

# Legislative Assembly of New Brunswick

## Oral Questions



**June 8, 2023**

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### SCHOOLS

**Ms. Holt** (Bathurst East—Nepisiguit—Saint-Isidore, Leader of the Official Opposition, L): Thank you, Mr. Speaker. I think that New Brunswickers—and, certainly, our team—are reeling this morning as we try to make sense of the news that was shared about the results of the review of Policy 713.

[Translation]

Things were said this morning that indicate clarifications still have to be made. There are things in the news release and answers given during the news conference that are still not clear. Also, after media representatives asked their questions, the Minister of Education and Early Childhood Development told us that there are still some things that are going to be changed.

[Original]

So, I would like to ask the member opposite whether he could help us understand the point about sports, which he said needed to have more language added than did the policy that was presented, and the point about the specific language around if and when a student is ready to communicate their pronouns to their parents, please.

**Hon. Mr. Hogan** (Carleton, Minister of Education and Early Childhood Development, PC): Thank you very much, Mr. Speaker. We have already changed “if and when” and added the word “if”. We thought that it was semantic, and that “when” certainly included “if”. It was never the intent to not have that there. That has already been changed.

I have invited the members of the press to talk to the NBIAA. It clearly has a good handle on how it wants to go about governing sports in New Brunswick, and I support how it chooses to do that. Recently, at an annual general meeting, the NBIAA ensured that trans students would be able to compete in sports, and we are not going to interfere with the good job that it does. The NBIAA will ensure the safety of all our students, and I think that is primordial. Thank you.

**Ms. Holt** (Bathurst East—Nepisiguit—Saint-Isidore, Leader of the Official Opposition, L): Thank you, Mr. Speaker. Thank you to the member opposite for that response. We hope to see the language made clear that students can participate in sports as aligned with their gender identity.

I want to go back to the question around pronouns because that is where there remains confusion for students under 16. Should they be in that period of working with the professionals that the minister described, how will their teachers refer to them during the time they are working on a plan to communicate with their parents? As the minister said,

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“if and when” could refer to many months or many years, so during that time, what are teachers in schools to do?

**Hon. Mr. Hogan** (Carleton, Minister of Education and Early Childhood Development, PC): Through you, Mr. Speaker, to the member opposite, thank you very much for that question. I think that this is a very important question. I think that it speaks to the position that teachers hold in society. They hold a position of public trust, and in holding a position of public trust, there is an extremely high standard.

I do understand that the using of a name that the child was born with may not be preferred by the child. We are going to work with these children, with our professionals in the schools, to try to work through that while respecting the parents’ rights.

We are not going to go on a witch hunt and, you know, go classroom by classroom to make sure that the teachers are doing whatever, nor do I want to see the teachers put their professionalism at risk. It is important to understand that this position of public trust is an extremely high position and that teachers have gotten into a lot of trouble in the past for violating the position of public trust. Thank you.

**Ms. Holt** (Bathurst East—Nepisiguit—Saint-Isidore, Leader of the Official Opposition, L): Thank you, Mr. Speaker, and thank you to the member opposite. I appreciate completely the position that our teachers are in. This is the challenge, and the ambiguity that continues to be left in the information that we got today about what teachers are to do is leaving parents and students confused and afraid. This really merits careful consideration and clear language about what is to happen to ensure that the 2SLGBTQIA+ students feel safe, comfortable, and ready to learn in their schools. So I would encourage the minister to achieve clarity in the policy language here before it is finalized.

I would also ask about this process, because here we are, facing a press release and hearing that there are now more amendments to come without having clear answers for the parents and the students of New Brunswick who want to know what is going to happen in the schools tomorrow. Can the minister clarify how a teacher, tomorrow, is expected to refer to a gender-nonconforming student who is under 16 years old?

(Interjections.)

**Mr. Speaker** (Hon. Mr. Oliver): Order.

**Hon. Mr. Hogan** (Carleton, Minister of Education and Early Childhood Development, PC): I thank the member opposite, the Leader of the Official Opposition, again for raising this important point about the rights of families, about how we need to work with families, and about how we need to involve them in their children’s education and to work with them together.



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The policy changes that were announced this morning come into effect on July 1, which is the beginning of the new school year. It is incredibly important not to put teachers in a challenging position where they are going to do something that is contrary to the wishes of the parents and thereby violate their position of public trust. As a professional myself, I take that very seriously—the part about being in a position of public trust—because that is an extremely high standard to maintain. Thank you.

