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# DEBATES and PROCEEDINGS

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**Bill No. 612 – *The Respect for Diversity – Student Bill of Rights Act, 2015***

**Mr. Forbes:** Thank you very much, Mr. Deputy Speaker. It's a pleasure to rise this afternoon and enter into debate on this bill. And I was very pleased to present this in the spring, and we're glad to see that it's still alive for the fall session. And we sure hope that the government members will take some time and think about this and join in and really work to see this bill pass. It's one that really is an important bill.

And you know, I want to say right off the bat, this bill, *An Act to provide for the Respect for Diversity and the Rights of Students* known as the short title, *The Respect for Diversity – Student Bill of Rights Act*. But this bill itself really is more than just us or parents or adults; it's about the kids in our schools.

And I think about two and a half years ago when Halla Scott came to the legislature. And what a brave young woman she was to come — it was April 16th, 2013 — and talk about her own experiences in her school when she wanted to establish a gay-straight alliance, also known as a GSA, and her own experience. And we raised those questions that day, and she sat in the gallery because she was so committed to ending homophobia and transphobia in her school that she really took a stand in a Catholic school to say, we got to do better. And it was affecting her and her friends in her school. And so these are kids that we're talking about, and this is really, really important things that we can do to make schools a safer space for our children and our youth.

Now I talk about Halla, but that was two and a half years ago. And I wish to say that I could say that's it all stopped and it's all been fixed and the government work has solved all of the problems. But the fact of the matter is, it hasn't. It hasn't. It's a bit of a band-aid solution. And we know when we look across Canada that other provinces have moved to make sure that if a student requests a GSA, that they would get one. We see it in Ontario under a Liberal government. We see it in Manitoba under a New Democratic government, but we also saw it being implemented in Alberta under a Conservative government. So this idea is not a partisan idea. It's a common sense idea. There's no

reason why we can't move ahead with it.

But you know when I was talking about Halla, and that was two and half years ago, I wish to say that that was not the case and that everything is fine now. But I was shocked when I was at an event, a private event in one of our cities in Saskatchewan, where a young person came up to me. And she was signing our petition because she really believes in the issue, and she was relating her experience when she asked about a GSA in her school. And in this city, she was told she would just have to snap out of it. This situation that she found herself in terms of her gender identity and expression was something that she would just snap out of.

And I couldn't believe my ears when I heard that, Mr. Speaker, because that is something that would've been said 40 or 50 years ago where a teacher would tell a student to snap out of it. Get straight. I can't believe that but that's happening in our schools and was happening in our schools last June, last June. So I hope that that person has found a way forward and has been able to talk to some more better educated teachers in that school and that she's in a safe place now. But I can't believe it. It sticks with me, that kind of language. And that's what we're really talking about, are young people. And we're talking about young people who demonstrated in Saskatoon just a few weeks ago and talked about their experiences and how their schools can be better, safer places.

Now we have a situation and we think ... And I want to say that we're very glad to see the government supporting Camp fYrefly. It's a good initiative that's really important. But we need to make sure that this is legislated and that every school has a poster. And we'll talk about this because this is a big part of the bill, a student bill of rights. And so it's in every school that a student should feel safe to do that.

But I want to just . . . I say, you know, I reflected last night, preparation for this, about how Halla, and how she came, and what a brave young woman she was to be here in this legislature, her legislature, and talk about her experience. But it hasn't changed. It hasn't changed.

And we know there are more GSAs this year — and we're glad — because of the talk in the media. And that's a positive thing and we're glad to see that. But we worry about those schools in our province where that's not the case, where students are suffering. And they're thinking about . . . We know the facts are that students will have more suicidal thoughts. And we know that 64 per cent of LGBTQ [lesbian, gay, bisexual, transgender, queer and/or questioning] students feel unsafe at school. Eighty per cent feel that they've been bullied, and half of LGBTQ kids have suicidal thoughts. But we do know that GSAs in schools help kids feel better about themselves. In fact what's interesting is all kids in the school feel better about themselves and have a positive experience because it just reduces the bullying in the school, reduces homophobia, but other bullying situations. So we think this is important.

I want to just take a minute here just to reflect on the preamble of this bill because it's important when we talk about the bill. And you know, obviously . . . And the GSAs is one that we really talk a lot about because in many ways it's the most important part of

the bill.

But I want to talk about the preamble, where we talk about where “. . . parents want the best quality of education for their children and Saskatchewan should aim to have the best schools in Canada.” That’s our goal, and I think everybody in this room can agree to that.

