, private citizen. Mr. Watts, do you have written materials for distribution.

Mr. Philip Watts (Private Citizen): No, I don't.

Mr. Chairperson: Okay, you may proceed with your presentation whenever you're ready.

Mr. Watts: I'd like to begin by thanking you all for all the time that you've taken to give public citizens the opportunity to make their voices heard in this whole process.

And so many of these ideas have been canvassed over and over again. While I'll keep my points brief and narrow to the point, I do think that there are a few issues that I have with the current proposed bill. First off is with the limitations on freedom of expression, which has been raised many times here. The Supreme Court ruled this year in *Whatcott*,

defining in what circumstances the freedom of expression will be limiting—limited, sorry—and narrowing it to that which falls within the expression of hate speech. What I find, one of the issues, problematic with the definition of bullying here is that it encompasses behaviour and speech that go far beyond what the court has shown Canadians is the reasonable limitation on speech. I think that this limitation is more significant with the independent schools, independent, primarily religious schools, in that this act would apply. Political and religious speech have been treated differently by the courts and have been given more prominence as certain types of speech have, as playing more of a critical role in our society.

So, when the court stated that freedom of religious speech and the freedom to teach and share religious beliefs are unlimited except by the discreet and narrow requirements that this not be conveyed through hate speech, it created a very limited exception to be able to restrict that type of speech. From what I've heard in presentations here, much of the conversation about freedom of expression has centred around the limitations on primarily independent school boards to be able to make their positive speech to oppose those notions that are going to be required under the human diversity policies.

But I think there's another issue that's potentially problematic in this, and that's because freedom of expression in Canada has been protected, not only in the negative sense of restricting speech, but also in the positive sense, in that it protects persons from forced speech. There—it protects from the obligation to make statements that a person does not make of their own volition and that they do not necessarily agree with. It could be contrary to their conscience or it could be otherwise. It's gone so far as to be applied in Canada by the Supreme Court, in *RJR-MacDonald*, to apply to tobacco corporations, successfully challenging Health Canada laws obligating them to make statements on their tobacco packages, and in which case they successfully argued that they did not have to make these expressions that could be attributed to them. The court permitted Health Canada to put warnings on packages that are clearly attributed to Health Canada so as not to be viewed as a—by the public as speech coming from those persons, corporate persons, and thereby violating their freedom of expression by having a forced coerced speech.

This bill requires the school boards, and in its application to independent and even religious school boards, it requires them to draft a human diversity policy, and that human diversity policy will have to include things laid out in section 41(1.8). To the extent that this forced type of expression does not conform to the convictions and beliefs of the ones that are going to be required to make this statement, I think that that would infringe the freedom of expression that those parties, even corporate parties—as many of our independent schools are incorporated—that it would infringe a Charter right that they have to refrain from freedom of expression which they disagree with.

* (20:30)

There are balancing factors to when rights will be balanced. But with the Supreme Court referring to religious speeches being limited only in the narrow exception that it doesn't come across in the form of hate speech, it would be difficult to argue that failing to make a forced or coerced speech constitutes hate speech, or in the sense that silence or failing to make the policy as required to be drafted would fall within that narrow exception of hate speech, which the Supreme Court has specifically said is the narrow exception on religious speech.

A second point that has been reiterated by many of the people speaking here has been the problem with equal treatment under the law, that cultural groups and religious groups don't have the same ability to be accommodated in the creation of clubs that other groups do. And, again, I won't—I raise the issue but I understand how it has been canvassed significantly by many presenters previously.

My third and final point or suggestion is one that I think would apply to all schools, independent and public, and I don't think it would be necessarily a controversial point at all. And this goes to, again, section 41(1.8), where it says the respect from human diversity policy must accommodate pupils who want to establish and lead appropriate activities, and it goes on. In this regard I would put forth that the accommodation should be prefaced by the word reasonable, that it would be reasonable accommodation. This is a concept that's very common in our human rights legislation, and, typically, many of the litigated disputes over human rights cases turn on the notion of whether or not the accommodation was reasonable. I think the same thing—if put into this bill that there was reasonable accommodation, I think it would give school boards

and trustees the flexibility—and ministers, too—the flexibility, the—that they require in order to implement policies that will allow for these groups but do so in a way that won't disrupt the educational climate and will do so in a way that will not infringe or unduly restrict the rights of others.

I also think it's uncontroversial because I don't know why there would be opposition to the notion of inserting reasonableness into this accommodation. Clearly, any club, no matter what the requests are, cannot be accommodated, and, in reality, the administrators of a school will need to use their own reasonable judgment in how far to accommodate certain groups, especially with ones that have competing interests—

Mr. Chairperson: One minute remaining.

Mr. Watts: Okay.

So in light of that, the need for reasonableness to be used anyway, I don't know why any party—and to this committee—would oppose the notion of having reasonableness, reasonable accommodation be the standard for accommodating these student groups.

Mr. Chairperson: Thanks very much, Mr. Watts, for your presentation this evening.

We'll now move to questions.

Ms. Oswald: Mr. Watts, I want to thank you for your time this evening, which I am guessing is quite precious, and for your advice.

Mrs. Stefanson: Thank you very much, Mr. Watts, for your presentation tonight. You've obviously put a tremendous amount of research into this presentation, and it was very well delivered tonight and a lot of thoughtful things for, I think, the committee to consider. So thank you for bringing your perspective forward tonight.

Mr. Chairperson: Seeing no further questions, thanks very much for your time.

I'll now call on Andrew Fast, private citizen.

Good evening, Mr. Fast, do you have written materials for distribution?

Mr. Andrew Fast (Private Citizen): Just for myself.

Mr. Chairperson: Feel free to start whenever you're ready.

Mr. Fast: All right. Before I get started, I just want to say this is something I definitely don't do. It's a

little out of the ordinary and I'm a little bit nervous, so I just want to apologize to the people behind me for the sweaty-back syndrome.

Hello. My name is Andrew Fast. I'm a husband, a father and a small-business owner in southeastern Manitoba. We live in an amazing country and province, one that allows us the freedom to stand up for what we believe in. I'm particularly grateful for this freedom, as my grandfather lost his brother at the Buchenwald concentration camp for speaking up for freedom.

There was countless stories, and I want to thank all those who have been vulnerable enough to share theirs. This evening I'd like to share with you my own personal experience with bullying.

Growing up in northern Manitoba had its challenges. Grade 1 and 2 proved to be particularly challenging years. I became the target of bullies. I was punched, kicked, thrown to the ground. I even remember having my lunch smeared on my face.

My parents sought the help of teachers and the principal, only to be shrugged off. This was a very difficult time for me and my parents. Looking back, I still don't even know why they picked on me. The bullying got worse and worse, until one day my older sister had had enough. She chased those boys around the playground and kicked them. I remember watching this and feeling as though a huge weight had been lifted off my shoulders. What a relief to know that someone had had my back. I wouldn't have had—I don't have to hide of fear anymore. Looking back, it's sad to think my sister had to take matters into her own hands. It doesn't seem right to fight fire with fire, but, in the end, my sister's defence was the only thing the bullies understood.

My next experience came in grade 7. This was a different kind of bullying. This time it was in the form of verbal bullying. I was mocked, threatened, harassed and taunted, all because my Christian faith. Everyone that I considered my friends seemed to get on the bandwagon, in some sort of way. I felt extremely alone and vulnerable as I seemed to be the only Christian in my school. I did not share with my family what was happening. I remember how hard it was on them the last time I went through this. I bottled up all the hurt and emotion I was feeling.

It started to affect me in many ways. My grades took a downward spiral. I felt major pressure to impress my peers. I desperately wanted to win their acceptance, to feel like I fit in. The thought of not

being mistreated seemed so much better than to stand up for what I believed in.

My parents were very aware that something was not right. When the option came to switch schools, my parents jumped at the opportunity. My new classroom had a teacher who first set strong, clear parameters for behaviour in his class. Then he personally invested the time to encourage us to achieve; there was no room for bullying. A fresh start is exactly what I needed. By the end—excuse me—by the end of grade 7, I found myself on the honour roll.

Looking back at these stories, I have to ask myself, would Bill 18, as written, have helped me as a young boy? And my honest response would have to be no, and here's why: It fails to provide any consequences for bullying. If caught, what kind of punishment would my aggressors have faced? It fails to provide adequate parental notification of bullying incidences when their children are bullied or accused of bullying. Shouldn't the bill include measures how the school can partner with parents? And, most importantly, it fails to provide equal protection for all children who are bullied for any reason. If Bill 18 is passed as written, it lets certain groups at the exclusion of other children, who may also need protection, like myself when I was bullied because I was a Christian.

From my understanding, we already have an antibullying legislation included in our Public Schools Act, which requires schools to have a code of conduct that covers all types of bullying. Rather than creating more legislation, I would like to see our attention focused on making what we have in place work by providing education for students, parents and teachers, on how to handle bullies, their victims, and also how to help bullies who are often victims themselves.

Thank you very much.

Mr. Chairperson: Thank you very much, Mr. Fast, for your presentation this evening.

We'll now move to questions.

* (20:40)

Ms. Oswald: Yes, thank you very much, Mr. Fast, for your presentation.

I've been quite interested, as this process has gone on, the number of presenters that have come forward and said this isn't what I do, I'm not used to presenting. Nobody's actually made reference to back

sweat before. You are an original in this regard. But almost every time, if not every time, these are the presentations that are the most powerful, the most personal and authentic, and ones that reach into our own past experiences, and so if you're going to walk away doing self-evaluation, as we all do, I'm reasonably sure people on both sides of this committee think you did an A+ job—probably everybody at the back, too, but I don't want to speak for them.

I wanted to just very quickly say, Mr. Fast, that I really want you to know that Bill 18 does build on previous antibullying legislation concerning notification of the parents. I really want you to feel safe and good about that fact, that if a principal believes that a pupil of the school has been harmed as a result of bullying, that they must, as soon as possible, notify the parent. So I just want you to know that that does build on that, that that already exists, and I think it's a critically important point that you make, and that, of course, we hope that Bill 18, as crafted and as it references all groups protected under the Manitoba Human Rights Code, is going to protect all of our children and let them grow up to be as, well, great as you are.

Mr. Goertzen: Thanks very much for your presentation. It was powerful. Have you ever told that story before about being bullied?

Mr. Fast: Both of them, or just the one?

Mr. Goertzen: Either one.

Mr. Fast: Yes, maybe in the last six months—well, the first story my family knew, but the second story they had no idea.

Mr. Goertzen: Yes, you know, it takes a lot of courage to come to a committee and put that out as one of the first times that you've told that story. I appreciated you bringing that forward because I do think that we overlook how often people are bullied for their faith, even though we know when we look at studies, even one that was done in Winnipeg, it's one of the more common causes. In Seven Oaks it was even more common than sexual orientation. But, of course, nobody should be bullied for any reason, doesn't matter what the ranking is, and I think that you've made that clear, and I appreciate you doing that.

You actually made a very good point on parental notification. I'll take some exception with my friend and colleague, my—the Minister of Health (Ms. Oswald). There isn't as much clarity in terms of

parental notification. I know that as a parent myself there is discretion that's given in terms of notification, and, certainly, even notifying the parents when their child has been the bully. So I'm going to take that to heart, your recommendation, about making it clear that there should be parental notification every time somebody is bullied or is the bully, because parents need to be involved. They need to know. And based on what you've said tonight, I'm going to bring forward an amendment.

So thank you very much. It made a difference for me, and I'm going to act on that.

Mr. Chairperson: Seeing no further questions, thanks very much for your time.

Now I'll call on Luke Esau, private citizen.

Do you have written materials for the committee for distribution?

Okay, and can you help me with the last name? Do I have it right?

Mr. Luke Esau (Private Citizen): Esau.

Mr. Chairperson: Esau. Okay. I apologize for the mispronunciation. You may proceed when ready.

Mr. Esau: Good evening, everyone. I just want to thank you for all investing your time and energy to listen to all of us to speak to Bill 18.

I'd like to start telling you a little bit about myself. As mentioned, my name's Luke Esau, 25 years old, graduated from the Steinbach Regional Secondary School in 2006. I went on to study for three years at University of Manitoba before finding employment in the financial services industry. I'm a God-fearing man living out a relationship with Jesus Christ through his teachings. I do not currently have children in the Manitoba education system, but hope to one day. It's that hope for the future that makes this bill of utmost importance to me.

I tend to be an analytical and logical thinker, which leaves me questioning that which I don't understand and that which I don't agree with. It's these character traits that led me to question Bill 18 as it is currently written. When I first read through the proposed Bill 18 in its entirety, I immediately had two concerns, one of which I'll talk about today. Although I have concerns related to religious freedoms and lack of specific mention of protection for many demographics who face bullying, I will not be speaking to those concerns today. Many of my peers, friends, and even many of those that I've never

met have made wonderful presentations to that point. I've been very privileged to hear many of those presentations, and they've been articulated so much better than I could say it myself. Rather, I'd like to bring your attention to my concerns regarding the very definition of bullying contained within this bill.

When I first read the definition of bullying within this bill, I immediately questioned its validity. I questioned it not because I'm a scholar or expert on bullying but merely based on my judgment of what I know bullying to be from my own experiences growing up.

As you are all aware, Bill 18 defines bullying as the follows: "Bullying is a behaviour that . . . is intended to cause, or should be known to cause, fear, intimidation, humiliation, distress or other forms of harm to another person's body, feelings, self-esteem, reputation or property; or . . . is intended to create, or should be known to create, a negative school environment for another person." The bill also goes on to allow bullying to be classified as either direct or indirect.

Based on this definition, I would have been labelled a bully, not once but numerous times throughout my school years. Anyone who knew me growing up could verify that that assessment couldn't be furthermore from the truth. It was through Jesus' teachings of love, kindness and respect that I went through my childhood trying to be—trying to treat others with dignity and respect. Love must be—be sincere. Hate what is evil; cling to what is good. Be devoted to one another in love. Honor one another above yourselves. Never be lacking in zeal, but keep your spiritual fervor, serving the Lord. Be joyful in hope, patient in affliction, faithful in prayer. Share with the Lord's people who are in need. Practice hospitality. Bless those who persecute you; bless and do not curse. Rejoice with those who rejoice; mourn with those who mourn. Live in harmony with one another. Do not be proud, but be willing to associate with people of low position. Do not be conceited. Romans 12:9-16.

These traits and teachings were instilled in me from my parents at home, for which I am eternally thankful. I tried my best to take these teachings with me every day to school; however, I was not perfect and unfortunately hurt others' feelings on more occasions than I am probably even aware of. To bully someone or to hurt their feelings, although related, are still very different. The difference comes down to intentions, frequency and a sensitivity to that individual involved.

Children are going to say things from time to time that will hurt others' feelings. Unfortunately, that is part of growing up, part of living in an imperfect world. But to label a child a bully who makes a one-off comment without any malice or intent—ill intent, only to unknowingly hurt another child's feelings is not only unfair to that child but unfair to all true bully victims. It is an injustice to true bully victims, as their situations become marginalized and lose their significance.

I would liken it to be the same as if universities would remove their letter-based grading system and replace it with a pass-fail system. By only labelling a student's work as pass or fail, it reduces the significance of the student who puts in countless hours for what should be an A, only to receive the same result as one who puts in minimal effort and what would be normally a D.

A bullying definition needs to be very intentional, focusing on what true bullying is; that being, intentional, repeated, aggressive behaviour towards others, which is what I believe it to be. Of course, it's entirely possible that I may be alone in those thoughts of what bullying actually is, so I took some time to do some research to either validate or disprove my opinion. I spent some time compiling some other definitions of bullying using highly regarded sources, which include Merriam-Webster, Oxford dictionaries, the US government bullying resource website, along with our very own Canadian government bullying website.

In a matter of a few minutes I'd come across the following definitions: a blustering, brow bearing—browbeating person; especially: one who is habitually cruel to others who are weaker, Merriam-Webster.

A person who uses strength or influence to harm or intimidate those who are weaker, Oxford.

A blustering, quarrelsome, overbearing person who habitually badgers and intimidates smaller or weaker people, Dictionary.com.

Someone who hurts or scares another person on purpose and the person being bullied has a hard time defending themselves, BullyingCanada.

Bullying is unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. In order to be considered bullying, the behavior

must be aggressive . . . happen more than once, StopBullying.gov.

After reading these definitions two very common themes occurred: (1) the majority of all bullying definitions that I came across reference intentional, repeated and aggressive behaviour to define bullying; and, (2) not a single one of these resources utilized hurt feelings in their definition. How does the definition of bullying contained with the provincial antibullying bill differ so greatly from such a high percentage of antibullying resources? This brought me to the conclusion that this was either due to wrong intentions or lack of appropriate effort, with the belief that it was the latter.

