

FOURTH SESSION - TWENTY-SEVENTH LEGISLATURE

of the

Legislative Assembly of Saskatchewan

STANDING COMMITTEE ON HUMAN SERVICES

(HANSARD) Published under the authority of The Honourable Dan D'Autremont Speaker

No. 41 March 30, 2015

General Revenue Fund – Education – Vote 5

Mr. Forbes: I want to just shift gears a bit and talk about the issues that are often in front of the news, and that's around GSAs [gay-straight alliance] and things that have been happening across Canada, and human rights. And we saw in Alberta that in fact they leaped ahead of us on March 10th, I think it was, when they amended their human rights code even further than we did and then they also introduced some changes to their legislation that would give greater guidance around supports for students who are requesting GSAs in their schools.

You were reported then on March 13th, saying that it was already an expectation and part of an education policy. And so where is that policy? What is that policy?

Hon. Mr. Morgan: We can provide you with . . . We'll probably get it to you within the next few minutes. Where I would disagree with you is that Alberta leap-frogged ahead of us.

We'd met with the Catholic bishops, with the different school divisions, and indicated to them that it was our expectation that, where a GSA was requested, it would be made available. Catholic schools have indicated that they may wish to develop their own alternate program. We indicated to them that that was acceptable provided that it provided a similar level of service or a similar level of benefit for the students, but that it wasn't necessarily us that they had to satisfy. I urged them to meet with the Human Rights Commission. They in fact had already done that and were working at developing things within the schools.

So as far as I know, that has taken place. I'm not aware of any complaints anywhere in the province where a student has asked for a GSA and it wasn't there. So the comments that I had made earlier were that I didn't think it was necessary to pass legislation when

the divisions were already compliant. And I don't even like using a word like compliant because I think in fact the divisions were doing what they were expected to do and were doing it voluntarily and that they had actually embraced it, and they went and they had done it.

I became more of a fan of GSAs recently. I was at an event at Bethlehem in Saskatoon and a grade 11 student who had participated spoke at the event and spoke about when he had started in grade 9, how he felt lonely, and there was only one or two upper-year students who were also gay that he was able to spend some time with, talk to, and able to feel accepted through them. Through the help and support of the GSA that exists . . . He's actually at Tommy Douglas but it was a combined event. And he certainly talked in front of grade 11 students from both the collegiates and was able to speak absolutely matter of fact, the same way that you and I are right now, about his experiences as a gay student, how the GSA had helped him feel accepted and comfortable in the school.

At the end of his remarks, which were relatively short, I thought to myself, how can a student be that open and that matter of fact? And I just thought . . . My heart went out to him, and I thought, this is a student that is a well-balanced young man doing incredibly well. He got a round of applause from the students but not one of those things that it was cathartic, you know, or whatever else. It was just routine. The students were there; they understood it. And I'm thinking, that generation of people is so far ahead of their parents that it amazed me.

I said to one of the people that were there, one of the officials within the division, I said, that could not have happened 20 years ago. And the official looked at me and said, that couldn't have happened five years ago, but it's commonplace in our schools right now. So I don't think that at this point in time we need the heavy hand of government making a statement by passing a law when there is already compliance. I think what we do is we say to the divisions: thank you for what you're doing; thank you for continuing to understand; thank you for evolving as you go along. If there isn't compliance, we have plenty of tools within, but right now I'm not aware of them not.

So I read Chandra McIvor's letter that was in today's paper, saying we should pass legislation. Well if you read the legislation in Alberta, all it says is what's happening here already, that we make it available when it's asked for. Well if that's already happening, I just don't see that there's a benefit or a need for it, and I see it as somewhat insulting and demeaning to those that are there. I know you and I may not agree on that, but that's where I think we've come. And my thought on it is, I'm glad that they're there. I'm glad that they're supporting students. And to me, whether it's a GSA or a different label doesn't matter, as long as it's doing what it's supposed to. Anyway, sorry I went on so long.

