



# Education Law Reporter

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*Elementary & Secondary*

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## Editorial: Continuing Education in Uncertain Times

On March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic. Governments sprang into action implementing measures aimed at trying to help prevent the spread of the virus while at the same time trying to prop up economies and save local businesses. In Canada, one of the measures taken by most if not all Provincial and Territorial governments to help prevent the spread of the virus was the closure of all public schools. Teachers have been forced to adapt and find other modalities to deliver lessons to students. High School graduates will miss their graduations, field trips and extra-curricular activities like school sports have been cancelled. As the 2019-2020 school year comes to an end, educators begin looking ahead to the fall school openings. But these are complicated times in education. Hopefully this newsletter can provide some assurance but also highlight some of the potential legal ramifications affecting schools moving forward.

Québec was the first Province to reopen schools, starting in early May. The return to school was optional for parents not wanting to send their children back, and for those that returned to school they were faced with new social distancing rules. Many parents in Québec elected to keep their children at home and some were not happy with Premier Legault's decision to reopen schools (Egan, 2020). Premiers in other provinces continue to work closely with chief medical officers and health officials in order to make the safest decision for everyone regarding re-opening schools. Unfortunately, many schools in Canada were built several decades ago and therefore have a lack of automated systems, like doors or soap dispensers, which makes preventing the spread of the virus that much more difficult. Further complicating matters is the fact that schools are overcrowded which makes preventing transmission even harder. This also raises the question of what should happen if a student, teacher or even just the school in general cannot abide by new social distancing rules. Every province and school board are likely to handle these decisions on case by case basis, but for now schools continue to remain closed for the foreseeable future.

Despite these widespread closures, school boards and teachers are expected to continue to deliver content to students; final report cards will be issued this year. Laws and rules regarding student attendance do not apply for the time being, but teachers that are still employed and working need to be reminded that although this is the new reality of education, their professional obligations remain and they continue to be bound by their respective professional codes of conduct. This means that even if teachers are not physically present in school buildings, they are expected to continue to maintain the honour and dignity of the teaching

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profession, as well as meet their professional responsibility to competently deliver instruction to students. As some parents struggle to help students at home with schoolwork, a silver-lining to the pandemic is a deepening sense of gratitude and appreciation by many parents for all teachers.

Governments continue to struggle to prop up their economies and many people have lost their employment or business. The education sector is no different. Many provinces have had to re-direct spending in order to respond to the pandemic, unfortunately sometimes this has meant redirecting money that was earmarked for education. The result has been widespread layoffs in education in some provinces (Bench, 2020). This has caused much uncertainty and more teachers are worried that they too could lose their jobs. Despite this trend, teachers should be reassured that their collective agreements, including the provisions that protect their employment, continue to be of force and effect. Also, teachers continue to have the support of their local unions, including some that offer teacher welfare programs like the Alberta Teachers' Association. Furthermore, teachers continue to benefit from the protections afforded by the various labour relation boards in the provinces and territories. If and when in-person classes resume it will be interesting to see if there will be any cases that come before these labour relation boards from teachers and other school board employees alleging unsafe workplace conditions as a result of COVID-19.

Much uncertainty remains regarding the face of education moving forward. Given that there is no vaccine at this time, that there are concerns about a second wave of infection, and the fact that we do not fully understanding the effects that staged re-openings will have on transmission and infection, it is too soon to say for certain what to expect when classes resume for the 2020-2021 school year. However, teachers are proving to be flexible and adaptable when it comes to delivering

content to their students, finding ways to connect and teach online. Furthermore, teachers continue to enjoy the benefits and protections afforded to them as a result of their collective agreements, and support from their local unions. Even though schooling looks very different at the moment, administrators and teachers should remember that they must continue to fulfil their professional obligations and that their conduct continues to be bound by their respective codes of professional conduct.

