

## BILL 18 – SOME SIMPLE TALKING POINTS

Bill 18 has been introduced in, and is currently before, the Manitoba Legislature by the Hon. Nancy Allan, Minister of Education.

Bill 18 is drafted with good intentions: to protect all students from bullying. This *aim* is laudable.

The *means* of achieving this end is an inappropriate use of government power. Solutions that are “top-down” rarely work. Broad and heavy-handed legislation that polices students when they are at home or sets impossibly high standards is the wrong approach; *local initiatives and solutions must take precedence.*

If Bill 18 will not be retracted, then it must be amended. In order to make sure that all students are protected, and that appropriate and proportional steps are taken when dealing with bullying, the following amendments are proposed:

### Amendment #1

- SECTION: 1.2(1) - “Bullying” is behaviour that... should be known to cause... harm to another person’s... feelings, self-esteem...
- ISSUE: This very, very broad definition is dangerous; it both diminishes real bullying and elevates situations or scenarios where a student’s feelings are unintentionally hurt to a level requiring administrative scrutiny.
- ADVISE: Remove “feelings”, “self-esteem” and the phrase “should be known to cause”

### Amendment #2

- SECTION: 1.2(2)(a) - the phrase “real or perceived power imbalance”
- ISSUE: This phrase is a subjective measuring stick by which to determine whether or not bullying has occurred. Bullying should be objectively measurable, and can occur whether or not there is a power imbalance. It’s not hard to imagine a scenario where the smart child is picked on, or the tall student is bullied, or even the “rich kid” is targeted. What happens in those scenarios?
- ADVISE: Remove this standard or characteristic; it has the potential to blind administrators to real bullying.

### Amendment #3

SECTION: 1.2(2)(c)(ii) - bullying by electronic means

ISSUE: Electronic or cyber-bullying is a reality, but should it be policed by the schools? What about such communications after school hours in the privacy of homes? There are other institutions of society that are better suited for this: the family, and, in extreme cases, the police.

ADVISE: Limit in scope this section (and other subsections that make reference to cyber-bullying) as it relates to the *Public Schools Act*, to “during school hours and on school premises” (see also s. 41(1.5))

### Amendment #4

SECTION: 41(1.8) - student activities and organizations

ISSUE: This section privileges some students and excludes others. This is a pretty clear section 15 *Charter* violation to equal treatment, and it should be obvious to any with a basic understanding of justice that to protect or grant special privileges to a few types or groups of students at the exclusion of other students cannot be justified. Gender groups, race groups, disability groups and sexual orientation groups receive privileged protection here, but religious groups (to name just one category) are not included.

This is the inherent problem with listing groups that deserve protection: some are always left out. Fundamentally and principally, *every* student should receive equal protection and equal opportunity.

ADVISE: (Preferred) Remove this clause in its entirety.

(Alternative) At a minimum, add religious student groups to the list.

### Amendment #5

SECTION: The legislation provides no exemptions for independent schools.

ISSUE: With this bill, the government adopts a “one-size-fits-all”, top-down approach, failing to recognize the nuances of different nationalities, cultures, religions, worldviews, and values that undergird the multicultural mosaic of Manitoba. Independent schools, for example, provide exceptional education to a large segment of the population and, because they are parent-run schools, should be allowed to adopt their own approach to that best suites their needs in dealing with the issue of bullying.

ADVISE: Add an exemption for independent schools to develop their own bullying policies that best match their own values, goals and identity.