

## Case Studies: Law and Ethics for Teachers and School Staffs

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### Topic: 1

“Zero Wages Increases for Alberta Teachers”

#### **Abstract:**

*According to Finance Minister of Alberta, Travis Toes, new collective bargaining negotiations 2020 is continuing Alberta's fiscal restraint and discipline, increasing wages of teachers is now a dream than reality, there is no increase of teachers wages. According to the minister, it is for the long term betterment of Albertans for its financial crisis, it is for better sustainable and better life quality in the long run for Albertans. The teachers union is not happy on that critical and typical reason that why wages is not increasing, so they challenge the court on their delaying purposes and thus favouring government. The president of Alberta Teachers Association is not happy by saying that bill c9 is not respecting the negotiated agreement between ATA and the government, government is passing initiatives by legislature to break the agreement between that had been done in the past for the increasing of teacher's salary, and thus disrespect collective bargaining. The salary was increased in 2012 but after that there is no improvement of salary for teachers. Teachers have done their part to promote Alberta's economy during re-session, but there is no re-session now and by telling poor economy is not reasonable at this moment. Arbitrator Davis Jones wrote that no change of wage rates is justified in the third year of collective agreement and by thus arbitration hearing favours government. From ATA to labour relations board of Alberta are not really happy because of typical reason, and according to them Finance Minister should be honest by saying truth, because whatever the reason has been declared, is not really a reason for the obstacle of wages increasing.*

#### **Key words:**

“Wages, arbitration, Alberta Financial Ministry, Labour Relations, ATA “

#### **Legal Concepts:**

A. In the field of labour law the supreme court of Canada changed the position of teachers with respect to their rights to bargain collectively. It is because of traditional arbitration, grievances which is not the protection of teachers right to bargain collectively, neither their strike for that; but Supreme Court changes by modifying charters and traditional law remedies. In what is being hailed as a game-changer in Canadian labour relations, a majority of the Supreme Court of Canada held that the right to strike is constitutionally protected under the freedom of association in s. 2(d) of the Canadian Charter of Rights and Freedoms. Therefore teachers can strike for raises wage as well (I wrote on strike news as well before). April 2015: Citing a Supreme Court of Canada decision months earlier, an Alberta judge rules that sections of the province's Public Service Employees Relations Act were unconstitutional. In doing so, the judge upholds a challenge from the Alberta Federation of Labour. Therefore if Alberta legislative takes initiatives (bill c9) to violate collective agreement with ATA and other labour relations, ATA has right to challenge as per law. Teachers can bargain for salaries and working conditions which include fair and equitable grievance procedures, receive an adequate income upon retirement as well, and have the responsibility to support actively their professional organization in its objectives to regulate relations between teachers and their employers and to improve the quality of education, the status of teachers and the status of the teaching profession according to ATA

teachers rights and responsibilities. It is also proved that legislative provisions violated section 2(d) of the charter (according to the BC Supreme Court)

B. Impact of labour law reforms the classroom (bill 148). It is an example that how increases of wages matter for the development of classroom productivity through better attention to the children by teachers. (Ontario). It shows a better working condition through fair workplaces, better jobs. Therefore Teachers can voice for raises wage for better monetary encouragement and thus to fulfill the education industry and make it demanded.

### **Ethical Concepts:**

A. It is a justice for teachers to improve their life as well matching with everyday costly life. We need to know about benefit maximization which will make teachers beneficiary as an educator community, good for maximum. If increase wages is good for majority teachers then it is good and healthy for society. We need to remember that teachers are role model of the society (fiduciary) and students betterment, good knowledge, including teachers knowledge, encouragement are related with their monetary benefit which is by raising wages (one of the way and the issue is wage increase). If we think through consequential ethical theory, we will see a morally right act is one that will produce a good outcome, or consequence. Therefore wage increase can be a positive outcome for better education.

B. If we discuss teaching quality standard then wages is one of them for teacher's career, professional development, and improvement. If cut money in education field by the government then how does it possible for creating a better quality standard? (TQS)

### **Topic: 2**

“Secondary School Teachers of Ontario (Renfrew County and Kingston) will go for strike”

### **Abstracts:**

*Tomorrow (Wednesday, February, 2020) for a day as its continuous process of strike action four times over a month and therefore classes of all seven high school will be disrupted and closed, it includes six French schools as well. Though elementary and intermediate classes will remain open and continue. However Kindergarten classes of Renfrew area will be cancelled as well because of early childhood educator's membership with Ontario Secondary School Teacher's Federation. It is a disruption for children, parents due to class cancellation of elementary, secondary, and all kinds of other activities such as night school programs, co-op placements and after-school extracurricular. Examination is coming, therefore chair of the board of trustees for the Renfrew County board urged high school students to study in home instead of taking it a day off only. On the other side Education Minister of the province called this teachers strike, unfair for students and their families. The Strike is to protest growing class sizes, mandatory e-learning and as well as a lack of support for vulnerable students according to Ontario Secondary School Teacher's Federation President, on the other side according to provincial education minister it is for wage increasing. Strike, teacher's demands, educational disruptions, children and parent's right's teacher's right are few things I have observed. I have*

observed different causes claimed by education minister and the president of the teacher's federation for the strike. What I understand that recent ruling from the Supreme Court of Canada have changed the position of teachers with respect to their rights to bargain collectively as an employee (they are provincial education agent but they have rights as well to bargain under collective agreement) and strike as well.

**Key Words:**

Strike, Wages, School Board, Education Ministry

**Legal Concepts:**

I know the charter of rights and freedom did not protect teachers to strike or collective bargaining and thus encouraged traditional labour law but Supreme Court of Canada has changed rulings in the field of labour law and now teachers has right to strike for any discomfort situation including their wage raising (collective bargaining). The collective agreement between school and boards and teachers is the guide for determining the rights including when teacher can strike. Section 2(b) of the charter guarantees every one of thought, belief, expression and opinion. It has been interpreted by the Supreme Court of Canada to guarantee free expression such as political or social participation or self fulfillment. The freedom of expression breaks down into two parts, expression in school and expression outside school. – (Chapter 7 teachers and employees Mackay et al, teachers and the law.) Teachers are child advocates, and it is their duty and responsibility to taking care children whether they are safe, secure and developed. Students equality movements is an example that teachers can be an advocate (June 2012, bill 13 received royal assent in Ontario becoming the accepting school act, 2012 to amend education act. including placing an obligation on school board to promote a climate of acceptance, to promote equality. I think teachers concern about lacking facilities for vulnerable students is their expression against inequality as an advocate. It has also concerned on mandatory e-learning, a disable or vulnerable students may have problem to access, financial disability is another important factors especially for immigrant students, e-learning can perhaps lead cyber crime, cyber-bullying as well. Large class size sometimes disrupts student with special need. These are concerns by the teachers as a children advocate. Chapter 6 Mackay et al, teacher as social welfare agents. In order to disabled children to benefit their education, they need related services such as transportation facilities. It is under accessibility standard by the human rights codes. Teacher as a paramedics can protest on lack of facilities for disable children. Teachers are concern about crime, cyber crime, bullying from vulnerable students, so they are protesting to make school climate knowledgeable, acceptable by everyone, safe and secure for every students. The Youth Criminal Justice Act. And the Young Offenders Act. are messages of publicly available information about youth crime (vulnerability) with a focus of prevention, guidance, support, rehabilitation, integration, - these are all necessary, so protesting against of lacking resources for vulnerable students are logical by the teachers. I am concern about child abuse and it can be happened by any vulnerable student. (Chapter 4 Mackay et al, teachers as guardians of equality).