Bench, Allison. (2020, March 28). Alberta government redirects school

funding into COVID-19 response; NDP calls move 'unconscionable'. *Global News*. Retrieved from: <https://globalnews.ca/news/6746803/alberta-school-funding-redirected-covid-19/>

Egan, Kelly. (2020, May 11). "English students only trickle back, leaving Quebec school with class of one." *Ottawa Citizen*. Retrieved from: <https://ottawacitizen.com/news/local-news/english-students-only-trickle-back-leaving-quebec-school-with-class-of-one/>

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## STUDENTS and THE LAW

# Student's Claim of Discrimination Based on Age Proceeds

## Facts

It is uncommon for students to file human rights complaints alleging discrimination based on age, but that was the case for one student in Toronto at the Yorkdale Learning Centre (the "School"). In addition to an allegation of discrimination based on age, the student also alleged discrimination based on a disability and reprisal, contrary to the Ontario *Human Rights Code* (the "Code"). Mr. Remlal Hemchand ("Hemchand") was no ordinary student and the School was no ordinary school; Hemchand was 65 years old when he filed his complaint, and the School was the Yorkdale Adult Learning Centre.

The School is one of many adult learning schools operated by the Toronto District School Board (the "Board"). These schools offer upgrading courses, workplace training and certification, as well as accreditation towards a High School diploma. Hemchand had a history of filing human rights com-

plaints against the Board, including a separate incident that we reported last year when Hemchand was attending City Learning Centre, another adult learning school operated by the Board (*Hemchand v. Toronto District School Board*, 2018 HRTO 863). In that case Hemchand alleged that other students engaged in "ageism" and sabotaged his group work. The Ontario Human Rights Tribunal (the "Tribunal") held that the Board was not liable for actions of third parties (i.e. the other students) but did caution that if the students created an environment where the student was being discriminated against because of his age, and it did nothing to respond, then it could be held liable. In the end, the Tribunal held that the Board's response to the student's complaint was reasonable in the circumstances, but it also did not find any adverse finding against Hemchand for filing the complaint – there were genuine issues to be addressed, and Hemchand was not being a careless litigant.

Hemchand's litigation history had some bearing on the current application and provides some context regarding the relationship between the parties. In the current situation involving the School, several incidents occurred which gave rise to Hemchand's allegation that he experienced differential treatment based on his age. He also alleged that he experienced reprisal when he complained about these events.

Hemchand claimed that several School staff believed he was too old to be at the School, and that one of his teachers, Ms. Saroja Kalathiswaran ("Kalathiswaran") did not appropriately respond when another student insinuated that Hemchand was too old to be studying at the School. Hemchand alleged that another unnamed teacher did not like the student and gave him fewer marks because of his age. The student also alleged that administration did not allow him to enroll in certain classes because he was too old. He claimed that the Program Team Leader of Student Services (Guidance) Ms. Lori Pressello ("Pressello") stated words to the effect that "there are many young people who want to take courses, that if she let the applicant take those courses young people would not be able to enroll and told him that Mr. Dallon, the principal, preferred to give younger students those places" (para. 23).

Hemchand also claimed that he was discriminated against on the basis of a disability when Kalathiswaran refused to allow the student to use the bathroom as required by his disabilities. This negatively affected his performance on the exam, and therefore he alleged that he received a low mark because he was discriminated against based on his disability. Hemchand also alleged that the teacher knew that he could not sit for extended periods of time but refused to allow him to stand (this allegation was not described in any detail in his application). Despite these allegations Hemchand did not

include "disability" in his Application Form under "Under Grounds of Discrimination", however, at the hearing Hemchand argued that his application also included disability as a ground of discrimination.

## *Cause of Action*

The Board made a number of Requests for Order During Proceedings, including:

- a. That Hemchand did not provide any evidence that the Board or any of the individually named respondents (staff, faculty and administration) breached any of the student's Code protected rights, and therefore his application should be dismissed for having no reasonable prospect of success
- b. That the individually named respondents and the School should be removed from the Application; and
- c. That Hemchand be declared a vexatious litigant that was abusing the Tribunal process.

## *Decision*

The Tribunal dismissed certain allegations for having no reasonable prospect of success but allowed others to proceed to a hearing. The Tribunal did remove the individual respondents and the School, leaving the Board as the sole respondent.

## *Reasons*

The Tribunal noted that the purpose of a summary hearing, such as this one, was to determine "whether the applicant [Hemchand] is able to point to any information which tends to support his or her belief that he or she had experienced discrimination or reprisal under the Code" (para. 16). In other words, was there any evidence, beyond mere speculation and accusations, to connect the alleged unfair treatment with *Code* protections.