And:

WHEREAS teachers, educational support workers, and school divisions strive to deliver the best quality of education to all students and need effective leadership and support from the provincial government; [and]

. . . students are entitled to welcoming, caring, respectful, and safe learning environments that embrace diversity and nurture a sense of belonging and a positive sense of self; and

WHEREAS the *Canadian Charter of Rights and Freedoms* and *The Saskatchewan Human Rights Code* set out the . . . rights of all Saskatchewan people.

So we set out what would happen. And we talk about what this bill really calls for. And the bill really calls for:

Every student . . . has the following rights:

The right to have any disability reasonably accommodated;

The right [for] . . . and safe school environment, free of bullying and intimidation;

The right to have any concerns about bullying and intimidation, including cyberbullying and other harmful actions dealt with by the school principal; [and]

The right to freedom of conscience, opinion and belief, freedom of expression, and freedom of assembly and association; [and]

The right to establish and lead activities and groups that promote a safe and inclusive learning environment, and acceptance of and respect for others, including activities and groups that promote:

gender equity; anti-racism; [and]

respect for First Nations, Métis and Inuit cultures and peoples; [and]

respect for people with disabilities; and

respect for people of all sexual orientations and gender identities and expressions.

And this would be communicated to all the students by the section no. 4 that:

School administrators shall ensure that the Student Bill of Rights is respected and promoted in each school and that the Student Bill of Rights is posted in standard Canadian National Institute for the Blind (CNIB) print [Arial 14 font] [located] in a location that is prominent and easily accessible by students.

And then there are regulations.

The key part here though is that they can establish and lead activities and groups that promote a safe and inclusive learning environment, and in definitions that means:

student-led, teacher-supported events and organizations that do not infringe on time set aside for learning, including with the name “gay-straight alliance” or “gender sexuality alliance” or any other name which is consistent with the promotion of a positive school environment that is inclusive and accepting of all students.

So that’s the heart of the bill. And I think in many ways it just makes common sense. It’s the thing that’s happening across Canada, and why this government refuses really to move on it is something that is worrisome.

Now we’ve asked for feedback from many different organizations across the province, and we’re glad that we’re getting some feedback. We’ve had oral feedback. People have told us that this is a really good idea; this is something that makes a lot of sense. We’ve got a couple of letters back, and of course we’re meeting with the Saskatchewan School Boards Association shortly to talk about their concerns. And we had a debate last spring that talks about the autonomy. We want to respect autonomy. We think there are ways of making sure that they feel that their autonomy is intact.

I do want to say we received a very interesting letter from the STF [Saskatchewan Teachers’ Federation], and really it shows why we should really send this bill to second reading. Because in many ways they say the bill could be improved, but they want to see something like this. This is a good start, they say, and this is important for us to move forward on. So they say thank you again for the opportunity to meet and we had some good discussions and they wanted to provide some feedback. And they really gave some very good feedback, particularly around student rights and teacher rights and obligations and what that means, and how we need to make sure that it’s clear and that they have their protections as well. And I think this is important, you know, and I just want to quote from the letter:

For example, our members have indicated they are fearful of reprisals (either formally or informally) for volunteering to support groups and activities that support diversity in schools. Bill 612 as currently written provides no protection for teachers should they volunteer to support activities and groups that encourage

diversity.

And I think that's a fair point. That's a fair point. We could improve this bill, and this is why it's important to get it to committee so that that question is resolved. And we would have an appropriate amendment so teachers do not feel that there will be reprisals for being involved with GSAs or encouraging GSAs or that type of thing. Hugely, hugely important. And I think this is the thing that we need to have, this kind of rational discussion, and we can have that in committee.

Now they also talked about Bill of Rights must be respected and promoted, and I quote:

Further to our comments regarding the responsibilities of school divisions being articulated in the bill, this section could be strengthened beyond the simply displaying a bill of rights within the school. Raising awareness regarding the rights of students, and more broadly children and youth, is only a first step. A legislated bill of rights should also inform and require school divisions to have policy and resourcing in place to support students, teachers, principals and officials in navigating and managing this important aspect of child and youth well-being.

So there you go. They think it's a good idea but we can improve on it, and there are some really constructive criticisms, and I think that's excellent. And they conclude by saying:

We applaud the attention being given to student rights and look forward to continuing conversations regarding the potential for a bill of rights that, along with *The Education Act, 1995* and other legislation in our province, builds a more inclusive and supportive environment for all in schools and beyond. To that end, we recommend further analysis and inclusion in the Bill of any consequential amendments that would be necessary in other provincial legislation.

Again, very, very worthwhile criticism. And I think that's really important that we have that kind of conversation and we pass this legislation to the next step so we can address these kind of positive concerns.