**Ms. Holt** (Bathurst East—Nepisiguit—Saint-Isidore, Leader of the Official Opposition, L): It is absolutely an extremely high standard to maintain, and I think that this is why policies need to be written with care and reviews need to be conducted with care. What we have here is a complete lack of transparency and a complete lack of planning. As the Child and Youth Advocate said, this review process is incoherent. We did not know what it was about when it started. We learned that it was about two things, and then it was about three things. We did not know the timeline. We did not know the end result. We had no communication on which groups would be consulted. It has been a mishmash. So here, we have a botched policy review, and there is now the communication of a revised policy that has been botched again, with a lack of clarity and with amendments that still need to be made. New Brunswickers are lacking trust in a government that cannot effect a proper policy review.

Regarding Policy 322, the minister told us that because it is not ready and needs expert consultation, it is going to be worked on until the fall. Here, we have something that has been rushed and that hurts students. Can the minister clarify what he has learned from this process?

**Hon. Mr. Hogan** (Carleton, Minister of Education and Early Childhood Development, PC): Sorry, Mr. Speaker, I just jumped right up. Maybe I should just stay standing.

(Interjections.)

**Hon. Mr. Hogan** (Carleton, Minister of Education and Early Childhood Development, PC): I am standing. Thank you.

What did I learn from this process? From the 900-plus emails that I have received, the calls that I have received, the texts that I have received, and the communications that I have received, parents want to be informed on and involved with what is going on with their children at school. We have always protected the rights of the LGBTQ children in our schools. We are going to continue to do that, Mr. Speaker. However, I refuse to put a teacher in a position that may violate their position of public trust. I do not think it is fair of me to ask that of any teacher, and I will not do that.

**Ms. Holt** (Bathurst East—Nepisiguit—Saint-Isidore, Leader of the Official Opposition, L): I appreciate the point that the minister continues to make about the public's trust in teachers. The teachers have been put in an extremely challenging situation here. It sounds

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as though they are being asked to choose between the children's rights and the trust of the relationship that they have with the students that they are teaching and the relationship that they have with parents. These are both critical to make sure that students and their teachers have the right relationship so that the students can learn effectively.

I think what this makes really clear is the need for us to support the teachers in the education system and the need for us to put resources into the training of the teachers on this policy and on other things. I hope that the minister can commit today to adding resources to the education system to support the teachers in the delivery of Policy 713 under its "to be amended" version, based on the clarification that we have heard today. Will you resource the teachers to teach and work more effectively under Policy 713, minister?

**Hon. Mr. Hogan** (Carleton, Minister of Education and Early Childhood Development, PC): Thank you again to the Leader of the Opposition. That is a very good question and one that is extremely important. We are talking about parents' rights, we are talking about supporting our teachers, and we are talking about a policy that people did not really know existed until May. It is probably one of the best-read policies that we have in the government today. It is certainly one of the best-read policies in Education today.

I agree that we need to do a lot of work with our teachers to support them, to know how to move forward with the policy, to know how to move forward with the curriculum, and to be able to decipher what is and what is not curriculum and what actually works toward specific curriculum outcomes. That is the work that we are going to do with our teachers. Thank you.

[*Translation*]

**Ms. Holt** (Bathurst East—Nepisiguit—Saint-Isidore, Leader of the Official Opposition, L): Thank you, Mr. Speaker. I just want to make a summary, because we now have a process that was not transparent. A policy was reviewed. As the Child and Youth Advocate said, this review is incoherent. There is a lack of information, even today, following an unclear process that did not encourage experts to participate. Today, following the government's news release, there are still questions, because changes have to be made by adding words here and there.

I would like the minister to explain to us today how he will change things. What three changes—I think that is what he said—will he be bringing to the policy, following today's news release, that will reassure teachers, parents, and students who are part of the 2SLGBTQ+ community that this policy will protect these students in schools?

**Hon. Mr. Hogan** (Carleton, Minister of Education and Early Childhood Development, PC): Again, through you, Mr. Speaker, thank you to the Leader of the Official Opposition for her question, which is very important. We will not be making more changes. It is simply a matter of vocabulary.

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As is already the case, we will let sports associations continue to regulate their sports. We are talking about families. We are talking about protecting the rights of LGBTQ+ students and those of their families. I do not know why you have not asked me questions about this before today. As a parent and a grandparent, I believe the rights of parents, who are partners in our education system, are essential. I will stand up for that for the rest of my life. Thank you.

**Mrs. Landry** (Madawaska Les Lacs-Edmundston, L): Thank you, Mr. Speaker. Can the minister specifically list us the groups he consulted, the regions of the province they come from, and what exactly teachers told him?

**Hon. Mr. Hogan** (Carleton, Minister of Education and Early Childhood Development, PC): Thank you very much, Mr. Speaker. I thank the member for Madawaska Les Lacs-Edmundston for her question. We consulted an overwhelming majority of groups in the province, not only here in Fredericton, in Woodstock, or in Moncton. We consulted groups across the province, and students, parents, and teachers were present. There were a number of groups. We listened to them, we heard them, and we made the changes that were asked of us. Thank you.

