

27 May 2011

André Marin
Office of the Ombudsman of Ontario
Bell Trinity Square
483 Bay Street, 10th Floor, South Tower
Toronto, ON M5G 2C9

Dear Mr. Marin,

I am the Secretary and a founding member of **Canadians for Accountability**. Canadians for Accountability is Canada's first truly national whistleblower organization. It was formed by a group of grassroots whistleblowers and accountability activists and was incorporated as a non-profit in 2008. Our mission is to advance integrity and accountability and helping and advocating for whistleblowers throughout Canadian society. Allan Cutler, the whistleblower of the Sponsorship Scandal, is our President.

As a whistleblower and an Ontario Certified Teacher, I am writing to you in the hope that your speech at the 2011 Annual General Meeting of the Ontario College of Teachers will address the important issue of whistleblower protection.

As you are probably aware, in Canada remains a dangerous endeavour requiring tremendous amount of courage and resolve. Legal protection for whistleblowers in the public sector is limited and largely unenforced. There is no protection at all for whistleblowers in the private sector.

Ontario's teachers, as we have learned, are similarly vulnerable. They are not protected for whistleblowing under Part VI of the *Public Service of Ontario Act*. We have been approached by several Ontario teachers who have complained of reprisals.

In one noteworthy instance, we were contacted by an Ontario teacher, Jim Black, in early 2009. He had blown the whistle on the OCT's practice of reinstating teachers who had committed sexual offences against minors.

We reviewed his case and found that he fit the definition of a whistleblower in need of support. At the time, the College was investigating him for allegedly violating the confidentiality of a convicted sex offender. We determined that the proceedings against him failed to meet the most basic standards of due process and appeared retaliatory in nature.

Our appeals on his behalf to the College and Minister of Education went unheeded. Mr. Black was found guilty of misconduct, fined, suspended, and publicly pilloried in the OCT's magazine, *Professionally Speaking*. They would not, however, print our letter

critical of the decision. For more information, I encourage you to visit our website and read the summary of Mr. Black's case.

- (URL: <http://www.canadians4accountability.org/cases/cases-e.html>)

Other education-related cases in the past year involve theft of education funds by school administrators. In each case, the whistleblowers who sounded the alarm years before charges were laid were also vilified.

You may recall the initiative by parents and legislators to have your office assume oversight of education in Ontario. This also failed. Little interest was shown by political parties. While the rejection of this proposal was not a complete surprise to Canadians for Accountability, we are disappointed that that no further measures are being taken to address the concerns raised by the proponents of this motion.

In the case exposed by Mr. Black, the practice of reinstating convicted sexual offenders to the teaching profession has been shown to be conducted in a secretive manner, contrary to the public interest. To our knowledge, the concerns raised by Mr. Black are, to date, unaddressed. The potential consequence of this inaction on the part of College is to expose Ontario's children to threats to their well-being that are too horrible to contemplate. Further inaction will undoubtedly compromise the legitimacy of the college and integrity of the teaching profession.

Canadians for Accountability has serious concerns about the effectiveness of self-regulating bodies in general and the OCT in particular. We feel that the unjust reprisal against Mr. Black for speaking out on a matter of public safety demonstrates a lack of accountability. Accordingly, we ask you to reconsider speaking at the meeting or, perhaps, to make whistleblowing and accountability a central theme of your speech.

Please don't hesitate to contact me or our organization should you have any questions.

Best regards,



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Secretary
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