



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

November 2021

**Elementary Teachers' Federation of Ontario**  
**Fédération des enseignantes et des enseignants de l'élémentaire de l'Ontario**

136 Isabella Street, Toronto, ON M4Y 0B5  
416-962-3836 or 1-888-838-3836  
etfo.ca

The union represents 83,000 elementary public school teachers, occasional teachers designated early childhood educators, education support personnel and professional support personnel across the province. Its Building Better Schools education agenda can be viewed at **BuildingBetterSchools.ca**.

Copyright © November 2021 by ETFO

Follow us online at:

 ETFOprovincialoffice

 @ETFOeducators



## TABLE OF CONTENTS

INTRODUCTION .....	1
Amendments to the <i>Education Act</i> .....	1
Amendments to the <i>Ontario College of Teachers Act, 1996</i> .....	2
CONCLUSION .....	6

## INTRODUCTION

The Elementary Teachers' Federation of Ontario (ETFO) represents 83,000 public elementary school teachers, occasional teachers, designated early childhood educators, education support personnel and professional support personnel across the province and is the largest teacher federation in Canada.

ETFO is an important stakeholder in the public education system and appreciates the opportunity to make submissions in the legislative hearings on Bill 13, *Supporting People and Businesses Act, 2021*.

Bill 13 seeks to amend twenty-five acts. This submission focuses on Schedule 8 which introduces amendments to the *Education Act*, and Schedule 17 which introduces amendments to the *Ontario College of Teachers Act, 1996*. It is ETFO's view that many of the changes introduced in these two schedules are counterproductive and, if adopted, would undermine Ontario's public education system and the teaching profession. ETFO recommends that sections 4 and 5 of Schedule 8, and Schedule 17 in its entirety, be withdrawn.

### **Amendments to the *Education Act***

Schedule 8 of Bill 13 introduces several amendments to the *Education Act*. Section 4 of the Schedule would remove the requirement for school boards to seek confirmation from the Minister of Education that a person is eligible to be appointed as a supervisory officer. The removal of this requirement is concerning since it opens the door to the potential appointment of supervisory officers without the necessary qualifications and removes an important safeguard and accountability measure. ETFO believes that this safeguard should remain in place.

Section 5 of the Schedule would remove the requirement for a supervisory officer to seek approval from the Minister of Education to hold any additional office, have other employment or profession during their

tenure. The current requirements provide a mechanism to evaluate the impact of other activities on the role of supervisory officers. The removal of this safeguard is concerning, and it could lead to supervisory officers having competing priorities that would undermine their ability to fulfill the responsibilities of their roles. ETFO believes that this important accountability measure should remain in place.

### **Recommendation:**

1. That sections 4 and 5 of Schedule 8 be withdrawn.

## **Amendments to the *Ontario College of Teachers Act, 1996***

### **Background**

Granting self-regulation to a profession acknowledges that the members of the profession have the specialized knowledge to carry out the delegated regulatory functions through the establishment of governing bodies that are accountable to members, the government and the public interest.

The establishment of the Ontario College of Teachers as a professional self-regulatory body for teachers was recommended by Ontario's Royal Commission on Learning in 1994, which recognized then that the "teaching profession in Ontario must now be considered equal to other established professions".<sup>1</sup> The Royal Commission's recommendation included the following:

"...the College should be responsible for determining professional standards, certification, and accreditation of teacher education programs. *Professional educators should form a majority of the membership of the College, with substantial representation of non-educators from the community at large* [emphasis added]."

With the passage of the *Ontario College of Teachers Act, 1996* (OCTA), the Ontario College of Teachers was established as the professional regulatory body that licences teachers, accredits teacher education

---

<sup>1</sup> Ontario. Royal Commission on Learning. *For the Love of Learning: Report of the Royal Commission on Learning*. Vol. 3: *The Educators*. Toronto: Queen's Printer for Ontario, 1994.

programs, sets and maintains professional and ethical standards for the profession and provides for the enforcement of those standards through investigation, disciplinary, and fitness to practice processes. A key element of self-regulation in the education sector is public accountability. The College—like other professional regulatory bodies—has a statutory duty to serve and protect the public interest.<sup>2</sup>

The governing body of the College is its Council, which is composed of members of the College and appointees of the government. Prior to 2019, the composition of Council, including the proportion of members of the profession to government appointees on Council, was set out in the *OCTA*.<sup>3</sup> With the adoption of Bill 48,

*Safe and Supportive Classrooms Act, 2019*, in April 2019, the current government provided itself the authority to determine the composition of Council by dictating the number of elected members and the number government appointees.

In December 2020, the current government made further changes to the governance structure of the College with the adoption of Bill 229. Bill 229 dissolved the previous Council and put a single person chosen by the government in charge of all the decisions of the College until a new Council was formed. This person was also expected to appoint nine members of the College to the new Council to join the nine non-members appointed by the government.

