

Lawsuits show bullying problem hidden 'under the carpet,' Witmer says

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BY GREG MERCER, RECORD STAFF

WATERLOO REGION — Four lawsuits filed against local schools over bullying are symptoms of a system that is broken and is frustrating parents, Ontario's former education minister says.

Elizabeth Witmer, the Kitchener-Waterloo opposition MPP who once worked as a school teacher, says parents, teachers and students have convinced her that Ontario's schools had been dealing with bullying in a way that was "totally inadequate." In too many cases, persistent bullying has caused parents to pull their kids out of classes, switch school boards and even start home-schooling, she said.

That could start to change with new legislation introduced last month, she said. It's now the law for all school board employees to report any bullying to the principal, who is also required to inform the victim's parents. Witmer hopes it may begin to help fix a widespread problem that she says had been brushed aside for years.

"We've been hiding this under the carpet," she said. "It's time to bring this out into the light of day. It's a big problem."

The new law comes too late for some local parents, who have vented their frustration by using small claims court in a novel way. After a Kitchener mother sued the Waterloo Catholic District School Board over bullying at Canadian Martyrs school in January, three other sets of parents followed suit.

They've launched lawsuits over bullying at St. Andrews Public School, St. Teresa Catholic School and Fellowship Christian School. In each case, the parents are seeking \$25,000 in damages, the maximum allowed under new rules for that court.

The lawsuits show that anti-bullying measures implemented over the years "haven't made progress," Witmer said. Studies have found as many as one third of all students will find themselves the victim of a bully at some point in their school careers. Many parents she's talked to are simply fed up, she said.

"There was a high level of frustration that their children had been bullied and they did not feel the situation had been handled appropriately," she said.

Part of her response was to introduce a private member's bill that sets aside a week in November to draw more attention to the problem of bullying in schools.

Some school officials, though, say their anti-bullying policies have already been working for the vast majority of parents.

Mike Ramsay, chair of the board of trustees for the 60,000-student Waterloo Region District School Board, said the bulk of concerns parents bring forward are solved at the school level. Very rarely do

they reach superintendents or elected trustees, he said. Until now, lawsuits had been virtually unheard of.

"I feel there is a process in place, but perhaps we need to do a better job of making parents aware of this," he said. "If they have a problem, they can always call their trustees. Not everyone knows that."

In an age when parents are acutely aware of their rights, he stressed that the board would never dispute any parents' right to turn to the courts if they're unsatisfied. But Ramsay is confident any judge would find the school board has always treated them fairly.

The Ministry of Education, not surprisingly, would prefer parents try to talk it out rather than sue.

"We feel that concerns of students and parents are best resolved at the school or the board levels. There are many avenues for parents to bring their concerns forward," said Gary Wheeler, spokesperson for the ministry. "We would expect that legal action would be the absolute last resort."

The lawsuit against the Catholic school board in January, which has been settled out of court, is believed to be the first time small claims court had been used to sue a school board in this province. It came only weeks after the Attorney General raised the maximum claim limit to \$25,000 from \$10,000 in an effort to reduce the case loads on the higher Superior Court.

That change has drawn a lot of new claimants into small claims court, said Jordan Farkas, a Toronto-based lawyer who specializes in small claims cases. He's seeing more people with medical negligence, car crashes and wrongful dismissal cases turning to small claims court in recent months.

"There's no doubt that this definitely has made the court system available to a broader class of litigation that you may not have seen prior to the increase," Farkas said. "It's a more attractive option now."

Add to that the lower expense of a lawsuit in small claims court, which costs only \$75 to file, and it's little wonder the so-called People's Court is suddenly a more attractive option for people who may not have the \$10,000 to \$15,000 in lawyer's fees it can take to pursue a lawsuit in a higher court, he said.