

Presentation of the Ontario Teachers' Federation to the Ontario College of Teachers' Governing Council, October 1, 2014



Thank you for the opportunity to present today. As outlined in our paper, *A Course Correction*, OTF believes that, at times, the OCT oversteps its role as regulator. This presentation intends to provide more clarity on our perspective.

Let's be clear—this is not about the fee or the fee increase. OTF's paper was underway before the recent fee increase. Our paper consolidates positions that OTF and the Affiliates have previously put forth, formally and informally. The fee captured the attention of teachers but is a symptom of deeper concerns.

The issue of the OCT legislated mandate has been raised several times. Over a year ago, the OCT directed that its teacher councillors not meet with Affiliate leadership or staff. However, over many years, when teacher representatives did engage in dialogue regarding policy issues, OTF has routinely expressed the view that OCT's mandate is and ought to be restricted to regulating in the public interest as stated in Section 3(2) of c. 12: in carrying out its objects, the College has a duty to serve and protect the public interest.

Ontario, unlike virtually all other Canadian jurisdictions, has established a legislated body to regulate the profession. We are not questioning that authority or that role. Prior to the creation of the College, OTF, by legislation, served roles as both disciplinarian and advocate. The government of the day established the College because it wanted those functions separated. Public debate focused specifically on that separation of roles—advocacy and discipline.

OTF has the legislated mandate to advocate for the profession and represent the voice of the profession. The concern is that, over time, the College has strayed into OTF's mandate of being an advocate for members of the profession.

Let's take professional learning, for example.

OTF supports the mandate of the College to accredit pre-service programs, AOs and ABQs. OTF understands, respects and acknowledges the College's role in educating members and the public about the standards of practice and professional advisories. However, some workshops at the OCT conference, "Inspiring Public Confidence" last year, may have strayed beyond the College's legislated mandate. Likewise, the "teacher tips" and other inclusions in Professionally Speaking test the boundaries of the College's role.

When the recertification regime of a previous government was eliminated, the requirement of the College to be responsible for teacher re-certification and mandatory professional learning was very clearly and very deliberately removed from its mandate.

Teachers are provided ample opportunities for professional growth through the Ministry, school boards, OTF, the federations and provincial subject and division associations. These bodies appropriately provide teachers with such opportunities; it is their responsibility. Teachers appropriately look to these bodies for professional learning, not the College.



The Council has debated priorities and approved reaching out to “engage” various non-traditional groups, including retired teachers. It is unclear what “engaged” means in the work of the College.

If “engaged in the work of the College” really means, “seek or maintain your certificate in the College,” OTF asks that you be clear. If the College is going to pursue a new certification or membership category for faculty of education students, again OTF asks that you be clear. However, these students are already Associate Members of OTF. Why would OCT seek them out when they cannot be licensed before they have successfully completed their program? This is another area rife with challenges which OTF asks the Governing Council to seriously consider before taking any action.

Teachers require their license to teach. If they need or want an AQ, the OCT has accredited AQ and ABQ programs to ensure quality. Teachers may vote in College elections. The College establishes standards of practice and occasionally issues professional advisories of which teachers should be aware. They should know that there is a process if a complaint is made against them. This is the legislated mandate of OCT and information teachers need.

In discussing its Vision statement, Council gave consideration to including references to student outcomes. All partners in education in Ontario—government, teachers, federations, principals, regulators—see student achievement and well-being as the purpose of education. However, student outcomes do not fit directly in the legislated mandate of OCT to protect the public interest. It is the system—schools, boards, the Ministry and teachers who direct their energies at good outcomes for students. The College, although working with other partners toward that end is, quite appropriately, one step removed.

OTF studied other regulatory bodies for comparison with OCT.

Almost all College certified teachers are employed by school boards in Ontario. Some teachers have other employers. Regardless, teachers are employed, not self-employed; they are subject to scrutiny by their employers and likewise, they are offered various types of support from their employers. On the other hand, in many self-regulated professions, the majority of members are self-employed and depend on their professional certification to act as a public seal of approval. They may have no other association or collective body to provide them with professional support. In such cases, their regulatory body may provide some other professional services or support. However, for teachers, this is not a practical requirement of the regulator nor is there a legislative basis for it.

Teachers in the public system are the **vast majority** of actively employed OCT teachers and members, **by statute**, of OTF, their professional association, their respective Federation or principal/superintendent association. OCT has regulated teaching since 1997, but OTF and the Federations, pre-existing bodies, **have not had their legislated mandates in any way restricted (save for the discipline function of OTF) as a result of the establishment of the College.** Put simply, OCT **need not**, and in our view, **should not**, provide services such as ongoing learning, awards, scholarships, or “member perks” which more properly, and in fact, already are provided by other organizations. Duplication serves no purpose but to confuse. There is no conflict when OTF or the Affiliates provide such professional or advocacy services; when the College does so, conflict arises.