Any antibullying measures that are brought forward, I think we can all agree, are derived from good intentions. I don't know of anyone who condones bullying, and we all want it eliminated from our schools. We all want children to feel safe in school and have the best chance to learn and be successful. And so I admire your intentions to create a safe and inclusive learning environment, but as Liberty Hyde Bailey, who happens to be the co-founder of the American Society for Horticultural Science, once said, a garden requires patient labour and attention. Plants do not merely—do not grow merely to satisfy ambitions or to fulfill good intentions; they thrive because someone expanded effort on them. In the same way, I believe that bullying cannot be reduced on good intentions alone but on countless effort to support those good intentions. It's that effort where I feel this bill has failed and will continue to fail if passed as written.

We need a bill that marrows in on the root of bullying, rather than making criminals of all of us. Every child that has ever been bullied and every child that may experience bullying in the future deserves the best antibullying legislation possible. Parents, teachers, administrators and government need to work together in protecting our children. This is not a battle that can be won without working together.

* (20:50)

So often I hear that this bill is a good start towards the—on the right track and, therefore, it should be supported. Do we not owe it to ourselves to do the right thing the first time? With collaboration and co-operation from all the intelligent minds in this room, along with parents and teachers, could we not put forth a better bill? Is this truly the best solution? Has it now become

acceptable to pass weak legislation because individual elements of the bill might still be good?

If I were to ask—or if you were to ask me for an apple and I handed you one that was covered in mould, would you still eat it, biting around the mould, on the assumption that the rest of the apple is still good? Would you rather have four of these mouldy apples that are one quarter good or just have a good apple from the start?

In any anti type of legislation, the very backbone of the legislation is the definition of which that is to be eliminated. If the definition of bullying is defined weakly, the integrity of the entire bill comes into question. Therefore I politely ask you to consider amending Bill 18 as it's currently written.

Thank you.

Mr. Chairperson: Thank you, Mr. Esau, for your presentation.

We'll now move to questions.

Ms. Oswald: Thank you very much for your presentation. It was really fast, but I can say that I think I got most of it, and certainly I'll be able to reread it in Hansard, as will all members. And I agree with Minister Allan that it's a marvellous innovation that we can do that.

I think there are lots of things in there on which many of us collectively agree, particularly, in the area of definition as it pertains to intent. And I think you're quite right, and I really appreciate you taking the time this evening, sitting as long as you did, and sharing your point of view.

Mr. Goertzen: Thanks, Luke, for being here this evening. I appreciate speed at 9 p.m., so you've got my support on that.

This is probably a bit of an unfair question, but I've asked it to a few other people, sort of of your age, although I think they were all of the other gender.

But you haven't had children yet; you mentioned that earlier on. But—and I'm sure someday you're planning to. I think you said that.

You know, this kind of a bill, a lot of people have been saying to me, that it might get them to consider home-schooling, where they'd never considered that before. Have you heard that from people of either yourself or your generation, who have said, you know, home-schooling might be more of an option, whereas it's not something they thought

of before, because the concerns with this kind of legislation?

Mr. Esau: Yes, I've definitely have heard that quite a bit, actually, more so now, in the last couple of months, regarding this bill than I have before.

Mr. Chairperson: Seeing no further questions, thanks once again for your time.

We'll now call on Malinda Martin, private citizen. Written materials for distribution? If I can ask the staff to help you distribute those. And you may proceed with your presentation whenever you're ready.

Ms. Malinda Martin (Private Citizen): Good evening, ladies and gentlemen. I would like to start with a story called the Nice Denim Pants Company.

There once was a successful business that made pants. They made pants for most people in the land and had for many years. They only used denim because that's just their thing; people liked that. The successful company made many people happy and although their pants were agreeably a little overpriced, they kept selling anyway. They did their best to accommodate people of all different sizes and preferences. They made different colours, some with gems, some plain, some stitching, buttons, zips or both. Quite a good selection. Most people bought them. Business was good.

One day one of their top-trusted designers decided he would try something a little different. He had seen that some people had put holes in front of the pants. Some people's pants were just worn through, but others just liked the style. At first, others thought it was silly to be putting holes in perfectly good pants. But eventually it caught on well, well enough that the Nice Denim Pants Company made some new pants that had holes in them, so people wouldn't have to do it themselves. Some sold, well enough that they kept selling alongside all the other pant styles. Must be a trend, the designer said to himself.

He came up with an idea to present to the owners of the pant company that went something like this: I see that people are buying the pants with holes more and more. Our competitors even sell a similar style. I propose that to stay ahead of the trend, we start a new lineup of hole pants. My design is simple. We could remove the pockets from the back of the pants and, in their place, put holes there. We would not only stay ahead of the trends and keep our customer base but also save a lot of material

costs. Great idea, the board said, and so production started.

For a while the pants sat on the shelves while they waited for the idea to catch on. After all, this was a cutting-edge idea. Some started selling but not many. Surveys were done, and while many people accepted the new pants or didn't mind them, few said they would actually wear them. The pant company wondered what to do. They had made so many of these pants already; recalling and filling in the holes would be far too costly.

The Nice Denim Pants Company had become so popular that many other companies had gone out of business—how to move forward? How to move forward? We should announce a plan to recall all our old-style pants so people will have to wear the new pants. We will see what the people say. After all, they're the ones who wear the pants.

So they announce their plans to the people. As you can well imagine, people were sad. Stores were sad. They like to cater to the larger public. Besides, one store owner said, people can cut their own holes in it if they still want to. The people liked the option to choose, the freedom to create their own designs, as well, and they chose what they thought was the best material to create with all along, material from the Nice Denim Pants Company. So the company had a choice to make. The end.

Thank you for your time and the opportunity to speak about this Bill 18. In starting the process of trying to pass this bill, it has awoke in many of us the strong desire to see bullying dealt with. This morning, as I sat and ate breakfast and pondered about all the lives that were lost and affected by terrorist bullies on this date, I see young children walking to school holding hands. Some are singing, some joking, some loud in their storytelling; some are just great listeners. On arriving, some sit 'squeie'—some sit quietly at the picnic tables while they wake up; others drop their bags and start running in the playground. They have varying coloured skin, come from different places, backgrounds and beliefs. They have different families and very different personalities.

But for most young children, their beliefs seem very simple. Whatever their backgrounds, they believe running is fun, playing should be enjoyed by all, and nobody should tell them who to sit with or how much of their lunch they should eat. They don't like to see others sad. They love their parents, and,

hopefully, most of them believe school and home are safe places to be.

We all long for the freedom to express our talents and abilities. As each of us wake up and greet the day, our hope is that we and all those around us look forward to the opportunity to better ourselves and the lives of our family and friends. If, at any point, we loathe the place we expect to be today because someone else's clear intention to do us harm is in any way, it hinders us from the start; we get down, sad, fearful.

As a child, I was bullied a lot and for many different reasons. In elementary school, it was because I was small, wore glasses and had missing teeth. I was even mocked for my last name and that I didn't ha—always have the newest or nicest clothes. In junior high and high school, it was because I hit puberty before the other girls. I didn't want to party and I didn't want to drink with my peers, and I didn't want to have sex with just anyone. I was mocked daily. I had many nasty rumours spread about me. Guys even grabbed my breast and pushed me around sometimes, and they would even kick me. Sadly, the bullies never got reprimanded at all. In fact, when I would complain to the teachers, apparently, somehow it was my fault, and I was the one sent to detention. My brother, who stood up for me in school, got detention because of it, and once or twice, he even got the strap. How fair is that?

As a parent, I have had many trips to the school office to discuss the issues of my son being bullied, week after week, month after month, and yes, year after year. After taking my son to the doctor's offices and the hospital for X-rays and having my son crying every morning because he was too scared to go to school, I finally pulled him out and home-schooled him. Nothing was ever done. So no one can say I agree with bullying. Why was this kid that was bullying my child not dealt with? Apparently, there was nothing the school could do about it or, at least, that's what the authorities said to me.

I believe in common courtesy, respect and the decency to be kind to everyone. We all agree with the freedom to choose, freedom of religion and freedom to speak. It's what makes us all unique, special and who we are. As a parent, we should have the right to choose which school our children go to: public or private, French immersion or other, and of which religious affiliation. We base this choice on many factors. The two most important would be core values and their cost. Having said that, if we don't

agree with the core values, why send them there? That would be setting them up for being bullied. Sometimes we don't have a choice because we can't afford a better one. Then it is our responsibility as parents to talk with our children and see how they are coping in school and, if necessary, talk with the schools or even pull them out. We do what we see is best for them.

Concerning Bill 18, each and every private school should be able to choose which support groups they put in place based on their core values. That is partly what makes people choose them or not choose them as their school of choice. I also believe that all schools should have an antibullying club that doesn't label people, as that just divides us more.

* (21:00)

What is stopping the good intentions of this bill being seen as more than an agenda is its specific listing of groups. So, rather than fighting for a specific group, the better focus should be on getting freedom to all students to respect themselves and others regardless of differences. A group list only has the potential to segregate and divide complex individuals into labelled affiliations. By creating groups we set ourselves up to divide students. We have more than enough labels in society as it is.

Rather than calling everyone up to an acceptable level of behaviour, it seems the goal is to isolate those who are different from us. Why send people into a cliquy corner? Let's build on similarities. Bill 18, as it stands, is too vague and can too easily be manipulated into almost anything because a source of bullying—sorry—Bill 18, as it stands, is too vague and can too easily be manipulated into almost anything being a source of bullying. After all, we are all only human and all make mistakes. A slip of the tongue here, a mis-text there, it can all too easily become offensive. Just ask my kids. After 16 years, you'd think I'd know their names. But yet somehow I get them mixed up. Sometimes I even call my son by my husband's name. It happens and we get over it. There's a difference between making mistakes and then apologizing, and intending harm.

There should be guidelines and consequences that fit the bullying that every child and parent should know. Many children spurn discipline and correction when their behaviour is out of line. Nip it in the bud. Love alone is not enough. Sometimes tough love is required. Every child is different. Making a blanket punishment does not always work. However, bullies do need to be dealt with so we may

all thrive and not live in fear of any kind, including bullies. At no point—at no point—should a child feel scared to go to school.

I also feel it is the responsibility of all the teachers and other leaders in the schools, not just the counsellors, to keep an ever-watchful eye on the students' behaviour. After all, we are placing our future in the hands of all the school staff.

We humbly plead: Change Bill 18. To quote a family book by David Fleet: We all have scraped knees. In fact, we all will fall flat on our faces and come up bloodied, bruised, and discouraged at times. But here, again, if we aren't willing to fail, then we will never succeed. Perfection is unattainable. Progress and a heart that wants to love more tomorrow than it does today is all we are after. That is all that can be expected. We all must be strong and courageous and we will be rewarded for our efforts. Only after admitting our shortcomings and determining to love on those around us like never before can we begin to make relational strides forward.

Thank you.

Mr. Chairperson: Thank you, Ms. Martin, for your presentation this evening.

We'll now move to questions.

Ms. Allan: Well, thank you, Ms. Martin, for your presentation. You've put a lot of work into it, and thank you for the nice denim pants company story—very nicely done. Thank you for your heartfelt comments that you have made about Bill 18, and we appreciate you being here. Thank you.

Mr. Goertzen: Thanks, Malinda, for being here this evening, for staying as long as you have.

I listened to your story about—I think it was your son who was being bullied, and who you pulled out of school and home-schooled as a result, and I've heard a lot of that, and really troubling. There's a lot of different reasons, I think, that obviously people home-school, and there might be reasons why people might home-school more in the future, but I've heard that a lot, that kids had to be pulled out of school because of bullying.

What is it in Bill 18 that you think would have made your son's situation any better had it been there?

Ms. Martin: Well, I think, personally, Bill 18, as it stands, is just too vague. Like, the hurt feelings?

Well, my kids' feelings are hurt every day. They have to do dishes. They have to do chores. They have to make their beds. Heaven forbid. They're very distressed when I say that. So I think that it shouldn't—it just shouldn't be that vague. It should definitely be intentional harm. Now, saying that, I was mocked daily for years and horrific rumours were spread about me—horrific. So it's not that words can't harm. I'm not going to go there. But if it's something that is definitely done intentionally, yes, that should be included as bullying.

The other thing is, as everyone here has stated, we're all supposed to be protected. Well, where is that? It is not enforced. After meeting with the principals and the teachers, as I said, week after week, after four and a half—no, five and a half years, I finally pulled my son out. I was—I had enough. I went in to the principal and I said—I said, look, so-and-so—I knew the name of the boy that was bullying my son—so-and-so is bullying my son and something needs to be done. And he said, I am sorry, there is nothing we can do. That boy is protected. And I said, what about my son?

Ms. Allan: Thank you, Ms. Martin. There is something that I would like to respond to in regards to the comments that you just made, just now, about the definition. It says very clearly in the definition, bullying is behaviour that it is intended to cause, or should be known to cause, fear, intimidation, humiliation, distress or other forms of harm. It's intended to cause harm. So I agree with what you're saying, and we know that we are going to rely on our professionals in the public education system and the funded independent schools every day to make these determinations, our teachers, our principals, our EAs and TAs that are working in the system. We know that they make those kinds of determinations and use their professional judgment every day in regards to these certain situations. Thank you.

Ms. Martin: If I may respond to that. I agree with that, but there's also—we need to leave no room for interpretation on the bully's side where they say—first of all, they're a bully, so they have friends, right? And when the teachers investigate or interrogate or do their questioning, they ask the bully, is this true? And they ask the bully's friends because they're the only witnesses there, right? They wait to isolate themselves around the student that's being bullied and, well, those students that are the bully's friends are not going to go against what he says because then they'll be targeted next. So, as teachers, I would love

it if the leaders were held responsible, and there was some specific—

Mr. Chairperson: Thirty seconds.

Ms. Martin:—questioning going on and a watchful eye—definitely the watchful eye. There's not enough teachers out on a playground watching what's going on. That is definitely something I have noticed. So, if we could include that, that would be great.

Mr. Chairperson: Seeing no further questions, thanks again for your time this evening.

I would like to inform the committee that under rule 85(2) the following membership substitution has been made for this committee effective immediately: Ms. Wight for the Honourable Mr. Chomiak. Thank you.

I'll now call the next presenter, Barbara Douglas, private citizen.

Good evening, Ms. Douglas, do you have written materials for distribution? Okay, you may proceed whenever you are ready.

Ms. Barbara Douglas (Private Citizen): Hello, ladies and gentlemen of the Legislature. My name is Barbara Douglas. I'm 51 years old. I have come before you this evening to inform you on my bullying experience, which began in public school, grade 4, Dryden, Ontario.

I was bullied due to, I guess, my failing grades, failing marks on any tests. I didn't know why. My tests showed or proved I couldn't learn in the way the school system was set up to teach. I have and had ADHD; didn't know that at the time. I remember feeling quite scared, uncomfortable and humiliated going to school. It was awful. After school there would be three or four boys just waiting to physically push me around and verbally taunt me and trip me. During winter, I'd get my face washed. That was a very scary experience as they'd push me into the snow bank and have my face rubbed into the snow like being suffocated for the moments this was occurring. Even though I told my mom or whoever else, I remember hearing: Boys will be boys. That didn't help me one little bit.

* (21:10)

One day I happened to be home sick and went back to the school. Once feeling better, the grade 4 teacher said, this class was never so quiet as when you were away with the flu. I remember telling my mom and her response was this: No teacher is going

to talk to my daughter like that and get away with it. My mom had me taken out of the class and the school.

We hoped going to the Catholic school nearby would be a good and positive move. Not. Sadly, I, in a short time, became a target again. I remember the names of the boys; may I make—may I mention them? Raymond Clansky [*phonetic*], Patrick Rivard [*phonetic*] and Wayne Desautels [*phonetic*]. I was also called awful names; I'm almost too embarrassed—excuse me—to say them. May I say them? The initials were d.s., which meant dog shit; the other one was d.l., which meant dog lice; and the last one was d-l.b., which meant lice bug.

Raymond Clansky [*phonetic*] would say out loud whenever I was near, ooh, cooties, meaning of course lice bug. This speech followed me until leaving St. Joseph's School. Patrick Rivard [*phonetic*] just seemed to go along with him and laugh with him. Every chance the boys got they seemed to delight in being really nasty to me and tripping me—that was also part of their bullying.

There were numerous times I played hooky. I only did that because I didn't want to go to school. I was being bullied; I was terrified. I couldn't learn either, especially under constant distress of hearing: Douglas, you're dead after school. I tried my best to steer clear every time. They knew I was scared, and, how sad, how tragic that they'd take such sick pleasure in this.

Grade 6, one day, as I was entering through the class door, the teacher wasn't there yet. One of the boys, Wayne Desautels [*phonetic*], was hiding behind the open door and forcefully jabbed a hard yardstick into my side. No authority was there to help me or stick up for me. Even though I'd tell, it really seemed to make no difference at all.

School was a terrible, awful experience. It was like going to jail. Learning? Not possible in that environment. I'm so relieved school has passed for me. But I've wondered, without bullying and being educated in the way I learn best, in a safe and friendly class and building, where I'm—where might I be now? How might I feel about myself today? What caused all this turmoil?