However; there are various things that works for teachers as a state agent, it is provincial education ministry who wants to keep teachers obedient by various legislation amendments, and then court takes modifications for teacher's rights. Charters are not that protection for teachers but court has by modification of rules. This is why it is unfair by the provincial minister. Legally, Charters, Supreme Court rules, laws that I discussed above are points or protection of teacher

and rights that they protested according to their rights. These are rules, law, technology reliant which is robotic (legal procedures). However teachers are human based as well. As a role model teachers has duty to protect students for promotion, development, and intellectual and to show them outside to the society as a secondary loco parentis. Society has lot of expectation from them. These are based on ethical views. So Legally Teachers protest through all of their rights dictate by the law, and ethically teachers protested as a human being, for the access of resources, caring of vulnerable for student spiritual development. I can say based on its legal and ethical points of view.

**Topic: 3**

“London (ON) High School teacher charged with sexual exploitation”

**Abstract:**

*Dustin Epp, 45 years old secondary teacher at Oakridge secondary school, west London, Ontario is facing a charge of sexual exploitation of an under aged teenager. He has been immediately suspended by the school and has been arrested by the police under one count of sexual assault and child abuse section, and then later released from custody with a court date of March 3, 2020. The result is pending through police investigation.*

**Keywords:**

Sexual Exploitation, Child Abuse, Suspension K2 education

**Legal Concepts:**

We have to alert on words like;

Is it by force/threat? Is it by consent? Is victims partially or fully intended? (Criminal code 265(1))

If victim consents to the application of force, any touching within the scope of that consent can not amount to an assault, consents must have to be freely given instead of by force, threat, accidental consent is not assault, if not intentional. Therefore an assault can be proved if; without consents b. by force/threat etc. c. violation of sexual integrity of the victim and thus to gain sexual gratification d. sexual nature and detectable by an objective standard. It is a concern as well that “consent” isn’t a defense by the teacher in a sexual assault charge if the victim is under aged (less than 16 years old). Touching a part of the body of under aged person is sexual interference. Invitation, counselled to touch the body of another person is sexual invitation for under aged person. Exposing genitals for sexual purpose in any place to a person under 16 is guilty of an offence. The teacher of that school has been arrested for sexual exploitation because of his position as a trustworthy person towards a young person including others definition of sexual abuse that I mentioned.

It is also a concern that an innocent teacher/student relations has been made through false allegation due to unstable mental circumstances of student or parent or some axe to grind with a teacher. Court will consider on those factors that I mentioned in determining whether or not assault has been sexual. Judges will try to focus those cases on the nature of (human beings) and find out guesses on which part is lying or which is telling truth (teacher or student?) children are human they make stories to keep them out of trouble from their parents, and sometimes they shift their blaming over teachers, some are unstable, ‘she hit me’ or ‘he touch me’ is made to parents

inquiry response about the teacher, when parents finally call police children get afraid and thus continually maintain the story of sexual abuse due to fear situation. In this case parents need to be calm and quiet and thus maintain the situation without quarrelling with teacher which is not related with school, the argument will stoop to use any ammunition against the teacher in the situation where inappropriate conduct happens.

School has immediately suspended the teacher because of moral features (ethics) that is; how this would react with other students, teachers, parents – teacher is a role model in class and out side of the class (fiduciary obligation), when case happens like that whether proved or not, it impacts among other students on their security, morality (it can down off course), it is a school rapport as well. How does a teacher still be in school environment after an allegation? How does other students will feel in his class if he continues classes as a teacher? So these are primary things that school thought, this is why the teacher immediately suspended by the school until it proves, but we have to concern that he is not yet terminated, as investigation is in process and decision is pending.

Teacher in this situation remain silent to deal with allegations of sexual assault. Teacher can do this under the Canadian Charter of Rights and Freedom. Teachers have right to access legal advice on matter relating to allegation of sexual exploitation.

However; teacher needs to be very careful as standing in the place of parents and about criminal law. The criminal code makes offence for touching directly or indirectly any part of the body of young person for a sexual purpose; section 151, 152 153(1) has described on sexual interference, sexual touching and sexual exploitation.

Court can charge to that teacher (Dustin Epp) if proved on the ground of 153(1) sexual exploitation criminal code; it says; every person commits an offence who is in a position of trust or authority towards a young person... relationship of dependency ... and who for a sexual purpose touches directly or indirectly, part of the body with an object or any part of the young person; invites, counsel young person... are offences as sexual exploitation. The imprisonment could be maximum 10 years or minimum 45 days.

Dustin Epp can not defense because of under aged nature of victim, once it proved. Police has right to launch an investigation once inform that offence has been committed. In the case of sexual interference every time a teacher touches a young person, he or she has on a strict reading of the criminal code, and may be subject to investigation and possible prosecution. The job of the police and the crown is to present evidence that the touching was done for sexual purpose. However; proof is must to declaration of guilty beyond a reasonable doubt by the judge. So, Dustin Epp is in reasonable doubt until proof comes out. He is still not a convict person accused of committing sexual exploitation. Dustin Epp can talk on charters principal of fundamental justice and his right to a fair trial and also can argue on 715.1 section which violates charter's fundamental justice and right to a fair trial.

### **Ethical Concepts:**

Ethically he is a role model in his classroom which creates moral values about teacher and teaching. Maintaining code of conduct by following procedural rule is also under ethical evaluation. The relation between teacher and student is on respect, making children independence, this is why he is a teacher as a trustworthy personnel (Phidaloby). Ethically he is responsible to protect students from any kind of harm. He is responsible for contribution of

wellbeing of other based on confidentiality. He will ask justice for students. These are his principle in the classroom. He is responsible to making children future.

Again, Dustin Epp (45) is under suspicion, if it is proved then these are legal and ethical evaluation what could be his punishment.