But you know, we've had community involvement and different groups out there who are saying, this is the right thing, do the right thing, and how important that is. We've had OUTSaskatoon supporting the initiative; they think it's the right thing. Breaking the Silence; UR Pride; PFLAG Canada, the parents' group; and USSU Pride Centre and Moose Jaw Pride have all come aboard to say this is the right thing. Let's do the right thing.

Now I want to talk just a minute about the government response. And that's really something that is a bit concerning. We've had them talk about, last spring we had some issues around the policy statement. Now, we had the minister talk about a policy, but was actually a policy statement. And I don't know what the bureaucratic definition is, but there is . . . people are starting to ask questions. Is it really a policy? Or is it a policy statement? And what does that mean in terms of the levels of regulation and legislation?

I know the Minister of Education once got on my case because I called the minimum wage legislation regulations and he thought, well, that's a big difference. Now, here we have the same difference. What is a policy? What's a policy statement? People are asking about that.

So we have some real concerns. Mr. Speaker, I want to just take a minute here and talk about, you know, last spring when we were really . . . this was really coming up in a big way, we had Rick Mercer in Saskatoon. And I remember his tweet: do the right thing. And that's the key thing. Here's a really simple, a really simple bill. It's straightforward. We should send it to committee. We should address some of the concerns that have been raised because many groups might say, hey, we need to add some more things. But we really need to move on this. We really need to move on this.

Now interestingly, and I know that many of us when we left the Chamber last May, that Thursday, we were really anxious to get on to other things in spring, but *The StarPhoenix* editorial board thought it was important to say their two cents around GSAs and the government response in the last week or two of the session.

And this is an interesting editorial because they're pretty straightforward about where they feel the government position is. Of course the headline on *The StarPhoenix*, May 19th, 2015, "Saskatchewan government weak on gay-straight alliances." And I quote:

The explanations offered by Education Minister Don Morgan for the provincial government preference for a policy stance instead of legislation to enshrine the right of students to establish gay-straight alliances (GSAs) in schools actually seem to make a better case for enacting a law.

Faced with an array of facts, including internal Ministry of Education reports that sexual minority and gender-variant children continue to experience discrimination, prejudice and abuse within Saskatchewan's schools, the minister and his colleagues insist that a policy that essentially leaves it up to school authorities to decide if GSAs can be formed is good enough.

It goes on to say:

This even though Mr. Morgan was on the radio this week admitting that he's heard of students who wanted to establish a GSA being afraid to ask, didn't know to whom they should make the request or even had their requests denied. The very fact that the minister is having trouble getting specifics about such incidents only underlines the reality of prevailing fears rather than discredits the notion that a problem exists.

With ministry reports that indicate a heart-wrenching 47 per cent of gay males, 73 per cent of lesbians and more than half of all homosexual, bisexual, queer and transgender students have contemplated suicide and studies that indicate GSAs provide gender-variant kids friendship and a refuge from the bullying and abuse that harms their well-being, it surely makes sense for Mr. Morgan to emulate

Manitoba, Ontario and Alberta by legislating the right to form GSAs.

It goes on:

Responding to an Opposition question about whether the government is reluctant to offend certain groups by legislating the right for students to form GSAs, Mr. Morgan insisted, “This has nothing to do with social conservatives or a political spectrum. This has only to do with providing services that are necessary.”

Yet the case he makes for sticking with the status quo that he acknowledges is failing a highly vulnerable segment of students is weak at best. It’s abundantly clear that Mr. Morgan’s threat to yank funds from schools that refuse to comply is a non-starter, given that the main victims will be the students.

And that’s the case, Mr. Speaker. And it goes on, and I’ll conclude:

Nothing about it removes the fears that make students reluctant to act, empowers them or sends a message that society, represented by the government, deems their right to a safe environment so important that it grants them a legal trump card that no adult in authority can ignore.

And I think that last part is really the case. These kids in our schools, who are feeling vulnerable and who only want a safe place, should have that card, should be able to ask an adult to say, I’d like to form a GSA. I’m feeling that we need that in our school. I’m feeling that there’s bullying. I feel unsafe. And then the adult has to respond. The adult cannot pass it off to say, it’s just not part of what we do.

So, Mr. Speaker, I think that community groups are calling for this. Young people are calling for this. We see this by people like Halla two and a half years ago that came and really shone a light on something that is a weakness in our schools. And we know, and the stats are out there, in terms of the high rates of suicide. Our colleague from Riversdale in Saskatoon often raises the issue about mental health, and yet we see very little activity from this government around that. And yet the report that they commissioned even references how effective a GSA can be in making schools a safer place for all students. And the facts and the stats are there.