Back then I had no idea of what might come once leaving my home town. I did develop, many years later, depression and anxiety with suicidal ideation. I felt like a loser deep down inside. I tried not to show it. I had no sense, no solid sense of self

and what I wanted to do in life and still don't. Question: Where do the people who've been bullied and traumatized by it go for real help?

As you can see, bullying towards any vulnerable person has gotten much worse than in my day. People—even the gay, lesbian, bisexual or transgender individuals—they're individuals—are being bullied literally to their deaths. I am speaking for those who can't speak out for whatever their reasons may be.

Thank you for listening.

Mr. Chairperson: Thank you very much, Ms. Douglas, for your presentation.

We'll now move to questions.

Ms. Allan: Well, Ms. Douglas, thank you very much for your presentation. Now just so you know that I've been paying attention, I remember you came here the first night to committee, didn't you? And you waited all night and you didn't get to present. And I'm very glad that you made it back on the last night of committee to present—

Floor Comment: May I say something?

Mr. Chairperson: Ms. Douglas—

Ms. Allan: Just a minute, you can respond; you can respond; just let me finish please.

So I want to thank you for being here this evening and telling your personal story and for your thoughts and your comments on how important protecting vulnerable people is. And I wish you all the best. Thank you for making it back.

Ms. Douglas: Thank you so very much for hearing my heart.

And I also will say that I have a very special friend named Ruth Best [*phonetic*]*—*I'm almost getting emotional here because it really comes from the gut and the heart—her name is Ruth Best [*phonetic*] and she works at Isaac Brock, and they are saying no to bullying. They are putting their hands up and they're saying, I told you no, and they will take it to the principal. The teachers are taking a very strict stand for this and she has told me, go for it, you're speaking for any of the little children.

I have a friend named Dorothy Wollman [*phonetic*]. She was a teacher and a principal at the Red River junior academy—it's a Seventh-Day Adventist school—she actually booted out her best friend's daughter for bullying and was never allowed

back in school until she wrote on paper, I will not bully again.

Mr. Goertzen: Thank you, Barbara. You know, you could tell you spoke from the heart and it showed. And I hope that you telling your story is helpful to you, just like it was helpful to us. I'm sorry that you were bullied in school and that you had that experience; I truly am. But I'm happy that you came here to share it because I think it's helpful to us as a reminder that every kid needs to be protected. And we need to keep that in our focus, that every kid needs equal protection because no kid for any reason should be bullied. You've made that clear. I thank you for making that clear.

Mr. Chairperson: Seeing no further questions, thanks again for your time this evening.

We'll now call on Tara Law, private citizen. Tara Law, private citizen? Tara Law's name will be dropped to the bottom of the list.

Jeremie Verrier, private citizen. Jeremie Verrier, private citizen? Jeremie Verrier's name will be dropped to the bottom of the list.

Michael Ringham, private citizen.

Good evening, Mr. Ringham. Do you have written materials for distribution? Okay, we'll just ask the staff to help you distribute those. And you may proceed with your presentation whenever you're ready.

Mr. Michael Ringham (Private Citizen): Okay, well, it's great to be here and part of this process—heartened by it all.

I've been thinking about this for months, ever since it came out. Now, I teach. I teach English. I teach drafting. I teach art. And I paint when I don't do those things. And, you know, so I've got an attentiveness to detail. So, that's the way I've been interpreting this. Thanks for the opportunity to try and fine-tune this legislation and the good efforts put in by all points of view towards the common good.

I'm not really taking issue with the definition itself. The basic 'ish'—basic definition isn't a big problem with me, but I will be mentioning it. A rose by any other name would still smell as sweet, Romeo and Juliet said, you know, in Shakespeare.

While I support strengthening schools' ability to address bullying, I have two objections to current wording. My first objection, as a private citizen and a teacher, is that the phrase, gay-straight alliance, is

actually an organizational name, a corporate brand out of San Francisco, and therefore does not deserve a place of special mention in legislation for all Manitobans. Could gays and straights people mutually support each other under their own special banner for their own unique circumstances? Could they make up their own name to achieve the same goals? Sure. I wouldn't want the name McDonald's, that of a political party, Walmart, a media agency or any other influential corporation in legislation either. People are vulnerable when in grief and in distress and, therefore, shouldn't be primarily, in my view, steered into some corporately sponsored ways and means of communication, let alone one given a special status in legislation so it can capitalize from being on campus or on the immediate periphery. So let's try to keep legislation free from corporate endorsements. I don't believe doing so stops anyone from forming or receiving a support group, whoever chooses to do so, because where there's a will, there's a way.

I recommend, if it was my option, school counselling services be the first point of contact for the distressed person and their parents. And I would hope that all schools have prepared counselling services or access. And then, after in-depth discussion, school-based supports could be formed or schools could propose a variety of outside options to enhance school-based groups.

Now this is where we talk about definition, I guess, towards more precision: bully noun versus bully verb. And we have to 'disinterp'—disentangle the interpretations from intentionality. So, my second objection involves my sense that the bill needs more precision for guiding teachers and administration. The word bully as a verb is defined very similar to the legislation, so to me, that's fine. The word bully as a noun, of course, means someone who has a reputation for bullying.

To stop a bully, we have to consider repeated behaviour. And while there's nothing in the legislation that prevents that or obstructs that, in order to prevent single behaviours from becoming repeated behaviours, there could be more strength in the bill, I believe. I suggest the phrase, referable to police, be added. It could read something like: if a behaviour is repeated, it will be referred to police. That way there is a—there is the strength to address severe one-off incidents, which would be your bullying—verb—and warn against establishing a pattern of bullying, which would be bully—noun—and it would also serve to warn those who are already

bullies. This would give teachers and administrators clearer guidance to determine how to address bullying in general.

* (21:20)

Furthermore, as we all know, to recognize something where—requires a verifiable pattern. This could also be expressly reflected in the legislation. As it is proposed, there is only a definition stating bullying as a behaviour intended to. In order to bring the topic into focus so that we can exclude unreasonable accusations and unreasonable interpretations, I think there ought to be an inclusion of a phrase something like, repeated behaviour.

Now I'm not a lawyer, but I don't think it would be redundant if the definition read: a behaviour or repeated behaviour intended to. And another presenter mentioned something that they had heard on stopbullying.com, I think it was, which said the same sort of thing. This even seems a bit to me, kind of an animated suggestion. You know, I don't know that it's not redundant but I feel heartened by another presenter who said that they got it off a website, so.

Yet the current legislation, while coinciding with reputable definitions of bullying, i.e. Oxford, also leaves open the door to unreasonable accusations as others have said—unreasonable interpretations of the term. Adding repeated behaviour, if not in the definition then combined with the referable to police phrase, somewhere else, or perhaps in ministerial guidelines, would hopefully remind us that one incident may be bullying but not by a bully. Repeated incidents means we're dealing with a bully.

Marshall McLuhan famously concluded, the medium is the message. Now cyberbullying is therefore both the message and a medium that has led to grievous bullying tragedies. There must be severe punishments for such actions. As both the message—as both a message and a medium, there's a method behind it, and the phrase, repeated behaviour, would acknowledge teachers, administrators and law officials must look for a pattern, too, in case the perpetrator is a verifiable bully, and not just overreact to a one-off insult online.

However, if a one-off insult was sent or re-sent by a group of people—sent to a group of people or re-sent by a group of people—then there's a pattern of cyberbullying evident and must be addressed—exclamation point. If an apparent one-off insult was copied or repeated to several people, that might also

be investigated as bullying because, was there an attempt at incitement happening? If someone was a bully, then a one-off incident should also be investigated as bullying, given the previous history of the person.

The concept of repetition is important to determining what to do and isn't in the legislation. Without the phrase, repeated behaviour, what guidelines would clearly determine whether something interpreted as an offence is actually something intended as an offence and therefore bullying. For instance, if a person wears their religious symbol proudly but someone else has a negative personal reaction to it, for some personal reason, will that be bullying, even if the individual wearing the symbol uttered no verbal threats and gestured nothing physically threatening?

If a teenager wears the T-shirt of a band that spews profanity on a regular basis and perhaps has a vulgar name or a message on the shirt, causing another teenager to feel intimidated or distressed, will that be bullying? What about signs and posters in lockers or stickers on books? How much self-expression has to be limited here?

Given common sense in what I've already said, a person might say, it depends. Both the symbol and the band are part of social streams lending forcefulness to individual messages or groupings of messages, and some might think both societal streams, one religious and one secular, are offensive social forces. But can we therefore justly attribute the term bullying to the person wearing the symbol or the T-shirt?

Another reality is that things said on a bad day at a bad time might not represent the usual feelings of somebody. If that person hurts someone's feelings as a result, my experience tells me labelling them as a bully is not likely as helpful as having him understand what he's done and apologize for it.

Remember, people often think politicians, the media and advertisers are spreading fear, intimidating others and causing distress. Politicians and media personalities also fit within powerful societal forces. Are they going to be bullying just for seeking to be effective or forceful in their persuasiveness, using words, symbols, fashion? How about advertisers? To justly attribute the term bullying to someone needs more than a personal interpretation, which may be expedient and yet capricious and misguided, even if it's academic.

Justice demands recognizing a real verifiable pattern of a behaviour intended to cause fear, distress, harm et cetera, in order to stop a bully. It's not justice to just take the instant notion that someone can be called a bully and then punish them. That could happen under the current definition when emotions are driving a well-intended but not sufficiently informed student, teacher or administrator. There should be greater clarity to help people reach that conclusion properly.

The key to figuring out the intentionality of the act is the fact that the method behind the message is important, not just the means. Therefore, Bill 18's proposed definition is—of bullying needs more focus to facilitate stronger consequences in proportion to the behaviour, age, and bullying history of the perpetrator.

As it is now, what would teachers and ministers have to go by in order to judge an intent? Are witness statements and a one-off example enough? One text, one sext, one bit of graffiti, one insulting word, one email, one gesture, one provocative piece of fashion, one derision, one contrary statement. It's not a pattern of bullying in itself; however, a message copied to others should be investigated.

Mr. Chairperson: One minute remaining.

Mr. Ringham: All right. The Manitoba curriculum already has a piece of helpful information which I've included. In the career development curriculum there is a quote that says: workplace bullying usually involves repeated incidents or a pattern of behaviour intended to intimidate, offend, degrade or humiliate, and I think that's really helpful.

So to conclude, I'm supportive of clarity and efficiency towards stopping bullies, but I'm not convinced any corporate brand should have special mention or status. I want safe, inclusive schools as well and would argue that a modified legislation would better facilitate it. And I'm here really for all Manitobans and—I'm trying to be anyway—and I know we have different backgrounds and all that, but we're trying to work for the common good and I still think we've got some distance to cover. And so I know it's intended as a help and I thank you all for doing that but let's work a little bit more.

And I don't believe it's a knee-jerk reaction, I'm sure the minister deliberates on it, so I agree with that. But I still think a rose by any other name would smell as sweet, considering the GSA, and it would be helpful to get more clarity in the definition.

Mr. Chairperson: Thank you very much, Mr. Ringham, for your presentation.

We'll now move to questions.

Ms. Allan: Well, thank you very much, Mr. Ringham, for your presentation. I would like to ask the committee for leave to include all of your presentation in the Hansard so that it would be recorded for the future.

Mr. Chairperson: Is there leave of the committee to include the whole presentation as written in the Hansard? [Agreed]

However, a message copied to others should be investigated as possible bullying in case incitement was being attempted. Police have enough powers and laws to prosecute people discovered to be intending to cause "fear, intimidation, humiliation, distress or others forms of harm." They too would need evidence to put together a sequence of events and indentify a pattern.

Administrators and teachers need to know what they should refer to police and what ought not to be referred to police. That is why I said earlier that by including something expressing "repeated behaviours would be referred to police" might strengthen this Bill (and express better what the majority of Manitobans would like to see happen. It could minimize capricious or inconsistent interpretations of an intent. Province-wide clarity and fair guidance is warranted, guidance that is fair for public schools and independent schools (including First Nations locally controlled schools).

3. A Manitoba curriculum already has a possible help.

One piece of reading I found helpful in my thinking about this, as a teacher, was in the province's Career Development curriculum for grade 10s. It said (BLM 12) workplace bullying "usually involves repeated incidents or a pattern of behavior that is intended to intimidate, offend, degrade or humiliate a particular person or group of people." That is likely from workforce policies and law.

Note it doesn't merely say behavior, rather, repeated incidents or a pattern of behaviour). I think it would serve well toward focusing Bill 18 for the better, offering the public, administrators and teachers something other than personal views to help them determine what must be regarded as real bullying and what should be referred to police and what

strong consequences should be for initiating patterns of violence in schools.

4. Conclusion

To conclude, I would just like to say I'm supportive of clarity and efficiency toward stopping bullies, but I'm not convinced any corporate brand should have special mention and status in law. I do, however, support the formation of support groups in schools to help communications between people for many reasons (i.e. sexual orientations harassment, hurtful postings to the internet, or grief over the death of someone close).

My purpose for being here tonight was to work toward a stronger and better wording of the Bill for all Manitobans. Education is too important to be left insufficiently addressed in order to gain personally or politically. It affects too many, too much to be slanted in an overly partisan way. We, with our different backgrounds and futures, must all work for the common good toward and toward what we can agree is best for all concerned. Students would appreciate fair and just administration.

This legislation was intended as a help, but seems to be overshadowed in a forbidding of the possibility of improvement (if media comments i.e. it will pass into law as is) are to be taken as a guide.

I hope this will change because the Bill seems to remain insufficiently thought through and therefore weaker than it ought to be, less directive than it could be and more open to caprice than it should be.

Public schools and independent schools (including First Nations locally controlled schools—which, incidentally, I haven't heard consulted or providing feedback—though they may have been) deserve the best, most impartial legislation. I'm not saying that wasn't the original intent of the Bill.

Yet embedding a corporate brand (GSA) in legislation seems reactionary and can be stopped (for the provincial dignity of legislation) without affecting the intent of the legislation ("a rose by any other name would still smell as sweet"). Defining bullying more precisely and adding a mention of repeated behaviours being referred to police would empower and enable victims of bullying to witness the real work of justice: interpreting evidence more clearly, anchoring impartiality into the process, enabling fair hearing (in what will be a very emotional situation) and receiving sound legal judgment through which remedial steps can be

introduced (in proportion to the age, behaviour and previous bullying history of the perpetrator).

I've been very dismayed by the acrimony for and against the Bill's wording, and hope the public will heal. Though not a lawyer, I've thought a lot about this and I've tried to vocalize reasoning in a pleasant, non-partisan way. I think the improvements have a balance between mercy and firm punishments. I won't quite support the current wording of the Bill, yet, thank you for the government's trying to do something to help all types of students. I strongly support that!

Thank you for your time.

Ms. Allan: Thank you very much for the comments, particularly that you've made in regards to repeated behaviour, and also thank you for the comments that you've made around the names that diversity clubs can have in schools.

I had a Safe Schools Forum in the spring and we had a young gentleman present on behalf of the Seven Oaks School Division and talk about the different clubs that he had—that they had organized in their school. And the clubs were called Gay-Straight Alliances, M.A.R.L.Y., Antibullying Clubs, Unite to Change and Rainbow Alliance.

And because of the difference that these clubs made in their schools, what ended up happening is all of these clubs came 'together'—came together and became a social justice club and it was really a wonderful presentation, and it was very obvious he was a leader in his school. And I'd like to recognize him because he's the page in the room tonight that is sitting with us, and his name is Eric Schillberg [*phonetic*].

So I just wanted to let you know that there's some great work being done in our schools here in the province of Manitoba.

Thank you.

Mr. Chairperson: Seeing no further questions, thanks—oh, Mr. Goertzen.

Mr. Goertzen: Just want to thank you, Michael, for being here. A really good presentation on the definition; some thoughtful comments I've not heard in 200-and-some presentations, so that says something in itself. So thank you very much.

Particularly as a teacher being here, I appreciate that as well. We've had some challenges getting teachers out, a lot of them have been told that they

shouldn't be presenting. So I appreciate you being here and doing this.

Thank you.

Mr. Chairperson: Seeing no further questions, thanks for your time this evening.

Now I'll call on Dawn Fastabend, private citizen.

Good evening, Miss Fastabend, do you have written materials for distribution?

Ms. Dawn Fastabend (Private Citizen): Yes, I do.

Mr. Chairperson: Okay, we'll ask the staff to help you distribute those, and you may proceed with your presentation when you're ready.

Ms. Fastabend: My presentation is the slight variation of the article I wrote which is being passed around. Okay.

The act of bullying is hurtful and destructive. Most would agree that it is unacceptable behaviour. However, Bill 18 is flawed in many ways. One problem is its definition of bullying, which is defined as behaviour that is intended to cause or should be known to cause fear, intimidation, humiliation, distress or other forms of harm to another person's body, feelings, self-esteem, reputation or property, or is intended to create or should be known to create a negative school environment for another person. As MLA Kelvin Goertzen said, it's so vague that it will either be unenforceable or enforced arbitrarily. It's going to make bullies out of a whole lot of people, including teachers and volunteers.

