

**To: ETFO STEWARDS**  
**From: SHARON O'HALLORAN, GENERAL SECRETARY**

**2021–2022**  
**STEWARDS' MAILING # 3**  
 November 22, 2021

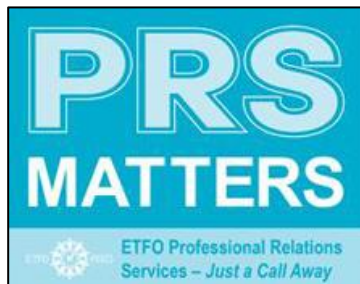
## READ the Stewards' Mailing electronically @ [etfo.ca](http://etfo.ca)



**Join ETFO's Standing Committees** – Consider getting involved in your union by applying to an ETFO Standing Committee. Refer to the enclosed Standing Committee flyer and [apply online](http://members.etfo.ca/About%20ETFO/Standing%20Committees) at [members.etfo.ca/About ETFO/Standing Committees](http://members.etfo.ca/About ETFO/Standing Committees). **Applications will be accepted November 1, 2021, through March 1, 2022.**



**CODE BLACK: ETFO's Leadership Program for Black Members** – ETFO is excited to offer CODE BLACK, our first leadership program for Black members. CODE BLACK is part of ETFO's multi-year strategy on addressing anti-Black racism. [This multi-session program](#) offers skills, support, and opportunities to learn about our union and the labour movement. **Register by Monday, December 3, 2021.**



**PRS Matters Bulletin #85: A Member's Duty to Report under the Child, Youth and Family Services Act, 2017** – [This bulletin](#) contains important information for members to be aware of regarding their duty to report suspected child abuse and/or neglect under the *Child, Youth and Family Services Act, 2017*.

## ETFO STEWARDS INFORMATION

Please direct your members to the ETFO WEBSITE to find the Stewards' Mailing Cover Memo and its links:

Members.etfo.ca > About ETFO > Publications > Stewards' Mailings

**IMPORTANT:** To change the number of members at your work site –

Contact: Member Records at 1-888-838-3836 or [memberrecords@etfo.org](mailto:memberrecords@etfo.org)

The number of members within your school, on file at ETFO, appears in the top corner of the address mailing label.

**ITEMS:**

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. JOIN ETFO'S STANDING COMMITTEE</li> <li>2. CODE BLACK: LEADERSHIP PROGRAM FOR BLACK MEMBERS</li> </ol> | <ol style="list-style-type: none"> <li>3. PRS MATTERS BULLETIN #85</li> </ol> |
|--|---|



## JOIN ONE OF ETFO'S PROVINCIAL STANDING COMMITTEES

**LET  
YOUR  
VOICE  
BE  
HEARD!**

Get involved at the committee level of your Federation and provide your perspective and expertise in the development of provincial policies, positions, programs, and initiatives. Vacancies for the 2022-2024 term are listed on the second page.

Apply online at [etfo.ca](https://etfo.ca), About ETFO, Standing Committees. To find out more about the program, please contact Kelly Holley at [kholley@etfo.org](mailto:kholley@etfo.org).

**DEADLINE TO APPLY IS MARCH 1, 2022**



## APPLICATION CRITERIA

1. It is important that these committees represent the authentic voice of that constituency. Members applying for any of the following Standing Committees, are required to self-identify: First Nations, Métis and Inuit (FNMI) Education, Anti-Racist Education, Disability Issues, Lesbian, Gay, Bisexual, Transgender and Queer or Questioning Members and Status of Women.
2. Applicants for the Collective Bargaining Committee should be inclusive of all bargaining units (teacher, occasional teacher, designated early childhood educators, educational and professional support personnel).
3. Applicants for the New Members Committee should have less than five years' teaching/education work experience.
4. Applicants for the Occasional Teacher Committee should be occasional teachers.
5. Applicants for the Occupational Health and Safety Committee should have certification from the Workers' Health and Safety Centre.
6. Applicants for the Teacher Education/Faculty Liaison Committee should have knowledge/experience of Bachelor of Education programming in Ontario and live/work near a faculty of education.
7. Applicants for the Men's Focus Committee must be male.
8. The International Assistance Committee requires members with English/French status. Applicants are encouraged to identify their bilingual English/French status. A minimum of two (2) members of the International Assistance Committee must be bilingual.
9. Applicants for the International Assistance Committee may have a large volume of work in the fall that includes reading and evaluating applications, conducting phone interviews and creating a shortlist of Project Overseas candidates for recommendation to the Executive.
10. Applicants please note that the Early Years Committee includes JK to grade 3.
11. Applicants applying to serve on a committee are expected to attend all committee meetings (two face-to-face meetings and one teleconference call).
12. Please note that successful Annual Meeting Committee members will not be able to also serve as Annual Meeting delegates.
13. Applicants for the Awards Committee may have a large volume of work that includes, but is not limited to reading applications, evaluating applications based on a predetermined rubric and making final recommendations of award, scholarship and bursaries winners to the Executive.