#### **Topic: 4**

“New Alberta Education Minister addresses teachers’ conference”

#### **Abstract:**

*Adriana LaGrange, Alberta Education Minister addressed for the first time at its 102 annual ATA convention where 502 teachers delegates presented. She was a school board trustee for 11 years at Red Deer Catholic Regional School, and a mother of seven children as well. It reflexes her education background and on the addressing by saying teachers “Nobel Vocation” – according to her, teachers are novel vocation, not just a job. She addressed on LGBTQ2 community, and the proclamation of UCP’s school act. Policies (changes of act. Such as standardized test etc.). In her address she recognized teacher, a novel vocation, discuss on LGBTQ 2 community, proclamation of school act. Etc. and thus she wanted to clarify from the government that whatever the tension creates among teachers, school board about reformation of school act. And about the changes of protection over LGBTQT students, it is not like that. Meanwhile there was a confusion about the reformation of school act. By the newly UCP government by the announcement of Jason Kenny, Premier of Alberta. Education Minister was trying to recover the tensions among teachers through her address.*

#### **Key Words:**

Novel Vocation, LGBTQT2, School act. Policies under UCP government etc.

#### **Legal Concepts:**

I would not go through the reformation of school act and a sparks among teachers because of changes, I can discuss later over that. The fact I saw here is few words by the minister; such as “Novel Vocation”, about especial category students. It is a positive expression by the minister, perhaps she is also in education background, that she understands about the school environments, how safety is important factor in the schools, among students, and how teachers are role model, outside and inside. Her address is a positive sight from the government for the attachment with teacher’s community, I am not going through the view of political address or speech which is just for formal as an invited guest; but I am discussing on a general view. Positive expression, verbal recognition are things that can encourage teacher’s community in general, and thus a positive, strong communication and relations can buildup between education ministry and the school board. Minister’s speech is a hope.

The word Novel Vocation is a spiritual term, she works for catholic school, so she used this word which is combination of spirituality, professionalism, skilled, knowledgeable etc. this word has lot of value in our course materials. In school teachers have various role as a guardians of equality, agents of social welfare, as an educational state agent, these are all the reflection of

minister's one word that is novel vocation, it is teachers recognition as a responsible agent for multiple purposes in school environment and the outside of school environment. (Teachers and the Law, third edition by McKay et al, chapter 4, 6, 3) are main chapters where role of teachers have been described to protect children in the classroom and the outside classroom.

Code of professional Conduct of the Alberta Teachers Association described teacher's role in relation to pupil. It says teacher's dignity, respect, rights of all persons without prejudice as to race, colour, gender, disability, sexual orientation etc. The word expressed by the minister, novel vocation is an image of everything for teachers as a professional. Can we say teachers as a "Novel Savage"? Though novel savage also indicates "so innocent" but novel savage is in general a good responsible person for the society as well, after skipping the part as innocent. The word expressed by the minister is connected with teacher's professionalism as a skilled, knowledge professional, on his/her nobility (it is a strong ethically term too). Declaration of rights and responsibilities for teachers (Alberta Teachers Association) points 1 to 9 are teacher's quality and knowledge and responsibility that reflects the word on novel vocation. Minister also expressed on school and students and teachers safety which is very important in the context of our course materials. If we read Alberta Teachers Association Code of Conduct, Right and Responsibilities of Teachers then we will aware about safety and protection over students of any religion, sex, colour, race, same sex which is a great example of LGBTQ2 which has been described by the minister as well. Etc. Her address is both for teachers and students safety.

Teachers have the right to be protected against discrimination on the basis of prejudice as to race, religious beliefs, colour, gender, sexual orientation, gender identity, gender expression, physical characteristics, disability, marital status, family status, age, ancestry, place of origin, place of residence, socioeconomic background or linguistic background and have the responsibility to refrain from practising these forms of discrimination in their professional duties." – An example of rights and responsibilities of teachers by Alberta Teachers Association."

Protection of LGBTQ2 are important as those students are mostly victims of bullying and harassment in school. (In *Jubran v. North Vancouver school district No 44*. – teachers as guardian of equality, pp 141, sexual orientation, teachers and the law, Mackay et al) a student has been harassed several years by his peers on the basis of sexual orientation by physical violence and homophobic slurs. School has taken action but was unable to address the harassment and bullying in a systematic fashion and was unable to take any proactive steps to address the student concern, BC court of appeal finally declared that school can no longer sit back and wait for bullying to occur before they take any appropriate action. This decision of the court requires to school boards to address the issue of homophobia in school and educate their students about the unacceptability of homophobic behavior.

So, these are our course materials which is connected with Ministers address on LGBTQ2 as well, through which she expressed the safety of those students, and teachers responsibility to concern those issues in their classroom to educate students.

### **Ethical Concepts:**

Consequential theory and the benefit of maximization; as a role model (fiduciary person) teachers will benefit, protect classroom for the entire students as an unit which is good for the maximum benefit, even for the society, students are our future of the country. Teacher's morality of action is important, this is why minister's world as "Novel Vocation" has value, she accepts teachers by her one word and it has several meaning about teacher's morality, responsibility in the classroom, and in the society. The action of the teachers through safety, complying code of conduct, and knowledge about code of conduct, professionalism, moralism, honesty, and encouragement will bring the outcome for the maximum.

Non-consequential theory and the respect for persons; is another form of ethical image. Do unto others as you would have others do unto you (golden rule by Immanuel Kant). That is equal respect between teachers and students on the basis of end, not by mean (I mean no action of desire or personal profit that is mean). Teachers and students will both individually respect each other without any personal satisfaction, but by the end as well.

Alberta Minister of Education addressed by praising teachers as Novel Vocation, and discuss the safety issues of students through their reformation of school act. Including LGBTQ2 students. Her addressing terms are related to our course materials over teacher's responsibilities as a professional, as a moral teachers, it has both legal and ethical meaning (novel vocation).

**Topic: 5**

"Records reveal 20 Manitoba teachers suspended for misconduct, including 14 convicted of sexual offenses"

**Abstract:**

*Manitoba Education Ministry since 2016 suspended 20 teachers for assault, sexual assault which is sexual touching, child pornography, luring a students- examples of sexual assault. 14 were involved in sexual cases, and 6 were involved in criminal in professional misconduct. However it is not clear that whether those incidents were happening in school or outside school and based on students. However; incidents happen a lot in the province but it was a lack of accountability, and transparency according a child protection lawyer. Manitoba has seen a lot of assault, sexual assault, professional misconduct incidents but education ministry did not take any action for few cases and did not listed among 20 offenses. They are still working in school. It has been said that they met all the rules to come back school or have conditions as suspended certification on duty. It creates stunning among parents that how does a teacher after assault can come back to school for teaching? In Manitoba there is also an issues on assault publication online. Child Protection centres want to publish online or public but school board does not want it. According to school board, sexual assault are dealt by court of law and it is public, therefore nothing should be public or online after that. Manitoba Ministry of Education says that it is totally depends on the minister whether certification would be suspended or cancelled.*

**Key words:**

Pornography, Sexual Assault, Suspension of Teacher Certification

**Legal Concepts:**



We can go through ATA chapter 4 on assault. Section 265 of criminal code has described terms of offenses, assault and sexual assault which is almost similar offenses based on nature. Intention, by force, threat, openly wearing or carrying weapons are all under assault 265(1). Common assault and additional element are sexual assault. Contact be made with the victims sexual organs, bodies parts, nature of the contact, surrounding circulates, invitation to sexual touching, sexual exploitation, knowingly permitted prohibited sexual activity are all sexual assault ( such as grabbing back, touching breast are sexual assault). We can go through TRILL chapter 3 on teacher's liability where shorts of negligence (miss-conduct) has been explained.