With respect to the allegations of adverse treatment because of his age

when assigning his grades, the Tribunal simply concluded that Hemchand did not point to any evidence beyond his own speculation that he was being treated differently. The Tribunal noted that it has repeatedly held that an applicant's belief, no matter how strongly held, is not a proper evidential basis upon which the Tribunal might find that discrimination occurred.

It appeared as though Hemchand's reprisal allegation was that the Board and the School's conduct in general was an act of reprisal. The Tribunal confirmed that Section 8 of the Code established that every person had a right to enforce his or her rights under the Code without fear or threat of reprisal and noted that Hemchand had a history or different applications and proceedings with the Board. However, similar to the allegations of ageism, the Tribunal concluded that Hemchand was unable to point to any evidence, beyond his own suspicions, that the Board reprised against him. Hemchand did produce an email in which a School employee referred to Hemchand as "the student that filed the Human Rights Complaint" but concluded that using such a reference as a basis for concluding that the Board engaged in reprisal was "speculative and had no reasonable prospect of success".

The Tribunal moved on to tackle the issue of discrimination based on age with respect to the course enrollment incident. The Board argued that the Tribunal should not consider these allegations because they were not fully described in Hemchand's application and therefore had no reasonable prospect of success. The Tribunal pointed out that the test for no reasonable prospect of success was determined by assuming the Hemchand's version of events was true (unless there was clear evidence to the contrary). The Tribunal was careful to point out that it was not determining whether Hemchand was telling the truth, but simply proceeding on the basis that Pressello made the comments referred to above; therefore,

it could not conclude that the allegation of age discrimination with respect to class enrollment had no chance of success. Similarly, the Tribunal could not conclude that the allegation that Kalathiswaran did not appropriately respond to another student's comment regarding Hemchand's age had no reasonable prospect of success (para. 26):

*“The issues of whether the comment was made, if it constitutes harassment within the meaning of the Code, whether the Toronto District School Board are vicariously liable and/or responded appropriately can*

*only be determined after a hearing of the evidence.”*

Finally, the Tribunal held that any alleged differential treatment made by individual Board employees arose in the course of their duties carried out as part of their employment with the Board, and given that there were no issues with respect to the Board's deemed vicarious liability for these employees, there was no prejudice if the Tribunal removed the individual respondents. Furthermore, the Tribunal was not prepared to label the applicant a “vexatious litigant” despite Hem-

chand's two Human Rights Claims and one court proceeding against the Board (this is in addition to approximately 17 other court proceedings that Hemchand has commenced against various other entities). The Tribunal noted that despite his previous applications against the Board being dismissed, at the time they could not be said to have no reasonable prospect of success or that they were filed for an improper purpose.

*Hemchand v. Toronto District School Board*, 2020 HRTO 233 (CanLII)

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## FACULTY and THE LAW

# Catholic Board's Preference for Catholic Teachers Not Discriminatory

*Section 93 of the Canadian Constitution enshrines the Nation's separate school system into law. Its incorporation into the land's supreme law has its roots in the historical context surrounding Canada's two founding nations, France and Great Britain, and the prevailing religions in those countries at the time. The idea of a separate school system and its relevancy has been under fire in recent years, and cases such as the Good Spirit decision in Saskatchewan exemplify this changing attitude. There is some irony in the fact that one of the two founding Provinces, Québec, has abandoned its separate school system. Although this decision will not decide the fate of separate school system, it does exemplify some of the prevailing attitudes and lack of understanding about Canada's separate school system.*

## Facts

Mr. Jess Lloyd (“Lloyd”) was a secondary school teacher in Waterloo, Ontario. Although it was not revealed which school board

was his employer, suffice it to say that he was not employed by the Waterloo Catholic District School Board (the “Board”). Instead Lloyd filed an application with the Ontario Human Rights Tribunal (the “Tribunal”) alleging that the Board's requirement that applicants for a teaching position provide a Baptismal Certificate and a Diocese Pastoral Certificate was discriminatory and violated the section 13 of the Ontario Human Rights Code (the “Code”), which protects against discrimination based on one's creed.

Although Lloyd never applied for employment with the Board, he pointed out that the Board's website announced its intention to discriminate on the basis of creed when it required prospective teachers to produce the above noted documents when applying for a teaching position. Lloyd confirmed that he could not produce these documents because he was not Catholic, and therefore he was discriminated against in employment. Furthermore, he argued that all non-Catholic teachers were being discriminated against and harmed by the Board's policy, and that this had a financial impact in the sense that it

cut down on a non-Catholic teacher's ability to gain employment.