## ETFO STANDING COMMITTEES

## 2022-2024 VACANCIES

Annual Meeting	Three vacancies
Anti-Racist Education	Five vacancies
Arts	Five vacancies
Awards	Three vacancies
Collective Bargaining	Two vacancy
Disability Issues	Three vacancy
Early Years	Five vacancies
*Education Support Personnel/ Professional Support Personnel/ Designated Early Childhood Educators	No vacancies
*English as a Second Language	No vacancies
Environmental	Two vacancies
First Nations, Métis and Inuit (FNMI) Education	One vacancies
French as a Second Language	Two vacancies
*Health and Physical Education	No vacancies
Human Rights	Three vacancy
Intermediate Division	One vacancies
International Assistance	Five vacancy
Labour	Three vacancies
Lesbian, Gay, Bisexual, Transgender, Queer or Questioning Members <small>(*Two-spirit members are also encouraged to apply to the Lesbian, Gay, Bisexual, Transgender and Queer Questioning Members Committee.)</small>	Two vacancies
Library	One vacancies
Men's Focus	Three vacancy
New Members	One vacancies
Occasional Teacher	Three vacancies
Occupational Health and Safety	Four vacancy
Pension	Two vacancies
Political Action	Four vacancy
Professional Learning/Curriculum	Two vacancies
Professional Relations and Discipline	Four vacancy
Special Education	Two vacancies
Status of Women	Four vacancies
Teacher Education/Faculty Liaison <small>(*Vacancies for liaisons to the University of Western Ontario Faculty of Education and York University Faculty of Education.)</small>	Two vacancies

\* We encourage members to apply for committees that have no vacancies for the selection of an alternate for the 2022-2023 Federation year.

## ETFO's Leadership Program for Black Members

# CODE BLACK

## Leaders with Purpose and Conviction

ETFO is excited and proud to offer the first leadership program, in its second year, for all ETFO members who self-identify as Black. This program is part of ETFO's multi-year strategy on addressing anti-Black racism and our commitment to equity and social justice.

**CODE BLACK** is a multi-session program that includes in-person, online discussions, assignments, and learning experiences directly related to leadership roles within ETFO. Participants are expected to participate fully in all aspects of the program.

**CODE BLACK** participants will;

- Gain an in depth understanding of the Federation's structure, procedures and policies;
- Identify their personal assets and leadership skills;
- Acquire mental health and self-care strategies that support the needs of Black educators;
- Examine different leadership opportunities within the educational sector;
- Analyze social and educational issues through an intersectional lens; and
- Implement strategies and/or initiatives that contribute to systemic and sustainable change within the labour movement and/or educational sector.

### PROGRAM REQUIREMENTS:

- Attending and participating in all sessions;
- Engaging with online content such as readings and assignments; and
- Completing an action plan/practicum activity.

**CODE BLACK** will be delivered in-person and online with the D2L learning platform used in ETFO's professional learning courses.

ETFO will cover the costs of meals, transportation, accommodations, and dependent care for accepted participants as per provincial guidelines.

Visit ETFO Management System to register at:

[events.etfo.org](https://events.etfo.org)

Please complete the following application form:

[eforms.etfo.org/212725963713055](https://eforms.etfo.org/212725963713055)

**Deadline to register is Friday December 3, 2021.**

Successful participants will be notified by **Monday December 13, 2021.**

Please note that feedback will not be provided about declined application forms.

For more information please contact:

Sonia Ellis-Seguin, [sellissgeguin@etfo.org](mailto:sellissgeguin@etfo.org)

Dawn Samuel, [dsamuel@etfo.org](mailto:dsamuel@etfo.org)

Punita Bhardwaj, [pbhardwaj@etfo.org](mailto:pbhardwaj@etfo.org)





# CODE BLACK

## Leaders with Purpose and Conviction

### SELECTION CRITERIA:

As there are a limited number of spots available, consideration will be given to the following:

- Self-identify as Black;
- Fully completed application forms;
- Commitment to attend and complete all sessions; and
- Geographical representation (note more than one person in the same local may be selected).

### CODE BLACK SCHEDULE:

Each module will incorporate guest speakers, resources, and strategies for participants to cope with the many forms of oppression and microaggressions experienced daily. Team building and networking will be incorporated throughout the program for participants to build up support within their cohort.

Module	Location	Date
<b>Module 1</b> Union Involvement	In-person 136 Isabella St.	January 28-29, 2022
<b>Module 2</b> Personal Assets and Leadership Skills	In-person 136 Isabella St.	March 26, 2022
<b>Module 3</b> Creating and Sustaining Systemic Change	In-person 136 Isabella St.	May 13-14, 2022

## **A Member's Duty to Report under the *Child Youth and Family Services Act, 2017***

All members should be familiar with their duty to report suspicion of child abuse or neglect to the Children's Aid Society (CAS). Members who fail to meet this duty can face charges under the *Child, Youth and Family Services Youth Act, 2017* (CYFSA), Section 125 and a finding of professional misconduct by their professional college.

