

# Examining Canadian Teachers' Codes of Conduct

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### Abstract



 $^{'}$  Selected Canadian codes of conduct and ethics for the teaching profession were examined using  $^{"}$ a grounded theory approach. Teachers' conduct and ethical duties are governed by provincial legislation and legally-mandated provincial professional bodies. The data was coded, categorized and amalgamated to find common elements to determine the similarities and differences among the provincial codes to unearth the overall concepts. Codes focus on defining and protecting the teaching profession rather than developing moral and ethical teachers. While concern for student well-being is a common theme, it is often governed by prohibitive, regulatory codes on teacher misconduct. Union codes of conduct are heavily phrased in an ethic of justice rather than an ethic of caring. All examined union codes except Nova Scotia identified the student as the teacher's primary responsibility. In contrast, codes issued by the British Columbia Teachers' Council and the Ontario College of Teachers do not specify the teacher-student relationship as unique.



### Introduction



Canada's Constitutional Act of 1867 gave the provinces and territories the authority over education and thus, there is no federal system of education. In each province and territory, there is an Education or School Act concerning students K-12, legislated by the Department or Ministry of Education.

In addition, many jurisdictions have legislation that requires teachers to have mandatory membership in a teacher federation, union or association. Further, some such as Ontario require membership in other regulatory bodies such as the Ontario College of Teachers.

Province/Territory	Federation, Association, or Union	Provincial Law
British Columbia	British Columbia Teachers' Federation	Public Education Labour Relations Act, RSBC 1996, c 382
Alberta	Alberta's Teaching Association	Teaching Profession Act, R.S.A. 2000, c. T.2
Saskatchewan	Saskatchewan Teachers' Federation	The Teachers' Federation Act, 2006, SS 2006, c T-7.1
Manitoba	Manitoba Teachers' Society	The Teachers' Society Act, CCSM c T30
Ontario	Ontario Teachers' Federation/ Fédération des enseignantes et enseignants de l'Ontario	Teaching Profession Act, R.S.O. 1990, c. T.2
Quebec	Quebec Provincial Association of Teachers, Fédération des syndicats de l'enseignement	An Act Respecting the Process of Negotiation of the Collective Agreements in the Public and Parapublic Sectors, CQLR c R-8.2
Newfoundland and Labra- dor	Newfoundland and Labrador Teachers' Association	Teachers' Association Act, RSNL 1990, c T-2
Prince Edward Island	Prince Edward Island Teachers' Federation	Instructional Personnel Regulation
New Brunswick	New Brunswick Teachers' Federation/Fédération des enseignants du Nouveau-Brunswick	Public Service Labour Relations Act, RSNB 1973, c P-25
Nova Scotia	Nova Scotia Teachers Union	Teaching Profession Act, RSNS 1989, c 462
Yukon	Yukon Teachers Association	Teaching Profession Act, RSY 2002, c 215
Northwest Territories	Northwest Territories Teachers' Association	Northwest Territories Teachers' Association Act, RSNWT 1988, c N-3
Nunavut	Nunavut Teachers' Association	Nunavut Teachers Association Act, RSNWT (Nu) 1988, c N-3

Table: List of Unions and Accompanying Legislation by Province

In teaching, the teacher has several important and often competing relationships where he/ she must act ethically: with students, parents, colleagues, educational authorities, community, etc.

A teacher code of conduct or ethics outlines the acceptable ethical ideals, behaviours, actions and duties of a teacher. There are three identified aims for teacher codes:

- 1. Protect professional relationships, especially with students
- 2. Guide its members in ethical matters
- 3. Enhance and protect the profession

Codes are structured into either positive/permissive, or negative/prohibitive language, or a combination of both.



### Burpose



The teacher codes of Ontario, Nova Scotia, British Columbia, and Manitoba were inspected to analyze and determine commonalities and differences between these provinces. Particular attention was paid to finding commonalties between the provinces.



## Methodology



The following provinces were examined: Ontario, Nova Scotia, British Columbia and Manitoba. For each province, teacher responsibilities and/or duties were amalgamated from provincial acts and statutes and by-laws, codes of ethics and conduct, and policies of governing bodies such as the Ontario College of Teachers and/or teacher unions such as the Nova Scotia Teachers' Union.





### Results



#### Union Codes

- Members are to inform peers of any criticisms before informing officials
- Protection the rights of the union (e.g. exclusive bargaining rights)
- Appropriate/inappropriate conduct (do not tutor own students', respect confidentiality, etc.)
- Privileged relationship between teacher and student
- Members to care for students
- Combination of positive/negative phrasing
- Focus is acting as a regulatory code
- Phrased in an ethic of justice ("dealing judiciously", "just and impartial", "show consistent justice" when dealing with students.)
- Unethical conduct is acting against union or other members; not about the student-teacher relationship
- All heavily phrased responsibilities and behavior in terms of professionalism (professional responsibilities, professional learning)
- Ontario's and Nova Scotia's codes were very similar and sometimes reused the same statements
- Manitoba's and British Columbia's codes were very similar and sometimes reused the same statements

#### Regulatory Bodies

In Ontario and BC, the Ontario College of Teachers and BC Teachers' Council respectively issued a set of standards.