According to this bill, if someone is—if someone in—is inadvertently hurt—inadvertently hurts another's feelings, it would be comparable to severe physical and verbal abuse and that person would be charged with bullying.

* (21:30)

Other provinces and states that have antibullying laws word it much differently. For instance, North Dakota clearly describes it as conduct so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities or benefits and places a student in actual and reasonable fear of harm to the student's person or property.

The proposed law also lacks mandatory penalty. Teachers are required to tell their principals of any incidents of bullying, and the principals have the authority to determine what, if any, punishment

should be delivered. With such a confusing definition of bullying, it would be difficult for administrators to use common sense and to ensure that any disciplinary measures are appropriate and effective.

Bill 18 makes a teacher's job even more difficult and puts them at risk of false accusations with students tattling on them because of hurt feelings, humiliation or any other perceived attack. Manitoba already has the Safe Schools Charter which ensures that a school's code of conduct includes a statement that bullying and discrimination in any form is unacceptable and that consequences of such action should be left up to the schools. Also, the Criminal Code of Canada already defines harmful action such as uttering threats as assault; therefore, the antibullying law is redundant and unnecessary. What it will do is further violate our right to freedom of speech and expression as we will be constantly judged by law on our words, pushing us further into a nanny-state society.

The radical equity curriculum that is being pushed in this bill to create more social approval for LGBT sexual activity is also controversial. It privileges one group of students over others when all students should be treated equally. Equity education does not belong in an antibullying law, as it has not been proven to be effected—to affect bullying rates. Imposing gay-straight alliances on independent faith-based schools is also a form of bullying. It should be up to parents to decide when their children should be taught sexual education and whether or not it should be taught in school; they may choose an independent school for this reason and we must respect the parent's right to choose. People of faith do not receive any protection in this bill for their freedom to speak traditional views on sexual morality. Why does the government want to defend one group, LGBT, and not religious groups? Is this about pushing agendas or addressing bullying as a whole?

Most of the U.S. has antibullying laws, yet there is little evidence that legislation has altered student behaviour or that policies were even being followed.

New Brunswick's law reaches beyond school grounds to include incidents that happened outside of school hours and off of school property. Isn't this a little extreme?

Between 2007 and 2010, Ontario spent \$150 million on safe school programs, yet a report by the Auditor General in 2010 states that the

government dispersed funds inefficiently and did not properly track the impact of the spending. The issue of bullying still remains a serious problem despite years of funding. This proposed law would open up the provincial government to years of costly lawsuits that would be paid by the taxpayers. As NDP Cabinet minister, Sid Green, said, "Bill 18 is an attempt by the Legislature to impose morality and particular beliefs, an endeavour that has no place in a law-making body." It is not the responsibility or role of the government to parent our kids. Problems related to bullying and discrimination are best solved by mediation between the bully and the victims with parental and community involvement and school level responsibility. We should be keeping our schools safe and respecting personal freedoms, not keeping are schools safe or respecting personal freedoms.

Mr. Chairperson: Thank you very much for your presentation this evening.

We'll now to move to questions.

Ms. Allan: Thank you very much for your presentation this evening. I hadn't had an opportunity to see this report, so I appreciate the opportunity for you to be here this evening and to read it into the public record. Thank you.

Mr. Goertzen: Yes, thank you very much, Dawn. I appreciated you also highlighting of definition. You've been there all evening and so you heard a lot of that about the definition. I appreciate you reinforcing it. I know the government has said that they have complete trust in the professional judgment of teachers and administrators in applying the definition and yet they have no trust when it comes to letting them determine students groups, so it's interesting that you can have complete trust on one side and no trust on the other. So you helped highlight that. Thank you very much.

Mr. Chairperson: Seeing no further questions, thanks again for your time.

We'll now call on Jason Doerksen, private citizen. Mr. Doerksen, do you have written materials for distribution to the committee?

Mr. Jason Doerksen (Private Citizen): I do not.

Mr. Chairperson: Okay, you may proceed whenever you're ready.

Mr. Doerksen: Okay, well, after hearing all of these awesome speeches today I feel a little ill-prepared,

but I'm sure you've heard that many a time too after the last 200-and-some people speaking.

I'm going to use some other people's words. Some people have quote things, not specifically tonight, but in the media that seemed to strike a chord with me. Tom Brodbeck of the Winnipeg Sun stated: "Manitoba already has anti-bullying legislation in the Public Schools Act . . . there's no need to codify it in law any further."

Section 47(1) of the act says: A school's code of conduct must include the following: a statement that pupils and staff must behave in a respectful manner and comply with the code of conduct.

You've all heard this before. It goes on to say that the code must—of conduct must include a statement that the following are unacceptable: that's abusing physically, sexually, psychologically, orally, in writing, or otherwise, any person bullying, including cyberbullying. And it outlaws discrimination on the basis of any characteristics set out in subsection 9(2) of the humans' rights code, which we are all familiar with, which states: The Canadian Charter of Rights and Freedoms guarantees freedom of 'consequench,' freedom of religion, freedom of thought, freedom of belief, freedom of expression, freedom of peaceful assembly and freedom of association.

Today I'm up here representing a father of three entering the school system. I'm also here representing Christian faith. I'm a fairly new Christian, and having children entering the school system I feel somewhat attacked by the Bill 18 legislation as written. I feel it my duty to instill my new beliefs into my children, and the way Bill 18 is written, if I choose to put them in the Christian-based school, which, in my community—and there's many of us from Steinbach have come out to speak on behalf; there's a good reason for that—by allowing this into the school, it demeans my beliefs as a Christian and as a human.

And I can continue on reading Tom's—he says—basically I just read the humans' right code. There are consequences set out for those who don't comply with the antibullying code of conduct, ranging from warnings to outright suspension from school.

I'm reiterating the fact that Bill 18 seems a little redundant in the world. It needs to be a little more specific or just not even written at all. Sometimes, the democratic process here is fantastic and I'm here to express that, and we've all spent a lot of time

dealing with this bill. Is it necessarily needed? In my opinion, no. There is still going to be bullying in schools, including cyberbullying, but what this new bill won't do is change any of that, in my opinion. In fact, it creates—it may even create bogus victims whose feelings were hurt unintentionally or intentionally. I have a very soft-hearted child, and I know, going into the public school system, he's going to come home probably crying because a kid didn't let him play volleyball or a child didn't let him be on the swings or, as he gets into junior high school, high school, any number of things that kids unintentionally do.

And what the government should do—what have I got here? Sorry, like I said, everybody else has come up fairly prepared; I'm coming up a little bit unprepared.

We all want safe schools and a respectful environment for our kids. I think Bill 18 will do nothing to promote that and, in fact, could backfire. Kids are still—people are still going to get bullied for being fat; they're still going to be bullied for being smart. I was a small child growing up. Kids picked on me just because it was easy. I couldn't defend myself. When you get a five-foot-tall grade 3 student against me, being three and a half feet tall, well, what are you going to do about it? I could run, but that's about it.

This bill, I think, actually, will promote some of that. It's going to create cliques, and students will be exiled because they're going to stand for what they believe. They're going to feel the system is going to stand up for them, but is there going to be such a thing as a small alliance? Is there going to be a smart alliance? I think that's up to the schools to enforce, and maybe because that's not being enforced, that's more of a school's individual situation than something the government or this bill is going to fix.

I had lots of other notes in here; it kind of went onto about home-schooling, whether it's relevant or not. I think the number of parents that might pull their students if this bill gets enforced and taking them into home-schooling may actually, you know, affect somewhat of the numbers for the public school divisions, could actually end up causing a bit of funding issues and may actually harm a lot of other students' further education, but it's an extreme situation. I'm looking at this as a long-term effect.

* (21:40)

Personally, forcing a gay-straight alliance is another agenda that's—onto private faith-based schools does not make any sense. I think I've touched on that before. If your child is enrolled in a Catholic, Christian, Muslim—there's been a lot of emphasis on Christians because we're vocal, but I unfortunately haven't heard any of the Muslim community or any of the Hindu or any of the Buddhist communities. They all have very strict—or their beliefs don't include homosexuality as where—as well. Why they're not up here speaking on behalf—or maybe I can speak on their behalf—why their students, why their teachers, why their—why anybody in those—have not come up, I can't speak on that, but basically that's my perspective on this.

I think Bill 18's very vague. It's not going to help anything to do with my kids going to school and might actually jeopardize my beliefs if I do enrol them in a private school. And I think it's actually a form of bullying by forcing this onto private faith-based schools. That's my perspective on it. There's been a lot of other people have brought this up as well. But, if it's—we're all about equality. We're all living in a free country. We should be able to express and put our students—or put our kids into schools that have our faiths and beliefs without being forced upon by the government to do something that we don't believe in. There should be that choice made, and the legislation as written doesn't allow that. It's actually forcing an agenda through that's, I think, will be very harmful in the long term. And, yes, that's my stand on it as a father and a Manitoban.

Thank you for your time.

Mr. Chairperson: Thank you very much, Mr. Doerksen, for your presentation this evening.

We'll now move to questions.

Ms. Allan: Thank you very much, Mr. Doerksen, for your presentation tonight. We appreciate all of your comments that you have made in regards to Bill 18. And thank you very much for being here.

Mr. Goertzen: Thanks, Jason. Coming out as a dad, you know, you've shown your kids that when there's something you believe in, you stand up and you speak up, and they'll be proud of you for doing that. And it'll be on the record that you did that. So I want to thank you.

You know, you mentioned some of the other faith groups not—you haven't been here for, obviously, for all nine nights, but—had good, really good representation from the Muslim community a

couple nights ago, a very strong presentation concerned about Bill 18. We've had representation from the Sikh community and from the Jewish community as well. So a number of different faith groups have expressed that. I just wanted you to know that before you left.

Mr. Doerksen: I'm not seeing that represented as a group here right now, but, if they've have spoken on behalf of it, that's fantastic. And I'm very encouraged to hear that.

Mr. Chairperson: Seeing no further questions, thanks for your time.

Now call on Jodi Layne Blahut, director, Hollaback! Winnipeg. Jodi Layne Blahut? The name will be dropped to the bottom of the list.

We'll now call on Paul Neustaedter, private citizen. Paul Neustaedter, private citizen. Do you have written materials for distribution?

Mr. Paul Neustaedter (Private Citizen): I do.

Mr. Chairperson: Okay, we'll 'hel'—allow the staff to distribute those. And you may begin your presentation whenever you're ready.

Mr. Neustaedter: Great. I was just thinking, at this hour, it might be—the most popular bill would just to be to have, like, a bill about Tim Hortons down the hall.

Well, good evening, members of Parliament—or sorry, the Legislature and the Honourable Nancy Allan. My name is Paul Neustaedter. I'm an employer and have hired people from all backgrounds, nationalities, faiths, beliefs, sexual preferences and race. I have men and women in our senior leadership roles, and I have close friends that are religious and non-religious, young and old, women and men, straight and LGBTQ, Caucasian and every other nationality that you can imagine. Our company—and our companies are equal-opportunity employers.

Like most people, I really enjoy spending time with friends and I love each one of them. I've been married for 24 years, and, if you would ask our kids who are 17 and 14, they would tell you that we've taught them and modelled for them that friends are like treasure. So the same things that you'd do for your closest friend you'd do for treasure. You would polish them. Their—treat them as rare metals, gems. And that's how we should treat our friends. And I've tried to incorporate this into how we deal with our staff and our customers.

In Manitoba, we've had a government that has been very proactive and positive towards immigration over the last few years, and I believe that this has 'bee'—this has led to a stable economic growth pattern in our province. As a person that has been in leadership with the Eastman immigration services, I've seen this first-hand, and it's my opinion that the NDP-led government has done a great job in bringing newcomers into our province.

My own great-grandparents and grandparents immigrated from the Ukraine in the early 1900s and made their way to Canada. Our family has been forever grateful that they made this decision and that Canada accepted them at that time. Although I'm not a Mennonite—that's my background and I like that food—my ancestors, they fled the Ukraine leaving great wealth behind them in land, buildings, massive homes, large barns, horses, lots of cattle, acres and acres of orchards and many workers that they also employed. My great-grandparents and grandparents left their wealth and comfortable living for the religious freedom of their families and their future generations. That is who I represent today. My grandparents and their descendants. My ancestors did not have all of their religious freedoms removed in a day. No, it was bit by bit, and over time the erosion increased and the result ended in no religious freedom at all.

From this perspective, I make the following comments that are adapted from the ARPA Canada, Bill 18 and some simple talking points, and the Evangelical Fellowship of Canada, Manitoba's Bill 18.

Bill 18, if passed, will have a substantial negative impact on religious schools, boards and faith-based families. This bill would lower the standard of respect of its citizens' rights to religious freedoms, as well as parental authority. It would also likely lead to years of costly taxpayer-funded lawsuits, as parents and students—parents and schools fight to regain lost ground and reclaim their rights. Bill 18 must be amended to ensure that all students are protected and that appropriate steps are taken when dealing with bullying.

The following amendments are proposed: Amendment No. 1, section 1.2: bullying is behaviour that should be known to cause harm to another person's feelings, self-esteem. This very broad definition is dangerous. It both lessens real bullying and it elevates—or scenarios where students feelings are unintentionally hurt to a level requiring

administrative attention. Given the vagueness of the definition and lack of exemptions for free expression rights, there is concern that expression of faith-informed positions on sexuality or marriage might be considered a form of bullying.

All government legislation must be consistent with the Canadian Charter of Rights and Freedoms. As former Minister Vic Toews has recently pointed out, concepts similar to those used in Bill 18's definition of bullying recently have been deemed by the Supreme Court of Canada in the Whatcott decision as a violation of freedom of rights. In Whatcott, the Supreme Court rules that a portion of The Saskatchewan Human Rights Code, section 14, which addressed hate speech, should be struck out—the terms ridicules, belittles or otherwise affronts the dignity. While language like that, ridicules or belittles others, could be hurtful to others, this restriction on speech was found to be a violation on free expression rights. The court also stated that Canadians are free to preach against same-sex activities, to urge its censorship from the public school curriculum, and to seek to convert others to their point of view, as long as they are not conveyed through hate speech.

Granted, the court was tasked with determining if a speech could be considered hate speech, and Bill 18 does not address that issue; rather it addresses bullying. However, the Legislature is urged to reconsider Bill 18, in light of this new decision, and ensure that it is clear and specific in its intentions and application and that it does not unjustly restrict the ability of students' families to express their views. Please remove, should be known to cause feelings and self-esteem.

Amendment No. 2, section 1.2(2)(a): the phrase, real or perceived power imbalance. This phrase is a personal measuring stick by which to determine whether or not bullying has occurred. Bullying should not be objective—should be objectively measured and can occur whether or not there is a power imbalance. It's not hard to imagine a scenario where the smart child is picked on, where the tall student is bullied or even the rich kid is targeted. What happens in those scenarios? Who perceives the power imbalance? From whose perspective? And are power imbalances consistent? They may change from day to day. Who accounts for that? Please remove this standard or characteristic. It has the potential to blind administrators to real bullying.

* (21:50)

Amendment No. 3, section 1.2(2)(c)(ii): bullying by electronic means. Electronic or cyberbullying is a reality, but it should be monitored by the schools. Should it be monitored by the schools? What about such communications after school hours, in the privacy of homes? There are other institutions of society that are better suited for this. The family, or, in extreme, the police. Please limit the scope in this section as it relates to The Public Schools Act to during school hours and on school premises.

Amendment No. 4–41(1.8): Student activities and organizations. This section privileges some students and it excludes others. This is a pretty clear Section 15 Charter violation to equal treatment, and it should be obvious to any with a basic understanding of justice to protect or grant special privileges to a few types or groups of students at the exclusion of others cannot be justified. Gender groups, race groups, disability groups, and sexual orientation groups receive privileged protection here, but religious groups, to name just one category, are not included. This is essential—this is the essential problem with listing groups that deserve protection: some are always left out. Fundamentally and principally, every student should receive equal protection and equal opportunity. Please remove this clause in its entirety, or, at the very minimum, add religious student groups to this list.

Amendment No. 5: Section would be: The legislation provides no exemptions for independent schools. With this bill, the government adopts a one-size-fits-all, top-down approach, failing to recognize the distinctions of different nationalities, cultures, religions, world views, and values that undergird the multicultural variety of Manitoba. Independent schools, for example, provide exceptional education to a large segment of the population, and because they are a parent-run school should be allowed to adopt their own approach to what best suits their needs in dealing with the issue of bullying.

Please add an exemption for independent schools to develop their own bullying policies that best match their own values, goals and identity.

In conclusion, since Bill 18 was introduced, it has been criticized by many Manitobans, including members of the Jewish, Muslim, Sikh, Coptic, Evangelical Christian, and Catholic communities. This should give reason to pause.