“The law recognizes different degrees of negligence. There is slight negligence which is failure to use great care; ordinary negligence, which is failure to use reasonable care; and gross negligence, which is failure to use any care at all.” (Chapter 3 teacher's liability on negligence). On chapter 2 (McKay ET all) Teacher and the law has described all kinds of negligence such as duty to care (reasonably forcible), standard of care, etc.

If any teacher is found guilty due to misconduct (negligence, violating code of conduct) or sexually offended, school board can confirm to the ministry to suspend or cancel teachers

Certification. Offences by the teachers can be happened in the playground, camps, or in the class (outside or inside)

Example is: Ross v. New Brunswick School District No 15. An outside discriminatory speech by a teacher Mr. Ross to Jews students in his school. Who finally found guilty by the court even he expresses his right of freedom of speech, but it was offense outside of the school (off-conduct).

Example is: Seven Oaks School Division No 10 and Seven Oaks Teachers Association of Manitoba Teachers Society. A teacher was found suspicious for stealing money and there was several facts arose on her mental illness, suspicion, anger and reaction, and Manitoba arbitration board allowed teachers to reinstated in school, but school board was not allowing her to come back school because of bad school report as consequences. Court of Appeal agreed with school board by saying that dismissal should follow is one for the school board to make and not for the arbitration board. School board terminated that teacher.

General Provisions Respecting Certificates Refusal to issue, reissue or extend 18(1) The Registrar may refuse to issue or reissue an interim professional certificate or extend the term of an interim professional certificate (a) if the applicant (i) does not meet the requirements of this Regulation for an interim professional certificate, (ii) has committed an act that resulted in the applicant's conviction of an indictable offense in Canada... (Alberta school act.)

Referral of suspension;

5(5) in all cases in which a teacher's certificate has been suspended by the minister or by a field representative, the minister shall forthwith refer the matter to the review committee.

Other referrals

5(6) the minister in his discretion may refer to the review committee for investigation and report any case in which a teacher's certificate is to be reviewed for any cause which the minister deems sufficient. (Manitoba school act.)

Therefore any misconduct, off duty offence, common assault, sexual assault – if teacher is found guilty he/she will be suspended by the provincial education ministry and taken further steps by the court (sexually assaults).

**Topic: 6**

“Report finds students with special needs in Ontario increasingly asked to stay home from school”

**Abstract:**

*Special Education Students in Ontario elementary and high school are asking to stay home from school because of the lack of access of resources and that makes for safety issues for them and for others as well. From 2014 report was made by meeting parents, principals and has been conclude a report that they are asking to stay home and get better treatment by their highly qualified parents. The request came from 58 per cent of elementary school heads and 48 per cent of high school principals in ON. So the two main reason were safety and lack of access of resources. It is a problem on growing number of students that falls into special education and it is a challenge for the government to fulfill because of adequate budget. The problems are lack of money, lack of resources, and therefore place vulnerability between special education student, student's vs teacher's vulnerable scenarios etc. There is another problem based on attitude or behavioral or encouragement. It is a general rule that you come, you work hard, you do well academically and you behave well, (according to Gordon Porter, Director of Inclusive Education Canada); which makes the environment and students complex, because they do not know those strategy how to make them better skilled by themselves. Government has been confirmed several times but response was silence. It is a big problem in ON schools on inclusive education.*

**Keywords:**

Special Ed, Vulnerability, Access of Resources, Ignorance

**Legal concepts:**

A. Education Act, R.S.O. 1990, c. E.2 - set out a structure for identifying and accommodating the “special needs” of students in Ontario’s publicly funded primary and secondary school system.

B. The Ministry of Education is responsible for ensuring that all “exceptional” children in Ontario have available to them appropriate special education programs and services, without payment of fees (Education Act).

C. The Charter guarantees people’s civil, political and equality rights in the policies, practices and legislation of all levels of government. The Charter applies to publicly-funded schools, colleges and universities. While human rights legislation in Canada is considered quasi-constitutional, it is subject to and must be considered in light of the Charter.

D. The Accessibility for Ontarian with Disabilities Act, 2005 (AODA), and its Integrated Accessibility Standard Regulations. The AODA aims to address the right to equal opportunity and inclusion for people with disabilities throughout society. The AODA’s goal is to make Ontario fully accessible by 2025. It introduces a series of standards (customer service, transportation, built environment, employment, and information and communications).

E. Students with disabilities may be perceived to be a burden on the educational system, teachers, instructors, fellow students, *etc.* Students with disabilities at the post-secondary level may be stereotyped as child-like and unable to make decisions in their own

best interests. Where stigma, negative attitudes and stereotyping result in discrimination, they will contravene the Code.(attitude)

F. Under the Code, (Ontario Human Rights Code) education providers have a legal duty to accommodate the needs of students with disabilities who are adversely affected by a requirement, rule or standard. Accommodation is necessary to address barriers in education that would otherwise prevent students with disabilities from having equal opportunities, access and benefits. Students with disabilities are also covered by the *Code* under section 8 if they experience reprisal or are threatened with reprisal for trying to exercise their human rights.

G. Ensuring integration and full participation means designing the education system for inclusiveness. The concept of inclusive or universal design has been tailored to fit the education context. Universal Design for Learning (UDL) – (course management system, power point slides, lectures, course materials, textbooks, communication/sharing information with parents/guardians, course assessment – are all resources)

H. The lack of a formal assessment should not thwart a student's access to accommodation for their disability-related needs-(students identification of their own needs, history of identifies disability, observation, history of academic accommodation, proof of disability from non-medical sources- are few points that can be identifies by the education providers due to lack of resources and to doing their best to retain and develop students with special need)

I. The Ministry of Education is responsible for funding Ontario's elementary and secondary schools operated by public and Catholic English and French boards and in their inclusive education's sufficient fund.

J. Children are guaranteed special education services according to Ontario Special Education system for first nations children's, their parents may not be a high qualifies academically and/or financially and sending their children home for special education may be dangerous.

K. the Supreme Court of Canada, that Court said, "The duty of care owed by the instructor, being that of a reasonably careful parent, had to be assessed in the light of the handicaps of the students; . . ." (TRILL – chapter 5, teachers position)

L. Education providers have a duty to maintain a non-discriminatory environment, to be aware of a poisoned environment that exists, and to take steps to respond and eliminate. Least restrictive environment ensures that students with disabilities receive the best accommodations possible to help them overcome their difficulties, (safety issue)

M. Inclusion of parents or legal guardians for the involvement of the decision that may affect their children; such as lack of funding or safety issues.

