

Adverse reports on colleagues

This special advisory from Judicial Council will provide you with strategies to deal with situations where you have witnessed another member's actions that could be perceived as crossing a professional boundary. You may be concerned about the potential impacts on students, the honour and dignity of your profession, and the member's career so what should you do in these situations while ensuring your actions respect provincial legislation, the OSSTF/FEESO Constitution and Bylaws, and the professional working relationship you have developed with your colleagues?

Before taking any action, it is important to assess what you have observed since perception is not necessarily reality. Context is crucial to having a complete understanding of a situation. One of the OSSTF/FEESO Principles of Professional Conduct found in Ethics Section 1.4.4 states that "a member of OSSTF/FEESO shall exert every effort to raise professional standards, to promote a climate that encourages the free exercise of professional judgement, [and] to foster co-operative relationships among colleagues" and this can best be achieved when members are able to have collegial discussions about issues. If comfortable, invite the other member to participate in a conversation, at an appropriate time and place, to share how you perceived the event but remember Bylaw 2.4.2.1.1 states that "[a] member shall avoid interfering in an unwarranted manner between other members and pupils." The participation of the other member in any discussion is therefore voluntary. Members also have the right, according to OSSTF/FEESO Bylaw 2.4.1.9, to seek the advice of the OSSTF/FEESO on any matter of professional relationship between fellow members and we encourage members to exercise this right. Ask the workplace representative or other OSSTF/FEESO leaders for advice and they can facilitate a discussion with the other member or if, in a more charged environment, request assistance from the Secretariat member assigned to the District.

If you have considered your options and believe you need to report privately to an administrator about the behavior of a colleague, from your own or another OSSTF/FEESO Bargaining Unit, you have the right to do so but you also have specific responsibilities according to provincial legislation and OSSTF/FEESO Bylaws on how you will report. Under OSSTF/FEESO Bylaws 2.4.2.1.2, and 2.4.2.2 and Section 18.(1).(b) of the *Ontario Teaching Profession Act*, if you make such an adverse report on another member, you must furnish that member with a written statement, including the date, details and alleged incidents that were related in the adverse report, and deliver that written statement to the other member at the earliest possible time and not later than three days after making the report.

There is often confusion about what constitutes an adverse report. Judicial Council defines an adverse report as having a potential negative effect on the employment situation of a member, either with the employer or with OSSTF/FEESO if the colleague holds a position within the union. Therefore, a private conversation with one colleague about another, while not encouraged, does not constitute an adverse report. However, the same conversation with someone in a position of authority does. Discussing the situation with other colleagues who are not in a position to help remediate things is strongly discouraged by OSSTF/FEESO since this often leads to the propagation of rumours, decreases staff collegiality, and creates tension between members.

Sometimes you are obliged by law to report, as is the case of rare but serious incidents covered by the *Child and Family Services Act*, where failure to report may put a child in danger and put you in legal jeopardy. In those cases, OSSTF/FEESO recognizes that a member must make the appropriate report to a Children's Aid Society (CAS), and should consult with the Federation about how to proceed. OSSTF/FEESO Bylaw 2.4.2.1.2.1 removes the obligation of a member to provide a copy of an adverse report to another member if the matter reported on relates to the *Child and Family Services Act*. Information on dealing with CAS situations can be obtained in the Resources Section on the provincial OSSTF/FEESO website at osstf.on.ca.

What are the consequences to a member who makes an adverse report against another member without providing a detailed written statement to the member within the allotted three day period? The member making the adverse report may become the respondent in a Judicial Council case if the Bargaining Unit or District Executive decides to file a formal complaint against the member. If Judicial Council deems that Bylaws 2.4.2.1.2 and/or 2.4.2.2 have been violated then a penalty can be assessed against the member ranging from a private or public reprimand, to suspension from any OSSTF/FEESO office, and ultimately being declared ineligible to participate in any OSSTF/FEESO meetings.

“Let us not take thought for our separate interests, but let us help one another” is the OSSTF/FEESO motto and clearly summarizes the core tenets of the educational team by encouraging all OSSTF/FEESO members to work together to promote and advance the cause of education by upholding the ethical standards of their professions. The Federation’s motto and pledge should be the lens through which every member should view his or her potential actions in dealing with these types of cases. We need to look out for each other, help each other out, and work together to continuously improve in our chosen professions.

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