Manitoba's a diverse province and each citizen deserves to have their concerns heard and addressed by their elected officials. To attempt to force beliefs

upon one group or another is contrary to the very spirit of a diversity and multiculturalism that Manitoba is proud of.

Many families feel as though the proposed policies are being established and executed in a public relations campaign that leaves no room for their input or consideration for their constitutional rights to individual and corporate religious beliefs. A more democratic and inclusive solution, one that invites conversation with representatives from a total—from a number of cultural, religious and other identifiable groups, should be pursued.

Manitoban children, parents and teachers expect to live in a peaceful, tolerant province that respects their sincerely held beliefs, their inclusion in a multicultural society, and to have their hard-earned taxpayers—'pak'—tax dollars spent in the most appropriate and considerable—considerate fashion possible. They deserve nothing less.

Members of the Legislature and the honourable Nancy Allan, I ask that you would consider these comments with an open heart and mind, and make the necessary amendments to Bill 18.

Thank you for listening to me and for this opportunity to present.

Mr. Chairperson: Thank you, Mr. Neustaedter, for your presentation this evening.

We'll now move to questions.

Ms. Allan: Thank you, Mr. Neustaedter, for your presentation. You've made quite a few suggestions in regards to amendments to Bill 18.

In your Section 3, in regards to the cyberbullying section, your advice is to limit in scope this section and this concerns me greatly. You want to limit it as it relates to The Public Schools Act during school hours and on school premises. One of the reasons that we expanded the definition of cyberbullying is because we know that cyberbullying can happen outside of the school because of the nature of social media these days, and we expanded the definition of cyberbullying because if we—if administrators or principals or teachers hear or see something that happens in the school that they think could be a situation that needs to be—that is serious in regards to cyberbullying and needs to be followed up by the police, we want them to proceed with that kind of action and make sure that that student is protected.

So I just wanted to mention to you that that's why we made that provision in the legislation.

Thank you for all of your comments and thank you very much for being here this evening.

Mr. Goertzen: Thanks, Paul, for being a good citizen, being a good corporate citizen, as well, in Manitoba.

Your point on cyberbullying, I think, is a bit broader, and it's not a bad one in that I think we don't, in this legislation, include enough organizations that are perhaps better suited into dealing with cyberbullying that happens outside the school. Nova Scotia, in fact, brought in legislation that allows for the police to be a bit more involved in cyberbullying happening outside of the schools and they did that in response to the death of Rehtaeh Parsons, and I think that's something that needs to be looked at, so I appreciate you bringing up that point.

The Whatcott decision that you reference is also very interesting and it's—like a lot of Supreme Court decisions, it can mean a lot of things to a lot of people, but I do think that it does cause concern about this particular legislation. And it's a fairly recent decision; I think it was after this legislation was brought in, so maybe the government didn't have the benefit of the Whatcott decision at the time.

You may have heard a previous speaker suggest that perhaps this bill should be referred to the Manitoba Court of Appeal as a reference case so that it could be examined to see if, in fact, the Whatcott decision or other Supreme Court decisions have an impact on this bill, prevents all the litigation from having to go on from private parties. Do you think that would be a good idea?

Mr. Neustaedter: That would be an excellent idea.

Mr. Gerrard: Just to come back to cyberbullying issue. You want to limit this to schools. Is what you're suggesting that cyberbullying outside of schools be completely unregulated or are you suggesting that there should be separate legislation with different parameters which would cover or address cyberbullying that's outside of schools?

Mr. Neustaedter: Your comment there about the after-hours, I think that it's, first, great to be dealing with the parents in that particular issue, and extreme situations, the police department. And your comment there, I think that would be a good idea, that there be a separate group that's intelligent and capable of dealing with that outside of the school. I think that's a good idea.

Mr. Chairperson: Seeing no further questions, thanks for your time this evening.

Now call on Catherine Taylor, private citizen. Ms. Taylor, do you have written materials for distribution to the committee?

Ms. Catherine Taylor (Private Citizen): I do indeed.

Mr. Chairperson: Okay, we'll just ask the staff to help you distribute those. Then you may begin your presentation whenever you're ready.

Point of order.

Point of Order

Ms. Allan: Yes, I'm wondering if the committee—if we could have leave to wait for the—Mr. Goertzen to return to committee to hear Catherine Taylor's presentation.

She has—she is a Canadian researcher. She is the professor and director of academic programs at the faculty of education at the University of Winnipeg. She is the project leader for the national inventory, leading a team of 10 prominent researchers in the field of LGBTQ youth. Dr. Taylor is the lead researcher on the first national climate survey on homophobia in Canadian schools and is currently lead researcher on the Every Teacher Project on LGBTQ-inclusive education in partnership with the Manitoba Teachers' Society, and I was—and she has some wonderful research to share with us and she has some data to share with us.

And I was just wondering if we have leave to wait so that that presentation could be heard by the Education critic here in the province of Manitoba.

Mrs. Stefanson: Respectfully, I do, you know, know that from time to time we do need to step out from committee, and I know I was out for a period of time as well and I know leave was not asked for me to come back and I'd love to hear all the presentations. I know they are all on the record, and I know that Mr. Goertzen has put a lot of time and effort and energy into this and I'm sure that he has just stepped out to run to the washroom, whatever he's doing, but I will tell you that I think we should move forward. There's lots of other people here as well who have been waiting for a long time tonight, and I think that we should move forward.

* (22:00)

And, respectfully, I know that Mr. Goertzen will read your transcripts in Hansard, and I think we should move on.

Mr. Chairperson: It has been requested that the committee, by leave, that the committee recess in order for a member to return to the committee. A leave has not been granted.

I'd also like to caution committee members that comments or remarks on who is a part of committee or who is not currently present at committee, just as we do in the House, is not something that we would normally entertain.

Okay, that being said, we'll just ask that you continue with your presentation. Ms. Taylor, when you're ready.

Ms. Taylor: Thank you.

My purpose in speaking this evening is to offer an evidence-based perspective on the need for gay-straight alliances clubs. In the first national climate survey on homophobia in Canadian schools, we surveyed 3,700 students in a random selection of high schools, including Louis Riel School Division, Seven Oaks School Division and Evergreen School Division. The study showed that 70 per cent of students across Canada hear, that's so gay, every single day at school. What that means is that LGBTQ students are hearing a word that goes to the core of their identity used as a synonym for stupid and worthless every single day. Forty-eight per cent of students reported hearing unmistakably mean remarks like faggot and lezzie every day.

LGBTQ students and students with LGBTQ parents experience elevated risks—elevated rates of every kind of harassment in comparison to their heterosexual peers: verbal, physical, sexual humiliation, sexual assault, rumour, graffiti, property damage and so on, in person and online. Seventy-one per cent of LGBTQ students say that at least one part of their school is flat-out unsafe for them to go: typically washrooms, change rooms, corridors, and in schools where students are bused in, on school buses. The result of all this is that 64 per cent of LGBTQ students feel unsafe in their schools compared to 15 per cent of non-LGBTQ students.

People sometimes say that other forms of harassment, such as body image, are more common and therefore deserve more attention. Of course, other forms of harassment are more common. LGBTQ students are, by definition, a very small percentage of any school population. The point is

that their rates of harassment are very high. It would be cruel to argue that they don't deserve our attention because there aren't very many of them. Many students in our study wrote at length about their deep disappointment and anger with the adult world for letting this toxic situation continue.

We know that LGBTQ students want us to act. But the study also found, as an earlier presenter said, that 58 per cent of heterosexual students felt distressed to some degree, ranging from a little bit too deeply, when they heard homophobic comments. Fifty-eight per cent of them are distressed when they hear these comments, yet 73 per cent of them are making the comments, and only 26 per cent say they have ever intervened when they've heard such a comment made.

In a school culture where the unwritten rule is play the game or pay the price, students use homophobic harassment to establish their own heterosexual credentials, including, sadly, some secretly LGBTQ students. But that 58 per cent figure suggests that a great many aren't feeling good about playing the game.

Mr. Vice-Chairperson in the Chair

I believe that's why, in schools where even small efforts have been made, LGBTQ students report a better climate. Well-implemented LGBTQ-specific harassment policies and a bit—just a little bit—of curricular inclusion make a difference. GSAs are particularly effective and that's why they're leaned on so heavily in LGBTQ-inclusive schools' efforts.

If some parents fear that LGBTQ-inclusive schools will encourage students to become gay who might otherwise have turned out heterosexual, they should know that this fear is unfounded. All major medical, pediatric, psychiatric and psychological organizations have concluded that sexual orientation cannot be changed at will or by external pressure, even when the person believes their eternal soul hangs in the balance and undertakes intensive so-called reparative therapy to try to become heterosexual, much less through exposure to a gay-straight alliance club. Similarly, exposing LGBTQ students to a disrespectful school climate will not succeed in making them heterosexual; it will only undermine their safety and their well-being.

I know, from having worked closely with the 37,000-member-strong Ontario English Catholic Teachers Association and with Mennonite educators from rural Manitoba, that many religious

conservatives have rethought their theological objections to same-sex relationships, and others who retain their theological objections have quietly come to understand that there is nothing illegal or unhealthy or immoral about LGBTQ people or about our relationships. Studies consistently show that lesbians and gay men make good parents, for example, and that our children are every bit as well adjusted as the children of heterosexual parents.

It is true that some LGBTQ youth exhibit stress-related behaviours—suicide attempts, self-medication, skipping classes, involvement in teen pregnancies and so on—but this is not a function of being LGBTQ; it's a function of being exposed to crushing levels of stigma and discrimination. The same stress-related behaviours can be found in other minority groups that experience intense marginalization.

So people sometimes ask, what's so special about homophobic bullying? Why do we need to single out sexual orientation and gender identity and permit gay-straight alliance clubs if students want them? Why can't we just oppose bullying in general? We don't single out permission for body size alliance clubs or nerdy guy alliance clubs or religious group alliance clubs in the legislation, even though harassment on those grounds can be very, very painful as well.

The short answer to the question, what's so special about homophobic bullying, is that generic approaches just don't work for LGBTQ bullying. Unless school officials make a clear statement that LGBTQ students are welcome there, students don't assume that their teachers are supportive and they are unlikely to report when they're homophobically bullied. GSAs are a way of making that statement in a school.

The longer answer to the question, why do we need to focus on LGBTQ bullying, is that it hits hard. It hits with the added impact of sexual orientation having been criminalized, moralized, theologized and pathologized in Canadian history. We were—and in the views of some people we should still be—going to jail, going to hell and going to the doctor, all for just being who we are and loving whom we love.

* (22:10)

Body size and nerdiness are common grounds for bullying, but they have not been grounds for incarceration, institutionalization, excommunication,

execution, electroconvulsive therapy, defrocking, disowning, eviction, shunning—[interjection]—

Mr. Vice-Chairperson: One minute left.

Ms. Taylor: —and dismissing from employment. Was that one minute? Body size and nerdiness are not denounced as a threat to western civilization by sizable sub-populations in Canadian society today. Students are unlikely to hear their religious leader saying that being heavy is inherently evil or hear their parents saying, at the dinner table, that nerds would be better off dead.

We need to focus on making schools safe and respectful for LGBTQ students in particular because major institutions of Canadian society, ranging from psychiatry to law to religion to education, have historically made homophobia and transphobia socially acceptable, which tells LGBTQ students that they are objects of contempt, tells other students that they can abuse LGBTQ peers with impunity and tells educators not to work on—[interjection]

Mr. Vice-Chairperson: Ms. Taylor, time has expired. Committee?

Some Honourable Members: Leave?

Mr. Vice-Chairperson: Okay. Our committee agree to have leave so that Ms. Taylor can finish her presentation?

An Honourable Member: Agreed? [Agreed]

Mr. Vice-Chairperson: Okay. Please continue.

Ms. Taylor: Thank you very much—which tells LGBTQ students that they are objects of contempt, tells other students that they can abuse their LGBTQ peers with impunity, and tells educators not to work on this problem for fear of getting into trouble. It will be years yet before Canadian society recovers from the legacy of that history, but the process needs to start.

If there is another identity group, such as nerds or Anglicans or heavy people, that have been officially vilified throughout history and are still vilified in some communities, another identity group that is still so marginalized that students won't report when they're beaten up and teachers are still afraid in 2013 to acknowledge their existence in respectful ways, then that group needs special attention in our schools, too, and I hope that they'll get it. Identifying the fact that the situation that we know, the situation of LGBTQ students, calls for a specific attention does not involve failing to protect other students.

In closing, LGBTQ students won't feel safe or respected if we tell them they can't even use the word gay in the name of the very club designed to protect them. Homophobia works not only by active harassment but by official silence in the face of harassment. To my ears, Bill 18 is the government of Manitoba finally saying, loud and clear, to LGBTQ students there is no hierarchy of rights in this province. Everyone has the right to feel safe at school and, contrary to history, contrary to what you hear in the hallways and even contrary to what you might hear at home, that includes you. Respect for differences, even differences we don't like, is enshrined in the Charter of Rights. It's what life in a pluralistic society requires of us.

Mr. Chairperson in the Chair

I sincerely commend Minister Allan for your fortitude in supporting the rights of all students to a safe and respectful education, and I do thank all members of this committee for your important service to Manitoba in these hearings.

Mr. Chairperson: Thank you, Ms. Taylor, for your presentation this evening.

We'll now move to questions.

Ms. Allan: Dr. Taylor, thank you very much for your presentation tonight and thank you for the work that you were doing with the Manitoba Teachers Society and with Egale to provide us with a very important research around LGBTQ students. And thank you for sitting here until—I know you were here at the very beginning this evening, and thank you for sitting here all night to make your presentation. We appreciate it.

Mr. Gerrard: Yes, one of the questions that has sort of come up and I'd like your input on—sometimes if you focus on, in this case, LGBTQ youth and decrease bullying that's related to that, you may have an impact on other forms of bullying and other socially negative behaviours toward other groups. Can you comment on whether, you know, the focus on LGBT youth in terms of antibullying measures may have a—what kind of an impact it will have, if any, on other groups and other forms of bullying?

Ms. Taylor: Yes, I can. I mean, in the spirit of the old union saying that an injury to one of us is an injury to all of us, when schools set out to protect the most marginalized students, that sends such a powerful message of respect for human rights throughout the student body. Students do a double take and they look at their teachers and their

principals with new respect and they take the lessons they're getting at school about Canada being a diverse society that values difference and that has a Charter of Rights and respects multiculturalism and all that. They believe in a new way that their teachers actually mean it. And there are studies that do show that bringing in LGBTQ-inclusive measures does raise overall sense of community in a school and makes all kinds of bullied students feel better.

Mrs. Stefanson: Thank you very much, Dr. Taylor, for coming tonight and for waiting and presenting rather late into the evening. We appreciate you waiting and doing this. And, you know, it's one of the great things about this committee process that we have here is that people have a right to come out and voice their opinions. And I think that that's what we do here as we listen to all people that come forward. And I think it's a very positive thing. And so I just—I want to thank you very much for coming forward and for presenting tonight.

Ms. Oswald: Thank you, Dr. Taylor, for being here. I've heard a number of presentations on this evening and another evening, and I've read some intervening presentations, who have suggested about Bill 18 that it's only taking care of one group of students. And with great respect, I do not agree with that interpretation. I read the bill to clearly say that school boards will respect all protected groups under The Human Rights Code. So I think that that is a misreading of the bill. But even if that interpretation were true, which I do not believe it to be, I hear you say that there is evidence to support the treatment, the unique treatment of this particular LGBTQ group of students, and the evidence supports taking a different approach about that. Could you reiterate that again so I understand completely what that means?

Ms. Taylor: Yes. The example wouldn't be through provincial legislation that focused solely on the LGBTQ inclusion, as this legislation does not focus solely on LGBTQ inclusion. The example would be school divisions that have brought in LGBTQ-inclusive education policies and put into place a requirement that all schools permit a GSA if any student wants one and that do some work in order to tackle the problem of homophobic language. There's a daily assault on the spirit of any student who belongs to a school community that continually abuses people who've done nothing to deserve it. And our survey showed that students are not feeling good about participating in that kind of culture.

There's a school in—a middle school in Seven Oaks School Division, where—

Mr. Chairperson: Thirty seconds.

Ms. Taylor: —where they brought in a little plan to try to tackle homophobic comments. And the wonderful transformation of the entire school ethos as a result of just reducing the use of homophobic comments is something that I hope you do hear about from one of the teachers at that school.

* (22:20)

Mr. Chairperson: Time for questions has expired. Thank you very much for your presentation this evening.

Now call on Kenzie Prudhomme, private citizen. Kenzie Prudhomme? The name will be dropped to the bottom of the list.

I will now call on Tasha Deschambault. Good evening, Miss Deschambault, do you have written materials for distribution to the committee?

Ms. Tasha Deschambault (Private Citizen): No, sir.

Mr. Chairperson: Okay, you may proceed when you're ready.

Ms. Deschambault: I just thank you so much for taking all this time and these days. And I come here to represent two groups that have caused you to come here in the first place and to apologize. One, as a Christian; I'm so sorry that we haven't done our job well and that's why we're here. Two, for my daughter, who is a bully, and so I'm sorry.

