



The Newfoundland and Labrador
Teachers' Association

EDUCATION REFORM IN NEWFOUNDLAND AND LABRADOR

A Brief submitted by the NLTA to the Special Joint Committee to Amend
Term 17 of the Terms of Union of Newfoundland with Canada,
Concerning the Newfoundland and Labrador School System.

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On Behalf of the teachers of this province, we thank you for finding time in your schedule to receive our Brief and for extending to us the courtesy of speaking to the Special Joint Committee to Amend Term 17 of the Terms of Union of Newfoundland with Canada. We will explain why we stand for change. Throughout, we hope to impress upon this Committee, in the strongest possible way, why it is imperative to change Term 17 and do so in the shortest time possible.



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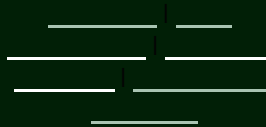
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OUR ASSOCIATION

The Newfoundland and Labrador Teachers' Association, founded in 1890, is now in its 107th year of providing service to teachers, students and to the cause of education.

When the NLTA was formed in 1890, Article 1 of the original Constitution stated:

This Association shall have for its objective, the protection of teachers and the advancement of the cause of education generally.

From its inception, the Newfoundland and Labrador Teachers' Association differed from teacher organizations which were in the process of being constituted, or which originated later, in the Canadian provinces. Most other teacher organizations began as "education associations" with the declared purpose of stimulating discussion of educational methods and problems. These associations were, for the most part, under the sponsorship and direction of the Provincial Departments of Education and eventually evolved into teacher associations. The NLTA, however, began as a totally independent teacher controlled organization and it accepted as its dual role the protection of teachers and the advancement of education.

Article 1 of the original Constitution is now enshrined in the Act governing the establishment of the NLTA as a corporation. The first objective in this Act states:

To promote the cause of education in the province by affording to educational authorities, teachers, and the public in general, the benefit of the collective experience and advice of teachers on practical educational matters.

The Newfoundland and Labrador Teachers' Association is the exclusive bargaining agent for teachers in this province and speaks for them on all matters relevant to their professional well-being. Moreover, it accepts the responsibility of being an advocate for the rights of students and the cause of quality education.

IN THE BEGINNING

In May of 1986, the Newfoundland and Labrador Teachers' Association took the bold step to begin education reform initiatives in this province by presenting a detailed Brief to government titled Exploring New Pathways. Our Association, through this Brief, identified a serious and extensive flaw with the delivery system of education throughout Newfoundland and Labrador. Its concern was expressed in the following manner:

There is much strength in the denominational system which unites the value of education with the support of the church. It can be argued that this most unique of education systems is particularly well suited for the education of today's children. These children need a strong education combined with moral teaching to best cope with a society of rapidly changing values.

The system, however, as currently organized, has a serious and extensive flaw. That flaw is isolation by denomination. It is a flaw which, if not corrected, will in time lead to the dismantling of the system. It is a flaw which is now seriously reducing the quality of education which this province is capable of delivering.

The Brief went on to give detailed analysis of the difficulties with that school system in Newfoundland and Labrador and concluded with this recommendation:

The provincial government should establish a Royal Commission with the broad mandate of examining the administrative and economic disadvantage of the current denominational system and provide recommendations for improvement.

Our Brief had an immediate and deep impact on all those involved with education.

THE NEED FOR CHANGE

Prior to the submission of our Brief **Exploring New Pathways**, the Government of Newfoundland and Labrador had established a Royal Commission on Employment and Unemployment. At the time, it was estimated that between one-quarter and one-third of those who would otherwise be gainfully employed in this province found themselves without a job.

This Royal Commission determined that education played a central role in employment opportunities and noted that education was one of the major topics covered by presenters at the public hearings. The Commission decided to publish an education report and titled it **Education for Self-Reliance**.

The Commission reported in October, 1986. Its findings concurred with the thesis of the NLTA Brief and made the following statement as one of its central recommendations:

The province must undertake a review and cost analysis of the denominational education system.

In response to representations from the Newfoundland and Labrador Teachers' Association, the Provincial Government, in 1990, established the Williams Royal Commission to study the delivery of programs and services in primary, elementary and secondary schools in the province.

The Commission reported in the Spring of 1992, recommending in an extensive manner how our education system should be fundamentally and substantially reformed.