### **What is the Duty to Report?**

The duty to report is a legal duty that arises under the *Child, Youth and Family Services Act, 2017* (CYFSA). Under the CYFSA, everyone has a duty to report "reasonable grounds to suspect" that a child may be in need of protection as set out in Section 125 (1) of the CYFSA. This duty applies regardless of whether or not one is a professional named in the Act or is acting in their professional capacity.

### **What triggers the Duty to Report?**

It is generally triggered by suspicion that a child has suffered neglect, physical, emotional or sexual harm, or is at risk thereof. Section 125 (1) of the CYFSA sets out the list of grounds that would trigger the duty to report:

1. The child has suffered physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,
  - i. failure to adequately care for, provide for, supervise or protect the child, or
  - ii. pattern of neglect in caring for, providing for, supervising or protecting the child.
2. There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,
  - i. failure to adequately care for, provide for, supervise or protect the child, or
  - ii. pattern of neglect in caring for, providing for, supervising or protecting the child.
3. The child has been sexually abused or sexually exploited by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual abuse or sexual exploitation and fails to protect the child.
4. There is a risk that the child is likely to be sexually abused or sexually exploited as described in paragraph 3.
  - 4.1 The child has been sexually exploited as a result of being subjected to child sex trafficking.
  - 4.2 There is a risk that the child is likely to be sexually exploited as a result of being subjected to child sex trafficking.
5. The child requires treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide the treatment or access to the treatment, or, where the child is incapable of consenting to the treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, the treatment on the child's behalf.
6. The child has suffered emotional harm, demonstrated by serious,
  - i. anxiety,
  - ii. depression,
  - iii. withdrawal,
  - iv. self-destructive or aggressive behaviour, or
  - v. delayed development,

and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.

7. The child has suffered emotional harm of the kind described in subparagraph 6 i, ii, iii, iv or v and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the harm.
8. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 6 i, ii, iii, iv or v resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
9. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 6 i, ii, iii, iv or v and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, treatment to prevent the harm.
10. The child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or the person having charge of the child does not provide the treatment or access to the treatment, or where the child is incapable of consenting to the treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.
11. The child's parent has died or is unavailable to exercise the rights of custody over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody.
12. The child is younger than 12 and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to treatment.
13. The child is younger than 12 and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately. 2017, c. 14, Sched. 1, s. 125 (1); 2020, c. 25, Sched. 1, s. 26 (6).

### How is the Duty to Report fulfilled?

The duty to report is **direct**. Members must report their suspicions of abuse or neglect directly to their local Children's Aid Society (CAS) and cannot rely on anyone else, including an administrator, to make that call for them. The duty to report is **immediate**. The CYFSA requires that the report be made "forthwith". Members cannot, for example, wait for the following day to report. The CAS has after-hours intake workers, so calls can and should be made at any time of the day that a member becomes aware of the issue giving rise to the duty to report. The duty to report is **ongoing**. Subsequent grounds to suspect abuse or neglect should also be reported to the CAS, even if the member has previously reported concerns about the same student or family.

### What if the suspicion turns out to be wrong?

You do not need proof that the protection need exists in order to report it to the CAS. It is **not** your role to investigate the situation to determine whether or not the protection need does in fact exist and any attempts by you to do so could interfere with the CAS investigation, not to mention breach your obligation to report to the CAS **immediately**. The duty to report overrides confidentiality and your decision to report is protected under the CYFSA if you did not act without reasonable grounds or maliciously (CYFSA, s. 125 (10)). This means that your duty to report applies even in situations where a student makes a disclosure to you in confidence or asks you not to tell anyone what they have told you. If you are in doubt about whether your duty to report has been triggered, you can call the CAS for advice. You should document and keep a record of any such call you make.

### Failure to report is an offence under the CFSA

For individuals who perform professional or official duties with respect to children, including all members of ETFO, it is an offence under the act if the duty to report is breached and the information that triggered the suspicion was obtained in the

course of a member's professional or official duties (CYFSA, s.125(9)). Members charged with a breach of the duty to report under the CYFSA, if convicted, can face a fine of up to \$5,000.

### **Failure to report is Professional Misconduct**

Breaching one's duty to report under the CYFSA is also considered to be professional misconduct by the Ontario College of Teachers (OCT) and the College of Early Childhood Educators (CECE). Members who breach their duty to report could face a complaint at their college and discipline for professional misconduct.

### **Professional Advisories from the OCT and CECE**

Both the colleges have recently issued Professional Advisories on the duty to report child abuse or neglect. The advisories are intended to provide further guidance to members in exercising their professional judgment to recognize situations that give rise to their duty to report. Members are expected to review and comply with the applicable advisories. They are online at:

- [CECE, Professional Advisory – Duty to Report](#)
- [OCT, Professional Advisory – Duty to Report](#)

Please note, however, that your legal duty to report is defined by the CYFSA and not by the advisories. Other resources regarding the duty to report are available at the [Ontario Association of Children's Aid Society](#).

**For further information contact your local ETFO president or Professional Relations staff  
in PRS at**

**416-962-3836 or 1-888-838-3836**

ST:KH:PHW:LS  
Updated October 2021  
Volume 85