

10 YEARS OF LEGAL SERVICES

TIMES HAVE CHANGED



The Legal Benefits Plan has been in force since the inception of CPCO in 1998. We thought it would be interesting for members to see how trends have changed during this period of time and where the legal services are most in demand. In the first year the majority of assistance was needed for employment issues and disputes. Now, almost at the end of the 10th year the legal issues facing members no longer relate predominantly to employment matters but rather to complaints by parents. Disturbing new trends are emerging. The pie charts demonstrate the contrast between year one and the current school year, and the very different legal needs facing members today.

Parents are on the attack and are not content with a simple complaint to your superiors. Dissatisfied parents can pursue grievances through board policies and processes, the Ontario College of Teachers (OCT), the Human Rights Commission (HRC) and the civil courts. “Previously, parents would choose a single venue in which to have their concerns addressed but now they appear to be re-litigating the same issues in multiple forums, usually resulting in an identical outcome,” says James Cameron, lawyer with Raven, Cameron, Ballantyne & Yazbeck. Each process involves the principal or vice-principal in a huge amount of time and work, not to mention the stress they suffer.

As a society we seem too ready to complain about the system by attacking not only the school boards but also those in authority. Parents do not seem to want to accept the failings or shortcomings of their kids but instead look for someone else to blame.

The following case demonstrates this trend. A CPCO member received a written complaint from the Ontario College of Teachers, wherein a parent alleged professional misconduct. Under the Legal Benefits Plan legal assistance was provided to prepare and submit a response to the OCT. The complaint, predictably, was dismissed with positive comments from the Investigation Committee of the OCT about the actions of the member. This process, in isolation, may not appear to be anything unusual but consider this; the incident had already involved the board, the

police, social workers and the Children’s Aid Society (CAS). All had fully investigated the incident giving rise to the parent’s complaint and determined that there was no basis to the complaint and that there was no wrongdoing on the part of the member. The parent also filed a complaint with the Ontario Human Rights Commission, which will prolong the uncertainty for the member since the HRC process is extremely slow. The board is also named in this complaint and the member is receiving support from both the board and the Legal Benefits Plan.

In the current school year (to May 31, 2008) the three major areas giving rise to the need for legal assistance are OCT complaints, Human Rights Commission complaints and civil cases relating to alleged defamation, harassment or libel. These total 56% of open claim files. This is a huge contrast to the 23% in 2005 and 0% in 1998. The common theme now is to attack the principal or vice-principal on as many fronts as possible.

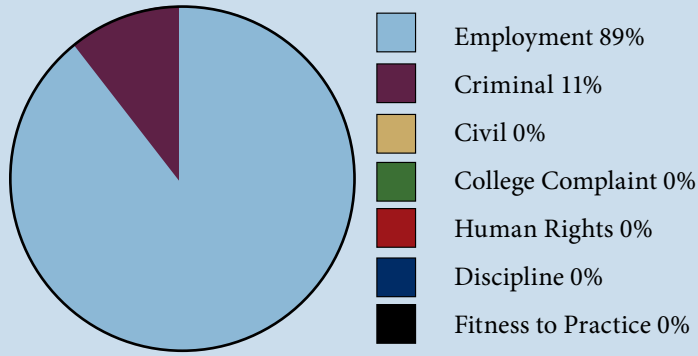
Sadly, even a successful challenge to parental complaints does not always protect a member from being transferred to a new school, since boards often make such decisions based on the litigious climate in the community and not necessarily on the performance of the administrator. This in turn can lead to the perception in the community that the member has committed grave offences at the school prompting a reassignment.

STERLON, in conjunction with CPCO, is working hard to develop strategies to reverse this new trend, recognizing the negative impact it has on member morale.

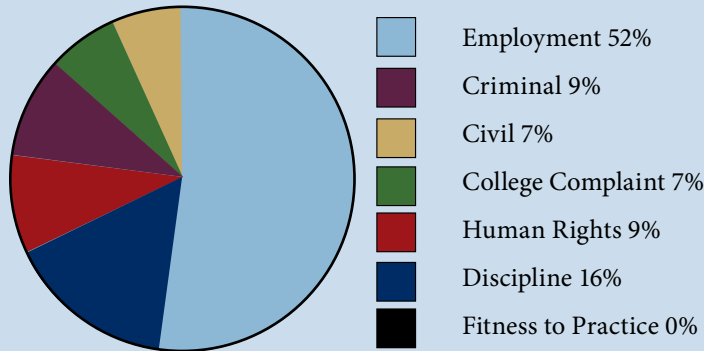
STERLON offers its congratulations to CPCO for its proactive approach in addressing the legal needs of its members through the Legal Benefits Plan.

This article was prepared by STERLON Underwriting Managers Ltd., the administrators of CPCO’s legal benefits plan, as a service to CPCO members

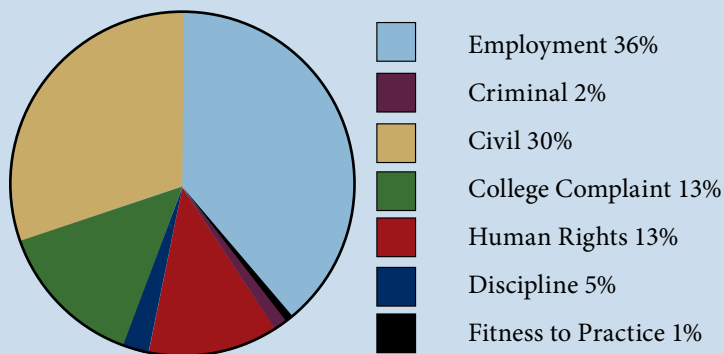
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