Mr. Forbes: No, no. Fair enough, and I appreciate that. And you're right about how things have changed in five years or even shorter and how we're moving at record speed on this in so many ways. And I think about the Human Rights Code amendment, and we did congratulate the government. You know, sometimes it seems it's rare that we do that, but we thought it was a good thing in terms of including gender identity. We are

concerned about gender expression being not available, but it really raises the issue . . . And you're right about the Alberta legislation; Manitoba and Ontario very much similar in terms of . . . And if they have it by a different name. But the fact is that it's there in legislation, so while you may have had that meeting, and it's the first time I've heard of it . . . This is why I'm curious about the policy because I'm curious about, is it a policy that can be changed with a change of an executive director? Is it a policy that can only be changed by the whim of a deputy minister? Or is it a policy that can be changed by the minister? Or is it a policy that can be changed by the cabinet?

Hon. Mr. Morgan: I'll be a little bit more specific. The policy is in the final stages of development but the GSA, the process, is already online and is available now. I'm loath to have something in legislation that may well change or may require some more specifics to be added. Right now, GSAs are gay-straight alliances. What about transgendered? What about intersex? What about different things that may come up?

So we are probably at an early stage of where that type of program might be and may require both the program itself and the policies surrounding it to change. I'm hoping that the diversity that we celebrate as Canadians will continue to extend into this area as well and that it's done by Canadians doing what they believe is right, not because they were forced to or they were directed to. Certainly if they're not doing it, then we need to deal with why they're not doing it and what the issues are, but right now I commend the divisions that have done this and we'll fully support them where we go forward. And if there is other things that need be done, we'll do it.

You made reference to the changes that were made to the Human Rights Code. Minister Wyant had met with the Chief Commissioner of the Human Rights Commission who initially gave him the legal opinion that did not feel it was necessary to add the other grounds. Over time he looked at and continued, as is his job, the Chief Commissioner of the Human Rights looked at other provinces, looked at other commissions and said, no, we do have a gap, came back to Minister Wyant and said, you should amend your legislation. Minister Wyant quite properly said, well that isn't what you told me last year. Well no, things have changed. The judicial landscape in our province has changed. We think you should do it. So they did.

I don't want to be in the position with this that we have to make regular changes to legislation because there's a different program other than a GSA or something different. I think we're very much in an evolving or developing area, and I'd like to leave it to the divisions for the time being. Having said that, I don't think we should back away from wanting to make sure that those programs are available for our students, and we plan to continue to do that. And I also know that you will hold us to account on it.

Mr. Forbes: Here you go. But this is where really the crux of the matter is, and it's really . . . And this is what you have said. And I think you actually say this in this article. It's about the human rights aspect and about prohibited grounds and how kids need to be able to flourish, and I'll talk in a minute about some Vancouver kids that I was able to meet with.

But how it's really a case of meaning what you say and saying what you mean. And I think that we found that the Human Rights Code which we have so much to be proud of in Saskatchewan and the enforcement in that, but the fact is that there was a gap and you need to deal with it. And this is why we think an amendment to *The Education Act* would be in order to make sure that when students have questions about human rights and in particular around gender issues and identity issues, that they will be supported in their schools.

Now it is a very good thing that you've had these meetings and there is a policy, but I think that this is why we have legislation, the comfort to know that it's actually in legislation. And it is not demeaning. It's what we do here. We do not demean people by having legislation. That's never the intent. The intent is really to put what we do into words and mean what we say, and not divert from there.

But I do want to go on because I think you may want a few more minutes before. But at the latest Breaking the Silence Conference, they had a group of six kids from Vancouver who were very successful in changing the Vancouver school policy. So you're probably going to ask me, well here's a policy; isn't that a good thing? And it was interesting to hear what the kids had to say because they have moved . . . And I'm not sure if we're in the same space as Vancouver schools are at, but they were working very hard on a sort of queer kids policy. What do you do with all . . . And you mentioned the intersex and the different variants that we're seeing more and more of.

And what they've talked about, and they raised four or five issues: the four that I have written down really around confidentiality; gender-neutral washrooms; the use of pronouns, which again is becoming a more and more issue; and the bigger thing is around training for our professional development for teachers. And so they were very successful in getting the Vancouver School Board to have a really articulate school board policy on those issues.