So, Mr. Speaker, I think that we need to step forward and we need to do the right thing with this. And I’m glad for the opportunity to have some time today, but I think it’s important that we review the facts that this is the right thing, and when a simple tweet, DoTheRightThing, can start such a movement. And we see the movement continue this fall.

We see by the rally that happened a couple of weekends ago in Saskatoon in the rain. I have to say it was an impressive group of young people who came together. In fact we had one group from North Battleford, a GSA from North Battleford. The Sakewew gay-straight alliance of a high school there in North Battleford came down for this because it’s important to them. And it’s important because it does save lives, and we know the stats are there. And even more important for Saskatchewan because . . . And we know

that stats are that Saskatchewan experiences higher rates of suicide. This is something that we have a tool that will solve the problem. And so, Mr. Speaker, I know with the suicide rates that we can talk and we can go at length on that and we can talk about the movement, I know.

I do want to make this one shout-out. This is a community group that's doing some things on Facebook. They've started a Facebook page. So the folks who are listening at home or in this House, they can just do a search on Facebook for DoTheRightThing Sask. Just check that out. And they're looking for people to like and share and join in the movement because this is the one, as I said, the community groups are really active this fall. They're aware that this is the last few weeks we have in this term before we go to election.

We would like to see this government move quickly. We know the Alberta government came in on March 10th last spring and just did it really quickly. And we have seen this government move quickly, I have to say. And we have recognized the good work that they did in the Human Rights Code last December — that was a real positive — and how quickly we can move. And so I would really encourage this government to do that.

And I want to shout out as well that if people are watching and they want to send a message to government, we know hundreds of people have signed the petition around the support for Bill 612. Community groups have got that up and going. And all youhavetodoisdo...IknowifyougoonGoogleandyou do a search, DoTheRightThing, Bill 612, it'll take you to the website change.org, and you can sign the petition. I encourage people in this room to do that. They're going to be reaching out to members here over the next few weeks to encourage them to support Bill 612 and see if we can get this passed before we break for the election. I think this is one piece of legacy that we can all agree on would be the appropriate thing to do.

And so again whether you're talking about youth in Moose Jaw, youth in Prince Albert, Regina, Saskatoon, Melville, Melfort, out to North Battleford, this is a bill that can actually save lives and really work to really provide for safe spaces. And really, you know, I have been really touched by the strength of commitment for this, for young people who are working to make this happen because they see this as important. They see it as part . . . You know, when they're in high school — and I think, well Halla's not in high school anymore, obviously, but as a bit of a legacy — they want to see their school safer for that year and for future years, and if we can break this old-fashioned way that's out of date . . . And when I talk about the young person who was told to snap out of it — what a thing, to be told to be snapping out of it. Let's not snap out of it. Let's do the right thing and get GSAs happening in our schools, you know.

And I think that while the government has done some things, I was very disappointed last spring when we didn't have the free vote. This government's often talked about their commitment to democracy. We had an opportunity last spring to have a free vote on this bill, and the government decided to deny, deny that ability. And I think that was a real, real disappointment.

And I know, and we're waiting to hear, and I don't know if the government is planning to

release this or what they're going to do, we understand the government undertook a survey this spring, or this summer. The minister took a survey about GSAs but the government has been silent about that, so we don't know if it actually happened or what the results were or what the plan of the government is to release that survey. We're anxiously waiting to see what the outcome of that was. We thought by now, as we are now in the six weeks past summer, that he would have had it together and would be sharing the results. But we await to hear what the government survey was, what they found. So we have some real questions about that. We'll be looking forward to hearing that.

Now we know the minister talked about a letter that if people had, if children or youth had a difficult time finding a GSA, that all they had to do was call him. But I don't think that's appropriate. Really need to do is to make sure we have legislation that requires that if a student does go to any adult in this school, that they will be able to respond in a positive way and a GSA will happen. This is an important thing for kids and, as I said, this is an important thing that we can have to make sure our schools are safer.

And I just want to quote from Amanda Guthrie, one of the rally organizers. And she said, GSAs provide . . . and I quote:

Our MLAs need to know that GSAs make a difference. They even save lives. GSAs provide a safe place for young people during a vulnerable time in their lives and provide the space to talk and learn about diversity, inclusivity, and accessibility.

So we know that it's the right thing to do. Egale Canada found that 64 per cent of queer kids felt unsafe at school and 80 per cent reported being bullied. And, as I said, half contemplated suicide.

So with that, Mr. Speaker, we know that this is the right thing to do and with that, for Halla and so many other youth, I am very pleased now to move second reading of Bill 612, *An Act to provide for the Respect for Diversity and the Rights of Students*, also known by its short title, *The Respect for Diversity — Student Bill of Rights Act, 2015*. Thank you.