Much energy was expended by all parties in the process. Unfortunately, Government was unable to reach agreement with the denominations to restructure the school system.

Ultimately, the Government of Newfoundland and Labrador, in the early Fall of 1995, brought the entire matter of education reform to a head. On September 5, 1995, the people of this province, in a referendum, voted by a majority of 55% to amend Term 17 of the Terms of Union of Newfoundland with Canada. The people of Newfoundland and Labrador had voted to accept a new model for education - one that would retain the denominational character of the existing system, but which would provide the legislature of the province with additional powers to organize and administer education.

Under the amended Term 17, there was a major consolidation of existing school districts and all publicly funded schools became "denominational schools". Specifically, two types of schools were established:

- Schools operated for children of all denominations [called Inter-denominational], and
- Schools operated for children of a single denomination [called uni-denominational].

While there were positive expectations with regard to this new system, unfortunately the new Term 17 and the system of education which it established proved unworkable.

The attempts by many school boards to reorganize, consolidate and close schools under their jurisdictions resulted in legal action being brought by the Pentecostal and Roman Catholic denominations. The Supreme Court of Newfoundland granted an injunction prohibiting school boards from closing Pentecostal or Roman Catholic schools without the consent of the denominations. This, in effect, left the school boards powerless to carry out the mandate for which they were developed and rendered the entire system of organizing education in this province dysfunctional. Almost incredibly, Mr. Justice Leo Barry, in rendering his decision, offered the following as one of his conclusions:

We've accepted a less than optimal standard of education by opting to preserve at least some of the denominational system of education. This statement is made not as a criticism, but as a matter of fact.

The Newfoundland and Labrador Teachers' Association would submit that this province can no longer afford to accept a less than optimal standard of education. This, alone, is a clear reason, along with many others, to revisit the fundamental structures that are in place for the organization of education in this province and to bring about substantial, long-lasting and meaningful reform.

With the objective of accomplishing the objective of meaningful reform, the Government of Newfoundland and Labrador conducted a second referendum on September 2, 1997, asking the people of the province the following question:

Do you support a single school system where all children, regardless of their religious affiliation, attend the same school where opportunities for religious education and observances are provided?

Prior to the vote on the referendum, the Government, on August 25, 1997, the Government outlined to the people the wording of the proposed new Term 17. It is in three parts and reads as follows:

17 (1) In lieu of Section 93 of the Constitution Act, 1867, this term shall apply in respect of the province of Newfoundland.

17(2) In and for the province of Newfoundland, the legislature shall have exclusive authority to make laws in relation to education, but shall provide for courses in religion that are not specific to a religious denomination.

17(3) Religious observances shall be permitted in a school where requested by parents.

Newfoundlanders and Labradorians voted in a clear and unmistakable manner; 73% supported the change and the adoption of the new Term 17. Subsequently, the House of Assembly unanimously passed a resolution to amend Term 17.

In the view of the Newfoundland and Labrador Teachers' Association, the people of this province have spoken clearly on their own terms and through their elected representatives. They want change, they want substantive change and they want it now.

THE RIGHTS OF STUDENTS

Much has been and will be said about the rights of people. The Special Joint Committee will hear a multitude of arguments about the precedent of change that the new proposed Term 17 will produce. The rights of minorities have been talked about. The rights of churches have been discussed. We, the teachers of

Newfoundland and Labrador, respect and acknowledge the rights of all people in this debate, but we particularly recognize the rights of teachers and students.

It is incumbent upon our organization to talk to you about the rights of children in the province of Newfoundland and Labrador. They live in one of the weakest economies in North America and in a society where the real unemployment rate is somewhere between 25% and 30%. Our children are born into a society which cannot provide to them the social and economic advantages enjoyed by the thousands of other children throughout Canada and North America. Our children and our students should have the same rights as other Canadian children to seek a quality of life that thousands of others take for granted.

Where do the rights of these children measure against the rights of the churches? Where do they measure against the rights of other minorities? Where do the rights of our students measure against political, economic, and social agendas?

Who speaks for these children collectively? It is not the churches and it is not the leaders of the churches. It is the people of the province, directly and through their democratically elected representatives. That concept is extended to the members of our Federal Parliament and our Senate. The silent constituency in this province - our children - have been heard from through 73% of the people. The children of Newfoundland and Labrador have the right to a quality education that is the equal of that enjoyed by any Canadian.

