

Manitoba Federation of Labour

Brief to the

Human Resources Committee

Of the Manitoba Legislative Assembly

On

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

September 3, 2013

The Manitoba Federation of Labour, the MFL, is pleased to share its views with this Committee on Bill 18, the Public Schools Amendment Act (Safe and Inclusive Schools).

For those of you not familiar with the MFL, we are chartered by the Canadian Labour Congress to represent the interests of CLC affiliated unions in Manitoba and their 96 thousand members. Because those numbers include lesbian, gay, bi-sexual, transgendered and trans-sexual working people, and secondary and post-secondary students, and because we advocate on human rights issues, there is a great deal of interest in Bill 18 within our ranks.

Everybody has seen homophobic behaviour in action at some point in their life. I'm willing to bet that some in this room have witnessed or heard homophobic behaviour today. If you read a newspaper, watch television news or listen to the radio, you are aware of the most horrific examples of homophobic bullying on the streets, in bars and yes, in our schools. We've hear the gut wrenching accounts of young people feeling so victimized by homophobic bullying that they've been driven to suicide. The tragedy of a young person taking their own life is heartbreaking.

What does Bill 18 aim to do? One need look no further than the explanatory notes attached to the Bill:

This Bill amends The Public Schools Act in the areas of bullying and respect for human diversity.

The Bill defines bullying. The definition recognizes that bullying can take a variety of forms, including cyber-bullying. A school employee, or a person in charge of pupils during school-approved activities, must make a report to the principal if they think a pupil has engaged in, or is negatively affected by, cyber-bullying.

School boards must expand their policies about the appropriate use of the Internet to include social media, text messaging and instant messaging.

The Bill also requires each school board to establish a respect for human diversity policy. The policy is to promote the acceptance of and respect for others in a safe, caring and inclusive school environment. The policy must accommodate student activity that promotes the school environment as being inclusive of all pupils, including student activities and organizations that use the name "gay-straight alliance".

It's hard to imagine a nobler endeavor – taking action against bullying and promoting respect!

Homophobia and bullying are a daily presence in our lives, from street corners to the electoral process. Earlier this year, Manitoba became infamous across the country as the province where the gay owners of a restaurant in Morris announced that they are closing down, three months after opening, because of homophobic persecution by some residents of the town.

It was only last year when Allan Hunsperger, a Christian minister from [Tofield, Alberta](#) ran as a candidate for the [Wildrose](#) Party in that provinces general election. Here's his take on gays and lesbians as outlined in a 2011 blog posting:

"Accepting people the way they are is cruel and not loving". And, "gay people are destined to suffer the rest of eternity in the lake of fire". Mercifully, Hunsberger's campaign went nowhere and the good people of Alberta declined his offer to represent them.

In 2010, the bodies of two lesbian teenagers were found in a wooded area near Orangeville Ontario. Authorities believe they committed suicide to escape discrimination and bullying.

Weeks later, a gay couple in Little Pond, Prince Edward Island barely escaped their burning home with their lives and it was firebombed.

In response to relentless and daily bullying, gay and lesbian students in some schools have come together to provide mutual support in the form of student anti-bullying clubs and gay-straight alliance organizations.

You can only image how puzzled I was to the reaction by some when the government of Manitoba unveiled Bill 18 and outlined its goals. Members of the opposition spoke up on behalf of faith-based schools claiming that Bill 18 impinges on their religious freedom.

I fail to see how tolerance and inclusiveness, the foundations of this Bill, can possibly undermine anyone's ability to worship their God. Being inclusive and accommodating the needs of all students, not just the ones that meet your expectations, seems consistent with my understanding of religion, not opposed to it. Preventing homophobic bullying and allowing gay, lesbian and straight students to meet in organized groups builds a stronger society and, I believe, stronger, more relevant religious organizations.

Bill 18 will require all schools to accommodate student anti-bullying clubs, including gay-straight alliances, should students want them. It will be a law that addresses bullying. It will be a law that addresses homophobia. These are objectives that the union movement supports because it benefits, not only workers but our entire society. School yard bullies are the people that become workplace bullies. From our perspective, the place to weed out the bullies is in our schools, before they enter the workplace.

Donn Short is a law professor at the University of Manitoba lecturing on human rights law and education law. This is his analysis of the faith based schools pushback on Bill 18:

Permitting students to form a GSA, a gay-straight alliance, has no impact on the belief systems of other students, their parents, a school division or anyone else. The Supreme Court of Canada has stated clearly that merely recognizing the equality rights of one group, sexual minority students in this instance, does not in itself constitute an infringement of the equality rights of another -- those asserting religious freedom rights.

Bill 18 does not impose religious beliefs on anyone. Any argument that Bill 18 infringes religious freedom, either of students or of a school division, is weak and would have to give way to a Charter equality rights claim. The objective of Bill 18 is to ensure that all students, including sexual minority students, have safe and equal access to education.

I must congratulate Minister Allan for the well thought out support structure that she is putting in place to make the provisions of Bill 18 as effective as possible. We were very impressed when she released the details of a partnership with Egale Canada Human Rights Trust to develop *Safe and Caring Schools: A Resource for Equity and Inclusion in Manitoba schools (MyGSA)*.

The resource guide will provide information to youth, educators, guidance counsellors and administrators in secondary schools complete with directories and references relating to role models, symbols, terms and concepts, and community services. The resource guide will include:

- tools for assessing school climate;
- a step-by-step guide to establishing a GSA or lesbian, gay, bisexual, trans or queer (LGBTQ) safer space at school;
- information and activities regarding the creation of safer school communities;
- information, strategies and ideas to help educators create and maintain safer school communities;
- information on challenges frequently faced by LGBTQ youth and their families;
- information on best practices for counsellors working with LGBTQ youth;
- data and analysis explaining the significance of educator-initiated safer schools work; and
- information on Manitoba legislation and policy regarding safe and inclusive schools.

In closing, Minister Allan and her caucus colleagues have taken a bold and courageous step done by introducing Bill 18 to protect our children against bullying and homophobic attacks. It is simply the right thing to do.

It's a pity that we can't legislate tolerance, understanding and acceptance. But what we can do is make it clear that intolerance is not acceptable and we won't put up with it, particularly in our schools.

Thank you.