You know, all night I've listened back and forth and I haven't heard one person apologize. You're here every night doing your jobs. And it's late, and you're tired, and I can see it, and I'm sorry. I'm sorry for each one of you that have been bullied by our communities. I'm sorry that we've not loved you well. I'm sorry that we've not honoured you as people.

You know, I fully agree with everything that God says, all of it, which causes controversy and it causes offence and it causes pain—

Mr. Chairperson: I'm sorry to interrupt the presentation; I truly am, but we do not allow exhibits as part of your presentation show. We'll just ask—

Ms. Deschambault: Sorry. I apologize. I didn't mean to. I'm sorry.

Mr. Chairperson: No problem at all. I'll allow you to continue with your presentation.

Ms. Deschambault: Jesus was really clear on why He came, and if it wasn't for Him I'd be dead. And so I'm compelled to come.

I have an uncle who is homosexual. I've met many people that I was afraid of; I was abused by that community and chose hate. But when He healed me from my fears and the trauma, He showed me how the very people who were called by His name didn't choose His way at all.

Every Christian that's been here tonight should have said, I'm so sorry that you have not been loved well. I am so sorry that our name isn't included on that list because we caused so much pain and trauma to the people of this province. I don't think it's okay to practise homosexuality or any other letter, but that by no means gives me right to ostracize, exclude, cause harm, pain, negligence, so I'm so sorry.

I'm so sorry that we haven't gone through this very definition that I'm about to read, that we all claim; we hear it at weddings and we hear it here, but, you know what, I don't believe many people actually believe it. God's really clear on what He says love is, and if we actually love one another, we wouldn't have been here tonight. And if the body that I so believe in had come and represented the God that we serve well, none of you would be here right now; we'd all be at home in bed with our families.

This is what God says before each one of you today: And though I bestow all my goods to feed the poor—which the Christian community does—and though I give my body to be burned—which for thousands of years we've done—and though but I have not love, it profits me nothing. And none of us have been profited. You've heard lots of people come tonight and nobody's gained a single thing. Nobody's been moved or swayed. I can tell; I haven't been, and I know many of you have not been yet either.

Love suffers long and is kind. Love does not envy. Loves does not parade itself, is not puffed up. Love does not behave rudely. Love does not seek its own, is not provoked, thinks no evil, does not rejoice in inequity but rejoices in the truth, bears all things, believes all things, hopes all things, endures all things. Love never fails. But, you see, we failed you because not one of us came here tonight with love as our first intent but rather to show all of your flaws and errors, to poke at the holes and to tell you the job that they thought you should be doing. God 'trus'

each one of you, whether you choose to ever follow Him or not is regardless. He loves you. And so thank you for hearing the call on your life and coming.

And no, I don't agree with all of Bill 18, but I don't believe any one of you has come here today to maliciously harm children at all. I just think sometimes when we don't come with love first, we've missed it because of our own hurts and our wounding and our own pain.

So I'm sorry that we have not come with the message of love that we were supposed to. God called many people here today and all week and last week and some that said no. But if our first agenda was not to say we love you and we thank you and we honour you, which was the second thing he told us to do, honour those who are in your position so that your job is easy and we have not made it easy for you. It's been long.

The second group that I'm coming to apologize for are the bullies. Not only was I a bully and bullied, but my daughter was a bully. And tonight, instead of getting to talk with her as she's on a plane to England right now, I'm here to say I'm sorry that her very actions has caused many of you to be here tonight. We've tried the school system and when we wanted recourse for her actions because we could see the road that she was taking, we had no help. And, no, I'm not asking for pity for the bullies. There's consequence for your behaviour, but there was nothing to protect them either and they're still yet children and they don't understand some of the things that they do.

I remember one day a parent calling and telling me about some of the things that our daughter was doing and I was horrified. She was in grade 6 and she was mean. She also was bullied and we hear the repetition. Many who have been bullied become bullies themselves to protect themselves, but that's not okay either. And so when I asked the school, please, will you discipline her and help us because I don't want her to grow up to the lifestyle that we could see she was going, we had no help. And so when we asked for her to be suspended, as radical as that sounds, they said no. So we did. We suspended her.

My husband and I are both in the education system, and so we, we ourselves, we know the flaws and we know the trials and the trauma and the joys that come with the field. But I'm sorry, I'm sorry that growing up I wasn't parented well and I'm sorry that I then didn't parent my child well, which brought her

to the place that she was at in the first place. I'm very thankful that God got a hold of my heart and helped me raise her, and he promises if you raise your child in the ways of the Lord even when they're old they will not depart.

If we had not taken the road that we had taken, my daughter would either be in jail, hooked on drugs, pregnant or dead. I know because I was on that road myself, it's very easy to see the signs. But because we chose to take that very passage and really and truly apply it and love everybody, just like God told us to do and not condemn, not separate but rather come together, she is now on a plane to England, she's going to be gone for three months and I won't see her. So that in another country she can go and tell them God so loves how he made you, no he doesn't agree with everything that you do, I don't agree with everything my kids do, but that will never retract his love from you.

So I thank you, thank you for being willing to put up with rude comments on both sides, and for being willing to have slander thrown at you and people not agree with what you say. And I'm sorry for those parents who didn't raise their kids well, that caused you to be here, and I'm really sorry for those of the Christian faith who didn't love on you every time they came. That's all.

Mr. Chairperson: Thank you very much, Ms. Deschambault, for your presentation. We'll now move to questions.

* (22:30)

Ms. Allan: Ms. Deschambault, thank you so much for being here tonight. You have come here this evening in faith, and you've come here this evening in love, and you've come here this evening in honesty, and you've shared your very personal story and we appreciate your comments. Thank you for waiting all evening to present. Thank you.

Mrs. Stefanson: Thank you, Tasha, for being here tonight. You know, you and your husband, and I just—you're—I've seen you both sitting in the front row there and listening to every single presentation tonight. You've sat here all night, and good for you. And then you've come up and given a very incredible presentation to this committee; very from-the-heart, and you've shared a very personal story, which is very difficult to do. And, you know what? It's—we all learn something from every single presentation that

comes up here, and I just want to thank you for sharing your story and your own personal experience with us tonight.

Mr. Chairperson: Seeing no further questions—oh, Dr. Gerrard. I apologize.

Mr. Gerrard: Let me just say thank you for coming forward, for hearing your story and your message, and thank you.

Mr. Chairperson: Seeing no further questions, thanks for your time.

We'll now call on Al Deschambault, private citizen. Mr. Deschambault, do you have written materials for distribution?

Mr. Al Deschambault (Private Citizen): No.

Mr. Chairperson: Okay. Well, just proceed whenever you're ready.

Mr. Deschambault: Thanks for bearing with us. It's been a long night, I know. I guess you guys have had a lot of long nights, so—

Yes, I just—I want to say what my wife said as well. Thank you guys for doing this. We're not all the same political party here, and yet we're all here for the same reason, you know. I am a principal in this province; I have been for seven years—teacher for five before that. So, instead of reiterating different things I've heard that were great points, I—and I see my two bosses back there—boss and deputy boss, although I've got to tell you tonight I'm coming because I serve people this high; that's who I serve.

So I could read parts of Bill 18 that I don't agree with—41(1.8)—it's been done before; (b) gay-straight alliance, the GSA. We heard a lot of numbers that carry a lot of weight. But I think promoting a positive school environment, from what I know, is making sure there's unity, and, just to prove it, we're all here unified for one goal, and I have not yet asked what every sexual orientation you guys have before you came through the door was, because I think that's real important before we get along. Although, I don't think it's an issue, and the fact that you're all sitting here trying to do this without that means it doesn't really matter.

And yet that's first and foremost—gotta be in this bill. And I don't think so. And I've been a principal long enough to know that kids, no matter what that background is, no matter what they're being bullied for or not being bullied for, people hurt for a million different reasons. And making a bill like this would

be really hard to cover everybody, and it'll be harder when you're doing, for example, we should do this. You're going to leave some people out, and I don't think anybody should be left out.

I also think when someone comes through the door and you say, wait, are you gay or straight? We just want to know where you're at because we want to label you to further love on you, which will never be true. We label people to decide whether we like the label and, if we don't, we have new reasons to hate, okay. Although I come here tonight because I've been labelled a Christian, and so I'm labelled a Christian by myself, by my own admission, so my job is to love everybody. And that's a label I want to wear.

So I also want to say that all of you guys sitting around the table working for this goal, I think that speaks volumes, but I also want to urge you that how you go about it's way more important than the fact that we all agree. We all agree bullying's bad; it's very easy to agree on that. But it's how we get to the end goal. And people watch how much backbiting, what does the media say, what are they saying—oh, they're all just a bunch of—no, you guys are public servants, and I want to honour you well, but you know the labels you sometimes have to wear that aren't fair. Crooks—only crooks would do that job. But I don't think that's a good label, see, and I do everything I can in my school to make sure I defy that label because you people are the backbone of this country, and if that's true, then I've got to support you. Hey, whether I agree with your ideas or not, I understand why you're here, because you believe, at the end of the day, you're going to leave a legacy that will have propped up and helped society, not, well, that guy, I mean, he sure just destroyed society all his life, didn't he. That's not what you want to be remembered for, so that's not what you're working to. And so around this table, regardless of 'poli'-party politics, we all want to do the best for people, especially those little ones.

So why gender identity or sexual orientation? I don't understand that, because I think it's all about unity. If you created a love group, that they love on other students, that your primary goal was to make sure everybody was safe, and if you decided to tell everybody, hey, everybody, I'm gay, well, that's up to you. But you don't have to come through the door and first announce before we can decide what label you are to love you. You're in this school, you're part of this group, that's the first and foremost group, and that group we will protect because you came through

the door and you're part of our school system and you're in this school, you are automatically part of the group. And your behaviour will not dictate if you can stay in the group or have to leave the group, your behaviour means we may have to help you along but you're still in the group because you're still in the school. That's inclusive school. That's a school for everybody, not, well, what label are you wearing today?

Every kid I see defies a label, he grows. Just like you guys when everyone says, well, politicians are crooks and you prove you're not crooks by working every day. Interesting. Every label you tear off is a good thing. Every label you stick on pushes a kid further down.

I don't want to come with just a lot of heart; I'd like to say a couple things as well from actual numbers. You heard a lot of numbers, numbers can be used to prove anything; 97 per cent of people know that. That was my numbers.

I went to COSL, Council of School Leaders, in February, 2013. I went to see this speaker, I wish I could remember his name, anyways, he was from Ontario and he spoke a lot about what was going on in Ontario, but specifically what was happening in the States. And he was saying things like: oh, and this teacher wrote this stuff on Facebook; and, boy, you got to be careful and she was canned; and, then, this happened, oh, there was a lot of trouble and those kids did this and you wouldn't believe. And I agree totally. Some of that stuff that happened I left that conference thinking, you know, that room, this is a big problem, we should get a handle on this.

Thank you, Jesus, for John Finch, a very respected member on copyright law, you know him well, a very, very smart fellow. He knows his stuff, he's been invited by division more than once to speak on copyright law and I wanted him to stay for another six hours. But he brought us in the room and he told me exactly the opposite of what the other fellow had said, that he had surveyed a bunch of school students in Manitoba and found out, roughly—I won't be sure on the numbers—7 per cent, less than 7 per cent say online bullying is a problem because they just turn their computer off. Whew, I'm safe now. See it's not a problem, they understand where the off button is; they get off of Facebook, they get off of Twitter, I don't want to deal with this anymore. What they said over 50 per cent is if you can keep that kid from slamming my head into the lockers as

he calls me a loser that would really help though, that would really help.

And so I think a lot of the smoke and mirrors has been on this stuff, and a lot of the media and I understand some people have paid some very heavy prices for what happened with online bullying. But that overshadows the fact that you've just heard, 50 years ago people were still getting shoved into lockers and called names; 50 years later people are still getting shoved into lockers and called names. And then we decide to tackle the new online one rather than tackling the one that's 50 years old and not any better.

They're afraid to walk the halls, but they're not afraid to go online because they're the digital natives, they understand how to run around this curriculum, they understand how to work the computer. Oh, somebody's bullying me, click, I'm off, ooh, he's blocked. Okay? They understand the tools and they put them to use better than we can legislate, however nothing saves him when he has to walk through that hall to his locker and the boys are waiting to shove him in and call him names. He can't—he's powerless there. That's where my job comes in.

My job is to make sure everybody in my school is safe. My problem is I got to be careful I don't become the bully. I want to tell them it's not okay while not trying to hammer them so hard that the heart gets harder rather than softer. I got to make an appeal to these people that you can't keep hitting him, he's 9 years old, you're 17, you have to stop hitting him, it's not okay to do that. I don't know, should I call the cops? I don't know what to do. But at some point you're going to have to stop doing that.

And I would like to see in society reflected that's what happens too, because I would like the school to be more of a reflection of society than school as a separate thing and when you get out you have to relearn the rules.

So to me this bill, some of these issues aren't covered. Some of these issues are highlighted that aren't issues.

I don't know people's sexual orientation when I meet them, nor do I think it's very important. But they're kind and courteous to me and I'm being kind and courteous to them and we don't have to swap war stories to find out where they're at, because I'm supposed to be kind and—why would I not be? You—I extend a hi, how's it going, so you've been here long; they answer. Do you ever have somebody say,

hi, I'm Barry [*phonetic*]; I'm a little bit crazy, not like everybody says. What's your first impression? Barry [*phonetic*] is crazy, cuckoo nuts because he identified himself away from it as much as possible. I've never done that. I've never shook somebody's hand: Hi. I'm Al, strong huge heterosexual; 'hoh', you have no idea. We don't do that. And yet these kids, they're bombarded with that's their identity. I'm sorry; that's not your identity.

* (22:40)

Mr. Chairperson: One minute remaining.

Mr. Deschambault: That's not your identity. Your identity is what keeps you grounded. I mean, if people kept talking about they didn't know who they were, that's what allows in the bully. And I believe schools are trying to tell people: You are valuable. Everything about you is valuable.

Now, to be unique is a great and wonderful thing. Also being part of a collective—I'm a French-Canadian—is the French part as important as the Canadian? Never could be. I say French-Canadian and you don't associate me, oh, French. You light up when you hear Canadian, because that's what pulls us together.

So I think these groups should be about what unifies us, not what tears us apart. When they come through the door for this meeting, for this group, it should be collective, all for the same reason—not based on what they might believe or might not like about our group.

Thank you so much for your time.

Mr. Chairperson: Thanks very much for your presentation this evening.

We'll now move to questions.

Ms. Allan: Mr. Deschambault, thank you so much for being here this evening, and it's always wonderful to have educators here who work in our public education system and our funded independent system because we know that they're working very hard every day on behalf of our students. Thank you so much for your comments this evening, and all the best at your school. Thank you.

Mrs. Stefanson: You know, I just want to thank you so much for being here tonight and listening again through all the presentations so far and waiting through evening. And you brought forward, you know, a perspective that we haven't heard tonight, and I think that's from an educator standpoint. We

have heard from other educators in committee, but—and also as a principal, and I think it's just great for you to come forward and to speak here tonight from the heart about what's going on in your school and some of the things that you're doing to combat bullying within your own school. And so thank you for sharing that with us tonight. I think it's been very—very helpful to this committee.

Mr. Gerrard: Yes. I just want to say thank you for coming and sharing your thoughts with us and your experience, and thank you for what you do in the school as a principal and looking after kids.

Mr. Chairperson: Seeing no further questions, thanks so much for your presentation.

I'll now call the names of the presenters called twice at previous meetings. If these individuals are not here tonight, their names will be permanently dropped from the list:

Alisa Penner, private citizen; Nathan Knell, private citizen; Todd Reimer, private citizen, Jozef Braun, private citizen; Nelson Camp, private citizen; Mark Zoldy, private citizen; Julie Funk, private citizen; Brittany Needham, private citizen; Mark Loewen, private citizen.

I will now call the names of those individuals who have been called once tonight, and if they are not present, their names will be permanently dropped from the list:

Tara Law, private citizen; Jeremie Verrier, private citizen; Jodi Layne Blahut, Director, Hollaback! Winnipeg; Kenzie Prudhomme, private citizen.

I will now call the names of the presenters who have not confirmed their attendance for this committee. These individuals have been notified of the meetings but have never confirmed their attendance and, with leave of the committee, I will call their names only once and then they will be dropped from the list permanently.

Is there leave of the committee?

Some Honourable Members: Agreed. [*Agreed*]

Aimee Espanueva, private citizen; Linda Derardy, private citizen; Darcy Brown, private citizen; Jeffrey Loewen, private citizen; Rylee Loewen, private citizen; Jeremy Wiens, private citizen; Becky Koop, private citizen; Kibrom Tesfazion, private citizen.

We have received a written submission from Brad Kehler. Does the committee agree to include this submission in Hansard?