THE RIGHTS OF TEACHERS

For decades teachers in this province have been subject to discrimination at the hands of the churches through the denominational education system. This discrimination has been institutionalized and it has been blatant.

Our members have been denied access to teaching positions because they have not been of the "right" denominational persuasion; they have been subject to recriminations because of actions in their everyday lives which might be at variance with church dogma; they have been fired because they have married without the blessings of the church; they have been subject to persecution because their lifestyles offended church dogma, lifestyles which would be the norm in any other part of Canadian society. Our members have been more than tolerant and more than patient, always believing that a better day would come.

When reform was announced following the 1995 referendum, our hopes were renewed. However, our hopes were again quickly dashed as we saw even more discrimination and organizational confusion with teacher reassignments in the Spring of 1997 and the court action in the Summer of 1997. Reform - as it was conceived - resolved nothing; rather it made matters worse.

Under the current Schools Act, each school board in the province of Newfoundland and Labrador is required to establish uni-denominational committees. These committees are either Roman Catholic, Integrated or Pentecostal and have exclusive rights over the assignment and hiring of teachers along denominational lines. As a result of the decision of the Newfoundland Supreme Court in July of 1997, all schools in this province are now uni-denominational, of one type or another. Consequently, each denominational committee has the right of veto when it comes to hiring or reassigning a teacher, either as a new hire or a reassignment, who is not of the particular denominational persuasion of a given committee. During the 1996-97 school year, teachers were discriminated against and were powerless to defend themselves against such discrimination. In fact, the power of any given school board under the present Schools Act is subservient to the rights and powers of these uni-denominational committees.

The hiring of teachers in Newfoundland and Labrador is governed, in part, by Article 6 of the Provincial

Collective Agreement. Clause 6.03 states:

The basic criteria for the selection of teachers shall be competence, suitability and qualifications as assessed by the school board.

While most people would recognize this as a normal management right of the employer, it takes on new meaning for teachers in this province. For example, a school board which might conclude that a teacher is otherwise competent, suitable and qualified to fill a given teaching assignment, can have its decision to hire overturned by the veto rights of the uni-denominational committees as established under the Schools Act on the basis of the current Term 17.

This Association recently dealt with the case of a Roman Catholic teacher who was refused employment with a particular school board by an Integrated uni-denominational committee. What makes this particular case so astounding is that this teacher was clearly recognized as competent and qualified to perform the job function required by the school board, but because he was Roman Catholic, the uni-denominational committee refused the school board the right to hire him. Instead, the board was forced to hire another person of the "right" religious persuasion. What makes this case even more absurd is that the Roman Catholic teacher in question had previously worked for the school board and, in fact, had worked in this very same school.

We can cite other examples of discrimination and unfair treatment in terms of job reassignment. Article 9 of the Provincial Collective Agreement gives teachers the right of reassignment within the community where they are currently teaching should they become redundant in their present positions, provided there is a position available for them which they have the capability of fulfilling. During the 1996-97 school year, under the conditions of the current Term 17, two senior teachers who could be accommodated in their home communities were reassigned by the school board to distant communities requiring tremendous personal inconvenience and dangerous and/or extended travel from their home communities to their new job locations.

In each case, the school board was required to reassign these senior Protestant teachers from job placements that they had the capability to perform because the Pentecostal uni-denominational committee refused admittance of the teachers into Pentecostal schools. This is more than blatant discrimination against teachers. It robs entire school systems of competent teachers who could offer the students of this province quality instruction. Furthermore, it renders the school boards, as the employer, impotent in carrying out their management responsibilities to properly assign personnel so as to provide for quality instruction within their school districts. This is a frustration to teachers, a frustration to the school boards and a frustration to the vast majority of parents who have no choice but to place their children in the care of these school boards.

The Newfoundland and Labrador Teachers' Association is adamantly opposed to this system of administration and offers this petition to the Special Joint Committee to assist in the amendment to Term 17 so that these injustices can be corrected.

THE MYTH OF MINORITY RIGHTS

Those who would oppose amendments to Term 17 argue that amending Term 17 of the Terms of Union would remove their rights as minorities within the province of Newfoundland and Labrador. The Government of this province, in its Brief on November 18, 1997, called such an argument "specious". We could not agree more. In fact, such an argument is entirely ludicrous.