### **Ethical Concepts:**

A. Roles and Responsibilities of Teachers and Teacher Assistants, the Ministry of Education and the school district are both responsible for ensuring the necessary conditions for students with special needs to succeed on schools. One condition, availability of a suitable workspace to accommodate the learning activities of those working with students with special needs, is clearly not meet when the autistic student and he/they were essentially kicked out of the classroom and saying go home for safety and better inclusive education.

B. British Columbia promotes an inclusive education system in which students with special needs are fully participating members of a community of learners. Inclusion describes

the principle that all students are entitled to equitable access to learning, achievement and the pursuit of excellence in all aspects of their educational programs (Ministry of education BC) ON ministry of education should follow those rules that follows by rest of Canada

C. The aim of the Special Education Assistant is fundamentally to be of service, with the internal goods of acting with care and wanting to help children outweighing the external goods.

D. Funding should be increases but not decreases for the proper accommodation, it is both for the maximization of benefit and individual benefit through the mean, not by end. (the greatest good for the greatest number, utilitarianism)

E. Respect is important.

F. Justice is important for which inclusive education deserves. Therefore budget should not be reduced.

G. Care, Respect, Trust, Integrity must be followed as ethical values of education providers.

H. Equal Educational opportunities.

### **Topic 7:**

“Dirty little secret’: Alberta teachers call for classroom accountability amid student violence”

### **Abstract:**

*Student violation against teacher is a major assault in school environment. This story is various examples of assaults by special need students to teachers’ (like slapping, kicking behind, hitting on head). In 2010 Pamela Orr, a teachers from St. Albert was assaulted by a student in her classroom. She was teaching special need students. She has permanent disease of chronic pain, is cognitively impaired and requires the use of canes, chair lifts and wheelchairs in her house now a days, she can’t stand, seat for a long time because of her disease through the assault in her classroom by student. She is the main focus as an assaulted teacher by the news and there are various teachers in various schools in Alberta (Edmonton) that faced assaults by their students. They reported under freedom of speech, and the news published it under freedom of information. However school administration did never take their initiative easily because of reporting to the media by its teachers, administration wanted it a little secret inside the boundary of school. Teachers and TA are afraid as well by their school administration for repercussion (could be suspension or any action). They are also complaining resources for the development of special need classroom but it is unfortunate that budget is not that enough to make classroom safe.*

### **Keywords:**

Assaults, School Violence, Media, Provincial Labour Ministry, OHS, Relations between Teacher and Student, Special Need.

### **Legal Concepts:**

A. Roles and Responsibilities in Special Education strictly urges on a special need student to follow complies with the requirements as outlined in the Education Act, regulations, and policy/program memorandum; one of the student responsibility is respect to teachers.

B. School Act. Mention on students that to co-operate with everyone in school, including teachers, entire responsibilities are complying rules of the school, protect from bullying, bullying behavior directed from others etc. So students can't assault teachers because of their loco parentis role in the classroom, it is teachers role to be loco parent to protect themselves and students from harm by reasonable force.

C. Teachers have the right to expect standards of pupil behavior necessary for maintaining an optimal learning environment and have the responsibility to use reasonable methods to achieve such standards.

D. The teacher should protest the assignment to the principal and the superintendent. Clause 8 of the Code of Professional Conduct requires that teachers protest assignments and conditions which make it difficult to render professional service. This clause reads, the teacher protests the assignment of duties for which the teacher is not qualified or conditions that make it difficult to render professional service.

E. Section 2(b) – Freedom of expression, Canadian Charter of Rights and Freedom. Teachers can express if they are not protected in the classroom, this is their rights.

F. The Education Act. Outlines the role of parents in s. 13. It states that parents are expected to “communicate reasonably with school personnel employed at the school” and “have due care for the conduct of his or her child”. Furthermore, while parents are entitled to “reasonable consultation” with their child’s teacher both the teacher and parent are required to “conduct themselves in a respectful manner”.

G. Section 22(3) states a person in or on school property commits a punishable offence when that person “uses threatening or abusive language” or if someone “speaks or acts in such a way as to impair the maintenance of order and discipline in or on the school property”. criminal code R.S.C. 1985, c. C-46

H. Teachers have Procedural Rights against any disciplinary action by their employers

I. Life, Liberty and Security of the person Section 7 of the charter of rights through which teachers can safe them. Added liberty as right of employment by the court

J. As a Social Worker Teachers can report child abuse, violence, report must be made by the teacher regardless of internal school procedure

K. “Inclusive setting/inclusion” means specially designed instruction and support for students with special education needs in regular classrooms and neighborhood schools, and several development with parents, individual classroom, appointment of psychologist, social worker, more training for special needs to those TA and teachers etc. – these are needed for the especial education, if due to budget, accessibly is reduced then vulnerability increases and teachers, TA gets attacked as well, which is classroom vulnerability. (education Alberta , standard for especial education)

L. Teachers have the right to be protected against discrimination on the basis of prejudice as to race, religious beliefs, colour, gender, sexual orientation, gender identity, gender expression, physical characteristics, disability, marital status, family status, age, ancestry, place of origin, place of residence, socioeconomic background or linguistic

background and have the responsibility to refrain from practicing these forms of discrimination in their professional duties. (ATA)

M. Teachers, collectively and collegially, have the right to:

a) be members of the organization representing their professional, economic and contractual concerns, they can ask for compensation if attacked on duty.

N. Under the OHS Act, employers are responsible for ensuring the health and safety of all workers at the work site. Specific requirements are outlined throughout the OHS Act, Regulation and Code, depending on the work that is to be done.

O. The responsibility to refuse unsafe work: the OHS Act prohibits a worker from doing any work he or she believes poses a risk of imminent danger.

P. Dirty little secret make no sense of justice for Teachers and Teachers Assistants

Q. There is no environment of benefit for the maximum and benefit for the individuals

### **Ethical Concepts:**

A. Stimulating moral imagination. Morality matter as it is at the core of human lives; otherwise attacking teachers by students is moral panic.

B. It is against of respect, compassion, well-being of school environment

C. Silence of Administration is sad and against of morality, making safe school environment and responsible student citizen for school and for the country in the future.