- Positive, aspirational codes
- Doesn't explicitly states the student-teacher relationship as unique
- Students as part of the larger context of teacher relationships
- Student learning and well-being is part of the professional's specialized pedagogical knowledge
- The OCT code balanced between the ethic of care and justice (compassion, fairness)
- The BCTC code focused on the ethic of care (fostering emotional development)
- Responsibilities and behavior in terms of professionalism (professional responsibilities, professional learning)
- Ethics rarely mentioned (In OCT Ethical Standards, ethical is only used once outside the context of "ethical standard" whereas professional is used six times as a descriptor)

#### Legislation

- Concerned with day-to-day operations and logistics (taking attendance, requiring teachers to be able to maintain discipline, administer tests, keep records, supervise students, cooperate with administration, etc.)
- Ontario, Nova Scotia and Manitoba: duty to encourage developing moral values ("an attitude of concern for the dignity and welfare of others and a respect for religion, morality, truth, justice, love of country, humanity, equality, industry, temperance and all other virtues")

### Conclusion



Union codes were very similar with clauses designed to guard the union's rights, and protect members and the profession. Manitoba and BC had several similar statements and phrasing in their union codes; Ontario and Nova Scotia were also similar in this regard. Overall, the union codes were regulatory codes with both positive and negative phrasing. They also heavily focused on an ethic of justice whereas the BCTC and OCT codes were aspirational and positively phrased in an ethic of care and justice. This may be related to the age of the codes as the BCTC and OCT codes are newly developed compared with the union codes. The codes and duties rarely use ethical and instead use professional. Despite the fact provinces have individual jurisdiction over education, the duties and conduct outlined in both the legislation and teacher codes were often the same and sometimes even identical.



### References



- British Columbia Teachers' Council. (2015). Standards for the Education, Competence and Professional Conduct of Educators in BC. Retrieved from http://www.bcteacherregulation.ca/
- Education Act, R.S.O. 1990, c E.2. Retrieved from http://www.ontario.ca/laws/statute/90e02#BK16 Education Act, SNS 1995-96, c 1. Retrieved from http://nslegislature.ca/legc/statutes/education.pdf
- Governor in Council Education Act Regulations, NS Reg 74/97. Retrieved from http://www.novascotia.ca/just/regulations/regs/edgic.htm#TOC1 19 Manitoba Teachers' Society. (2014). The Manitoba Teachers' Society Handbook. Retrieved from https://www.mbteach.org/library/Archives/Handbooks/HB-bylawpolicy.pdf
- Ministerial Education Act Regulations, NS Reg 80/97. Retrieved from https://www.novascotia.ca/just/regulations/regs/edmin.htm#TOC2 4
- Ontario College of Teachers Act, 1996, S.O. 1996, c. 12. Retrieved from http://www.ontario.ca/laws/statute/96o12 Operation of Schools - General, O Reg. 298. Retrieved from http://www.ontario.ca/laws/regulation/900298#BK16
- Professional Misconduct, O Reg. 437/97. Retrieved from http://www.ontario.ca/laws/regulation/970437
- 11. School Act, RSBC 1996, c 412. Retrieved from http://canlii.ca/t/84c4
- 12. School Regulation, BC Reg 265/89. Retrieved from http://canlii.ca/t/857f 13. Teacher Learning Plans, O Reg. 98/02. Retrieved from http://www.ontario.ca/laws/regulation/020098
- 14. Teacher Performance Appraisal, O Reg. 99/02. Retrieved from http://www.ontario.ca/laws/regulation/020099#BK30
- 15. Teachers Act, SBC 2011, c 19. Retrieved from http://canlii.ca/t/8q2l 16. Teachers' Collective Bargaining Act, RSNS 1989, c 460. Retrieved from http://canlii.ca/t/lcqx
- 17. Teaching Profession Act, R.S.O. 1990, c. T.2. Retrieved from https://www.ontario.ca/laws/statute/90t02 18. Teaching Profession Act, RSNS 1989, c 462. Retrieved from http://canlii.ca/t/87g7
- 19. The Public Schools Act, CCSM c P250. Retrieved from https://web2.gov.mb.ca/laws/statutes/ccsm/p250\_2e.php#96 20. The Public Schools Act, CCSM c P250. Retrieved from https://web2.gov.mb.ca/laws/statutes/ccsm/p250\_2e.php#96
- 21. The Teachers' Society Act, CCSM c T30. Retrieved from https://web2.gov.mb.ca/laws/statutes/ccsm/t030e.php#18