The changes introduced in Bill 229 also resulted in adjudicative bodies and panels of the College to be no longer comprised of a majority of members of the College. This means that members whose cases come

---

<sup>2</sup> *Ontario College of Teachers Act, 1996*. S.O. 1996, c. 12, s. 3(2).

<sup>3</sup> *Ontario College of Teachers Act, 1996*. S.O. 1996, c. 12, s. 4.

before the College would not have their cases reviewed or heard by a panel consisting of a majority of teachers—peers who have experience and knowledge about the practice of the profession.

ETFO spoke against the changes to the governance of the Ontario College of Teachers that were contained in Bill 48 and Bill 229. These changes represented unprecedented interference by the government in the College and undermined the self-regulation of the teaching profession. These changes also continue to have a detrimental impact on the College’s regulatory functions resulting in great delays in the disposition of complaints.

### **Schedule 17 – Proposed Amendments**

Schedule 17 introduces several amendments to the OCTA. The changes proposed are substantial and would impact the size and composition of Council, committees and panels, the process for appointment of deputy registrars and the circumstances under which individuals can use titles related to their membership in the College.

If adopted, Schedule 17 would further reduce the size of Council from 18 to 12 members. Six of these council members would be members of the College appointed from a list of nominees prepared by the Selection and Nominating Subcommittee. The remaining six persons on the council would not be members of the College and would be appointed by the government.

Schedule 17 would also remove the authority from Council to appoint one or more deputy registrars, placing this authority onto the College’s Registrar. This serves to further centralize authority onto the Registrar and reduces accountability and transparency.

Currently the Registrar is expected to be fluent in English and in French. Schedule 17 would instead require that the Registrar *or* a Deputy Registrar would need to be fluent in English and in French. The proposed

change does not clarify that in the absence of a Deputy Registrar, the Registrar would be required to be fluent in English and in French. This change further undermines the representation of teachers and shows the government does not respect the importance of both English-language and French-language public education.

Schedule 17 would also amend the composition of statutory committee panels and the way they are selected. The statutory committees—Investigation Committee, Discipline Committee, Registration Appeals Committee, and Fitness to Practise Committee—have significant duties under the *OCTA*. The Investigation Committee is charged with investigating and reviewing complaints against members of the College. The Discipline Committee holds formal hearings and, based on the evidence tendered, determines whether allegations of professional misconduct or incompetence against members are founded. Carrying out this work requires knowledge and experience in teaching as well as committee-specific competencies and training. Committee members are appointed by Council from nominees selected by the Selection and Nominating Subcommittee of the College pursuant to prescribed selection criteria. The new rules would allow for panels to be constituted without any committee members. Rather, panels could be drawn entirely from a roster of Council- and government-appointees—the latter of which need not meet any of the criteria required for a Council appointment. These new rules will also increase the likelihood that a panel reviewing or hearing a member’s case would be comprised of fewer members of the profession than members of the public. These changes undermine trust in the work of these panels, will inevitably lead to even further delays in the review and hearing of complaints, and raise significant concerns about procedural fairness and representation.

If adopted, Schedule 17 of Bill 13, would result in the complete transformation of the Ontario College of Teachers from a professional regulatory body to an extension of the Ministry of Education in all but name.



This transformation threatens the quality of Ontario’s public education system, undermines the trust of teachers in the College and devalues the teaching profession.

Adopting the amendments contained in Schedule 17 would further reduce confidence in the College from teachers and the public at large. Future decisions made by the College would surely be perceived as politically motivated and indiscernible from the direction of the government of the day. Teachers would be right to ask why they pay fees to a regulatory body in which they have no democratic representation, and which is set up to serve the direction of the government of the day.

**Recommendation:**

2. That Schedule 17 be withdrawn.

**CONCLUSION**

Educators have been working tirelessly to support students and their families during this pandemic, while having to constantly advocate for safety measures in schools and for the additional supports students need. Instead of providing the necessary funding to ensure the safety of students and educators, the government has instead delivered funding cuts and implemented measures that undermine Ontario’s public education system. ETFO calls on the government to stop its attack on public education and on the teaching profession. The government can start by withdrawing sections 4 and 5 of Schedule 8, and Schedule 17 in its entirety and begin a real consultation process with education stakeholders on how to best support Ontario’s students and educators during these trying times.

FC: MW: CC



**Elementary Teachers' Federation of Ontario (ETFO)**  
**Fédération des enseignantes et des enseignants de l'élémentaire de l'Ontario**  
**136 Isabella Street, Toronto, ON M4Y 0B5**  
**416-962-3836 | 1-888-838-3836 | [etfo.ca](http://etfo.ca)**