D. Classroom fear among TA and teachers are not an example of safe, well-being and as a model of school environment, it has connection with resources accessibility, special need requires those resources that can make peaceful circumstances

E. It is not a balancing environment between student and teacher

F. No respect

G. No Beneficiaries

H. No Trust between teacher/student, teacher/parents

I. No rationality on silence or make it secret which falls teachers (a human) endangered and the entire class.

### **Topic 8:**

“Calgary Teacher Suspended after Investigation into head-butting Incident”

### **Abstract:**

*Lazhar Abida a substitute teacher at the Palliser Regional Schools, Calgary, was found guilty on duty as a teacher. On that day he entered to the classroom for teaching as a substitute teacher, because of teacher's absence on the day. He saw two students were passing a ball back and forth, he asked them to stop but they continued. He then placed two hands on the student's head and slammed his own forehead against the student's. Following the head-on-head contact, the student fell out of a chair and hit his head on the floor. The student then got up and attempted to call his mom on his cell phone. Abida yelled at the student to hand over the phone, which the student refused. Give me the damn phone, he took that phone and went to the office to tell official. He confessed what he did to the vice-principal by a written letter. He then apologised to the student and left school. After a week he took medical leave and never come back to the school. ATA placed him with paid leave while ATA submitted information to the professional*

*conduct committee. The committee decided one year suspension from teaching and suspension of teaching certificate by the Alberta Education Ministry.*

### **Legal Concepts:**

A. The teacher treats pupils with dignity and respect and is considerate of their circumstances.(ATA

B. The teacher acts in a manner which maintains the honour and dignity of the profession. (ATA

C. The teacher does not engage in activities which adversely affect the quality of the teacher's professional service.(ATA #19)

D. The School Act provides that a contract of employment between a board and a teacher terminates if the teacher's certificate is suspended or cancelled by the minister or if the certificate of qualifications (such as a letter of authority) expires. The Teaching Profession Act provides that a board may not continue to employ a teacher who ceases to be a member of the Association except as provided in the act ( TRILL - Termination or suspension by school boards- chapter 1)

E. termination without notice; generally no appeal (substitute section 100) (TRILL - teachers' employment arrangements in Alberta chart, chapter 1)

F. The Youth Criminal Justice Act is federal legislation that redefined disciplinary rights for children in some circumstances. Among the implications is the concept that a young person has the same civil rights as an adult and, in addition, further rights because of being young. This comes into play in schools in such serious breaches of discipline as to constitute possible criminal charges. In this type of circumstance, teachers must be careful to carry out procedures in such a way that the student's rights are not violated, thereby enabling him or her to escape punishment on these grounds. Teachers and principals must act in parent's patriae, which requires that they protect the rights of the student. Students have the same rights as adults in criminal matters. Those rights include the right to remain silent, the right to counsel and the right to know what the charges are. Before allowing the police to interview students, principals should contact both the Association and the school division for advice. (TRILL, chapter 2, school discipline)

G. Section 43 of the Criminal Code states, every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances. Acting in loco parentis has gradually evolved through legal precedent. Means; that the teacher stands, in relation to the student, in the position of a caring parent, as an unofficial guardian. This concept not only allows the teacher some of the privileges of a parent but also brings with it added responsibilities for the protection of pupils. Thus, a teacher could be liable for damage caused to a pupil where the teacher's conduct falls below the standard of care commonly accepted as being reasonable in a parent-child relationship. ( TRILL, chapter 3 , principle of loco-parentis and criminal code)

H. A tort is a wrong committed by one person against another. Some specific types of wrongs are assault, defamation and negligence. Negligence consists of not doing something a prudent and reasonable person would do or doing something that a prudent and reasonable person would not do. It can be the subject of a lawsuit between persons whenever there is a duty upon one person not to be negligent and when a breach of that duty occurs that causes damage to another person. Negligence exists where the activity or conduct on the part

of the teacher creates an unreasonable chance of danger. When teachers ignore the danger or do not see the danger when they should, they may be held negligent if someone is injured as a result. (TRILL chapter 3, Negligence)

I. The teacher will normally be required to ensure that a system of supervision is established in the classroom or wherever an activity takes place to ensure that the warnings or instructions given to the pupils are obeyed. Of course, there is no expectation of having one supervisor for each pupil except in extremely dangerous activities. Teachers' own experiences will normally give them a good idea of what level of supervision is required to ensure an adequate degree of safety. Teachers and administrators should decide on the amount of supervision they deem adequate for the school. (TRILL, Chapter 3, Supervision)

J. The responsibility of the teacher ends as soon as the child enters the care of a qualified doctor or a hospital, and the sole remaining duty is to continue efforts to contact the parents if such had not been done before. It should be noted that teachers' actions will not be measured by the standards applied to a medical doctor but by those of reasonable prudent parents. If you err, make sure it is on the side of getting medical attention. (TRILL, chapter 3, students injury)

K. As a child advocate teachers have duty to become advocate in the school system for better services in the context of vulnerable children's. The role is complex but they have to be patient, knowledgeable about code of conduct, and the law for educators. ( Teachers and the Law, chapter 6, teachers as a social welfare agents, teachers as child advocates, McKay et all)

L. In addition to the Criminal Code provisions noted earlier, ordinary civil law recognizes the principle of in loco parentis. As a result of that legal relationship, teachers are permitted to take reasonable steps as may be required to maintain control of pupils. However, in all cases related to discipline the best protection for teachers is to follow school and board policy. The School Act gives school boards the right to make rules and regulations regarding the operation of schools. These rules and regulations should be made in consultation with teachers. Once the rules have been established, the teacher must apply them scrupulously. If the board makes a rule that prohibits the use of physical force and a teacher disobeys, it could be grounds for employer discipline up to and including termination of contract for disobedience of a lawful order of the board. (TRILL, chapter 3, corporal punishment)

M. section 265 (1) of the Criminal Code, Provocation, such as insulting words or gestures, is not a defence, The Criminal Code provides for other forms of assault. Each involves all of the elements of common assault plus additional aggravating factors. It is an offence to assault someone with a weapon or cause bodily harm. It is an offence to commit assault resulting in wounding (aggravated assault) and intentional touching. (TRILL chapter 4, Assault)

N. competency means an interrelated set of knowledge, skills and attitudes, developed over time and drawn upon and applied to a particular teaching context in order to support optimum student learning as required by the Teaching Quality Standard (TQS, pp3)

O. Fostering Effective Relationships-acting consistently with fairness, respect and integrity; (TQS, pp 4)

P. Engaging in Career-Long Learning- building capacity to support student success in inclusive, welcoming, caring, respectful and safe learning environments (TQS pp4)

Q. Adhering to Legal Frameworks and Policies - maintaining an awareness of, and responding in accordance with, requirements authorized under the School Act and other



relevant legislation; engaging in practices consistent with policies and procedures established by the school authority; and recognizing that the professional practice of a teacher is bound by standards of conduct expected of a caring, knowledgeable and reasonable adult entrusted with the custody, care or education of students. (TQS pp 7)

R. Illegal things teachers can't do, 5 Punishable Offences, Supervision of Students, Respect For Students, Limits on Discipline, Punishing Students

S. There is no safe touch in the relationship between a teacher and a student no matter how innocent or well-meaning your intentions. You cannot anticipate either the reaction or interpretation of the child or their parent.