Some Honourable Members: Agreed. *[Agreed]*

Mr. Chairperson: That concludes the list of presenters I have before me. Are there any other persons in attendance who wish to make a presentation?

Seeing none, that concludes public presentations.

We now proceed with clause by clause consideration of Bill 18.

An Honourable Member: Point of order.

Point of Order

Mr. Chairperson: Point of order.

Mr. Goertzen: I understand from my colleagues there was a question about my attendance earlier on. Well, I know that's not a parliamentary question and members—all members of this committee, sort of, come in and out at different times and they've had to.

I did have the opportunity to phone my son before he went to sleep at 10 o'clock; I haven't seen him in three days. We don't all have the opportunity to get home because not all of us live in the city. So I haven't seen him for three days, and I got to talk to my wife, who I also haven't seen in two days. And I know we are all supposed to care about all kids, but I certainly care about mine. And I'm glad that the committee was interested about me talking to my family, and I appreciate the concern that the minister had for me being able to speak to my family who I have not seen for three days. I want to thank her very much.

Mr. Chairperson: Thank you very much for the comments, Mr. Goertzen. I'll rule that you're not—you do not have a point of order and I will carry on.

* * *

Mr. Chairperson: During the consideration of a bill, the table of contents, the preamble, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Also, if there's agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members have—may have comments, questions or amendments to propose.

Is that agreed? *[Agreed]*

Does the minister responsible for Bill 18 have an opening statement?

Ms. Allan: Well, thank you very much, Mr. Chair. I would like to take this opportunity to thank all of the staff in the Clerk's office for the incredible job that they have done in organizing the Bill 18 hearings. We're not quite sure, but we think this may have been the largest hearing on a piece of legislation that we have had in quite some time. So I really want to thank them for all of the work that they have done in organizing the presenters for Bill 18.

I'd like to take this opportunity to thank the presenters who have come up to speak at these committee hearings. Over the last week and a half, I have listened to over 40 hours of presentations from over 250—hundred Manitobans. This committee has been a safe and respectful place where presenters have shared their personal stories. We have all experienced the effects of bullying and cyberbullying as children, family members, friends or neighbours.

I appreciate all of the presenters who have shared their personal stories and their comments on Bill 18. We have heard from administrators, educators, trustees who have told us that Bill 18 will give them new tools to address bullying and cyberbullying in their schools.

We have heard from many presenters who have told us that new technologies have changed the face of bullying. Bill 18 will ensure that our parents are informed when cyberbullying incidents happen and that school staff take the appropriate measures to respond.

Most importantly, we have heard from students who have told us that Bill 18 will empower them to make their schools more accepting and inclusive places through GSAs or any other student support group, or antibullying club that supports a positive school environment.

Many presenters shared their deeply personal stories about the bullying they endured and the emotional harm it did to them. Bill 18 builds upon previous bullying legislation that has been supported unanimously by legislators from all parties in this House.

Antibullying laws that our government has passed previously require school division to have—school divisions to have codes of conduct that

require disciplinary action and parental involvement when bullying takes place.

Bill 18 is about protecting all students from bullying and cyberbullying, and this bill will prevent bullying in all forms from happening in the first place by making our schools more inclusive and accepting of all students.

Bill 18 will put protocols in place to ensure that school staff act on cyberbullying incidents when they are brought to their attention, no matter where or when the incident occurs.

It is my hope that our Legislature will continue to—its record of unanimously supporting antibullying bills and support Bill 18. I know it will make a difference for the young people in our schools who we want to succeed and reach their full potential.

Thank you.

* (22:50)

Mr. Chairperson: We thank the minister.

Does the critic from the Official Opposition have an opening statement?

Mr. Goertzen: Thank you, Mr. Chairperson. I also want to thank the Clerk's office for organizing this committee and Bill 20 before it. I know it's a unique process that we undertook, and I think all members would say it's been good. It could probably be fine-tuned and I'm sure that as we go forward with rule considerations it might be, but I think it's definitely a step in the right direction.

I want to thank the many presenters who came. Boy, we heard some heartfelt stories. I've done a rough calculation; about 87 per cent were opposed to the bill, but whether you're opposed or whether you're in favour there was some very, very heartfelt stories and we appreciate every presenter who came, who saw this as a safe place. They saw it as an inclusive place, not one where you're labelled as one thing or the other but that you could come here and be it all inclusive and feel safe.

Not everybody felt as safe. I know there was some teachers who were discouraged from coming and speaking against the bill. I appreciated the ones who did feel secure and safe enough to come and those who had to be represented by proxy because they were encouraged not to come. That's disappointing, and there's still some work to do on our democracy side, I suppose, but there's always work to do on democracy. And I know the many

teachers who would have liked to have presented but didn't feel safe doing so, their voice was represented by a few who did and I appreciated that.

The concerns that were raised by MAST, the Association of School Trustees; the couple of delegates from MAPC who also said that they spoke strongly against the bill at their convention.

I appreciated hearing from the many faith-based groups: the Muslim community, the Sikh community, Coptic, Christian, the Jewish community, both of these communities—and, previously, those aren't groups that always agree on everything. Historically, they haven't agreed on much, but it was good to see that they had some common interests and they came forward and presented them respectfully. And, overwhelmingly, I would say that the presenters were extremely respectful, and I think that that was served well for this committee process.

I was particularly moved by the vast majority, I think it's about 87 per cent as I mentioned, people who came forward and who talked about their bullying experience. And a lot of them had never told their stories before; we heard those. Remember Marianne Curtis yesterday came. We heard today a grandmother who came and told the story she'd never told before. So many people came and said things that they were not comfortable saying before, but they thought it was important to do it, because they were concerned that this bill wouldn't have helped them and wouldn't have helped their kids or their grandkids—and you can go through and read all the presentations and I'll review some of them probably at third reading—but they did it with a heart that they want to see all kids protected.

So many of them said that they thought this bill might give false hope to kids who are being bullied for language, for body type, for body image—if they're being—they're bullied just because they're new to a school, if they're being bullied for academic performance either because they're too smart or they're not doing as well as some of the other kids. And it's tragic to think that they feel abandoned by this bill and, frankly, by this government. But they came to say that and they have the right to say that.

And I don't feel the same way that the government does that the government actually knows better than they do with their own experiences. I actually think the people who lived their experience know their experience and know whether or not the bill would have helped them or not. I don't—I'm not

as—I won't use the word in—we've heard today—but I think it's a little bit rich to suggest that people who have lived and experienced, that they don't actually know their own experience and what would have helped them and wouldn't have helped. So I believe Manitobans, and I'm glad they came forward and spoke respectfully and, in many cases, spoke out of love, and I think many and—of them did that. And so I appreciate that.

I can't support a bill that gives false hope to so many, that leaves out so many, that won't protect so many. In a year from now, if this bill passes—and I expect it will and I suspect it will pass more as less as written—we as MLAs will still have the people coming into our constituency offices and saying, had to pull my kid out of school because they're getting bullied, have to home-school them, had to put them in a different place, had to pull my kid out of school because it was just too much, don't know where to go; they'll be breaking down crying just like they are now. And that's wrong. It's wrong to give those people false hope.

And I know the government will—they've already done it. They'll call me a bunch of things; they might call others a bunch of things, but, you know, Manitobans are pretty smart. And the great thing is, over this last seven or eight months, I think they've gotten it. I think they've gotten it, that bullying's a serious problem, and it was mentioned in one of the presentations here today that it has actually engaged people in the issue of bullying being a serious problem, and that's been the great positive of this process. The great negative, of course, is that it leaves out so many kids who are being bullied, and they need to be protected and we want to see something that's going to be able to protect all kids—all kids, because all kids deserve to be protected. And Manitobans get it.

And government can call me things, and they can call anybody else things, but I think Manitobans understand it. I think Manitobans really understand it. And I'm proud of Manitobans over the last eight months because they've figured it out; they've figured it out that we need legislation that's going to protect everybody, and I think they're going to be along with us in that journey in the months ahead. When this bill doesn't protect kids and when we still have people coming into our constituency offices and saying, we need help for our son and daughter and we don't have it, and they're going to be at least more engaged. They'll be disappointed by the false hope that they were given by this bill, but they'll be more

engaged. And we'll be there to stand them—stand with them to say, we've got some ideas for you. We already have some ideas before, in the Legislature, which are being rejected by the government now but implemented in Nova Scotia, and I applaud some of the innovative thought that's going on in different jurisdictions.

So I'm glad that Manitobans came out. I'm glad they were respectful. I'm glad they told their stories. I'm disappointed that the vast majority don't feel that they would've been protected. But we're not going to stop. We're going to—continue to bring forward legislation and talk about things that could help them, to the extent that legislation can. And legislation isn't the all—end all or be all, because this is, in many ways, a matter of the heart. But there are things I think that can be done to help kids that certainly aren't being done in this legislation.

We'll bring forward amendments in a—in report stage amendments. I wanted to listen to presenters and fine-tune some amendments, and I'll do that now. Having listened to people—because I think it's important to listen to people and then craft amendments around that, and so that's exactly what I'm going to do. And I'll bring forward several amendments. I'll bring them forward tomorrow if the House rules allow and if I can get them done tonight, and look forward to having those debated and someday having legislation that'll be there for all kids.

And I really want to thank the presenters who came forward with courage and compassion to say they need something that will help them, and this wasn't it.

Mr. Chairperson: We thank the member.

Clauses 1 and 2—pass; clause 3—pass; clause 4—pass; clause 5—pass.

Shall clauses 6 and 7 pass?

Honourable member for—sorry, honourable—Mr. Goertzen.

Mr. Goertzen: Mr. Chairperson, it's late. I understand. It's been long committee hearings for everybody.

I just wanted to ask the minister if she's looking at considering any—based on all the hearings we've had in the—maybe 300 people or maybe it's less, I don't know, people who've come out to present, if she's looking at any amendments at the report stage

portion of the hearing or if there will be any this evening yet.

Ms. Allan: Well, thank you very much for the question. I've had an opportunity to sit here and listen to over 250 presentations over the last week and a half. And when you came to my office to be briefed on the four pieces of legislation that I had that were going to be in the House, you asked officials to leave after the first piece—first three pieces of legislation and you didn't want to do a technical briefing with me on Bill 18, which was unfortunate. So I look forward to seeing what the amendments that you have are in regards to Bill 18. We certainly would be interested if you had any amendments that would strengthen the legislation, and I guess it'll be clear to us in the next couple of days, before the House winds down, whether or not you have any. So we look forward to seeing those amendments.

Mr. Chairperson: Just before I recognize the member from Steinbach, I just wanted to remind all members to direct your comments through the Chair. I know it's tempting; we're sitting across the table from each other, but to direct your comments through the Chair.

Mr. Goertzen: I appreciated meeting with the minister and expressing some of my concerns and some ideas, in particular, what's being done in Ontario and different sorts of things. Maybe she doesn't remember those things; it's been a busy time for her and I understand that, that she's been busy with emails and people with concerns.

I certainly will present those amendments. It would've been great if she could have come to that meeting with 1,500 people—the information meeting, the one that she was very negative about, of course, and said negative things about. She was invited, but she decided not to come because she couldn't speak. And I didn't get to speak either, but I thought it was good to listen to people. And I was hoping that, in this process, that with all the 300 people that have come and, you know, people poured their heart out, and I was just really hoping that the minister would've listened to them. Maybe I wasn't overly hopeful, but I was hoping—I was hoping that she was going to listen.

* (23:00)

I look forward to bringing forward in my amendments based on the—what I have heard from the public, from the community throughout

Manitoba. I've got some ideas. I'm going to task Leg. Counsel with some quick drafting soon because there's some new ideas that came forward tonight as well, and I think, ultimately, reducing bullying starts with listening, and it's too bad the government didn't want to listen.

I look forward to bringing forward the amendments though, and I'm hopeful that the government will bring forward an open ear to those.

Mr. Chairperson: Clauses 6 and 7—pass; clauses 8 and 9—pass.

Shall the enacting clause pass?

Some Honourable Members: No.

An Honourable Member: Pass.

Mr. Chairperson: All right, I heard a no.

Voice Vote

Mr. Chairperson: All those in favour of the enacting clause, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: Those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the ayes have it.

* * *

Mr. Chairperson: Shall the bill be reported?

Some Honourable Members: Agreed.

Mr. Chairperson: I apologize, I need to ask about the title first.

Shall the title pass?

Some Honourable Members: Agreed.

Mr. Chairperson: The title is accordingly passed.

Shall the bill be reported?

Some Honourable Members: Yes.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Voice Vote

Mr. Chairperson: All those in favour of reporting the bill, say aye.

Some Honourable Members: Aye.

Mr. Chairperson: Those opposed, say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In the opinion of the Chair, the ayes have it.

Recorded Vote

Mr. Goertzen: Recorded vote, Mr. Chairperson.

Mr. Chairperson: A recorded vote has been requested.

All those in favour, please raise their hands.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 6, Nays 4.

* * *

Mr. Chairperson: The bill shall be reported on the counted division 6 to 4.

The hour being 11:03, what is the will of committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Just for the record of the committee, the three meetings, September 12th, 13th and 14th, will not be necessary. So we won't be having those meetings.

Thank you very much, and committee rise.

COMMITTEE ROSE AT: 11:03 p.m.

WRITTEN SUBMISSIONS

I would like to thank the Committee for taking the time to read my presentation regarding Bill 18. The following are a couple of points of concern that I have regarding the bill.

Section 1.2 (1) includes the phrase "should be known to cause" fear, intimidation, etc., in the definition of "bullying". I believe this phrase is too vague. A student may not actually know that their action or remark will cause the repercussions listed in the bill. I believe that the definition of "bullying" should include "repeated behaviour intended to cause harm".

Section 1.2 (2) includes the phrases "perceived" imbalance, and "need not be repeated behaviour" in the definition of the characteristics and forms of bullying. These phrases are extremely vague. If a deed or remark is "perceived" or interpreted incorrectly, and not as the other person actually intended, then the "perpetrator" is wrongfully accused of "bullying". Every person is different and expresses feelings and thoughts differently. Because of that, there is always potential for

misinterpretation. By the current definition in the bill, many would be wrongfully accused of bullying.

The bill refers to cyberbullying through social media in Section 1.2 (2). I don't believe this should be part of the Public Schools Amendment Act because cyberbullying occurs through social media which is not necessary at school. I believe social media should not be permitted on school grounds. I believe cyberbullying should be dealt with by the parents and officers of the law, not by teachers and principals.

Subsection 41 refers to the establishment of policies that respect the appropriate use of social media. Once again, I propose that all devices used for social media be prohibited from school grounds, with perhaps the exception of computers owned by schools for the purpose of research for projects. Computers that are school property should be equipped with restricted internet access. Emailing, texting and instant messaging are not necessary for students at school.

Section 41 (1.6) addresses "respect for human diversity". Human diversity encompasses all differences, including race, age, disabilities, gender, religion, etc. If this bill is to enforce the respect of all differences, then each and every diverse group should be permitted to express their beliefs without fear of being accused of bullying because another group doesn't agree with and is "hurt" by another's expressed beliefs.

Section 41 (1.8) addresses student activities and organizations that are to be promoted within the schools. The list of criteria to be promoted does not include all diverse groups. The bill references gender multiple times but excludes other differences such as age, religion, appearance, IQ, etc. The bill contradicts itself on this point in regards to respecting human diversity because it excludes certain groups.

I believe that no child should be bullied and that there should be clear and concise consequences for those that do bully in schools, based on a correct and accurate definition of the word. I believe there should be clear and specific actions that teachers and principals are permitted to take to deal with bullies at school. I don't believe that this bill outlines these specifics and that changes must be made to this bill in order for it to be positively effective.

Thank you for your time.

Sincerely,

Kameika Funk

* * *

Thank-you for the chance to present my concerns in regards to Bill 18. I am responding as a concerned citizen & parent.

Growing up I was bullied to a degree in school, by a group of girls. I was bullied for the simple fact that I stood up to them. I wasn't going to allow them to run my life & make me feel down. They viewed that as a challenge & I backed down, they did not. I am also addressing you as a parent, my Grade 1 child came home today saying that she was called bad words by another student. It was hard to listen to my beautiful child starting on a journey that I was on, 20 short years ago. It not only made me hurt for her, it brought back a lifetime of feelings that I had stuffed away. Bullying should not be tolerated, I agree on that. I also believe that kids should feel safe wherever they are, which I agree allowing them to start groups in school is great. However there should be equality among the students. Race, gender, sexual orientation, religion should all be seen on an even playing field. In my opinion, this Bill has open up a whole new debate, & it is between religion & sexual orientation. Majority of the kids that are being bullied don't even fall into those categories, most are looks, intelligence, race, etc.

I also believe that stating bullying, as "hurt feelings", will put the control into the bullies hands. Most bullies intimidate their victims into not telling. They will have more control now, because all they have to say is that their feelings were hurt & therefore they bullied. Just a short story, as a child I had a younger sibling. I remember pushing that sibling & being told they were telling mom. I in return told them that they could hit me as hard as they could, knowing full well that it wouldn't hurt, making her in the wrong as well. Kids learn very fast how to manipulate, siblings, peers, parents, teachers.