It should be noted that Lloyd had pursued two claims against another Catholic school board based on similar claims, that the Catholic board's preference for hiring Catholic teachers was discriminatory. One case was dismissed for delay, another was dismissed because Lloyd try to raise an additional legal argument that could have been raised in the first instance.

## Cause of Action

Lloyd filed an application with the Tribunal alleging discrimination in employment based on one's creed or religious affiliation. The Tribunal directed that a summary hearing be held to address two issues (para. 4):

- 1) whether the Tribunal should dismiss all or part of the Application because there is no reasonable prospect that all or some part of the Application will succeed; and/or
- 2) whether the Tribunal should dismiss all or part of this Application on the basis of *res judicata*,

issue estoppel, the doctrine of abuse of process, or section 45.1 of the Code – that is, that Lloyd’s case was already dealt with, or should have been dealt with, in another proceeding.

## Decision

The Tribunal dismissed Lloyd’s application as having no reasonable prospect of success.

## Reasons

Just like the student case reported in this newsletter (above), the Tribunal explained that the job at a summary hearing was to determine if the application had no reasonable prospect of success. It would assume that Lloyd’s version of events was true, unless there was a compelling reason to believe otherwise. The purpose of the summary hearing was to determine if Lloyd could point to any information which would support the allegation that he experienced discrimination under the Code. All Lloyd would have to show was that the Board treated him in an

adverse manner, and that his creed or religion was at least a factor in that adverse treatment.

The Board argued that Lloyd did not apply for employment, and therefore it was impossible for the teacher to have experienced any adverse impact. The Tribunal agreed and concluded that it was clear that there was no adverse treatment since he never applied for employment. The Tribunal explained that although the Code provides that anyone can make an application if they believe their rights have been infringed, the Tribunal had held on previous occasions that the Code was not designed to protect against hypothetical or anticipated violations (para. 23). Simply put, there was nothing to suggest that anyone was adversely affected by the Board’s actions, and an allegation that one’s rights could be infringed was not a sufficient basis to proceeding to a hearing.

Although this was enough to dismiss the case, it is interesting to note the Board’s alternative arguments. It did not dispute that it had a preference for

hiring Catholic teachers but argued that such a preference was not a violation of the *Code*. The Board pointed out that section 19 of the Code preserves the rights of separate school boards granted under the *Constitution Act, 1867*; furthermore, the *Education Act* and section 24(1) of the Code permit religious institutions to give preference in employment to persons who are similarly religiously affiliated, where the religious qualification is a bona fide requirement because of the nature of the employment (para. 16). Lloyd acknowledged this religious exemption but argued that his human rights should take precedence in the circumstances. Although the Tribunal did not directly address these arguments (because it did not need to), it did note that it would not have been able to simply ignore section 24(1) of the Code and find in favour of Lloyd’s alleged human rights infringement.

*Lloyd v. Waterloo Catholic District School Board*, 2020 HRTO 119 (CanLII)

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## ADMINISTRATION and THE LAW

# Remembrance Day Not a Paid Holiday

*Holidays and vacation entitlements are one of many provisions that unions and school boards negotiate during collective bargaining. They affect all school employees. Both federal and provincial legislation outline national and provincially mandated holidays, and these set dates form the basis of these negotiated holiday entitlements. The Federal Government recently made changes to the federal Holidays Act which precipitated a grievance regarding paid holiday entitlements. As this case illustrates, the ambiguity caused by the Government’s change to the legislation could be resolved by looking at the parties’ past practice.*

## Facts

The Northwest Catholic District School Board (the “Board” or “School Board”) is separate board that operates 5 schools in northwestern Ontario. Its employees are represented by the Canadian Union of Public Employees, Local 65.04 (the “Union”). The collective agreement between the parties has contained the same paid holiday language since the first collective agreement was negotiated and implemented in 1998. It provides that employees are entitled to paid holidays on several days through-

out the calendar year; Article 20 lists these paid holidays and Remembrance Day is not included. However, Article 20 does include the following provision respecting paid holidays:

*And any other day declared or proclaimed as a holiday by the Federal or Provincial government.*

The *Holidays Act* (the “Act”) is federal legislation that establishes the following three national holidays and the dates that they are observed: Canada Day, Victoria Day and Remembrance Day. With respect to Remembrance Day, and prior to 2018, the Act stated the following:

“November 11, being the day in the year 1918 on which the Great War was triumphantly concluded by an armistice, is a holiday and shall be kept and observed as such throughout Canada under the name of “Remembrance Day”.”