So I'm curious to know, have you addressed any of those issues around confidentiality? It really means if a kid, if a student comes out in a school, that really there are guidelines and, even more than that, I would suspect the regulations of what a school counsellor is required to tell a parent and what they're required to keep confidential because students will say things to their counsellors that they're hoping doesn't go home right away. The use of gender-neutral washrooms and training, to pronouns — we can talk about that as well. But those are really big ones, and I'm curious if you have any thoughts on that.

Hon. Mr. Morgan: I think what you're saying goes to the very point why we don't want to have legislation, because we're in a rapidly developing or emerging landscape in that area. We'll hear from a group of people from, you know, the group you met with from Vancouver. We may hear different things from a different area. We know that we need to embody those things into our culture, into our practices.

I don't have a desire — and I think this is where you and I will disagree — I don't think that it's beneficial to create a law that says you must have a GSA. I would rather have the discussions of the broader issue about, okay what are you doing in this area? What are

you doing in that area? The divisions, I'm pleased are as far ahead as they are. And the points you make I can certainly take forward and raise them with the divisions as we go forward. I think there's probably . . . Some of the divisions are further ahead than others, but I think we're moving forward.

Mr. Forbes: But this is the issue though, is that here in Vancouver at least they have a school board policy. And you can see that policy; you can go online. I remember the old binders — I actually haven't looked at the Saskatoon Public School Board policy in a while — but I know how those policies are written. And I imagine many of the folks in the back have taken master classes in writing school board policies. I know I have.

But the point is those things are legalistic documents. They're not policies that are written by an executive director for guidance to a group of six people. It is policy. So when we talk about ... So somewhere in there ... This is why what we do here is legislation. We don't do . . . Our policy is called legislation. So we think it's best there. But we're not seeing, and I don't know of any school board that has any policy in the public domain around any of these issues. They have, may have good practices, but they haven't got their policy yet.

Hon. Mr. Morgan: I think you'll see it come over time. I can make, the commitment I can make to you is it's something we can raise with the divisions as we go forward, we can raise with the SSBA. We know that we're in an emerging area. I can tell you this. We are building nine joint-use schools. They will have gender-neutral washrooms.

Mr. Forbes: Well that's very good news. I'm still not supporting those things though, the nine, the joint-use, the P3 models, if you're looking for support. I think that . . . And we could talk more about that. But I do want to get back to policy and legislation.

Hon. Mr. Morgan: If we can agree on nothing else but supporting that type of washroom, that's at least a start on agreeing on something. And the point you make about those things being in policy, I agree with you. And it's something that — the officials are passing notes back — it is something that I know they're going to work with, with a vision on whether we've got adequate policies at a division level.

But I think we need to understand the fact that we are in a rapidly changing environment, and one of the good things about it is the incredible public acceptance and how fast this process is going. If you read Chandra McIvor's letter today, a year or two ago that would have been LGBT [lesbian, gay, bisexual, and transgender]. And then you look at all the rest of the things that were behind that letter, I had to get out the book and look.

Mr. Forbes: Well, and for what I know — and maybe I shouldn't go on the record here — but I think GSAs are now becoming gender-straight alliances, so they're sort of an all-inclusive. They don't want to give up on the GSA acronym, but I think they're changing the meaning of G.

Hon. Mr. Morgan: Well there you go. There's another reason not to have it in legislation, that these things are changing. But the point you're making, I think, is really

valid, that we need to be aware. We need to be aware that it's a changing landscape, and that we know that our students need supports and that we make sure that we have good supports. And probably the basis of those supports will be a firm policy. So we take what you say.

Mr. Forbes: Well my point, and I'll turn it over here, is that we should never be afraid of doing the right thing. And I think the right thing is making sure that people understand where the legislature — and that's who passes the legislation — stands on these things. And it was a good day when we did the Human Rights Code, and many of us do it, and I think many members can feel very proud of that participation.

But I think when you look across the country, that we should be thinking about how we can make sure our kids are feeling safe and secure and can actually flourish and really grow, as you were saying about that grade 11 student from Bethlehem. And I think by having strong legislation, we can do that. But with that, we could back and forth and see who has last word, but I think I'll turn it over to you now.