T. Assigned teaching responsibilities that are, in general, equivalent to the teaching responsibilities of the teacher being replaced. It is all the procedure that a teacher goes through the process to know the law, legal liabilities and code of conduct, reasonable conduct. So a substitute teachers can not claim that because of teaching nature, he/she has lack of knowledge or have lack of such information. ( Substitute Teachers : Within the Bargaining Unit, chapter 3, Substitute Teachers: Professional Replacements Integration into the School System, ATA)

U. The actions of a teacher must comply with the Child, Youth and Family Enhancement Act, the Youth Justice Act and legislation in the area of human rights. (Legal Liability, In Parens Patriae, chapter 4, Substitute Teachers: Professional Replacements Integration into the School System, ATA)

V. Even though section 43 of the Canadian Criminal Code permits the use of reasonable force by teachers on students under their care, many school boards have banned the use of corporal punishment. 43. Every school teacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances. Teachers must use approved procedures when disciplining students under their care. All teachers should be aware of section 12 of the School Act, which outlines the code of conduct for students, and section 24 (1), which provides legislative support for appropriate discipline policies and procedures related to section 12. (Student discipline, Substitute Teachers: Professional Replacements Integration into the School System, ATA, chapter 4)

W. There has been an enormous increase in the number of teachers accused of assault, both common and sexual, in recent years. The common assault allegations generally result from disciplinary action taken by a teacher. Section 43 of the Criminal Code notwithstanding, it is becoming more and more unacceptable for teachers to use force in disciplining students. Recent court decisions would indicate that corporal punishment may well become a thing of the past. In order for an action to constitute common assault, three elements must be satisfied: (a) lack of consent by the victim, (b) intent and (c) an application of force to the victim (or the threat of force that the victim believes will be carried out). ( common assault, chapter 4, Substitute Teachers: Professional Replacements Integration into the School System, ATA)

X. The Code of Professional Conduct provides general guidelines for teachers to follow, but the scope of professional-conduct expectations goes far beyond the code. Teachers should be familiar with the code and with the responsibilities placed on them by the Teaching Profession Act. These responsibilities are contained in Appendix B and Appendix D. Substitute teachers should become familiar with these responsibilities and govern

themselves accordingly. Note that adhering to the provisions of the Code of Professional Conduct is a 24-hour-a-day responsibility. Even when acting as a parent or a community member, all teachers must respect the standards of the profession. These provisions also apply to other teachers in their relationships with substitute teachers. ( Subs legal liabilities, chapter 4, Substitute Teachers: Professional Replacements Integration into the School System, ATA)

Y. 25. According to Alberta Queens Printer (teaching profession act.) committee can verify by disciplinary offence by the teacher and can take disciplinary action based on their rules and procedure

However; Substitute teacher/ teacher has right to protect them once they are in problem and they also confess it by complying on the truth. They can be quiet, and go for defend them by the Canadian Charters of Rights and Freedom. Techers/Subs teacher have right to access legal advice, they can go through.

Visible Minority Teachers or Substitute Teachers need more assistance by the school board, so that they can operate classroom more confidently. Students need to respect them, when a visible minority teacher or substitute teacher takes class, sometime students may not listen due to stereotype, and it perhaps due to teachers skin color observation by the students as uncommon.

On the other-side, teachers or subs teachers from other countries practices their standard they follow in their countries, which is common in the classroom (striking or hitting by stick, a common practice in developing countries) which is not Canadian standard, therefore they need more professional development to understand Canadian educational laws and ethics.

### **Ethical Concepts:**

A. As a Social Welfare Agents Teachers (Subs Teachers are also included) have to treat with students in the context of social and economic factors of the students, health and wellbeing, social and cognitive ability etc. (contribution of beneficiaries)

B. Be a disciplinary competence

C. Should Respect Students

D. Ethical standard for teaching professions: respect, care, trust, integrity. Therefore respect students is teacher's priorities under ethical code of conduct. ( trust as Phidaloby between students and teachers)

E. Teachers/ Substitute Teachers are always mindful over student's rights and sensibilities.

F. To treat each student justly, considerately and appropriately in accordance with the beliefs of the profession

G. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety

H. Respectful in dealing with all controversial matters in a situation that creates in the classroom. Rightness or wrongness determined by the respect of others on the basis of humanity, students are human being. ( non-consequential ethics)

I. Protect students is teachers code of ethics from harm (Nonmalthesis)

- J. Balance between students vs. teachers
- K. A measure of good of action that can bring benefit maximization and it is depends on teacher's best decision on such vulnerable or any disrupted condition in the class, instead of punishment. (consequential ethics)
- L. Categorical imperative: teacher's standards that can hold students(Emmanuel Kant)
- M. Treated with students as an end, not as a mean.

**Topic: 9**

“Ontario's Teachers' Unions walk off job together in province wide strike”

**Abstract:**

*Estimated 200000 teachers and education workers in Ontario are going for strike as the first ever strike province wide called by the four teachers unions of the province of Ontario, resulting the closing of all publicly funded school and more strike/action in the future. Obviously Ontario's Education Ministry is not happy for the action and for future striking threat as well. According to the Minister; Stephen Lecce, it is unhelpful and parents are frustrated. Minister of Education will do their best for the bets negotiations with teachers unions. Joy Lachica, president of the Elementary Teachers of Toronto told that the strike is for the best interest. Teachers are asking for better class size, its enlargement, mandatory online courses for students, funding for especial education support, hired for long-term occasional and permanent teaching positions, seniority evaluations and protection of the full-day kindergarten program and staffing.*

**Keywords:**

Striking, Negotiations, Best Interest

**Legal Concepts:**

- A. According to School Act; 18(1) promote goals and standard applicable to the provision of education adopted or approved pursuant to this act. ;
- B. According to Code of Professional conduct in relation to the profession, the teacher makes representation on behalf of association ... when authorized to do so;
- C. Under Labour Law, Supreme Court of Canada changed the position of teachers with respect to their right to bargain collectively; (Facilities Sub-sector Bargaining Association vs. British Columbia)
- D. Section 2(d) of the charter guarantees freedom of association for collective bargaining;
- E. Development of especial education for health and safety, for occupational safety, for risk management, parental harassment( charter and human rights procedure in the context

of teachers rights and freedom of their employment), better accommodation for every especial students are their right;

F. According to the bylaw of Ontario Teachers Federation members must join one of the affiliate organizations for different classes of teachers within four affiliated groups;

G. It is teachers lifestyle which is depends on local community standard and it is possible when school environment is standard as well (Kempling Case)

H. Distributed learning (non face-to-face, online) under ATA is important for teachers professional development due to constant technological development. Students are increasingly diverse with respect to digital literacy, English skills, and academic, social, medical and emotional needs. It is good for covering distance, reduce workload and many more things;

I. According to ATA teaching duties; maintenance of such classroom order as is necessary to promote a healthy learning climate, therefore access of classroom, better size of the classroom is good for quality education

J. According to TRILL Teaching Quality Standard and be consistent with Alberta Education Policy 2.1.5 where teachers growth is important, permanent teaching position is one of its features to helping all teachers for better future and growth.

K. Ontario Regulation 274/12 was filed by the provincial government on September 11, 2012 under the Education Act. The regulation establishes steps all publicly-funded school boards are required to follow when hiring for long-term occasional (LTO) and new permanent teaching positions. The government has indicated that the purpose of Ontario Regulation 274/12 is to promote a consistent, transparent and fair hiring process for long-term and permanent occasional teachers.