I also believe that the bully is often hurting, reacting out of jealousy. A child that does not have involved parents at home will lash out at a child that does. A child that doesn't get good grades at school will lash out at the child that gets straight A's. However that is something that will be beyond the governments control, that is in the parent's. We are in a society where parents are too busy. Too busy to care, so they throw their kids into after school programs or buy them the next big thing. Instead of learning about consequences for your actions, they are learning about entitlement. Bullying has been an age old issue

that is getting worse, & we ask ourselves why? Look at our culture, look at the way our parenting is being controlled. I have parent's telling me they are scared to discipline their child, because of them going to school & telling their teacher. I had a friend tell me, fighting for custody of her child, that she was "kindly" told to rethink time-outs let alone spankings as this will harm the child for life, as well as her case.

I also am concerned as to what this Bill will allow into the school. How this is a scapegoat into letting bigger, more sensitive issues into the school? How this Bill will allow the curriculum to change so that teachers are made to teach against their values, against what they believe? I believe that the school is there to teach my children the basics of life, math, science, social studies, English, gym, music, etc. Since when is it the teachers job to teach my child about sex, let alone sexual orientation. I fully believe that it should be my responsibility to teach my child about who they are, I am the one that knows my child the best, am I not? Currently, my child's school division, needs signed permission to allow my child to participate in any religious activities. They, meaning staff, can not advertise that they have religious exercise & that the kids need permission. No notes can be send home in regards to these exercise's. Why can they not enforce the same rules in regards to classes that teach sex/sexual orientation?

This being said, I 100% agree that bullying needs to be stopped. It affects the victims, scarring them & making them feel helpless, sometimes for life. Some kids it robs them of hope, some kids a lifetime of love. It hits millions of people when stories come out of a victim deciding life isn't worth living. However we need to learn from this, give victims a voice & let them know they are heard. Let them know they are not alone & that something will be done, that they can take control of the situation.

Thank- you for your time
Christine Toews

* * *

When I was going through elementary school I knew a bully! He grew up in a good home, but it was never modelled or explained to him how his actions affected others. He had to learn those lessons later in life. If you were to ask him, he would say it took too long!

When reading Bill 18, I don't feel that it is effective to stop, help, or even educate bullies in taking responsibility for their actions! Knowing about bullying first hand since I was the bully I don't believe that this bill would have helped at all, in fact, I could see how it would make it worse. Bill 18 does not outline any responsibility or consequences for bullying. I believe that this bill should clearly outline consequences for bullying in order to help children take responsibility for their actions.

My children are my responsibility and the best way I know to teach them is by my actions in everything I do! I need a good, no great leader in my life as well to teach me and hold me accountable for my actions! In my life, I go to Jesus too show me how to lead my children. The Bible advocates responsibility for our actions and it, along with my personal experience, has shown me that children need boundaries which need to be enforced by discipline.

"My son, do not regard lightly the discipline of the Lord, nor be weary when reproved by Him. For the Lord disciplines the one He loves, and chastises every son whom He receives."

Thank you Russell Klassen

* * *

To whom it may concern

I do not approve of bill 18 in its current form. Garden valley school division has done an excellent revision of it and I stand by that. Bullying needs to be stopped but your bill is inadequate. My son was threatened to get beat up in school for a shirt he was wearing. Nothing gets done about that but gay rights apparently need more coverage. Stop with that and concentrate on the real bullying issues and real consequences. In Winkler area we will not allow your bill.

Mary Sawatsky

* * *

Response to Bill 18--The Public Schools Amendment Act

I want to begin by emphatically stating my opposition to all forms of bullying and my appreciation to our members of parliament who have recognized that our rapidly changing world demands updated legislation surrounding bullying in our schools. I know that many hours of work have gone into the current draft of the bill, and that it has been written with the best of intentions to provide children

in our province with safe school environments. I support the process of updating the way we define and address bullying in our schools.

Unfortunately, as it is currently worded, I believe that Bill 18 does little to improve the current situation being faced by students in our schools. Any revisions to the existing legislation outlined in the Public Schools Act should serve to significantly improve the clarity and enforceability of the act. As currently worded, I don't see that Bill 18 accomplishes this.

(1) The definition of bullying is too vague and open to misapplication in practical situations. How exactly is a teacher or administrator to objectively measure a hurt feeling or damaged self-esteem? These terms are so vague as to make the bill either entirely unenforceable or prone to over-application. It is true that, especially with the advent of cyberbullying, bullying often leaves deep emotional damage though no physical harm was ever caused, but the current wording is far too open-ended. Teachers and administrators need clear, objective definitions so they can appropriately apply the bill. I would suggest that revisions to the bill include specific language as to duration and pattern of the emotional bullying, as well as markers to measure the harm to the victim.

But, my concern regarding the vague wording doesn't extend merely to the teachers and administrators attempting to enforce the bill; it also extends to the children who will potentially be labeled as bullies under the current wording. As humans, we like to label people. If we can categorize another person, it makes us feel like we can deal with them safely and logically. The problem with applying labels too liberally, especially on children, is that people tend to believe the labels we slap them with.

Although there are children who are genuinely delighted by bringing harm to others, I believe bullying is more often a cry for help. The teenager whose mother told her for the hundredth time that she's getting fat and needs to go on a diet may come to school and terrorize the other girls in an attempt to make herself feel better. Her bad behavior must be addressed, but shall we add the label "bully" to the "fat" she's already carrying around? Is that going to change her behavior? It could be the wake-up call she needs to turn things around, but it might only encourage her to further hate herself, leading to a downward spiral. Or what about the boy who's best friend just abandoned him to play with the "cool"

boys? In a fit of hurt rage, he starts telling his friend's most embarrassing moment to the other boys and calling his friend names. He likely deeply hurt his friend, and definitely damaged his friend's reputation. Should he be labeled a bully for a moment of poor judgment?

I recognize that no bill can be worded in such a way to take into account the deepest motivations of a bully, but I urge the committee to make the definition of a bully rigorous enough that it can't be applied too broadly, and that it include measures to allow teachers and administrators to use common sense and knowledge of students' circumstances to guide the way they address specific situations.

(2) As currently worded, Bill 18 highlights some areas of discrimination as outlined in the Human Rights Code, but not others (specifically religious belief, political belief, and social disadvantage). Although Bill 18 does refer back to the Human Rights Code, by specifically mentioning only some of the recognized areas of discrimination, the bill seems to imply that these areas of discrimination are more concerning than others. If the areas of discrimination must be specified in Bill 18, they should all be listed rather than a select few, or risk creating policies in our schools that are out-of-sync with the Human Rights Code.

In closing, I once again thank each of you for the hard work you (and your staff) have put into preparing and reviewing this bill. Although this process has been made quite controversial, I believe that most of the people engaged in this debate agree that we want the children in our province to be safe in their schools. Although I am not currently a mother, I hope someday to be. Because of that, and because I've mentored Jr. High girls for the last 3 years, I care about what happens in our schools.

I urge you, as you enter the final stages of passing this bill, to consider the implications of this bill from every possible angle. It's true that bills can be amended, but the original wording will always set a tone and direction that can't be entirely reversed.

Thanks for taking the time to read my concerns. I pray that you will be richly blessed for the service you're providing to our province.

Sherise Reimer
Steinbach, MB

* * *

I commend Bill 18's efforts to create environments that are "inclusive and accepting of all pupils", more specifically, that promote and insist that every individual is worthy of respect, regardless of their appearance or the choices they make. My objection to this bill has to do with the reference to sexual orientation, and using the name "gay-straight alliance". I question by whose definition this could possibly aid in the "promotion of a positive school environment".

I understand that gender identity can be a cause for bullying, but exposing children to sexually explicit material is not going to help. Enclosed is an excerpt from the booklet *Growing Up OK*, printed by Health Child Manitoba for teachers to use as a resource for grade 4 students (nine year-olds). As a society, we acknowledge that sex is not for children. We rate movies "adult only" and don't allow minors into Adult Only stores. And yet our schools teach about sexual orientation and masturbation. Healthy nine year-olds do not have a sexual orientation as they are not yet sexually active; they may express a gender preference that opposes their physical body which is not at all the same thing. They do not yet have the ability to deal with "mature subject matter that is not suitable for children"! Sexualizing children, regardless of their gender identity (and eventual sexual orientation), will have significant negative ramifications! Child psychologists concur. The very institutions that should be protecting them, are posed to rob them of their innocence.

While gender identity can be a cause for bullying, it is only one of many. To suggest that teaching children about sexual orientation will solve the problem of bullying, is on par with encouraging our children to gain excess weight, wear glasses, or paint freckles on their faces. (Children with these characteristics are statistically much more likely to be bullied than the small minority with opposite gender expression.)

The focus of Bill 18 is skewed; anti-bullying is not about highlighting certain people groups who deserve extra protection to prevent bullying. In fact, bullying often has nothing to do with discrimination at all. Rather it is often simply about opportunity; the victim happens to be at a certain place at a certain time when an individual or group is looking for a target. Effective anti-bullying policies teach students that all people have worth and deserve respect, including those of another race, disabled by barriers, and gender expressions, but also people of all ages, who look different, come from a different social

class, and those who think or believe differently than we do, etc. In as much as we are able to train our children to be people of character, and to stand up for truth and justice, to that extent we will prevent bullying.

I am concerned about my school. Statements made by the Education Minister that suggest parents may not opt their children out of this teaching are troublesome. Schools thrive when parents and teachers work collaboratively, when parents are actively involved in promoting school activities and supporting teachers and staff in the classroom. Abolishing parents' rights to decide what their children are exposed to undermines the students' education and builds a barrier between parents and teachers. Shutting parents out of the decision-making process is counter-productive.

I am concerned about my community. If Bill 18 is passed, and material such as Growing Up OK is used in our schools, a significant number of parents will pull their children out of school. (In 2012, 30% of parents pulled their children out of Altona's West Park school after teachers displayed a LGBTQT pledge and discussed it with students.) This will have serious consequences for small, rural communities like Crystal City, who are already struggling to keep their schools open. The Education Minister may pledge to not close any schools, but what good is a school without students? This bill will finish us and other small community schools like us. I believe schools are the heart of the community. This will significantly alter rural life as we know it.

I am concerned about the future. I am invested in my children's well-being and in their education. So are the majority of other parents presenting at these hearings. We will do our best to act in our children's best interest. It is the children of the parents who are not presenting, who for various reasons have not made their children's education a priority, that are most at risk. As the LGBTQT movement strives to gain recognition and acceptance, will the innocence of these children be sacrificed for the cause?

At some point in the future, I hope we look back at this pivotal time in history, and say we did the right thing. I urge you to consider beyond just one agenda.

Respectfully,

Agatha Lepp

* * *

Thank you to the Committee for the opportunity to let my concerns be heard about bill 18.

My family and I are personally against all bullying in all forms, of all people. Bullying is never acceptable for any reason. The Greatest Commandment in the Bible is to love God and to love your neighbour as yourself. Everyone around us is our neighbours, and we are supposed to love them whether they believe or live the same way as us or not.

The issues we have with Bill 18 is not that we support bullying but with the wording in the Bill that seems to protect certain groups above others.

Section 1.2(1) The definition of bullying is too vague, using word like 'hurt feelings' and 'should be known to cause' leads you to believe that students should know exactly how someone else might take their comments. But instead the definition should include words like aggressive, or to cause harm on purpose (thought out before hand)

Section 1.2(2) uses words like 'perceived' power imbalance and 'but need not be repeated behavior' in it's definition of characteristics and forms of bullying. I believe this is extremely vague. Which could cause huge problems for teachers and principals that have to deal with a student, who may misinterpret a comment/statement from another student or teacher?

(i) kids are kids. If they are not taught at home the proper way to communicate with people who are different than them whether race, body image, religion, disability or sexual orientation they may say something that hurts another person's feelings without meaning to.

In Section 1.2(2) the bill refers to cyber bullying through social media. I don't know if this applies or should be part of the Public Schools Amendment Act. Cyber bullying occurs through social media and doesn't necessarily happen on school grounds. I believe it should be dealt with through the parents and law officials instead of through teachers and principals.

In Section 41 instead of putting these clauses in, replace them with no social media allowed at school. Cell phones are not needed at school, emailing can be done from home. And Internet usage should not be allowed for things other than a research project. All school computers should have computer software that prohibits all inappropriate usage.

Concerning section 41 (1.6) the respect for all human diversity. If you are truly respecting all human diversity it should include race, religion, age, disability and gender and not make one higher or more important than the other. If this bill is to enforce the respect of all human diversity then using words like hurt feelings shouldn't apply. For example someone from a certain religion should be allowed to state respectfully their beliefs. That if they believe it is wrong or a sin to i.e. be gay they should not be penalized but be allowed to state their beliefs in a respectful way without having other people with those beliefs be offended or having 'hurt feelings' but agree to disagree. And the same for i.e. people who are gay. They should be able to respectfully state their beliefs without a person, who doesn't think the same as they do, getting offended or have hurt feelings. But agree to disagree and be ok with that. Which I believe is what this country was founded on a freedom of religion - to be allowed to believe what you believe and not have others take offence.

Section 41 (1.8) talks about student activities and organizations that are to be allowed in the school. I don't believe your organizations promote equality, fairness or a respect for all human diversity since it doesn't specify all groups but promotes one group above the others. Making it sound like someone's sexual orientation is more important than things like race, body image, IQ, disability or religion, etc. In this section the bill seems to go against the whole purpose of the Public Schools Amendment Act when it does not include all issues that students get bullied for.

Thank you for taking the time to read my concerns about Bill 18

Sincerely,

Jenni Funk

* * *

I am truly disappointed that I am unable to be able to be a Presenter in person. Our family was involved in a serious car accident on August 22, and as such, I am needing to be with my children, as my wife is recovering from the reconstructive surgery.

Bill 18 Presentation

My Name is Brad Kehler, I was born in Manitoba, raised in and a life-long resident in, the small community of Mitchell.

Today, I would like to express my humble opinion as to my concern about Bill 18, the way it is proposed to be voted on.

There has been a lot of attention in the media about Bill 18, and it has opened my eyes to how it is written. The Bill being deemed as an Anti Bullying Bill first caught my attention at the same time in our life when our son came home from school – a victim of bullying.

My son, Graeme Kehler, attends Middle School, and is in Grade 8. If you were to see him, you likely wouldn't guess his age, as he only reaches 55" . The average height of a Grade 8 boy is 64". His weight is a good 30 lbs. less than his fellow classmates.

Bill 18, as I understand it, is written for the protection of students from being bullied. Yet, as I read the details of the Bill, I find that there is no protection for Graeme.

In Bill 18, bullying is defined as behavior that:

- (a) is “intended to cause, or should be known to cause, fear, intimidation, humiliation, distress or other forms of harm to another person’s body, feelings, self-esteem, reputation or property; or
- (b) is intended to create, or should be known to create, a negative school environment for another person.”

With a definition that is that inclusive and that vague, legitimate forms of abuse like Graeme experienced are given the same level of seriousness as someone whose feelings have been hurt by someone who, for example, may not share the same religious belief.

This is sure to result in more bullying, rendering this proposed legislation counter-productive.

I was raised in a good home, and taught good morals. I was taught to love my neighbor. May I share a memory of my childhood? I remember one day, as I was walking along the road with my Dad, we saw a penny lying on the ground, and my Dad stooped to pick it up and gave it to me. I looked up at him in disbelief, exclaiming "it's only a penny!" Even in the early 1970's, the penny had little value. Today, we know it has been discontinued...insignificant, we may say. But the life lesson I learned that day, was when my Dad simply said, "you are right, it's only a penny, but always stop and stoop to pick every penny you find...for if you do so 99 more times, and you will have a dollar!".

When I add up all the voices that have lobbied against Bill 18, I realized individually we are but a mere penny. But when we collectively stoop to pick up our individual voices we are already over 11,000 people in Manitoba, that are against the structure of how Bill 18 is currently being presented.

Long before the Manitoba government had formed the Department of Education, my uncles and great uncles established a school in Mitchell, or Ebenfeld as it was then named. My great uncle was the teacher who taught the students and established transportation methods. My late Uncle Henry Kehler personally owned the school busses that transported us to school, and later he would relinquish ownership of his busses to the newly established Manitoba Department of Education so the school division could assume the management of this role.

Values were instilled in our family through their leadership. It is these principles that as parents, we teach our children, to live in community, to put others' needs first. However truth be told, not every child in our communities receive the same teaching. Not every child is taught to respect and honor others. Therefore we can all agree, we need to fairly implement an Anti Bullying Bill that will be fair to all, no matter the size of the child. Is it not fair to expect that this Bill protect all children?

I'm only a mere penny, a small voice, a taxpayer and a community neighbor who is asking that Bill 18 be written in a manner that is fair for every child.

Sincerely,

Brad Kehler

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/index.html>