

MTS remains committed to advancing and safeguarding the welfare of teachers and the status of the profession. We are actively participating in consultations, will maintain an informed and vocal presence in discussions, and commit to providing updates on changes to professional regulation as they develop.

Where have we been?

The MTS position on how teacher conduct is governed has been an ongoing topic of review and discussion dating back as far as the 1990s.

More recently in 2017, the Society began studying the experiences of other Canadian jurisdictions to inform its participation in discussions with education stakeholders and to generate recommendations submitted to the Commission tasked with reviewing K-12 education in 2019.

Throughout various stages of the education review process and post-Commission action planning, Manitoba Education indicated that it would not be pursuing changes to teacher regulation other than to scope out options.

Where are we now?

In spring of 2022, media coverage of high-profile misconduct allegations and a [report](#) released by the Canadian Centre for Child Protection (CCCP) brought swift and strong reactions from the public and the media. Following the CCCP report, the government announced its intention to establish an independent regulatory body and teacher registry.

MTS continues to participate actively in consultations on the matter. In December, the Provincial Executive approved the following **Statement of Beliefs** from which ongoing input in stakeholder consultations has been generated.

STATEMENT OF BELIEFS

The Manitoba Teachers' Society is a strong advocate for the safety of students and recognizes that teachers occupy a position of trust, confidence, and considerable influence with children. These foundational beliefs anchor the MTS positions related to management and regulation of teacher conduct.

The Manitoba Teachers' Society believes that:

- teachers are trusted by the public and others in the profession to act ethically and responsibly.
- teachers have an obligation to uphold, support, and enhance high standards of teacher conduct to protect the integrity and the status of the profession.
- teachers bear ethical responsibilities to the profession, their students, and their employer.
- the profession possesses the knowledge, experience, and expertise to assess and adjudicate the conduct of its members.
- public participation in regulation of teacher misconduct is important to protecting public interest in education, promoting transparency, and enhancing credibility.
- collaboration with the Society is expected for any changes related to legislation, regulations, processes, and structures intended to regulate and uphold high standards of teacher conduct.
- teachers are entitled to constitutional, economic, welfare, and professional rights.
- teachers must be protected from biases and discrimination that conflate safety with their identity (gender, sexual identity and orientation, race, ethnicity, age, and/or physical abilities and qualities).

The Manitoba Teachers' Society is committed to protecting **due process, natural justice, and fairness** for members. The provision of representation by the Society does not constitute an endorsement of a member's conduct or practice.

Current Practice: Who does what and when?

Currently, teacher misconduct is managed at three different levels. Each has separate and distinct roles and is bound by prescribed legislation. They are:

1. **The employer** (school divisions)
2. **The union and professional body** (MTS)
3. **The minister of education** (Certificate Review Committee)

THE EMPLOYER:

The employer is responsible for the supervision of staff and manages employment-related issues, complaints, and misconduct of teachers through a variety of actions governed by established labour relations principles, namely, progressive discipline. Employers are required to act reasonably, fairly, and in good faith in the administration of the collective agreement. Failure to do so is grievable by the union.

In prescribed circumstances, the employer can refer misconduct to the Minister of Education's Certificate Review Committee.

Applicable legislation: *The Labour Relations Act, The Child and Family Services Act, The Public Schools Act, Freedom of Information and Protection of Privacy Act*

THE UNION AND PROFESSIONAL BODY:

The Manitoba Teachers' Society has jurisdiction only for complaints related to the Code of Professional Practice, and members file a complaint directly to the Executive Director. Nothing prevents a member of the public from filing a complaint, but most issues brought to MTS through the Code involve peer-to-peer conflict. The definition of professional misconduct and the Code of Professional Practice are outlined in the MTS Bylaws and the Society has no authority over criminal or employment-related and disciplinary matters.

The Executive Director is responsible for receiving and processing all Code complaints and may dispose of, respond to, attempt to resolve, or refer for investigation to the MTS Professional Conduct Committee to determine if the matter will be sent to the MTS Review Committee for adjudication. The MTS Review Committee can refer to the minister's Certificate Review Committee.

Applicable legislation: *The Manitoba Teachers' Society Act*

THE MINISTER OF EDUCATION:

The one and only authority with the power to bestow or revoke a teaching certificate is the Minister of Education. Within Manitoba Education, a body called the Certificate Review Committee—consisting of representatives of The Manitoba Teachers' Society, the Manitoba School Boards Association, the Manitoba Association of School Superintendents, and the Department of Education—advises the minister on outcomes which can include the temporary or permanent withdrawal of a teaching certificate.

Conclusion of criminal or other proceedings can also be reported directly to the minister. The minister has the discretion to refer to the CRC for investigation and report any case in which a teacher's certificate is to be reviewed for any cause which the minister deems sufficient.

Misconduct is not defined in legislation, regulation, or the Administrative Handbook for Schools but there are reporting obligations for school divisions for misconduct related to the physical or sexual abuse of children as per *The Public Schools Act*.

Applicable legislation: *The Education Administration Act*