L. The union and the employer have a legal duty to meet and to bargain in good faith according to Ontario collective bargaining.

M. According to TQS engaging in carrier long learning improve teaching and learning skill by building capacity to support student success in inclusive, welcoming, caring, respectful and safe learning environments and maintaining an awareness of emerging technologies to enhance knowledge and inform practice

N. In 2012, the Supreme Court of Canada (SCC) handed down a landmark decision on disability rights. The decision in the Moore case (Moore vs B.C.) states that students with disabilities are entitled to receive the accommodation measures they need to access and benefit from the service of public education

O. Article 24 of the CRPD prohibits discrimination against children with disabilities and mandates the right to inclusive education. This provision is focused on removing barriers

to participation in typical classrooms in public schools and thus promotes inclusion in the community and society as a whole.

### **Ethical Concepts:**

A. To inspire members to reflect and uphold the honour and dignity of the teaching profession, to identify the ethical responsibilities and commitments in the teaching profession, to guide ethical decisions and actions in the teaching profession, to promote public trust and confidence in the teaching profession;

B. 2. Care for compassion, interest, developing students potentials, respect for trust and fair-mindedness, human dignity, cognitive development, well-being and learning through professional judgement and empathy in practice, trust through fairness, openness and honesty, and integrity through reliability, moral action;

C. Ethical expectations through broad references to the ideals and values of the profession, values like fairness, equality and integrity. As the label suggests, codes of ethics written in an aspirational style are meant to positively inspire professionals to try to achieve a certain ideal of professional conduct and do not position themselves as having a disciplinary function;

D. Better equipment's bring beneficiaries;

E. Teachers strike for better education through equipment's is rationalize, it is not an illegal strike;

F. Teachers, individually and collectively, must take hold of them-selves in the name of professional self-determination and embrace ethical knowledge as the measure of independent choices and the building block of renewed school cultures. Therefore striking teachers for environmental renovation is logical for the betterment of students and teachers.

### **Topic 10:**

“Alberta Finance Minister says no money available for Teacher salary increases”

### **Abstract:**

*Laurel Gregory, Alberta Finance Minister in a new initiatives expresses his inability that there is no change in the budget to increase Alberta teacher's salary due to economic turmoil. It is his announcement at the stage of bargaining with teachers. On the other side students ratios are increasing every year, but teacher's salaries are same since seven years.*

### **Keywords:**

Salary, Compensation, public sector

### **Legal Concepts:**

According to ATA (teachers rights and responsibility);

Teachers, collectively and collegially, have the right to;

A. bargain for salaries and working conditions which include fair and equitable grievance procedures

B. receive an adequate income while teaching and upon retirement and have the responsibility to support actively their professional organization in its objectives to regulate relations between teachers and their employers and to improve the quality of education, the status of teachers and the status of the teaching profession.

**Ethical Concepts:**

- A. Raising teachers' salaries will result in better learning for children
- B. Higher teacher salaries might increase teachers' effort
- C. Better teachers impart more knowledge. Students who learn more earn more
- D. Salary increases teacher's quality standard, make them expert through training and knowledgeable – TQS
- E. Higher salaries even small bonuses can and do keep some teachers in the classroom, and likely improve outcomes for their students
- F. It is connected with Teachers value, respect, reward, fairness, justice for deserve etc.

**Topic 11:**

“Alberta orders all classes cancelled, daycare closed as COVID-19 cases rise to 56 in the province”

**Abstract:**

*A world wide devastated situation, Canada is also taking measures to safe Canadians, and students from this COVID-19 threat. All Alberta schools and day cares are closed without any further opening notification from the Alberta Government. It is generally expecting that Schools and Day Cares will probably open in September, new school year (Conspiracy theory). Students have been asked to keep their distance from another, avoid gathering etc. Final Grade will be distributed for the next grade level next year. Grade 12 diploma exams are thinking to take by online according to the Alberta Public School Board Superintendent, as advice or suggestion instead of classroom in-person examination.*

**Keywords:**

Students Heath, Disease free School Environment, Grading

**Legal Concepts:**

A. The Occupational Health and Safety (OHS) Act was amended on June 1, 2018, and now calls for each work site with 20 or more workers to have a joint work site health and safety committee. The purpose of these joint committees is to provide a mechanism for all workers to be involved in workplace safety and to ensure that the workplace is meeting or exceeding the requirements of the OHS Act. The goal is to keep the workers safe while on the job. It is for Teachers, School Staffs, and day Care providers under this circumstances. They are still working in school while students are not coming. It is important to remember that the Code of Professional Conduct applies to teachers at all times and is not overridden by the OHS Act. (ATA)

B. Teacher may be paid Employment Insurance (EI) benefits during non-teaching period.

C. The School Act, in section 60, deals with powers of school boards. Among other matters, this section requires that every board carry liability insurance or make equivalent arrangements to cover its exposure, including the exposure of its employees for personal death, injury, harm etc. (TRILL)

D. school connectedness includes the relationships that students have with their peers and with the adults who work within a physically and emotionally safe school community-Well-being (ATA)

E. Regular benefits are available to teachers who have lost their job through no fault of their own, who are available and able to work, and who are unable to find work. To receive benefits, teachers must apply, must have paid EI premiums, must have been without work for at least seven consecutive days and must have worked a specified number of hours based on the unemployment rate in the area in which they live. Applicants for regular benefits must actively seek employment” throughout a claim and keep records of their job search for EI audit purpose (ATA)

F. Insurable hours are the number of hours a teacher has worked for which he or she has paid a premium. The number of insurable hours is reported on the Record of Employment that the board issues to teachers when they leave their employment. The number of hours required to qualify for regular EI varies by geographic region and is adjusted monthly. It is based on the unemployment rate in that region. Check the Service Canada website for more information. (600 hours work) (ATA)

G. OHS allows workers to refuse work when an imminent danger exists or if working would create an imminent danger (ATA)

H. Under the definition of assigned duties in all collective agreements, teachers can be assigned teaching duties. This could include preparing or delivering course content on line. It should not include cleaning or other janitorial duties. (ATA)

I. Days on which classes are cancelled by a school division due to an emergency are considered “teaching days” under the Education Act. Teachers on contract should expect to be paid regular salary. (School Act).

### **Ethical concepts:**

A. A professional code of ethics also addresses a teacher's responsibility to keep students safe. Teachers must abide by all school and classroom safety procedures to ensure student safety

B. The ethical principle of care holds that members express their commitment to students' well-being and learning through positive influence, professional judgment and empathy in practice.

C. the key is to teach, review and practice different aspects of emergency procedures throughout the year

D. Everyone has a responsibility to promote a safe environment. In this circumstances Teachers, community, Government should work together for the fulfillment of all for benefit and stay comfort.

E. Take the proper steps to help those in need.

F. Should use enhanced sanitation practices.

G. Teacher's energy or labor means that God has given him/her to provide the essentials of reasonable life and comfort for the fulfillment of duties of life and self-development.

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