The Federal Government has since passed *An Act to Amend the Holidays Act (Remembrance Day)*, receiving Royal Assent in March of 2018. This Act amended the above provision by adding the word “legal” before the word holiday – emphasizing that Remembrance Day is a *legal* national holiday.

The collective agreement had never included Remembrance Day as a paid holiday entitlement. However, in light of the amendment to the Act, specifically the changes to the Remembrance Day provision, the Union argued that the Federal Government had declared or proclaimed Remembrance Day as a legal holiday and therefore the Union employees were entitled to have Remembrance Day as a paid holiday. It should be noted that the Union was not seeking to have the employees off work on November 11 or to close the schools, instead it was urging the parties to add Remembrance Day as an extra float, lieu day, or a day off during the Christmas period.

The Board disagreed. It pointed out that Remembrance Day has been a

federal holiday since before the first collective agreement between the parties in 1998 and that adding the word “legal” to that provision did not change its meaning. The Board pointed out that the change was made to make the wording for Remembrance Day consistent with the other two Federal holidays (Canada Day and Victoria Day). Furthermore, the Board highlighted the fact that Remembrance Day was never included as a paid holiday in any collective agreement, and therefore past practice would dictate that the parties only ever intended on including Federal holidays that were also recognized as Provincial holidays in the group of paid holidays.

### *Cause of Action*

The Union filed a grievance with the Ontario Labour Relations Board alleging that the School Board violated the collective agreement by not recognizing Remembrance Day as a paid holiday. The matter was heard by a sole arbitrator (the “Arbitrator”).

### *Decision*

The grievance was dismissed.

### *Reasons*

In addition to arguing that the status of Remembrance Day had not changed and therefore it should not be recognized as a paid holiday because it was never negotiated as such, the Board ar-

gued that, in the alternative, the Union was estopped (legally prevented) from asserting that the Board employees were entitled to this holiday as a paid holiday because it was something that the Union could have negotiated in past rounds of collective bargaining.

The Union countered that Remembrance Day must have a different status from the other holidays mentioned in the Act, Canada Day and Victoria Day, or it would not have been necessary to make the change of adding the word “legal”. The Union also argued that it was not estopped from making this argument because it was a new issue, and denied the fact that paid holidays was a central bargaining issue meant that the parties could no longer raise a dispute about that issue.

The Arbitrator outlined the crux of the matter as follows (page 4):

*“The success of the Union’s grievance depends on a determination that the word “holiday” in the last sentence of Article 20.01 [of the collective agreement] means, or includes, a day declared as a “legal” holiday under the Federal Holidays Act.”*

The Arbitrator confirmed that the word “holiday” in Article 20 was ambiguous, and therefore it was prudent and appropriate to consider the parties’ past practice.

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The arbitrator confirmed that the practice was not to include Remembrance Day in the list of paid holidays. It agreed with the Board when it argued that Remembrance Day did not become a Federal holiday once the word “legal” was added to the Act and provision regarding Federal holidays. Reviewing discussions from the Senate on this legislation confirmed that the word “legal” was added to give Remembrance Day equal “status” with the other mentioned holidays. Furthermore, the Arbitrator pointed out that Provincially regulated employees, such as the Board employees, have holidays that are included in their respective collective agreements or in

their Provincial employment standards legislation. With respect to the sentence at the end of Article 20 (outlined above), the Arbitrator explained that that provision only applied to new holidays that could be declared or proclaimed. Since Remembrance Day was not a new holiday, this provision did not apply.

Given the Arbitrator’s findings, she did not need to address the estoppel issue.

*Canadian Union of Public Employees, Local 65.04 v Northwest Catholic District School Board, 2020 CanLII 16717 (ON LA)*

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(the “Board”) in Montréal. The decision did not disclose much information surrounding the incidents that gave rise to this matter, however, suffice to say that Dalia was the victim of bullying by other children at school.

Saad claimed that her daughter suffered damages as a result of the bullying, so she sued the Board by filing a civil claim with the Court of Québec (the “Court”). Saad claimed that the Board’s failure to act appropriately to put an end to the bullying caused her daughter harm.