Ninety-six percent of the province's population, at the time of the 1997 referendum, were members of the

denominational groups which currently have jurisdiction for schooling in the province of Newfoundland and Labrador. On September 2, 1997, 73% of this 96% voted to relinquish their rights to denominational control of schooling in our province. Surely, this cannot be seen nor represented as some outside force moving in to arbitrarily or unilaterally remove a right which some specific minority held exclusively onto itself. This is clearly a case of the majority of the citizens making a clear and unqualified decision to relinquish the right to have church-run schools and, instead, have that right enshrined in the hands of their elected representatives in the House of Assembly. There could be no greater exercise of democracy.

LEARNING AND LIFE

The Province of Newfoundland and Labrador is about to enter the 21st century. Our children who are our students and who will become our leaders of tomorrow are entitled to as broad an understanding of life, and all that it means, as possible. The schooling system that is available to them in this province must be able and willing to meet their greatest expectations. Moreover, it must be equipped to offer a standard of learning and a context for discovery that is second to none.

The International Commission on Education for the 21st Century, chaired by Mr. Jacques Delors, recently reported to UNESCO. Its report is a brilliant and thought-provoking document and worthy of attention from all those who profess any interest in, or responsibility for, the learning of our young people. In fact, when the members of the Special Joint Committee have reviewed all of the Briefs that will be presented to them from participants like ourselves, we would strongly recommend that each search out the document and make it requisite reading prior to the rendering of a final report.

In the introduction to his report, Mr. Delors identifies four pillars as the foundations of education:

- Learning to Live Together
- Learning to Know
- Learning to Do
- Learning to Be

With respect to the pillar "**Learning to Live Together**", the Commission makes the following statements:

The far reaching changes in the traditional patterns of life require of us a better understanding of other people and the world at large; they demand mutual understanding, peaceful interchange and, indeed, harmony - the very things that are most lacking in our world today.

Having adopted this position, the Commission has put greater emphasis on one of the four pillars that it proposes and describes as the foundations of education: learning to live together, by developing an understanding of others and their history, traditions and spiritual values and, on this basis, creating a new spirit which, guided by recognition of our growing interdependence and a common analysis of the risks and challenges of the future, would induce people to implement common projects or to manage the inevitable conflicts in an intelligent and peaceful way. Utopia, some might think, but it is a necessary utopia, indeed a vital one if we are to escape from a dangerous cycle sustained by cynicism or by resignation.

The Newfoundland and Labrador Teachers' Association would respectfully submit that there is probably no more compelling argument for the development of a non-denominational schooling system than that offered by the UNESCO Commission. Our children must learn to live together, grow together and learn together. They must be freed from the bonds of denominational isolationism and discrimination, whether that discrimination is obvious in their own lives or in the lives of the professionals who teach them.

CONCLUSION

The people of Newfoundland and Labrador have stated clearly that they want radical change to our educational system; they want the churches removed from the control of education in this province; and they want this accomplished by the amendment of Term 17 through the adoption of the words proposed by our Provincial Government.

This Association urges the members of the Special Joint Committee to bring clear recommendations endorsing the amendment of Term 17 of the Terms of Union of Newfoundland with Canada. Only in this way will the rights of all Newfoundlanders and Labradorians - parents, students and teachers - be recognized and accommodated in a new, non-denominational schooling system.

We echo the sentiments of the Minister of Education, the Honourable Roger Grimes, in his November 18th submission to the Special Joint Committee:

We no longer want teachers hired or fired on the basis of religion. We no longer want school board members elected on the basis of religion. It is time to allow all of our children, of every denomination, to sit in the same classroom, in the same schools, to ride the same bus, to play on the same sports teams, to "live" and "learn" together in the same community.

The teachers of this province want to create a school system where all our students learn together and live together in an open, free and democratic society.

We are a proud people. We want to be self-reliant and strong. As teachers of this province, we want our time and our talent to provide a world-class education system for our students. It is a testament to human ingenuity and endurance that teachers operating within the present system can succeed in delivering a reasonable quality of education. We urge the Committee to remove the present barrier and allow us to deliver the very best in education. Our teachers and students deserve no less; the people of this province expect no less.