In some professions, there are multiple professional bodies. However, in law, for example, there is a clear distinction between the duties of the bar association and the law society. This is an appropriate parallel to OTF and OCT. One organization provides advocacy and the other is strictly regulatory. The College was conceived and established with that distinction in mind.

Some professions require some form of recertification. OTF urges the College to consider this carefully when drawing comparisons between itself and regulators on matters of ongoing learning if the regulated profession is one which requires ongoing certification by its members.

A review of the public communication vehicles of other regulators revealed that none had the promotional tone common to OCT communications; for example, a full page ad for “member perks” included with membership renewal cards.

In our scan of other regulatory bodies, we found a few who offered some sort of discount, but it was typically a discount on professional insurance or a specific product directly related to the registrant’s ability to maintain a license.

As stated previously, crucial to the mandate of the College is the section of the legislation which states that, in carrying out its objects, the College has a duty to serve and protect the public interest. In determining College functions, a question members of staff and council might ask is—**How is this action in the public interest?**

For example, how is it in the public interest to give teachers a discount at a hotel? How is it in the public interest to have scholarships, prizes and giveaway contests? How does the public benefit from fundraisers like wine-tastings and golf tournaments? How does the public benefit from selling insurance to teachers? It

does not. In fact, a contest that gives winning teachers professional makeovers trivializes the work of the College. Three issues of *Professionally Speaking* focused on the professional makeover contest—first on winners’ profiles and then on letters to the editor debating whether female teachers do or should wear heels at school. This content does not belong in a communication vehicle of a regulatory body.

Pages and pages of *Professionally Speaking*, along with web content under the “members” section of the OCT website, imply that OCT is a promotional, advertising body, not a regulatory one. Recently, the most common search on the website was “discounts.” This is not what a regulatory body is about. It deviates substantially from the founders’ views of the College. In OTF’s view, it is highly inappropriate, regardless of whether or not it generates revenue.

A second question which might be asked: Is this activity within the OCT legislated mandate? The legislated mandate of the College is very simple even though the work required to fulfill that mandate may be very difficult and complicated.

One might make this analogy regarding regulation. One must be licensed to drive a car and the car must be registered to legally stay on the road. As a result, there are rules to follow to receive and maintain those licenses and reasons for which they can be removed—driver conduct, for example. As a driver, this is understood and respected. It gives drivers confidence that fellow drivers have the same standards and obligations. But, it doesn’t follow that drivers have to like the Ministry of Transportation—only that they respect its rules and obligations. The Ministry does not provide discounts or communications to make drivers like it. They don’t speak of drivers as “members” but as licensed drivers or vehicle owners.



The OCT Chair commented at the Council meeting last spring that teachers **don't need to like the College**. This statement is **exactly the point**. Teachers do not need to like the College. They need to **respect** it. Scholarships, awards, giveaways, or “member perks” detract from respect for the College and call into question the College’s focus on its real legislated mandate—to protect the public interest. The College appears to be a cheerleader for either individual teachers or the profession—the role of an advocate, not a regulator. Most importantly, this creates an issue of perceived conflict of interest. It leads the public to believe the College represents teacher interests rather than their interests. It is disingenuous for OCT to position itself as an allied champion of teachers.

Of course, the College must communicate with its licensed teachers and the public about its role. The public needs to know the College exists, how to access it, and to have confidence it is doing its job. Registered teachers need to know their professional obligations, how certification and licensing works, be aware of standards and advisories, how to pay their fee and update their information for the register.

If *Professionally Speaking*, a glossy, ad-filled communication vehicle, is purposely designed to attract revenue, this leads to further concerns about conflicts between operations and governance. If “member perks” are designed to attract and/or maintain teachers who do not necessarily need to keep their certificates active, this speaks to a conflict that operational needs may be driving activities which conflict with the College’s core purpose.

The work of the College is difficult and important. OCT’s key role is to act in the public interest; it acts as prosecutor in matters of conduct and competence. This is not a recipe for being liked by College registrants. It should, however, engender respect.

Teachers should not be left vulnerable or confused about who does what. In *Professionally Speaking*, the Chair commented that teachers tell the College that they want the public to understand how hard they work. OCT should make it clear to certified teachers that this kind of advocacy falls to others, not OCT. The fact that teachers bring such issues to the attention of the College underscores the fact that there is role confusion among teachers.

OTF does appreciate that these issues are already under consideration by the OCT and looks forward to working with the College to clarify them. It must be clear that OCT does not speak for and advocate for teachers or the profession—that is a legislated object of OTF and the job of the Affiliates. The College has an important role and that should be its focus.

Thank you for your time; we’d be happy to take any questions.