The matter proceeded to a trial stage called “examination for discovery” (or simply, “discovery”) wherein both sides present their evidence and ask questions of each other’s witnesses. The point is for both sides to present the facts that will be used at trial. During discovery the Board objected to certain questions posed to some of its representatives, specifically:

1. The Board representative was asked if the child that bullied Dalia was disciplined, and the Board objected on the ground that the information about its response was confidential under the bullying provisions in the Act;
2. That the Board provide the contact information of one of its former employees so that he could be called as a witness; and
3. To verify and advise what the Board did in order to fulfill its obligations

## Maintaining Confidentiality When Addressing Bullying

*Bullying and anti-bullying provisions appear in education legislation across this country. The goal of these relatively new laws is to reduce or minimize incidents of bullying by students in schools and outside of school, especially online or cyber-bullying. Not surprisingly, there have been issues interpreting and applying these bullying provisions, most notably with the definition of “bullying” itself. Other issues are beginning to arise as bullying cases begin to appear on court dockets. This Québec decision deals with bullying provisions in that Province’s Education Act (the “Act”); specifically, the*

*confidentiality provisions. As Boards develop and implement anti-bullying and anti-violence plans in response to bullying legislation, decisions like this one are informative because they reinforce the confidentiality provisions and give administrators a better idea of how to manage information documenting incidents of bullying.*

### Facts

Ms. Dounia Saad’s (“Saad”) daughter Dalia (“Dalia”) attended a school operated by the Lester B. Pearson School Board

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with respect to the education and surveillance of Dalia.

## Cause of Action

The parties asked a judge to decide the issues raised during the examination for discovery.

## Decision

Saad was entitled to certain information, but this was balanced with the bullying confidentiality provisions found in the Act.

## Reasons

The Court addressed each issue in turn.

### Board employees' response to the bullying incident

The Board argued that information regarding the measures taken by its employee in response to the alleged bullying were confidential under the relevant bullying provisions in the Act. Referring to those provisions, the Court confirmed that the Act does provide confidentiality in respect of complaints and how they are dealt with:

75.1. The governing board is responsible for approving the anti-bullying and anti-violence plan, and any updated version of the plan, proposed by the principal. The main purpose of the plan must be to prevent and stop all forms of bullying and violence targeting a student, a teacher or any other school staff member. In addition to any elements

the Minister may prescribe by regulation, the plan must include

[...]

**(6) measures to protect the confidentiality of any report or complaint concerning an act of bullying or violence;**

The Court reviewed and endorsed the Board's confidentiality provisions in its Anti-Bullying Plan; however, it also stated the following (para. 7):

*"... in the context of a legal proceeding in which the measures taken by the school board are a central issue, it cannot be a question of privilege preventing the judge on the merits from hearing evidence about these measures, or the lack thereof."*

The Court went on to outline ways that the relevant information could be provided to the opposing lawyer, while maintaining confidentiality.

### Contacting former board employee

Saad wanted to call the Board employee responsible for student registration in home schooling as a witness and requested that the Board provide that employee's contact information. The employee no longer worked for the Board at the time, and the Court simply confirmed that the Board could not be responsible for his presence at trial since he was no longer an employee. However, the Court did order the Board to provide to Saad's lawyer the address it had on file for this former

employee so that the lawyer could issue a notice to appear.

### Calling regional director to testify about the Board fulfilling its bullying obligations

In its defence, the Board simply stated that it had fulfilled its obligations respecting the education and supervision of Dalia. During examination the Board's regional director was asked to verify and advise what the Board did in order to fulfill its obligations with respect to Dalia, but the Board objected because the regional director was not an appropriate witness to answer this question. The Court held that Saad was entitled to know what the precise facts that the Board intended to prove, including the steps it took to protect Dalia. Although the regional director may not be aware of the day-to-day operations of a specific school, the Court held that the question was relevant and the regional director could provide this response once he informed himself by making reasonable enquiries with witnesses.

In summary, courts will enforce confidentiality provisions, however if a matter proceeds to trial then school boards should be prepared to disclose otherwise confidential information. This also highlights the importance of prudent and thorough record keeping when dealing with potential incidents of bullying in schools, including the names and statements from employees that dealt with incidents of bullying.

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