**Mrs. Landry** (Madawaska Les Lacs-Edmundston, L): Mr. Speaker, the new version of Policy 713, which is not the final version, does not exactly explain what the role of a teacher is when a student is working with a social worker or another professional.

Can the minister explain to us what is going to happen to the children during this time and what training related to the new direction of the policy teachers will take? Also, what action will be taken to ensure that this training is held in a secure and positive environment?

**Hon. Mr. Hogan** (Carleton, Minister of Education and Early Childhood Development, PC): Mr. Speaker, I thank the member on the other side of the House for her question. We will provide teachers with a lot more professional development than there has been in regard to Policy 713. On the topic of name preference, the names given by the parents must be respected if we do not have parental consent for a teacher to change the name of a child in the classroom, unless the student is at least 16 years old.

So, there just has to be collaboration with parents; it is not complicated. The vision of Policy 713 that you know is final and is not going to change until the next review. Even if people think the opinions of parents are not important, that is not going to change. Thank you.

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[Original]

**Mrs. Landry** (Madawaska Les Lacs-Edmundston, L): Mr. Speaker, the advice from the Child and Youth Advocate, the Women's Council, and pride associations is that requiring teachers to involve parents when students are not ready will cause unnecessary mental health struggles and potentially risk students' personal safety. It also potentially means forcing students to keep their chosen gender identity hidden because they are not ready to talk to their parents. Can the Minister of Education clarify what additional supports will be put in place to ensure that students can be their chosen identity without putting their personal safety at risk? Thank you.

**Hon. Mr. Hogan** (Carleton, Minister of Education and Early Childhood Development, PC): Again, Mr. Speaker, there was a whole bunch of stuff in one question. We are going to look at... There is no intention and there is certainly no wish or desire to out a student to parents. That is why we are going to encourage students to work with the professionals we have in our school system and with the other professionals who are attached to our schools. It is extremely important. You know, these children... It is a challenging time for them too. We respect that, and we want to work with them. At the same time, we do not want not being upfront with parents, because not being upfront with parents... It is not to say that when a child comes up to a teacher and says that their gender identity has changed, that teacher is going to phone the home and tell the parents. That is not the idea. The idea is that they would be encouraged to work with the appropriate professionals. But we have to respect the parents...

**Mr. Speaker** (Hon. Mr. Oliver): Time, minister.

## AIR QUALITY

**Mr. McKee** (Moncton Centre, L): Thank you, Mr. Speaker. During the pandemic, concerns for public health were raised about the need for clean air in our public buildings. That is why we brought forward a motion that we will debate today to make improvements to the *Clean Air Act*. We will be discussing the importance of maintaining clean air within health care facilities, specifically hospitals. Our motion aims to enhance the existing *Clean Air Act* by implementing stricter regulations and comprehensive measures to ensure that buildings, like hospitals, across the province consistently have clean air. Clean air is an essential requirement within health care settings as it directly impacts the well-being and recovery of patients, the safety of medical professionals, and the overall quality of health care delivery.

In light of the increasing number of threats posed by various airborne contaminants and the fact that hospitals must be equipped with superior air-filtration systems and rigorous air quality standards, what specific measures are currently in place to ensure that hospitals maintain clean air? How frequently are these regulations evaluated and updated to keep pace with emerging airborne threats?

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**Hon. Mr. Fitch** (Riverview, Minister of Health, PC): I appreciate the opportunity, Mr. Speaker, to answer that question because it is a very important one. We are going to be taking two hours this afternoon to talk about that question. I have additional information that I know some of my colleagues will want to share with the member opposite. We will be taking two hours this afternoon to talk about that.

In the meantime, I want to talk about some of the things that have happened in the time that we have been here in the House, because a lot of the issues that are raised go to our Health Plan, including increased access to primary care and increased access to surgery. One of the exciting things that was mentioned this morning by the member from Oromocto is our having expanded the mobile X-ray pilot project to keep people out of the hospital so that they do not have to go to the emergency room. Mr. Speaker, we have seen the results of one mobile X-ray unit that actually X-rayed 360 residents. That means that a number of those people did not have to get bundled up in an ambulance, go to the emergency room, and wait there to get an X-ray.

That is progress. That is doing it right...

**Mr. Speaker** (Hon. Mr. Oliver): Time, minister.

**Mr. McKee** (Moncton Centre, L): Mr. Speaker, I hope that the minister will answer the question. We want to talk about clean air. Yes, we will debate it for a couple of hours this afternoon, but we want to know some specifics right now, if he is prepared to answer the question.

Clean air must be a priority in our government buildings such as hospitals. It is essential for the delivery of quality health care to make sure that the people who are recovering in the hospitals have clean air and are not being further contaminated. During the pandemic, we saw patients who would go to the hospital for one reason and would then catch COVID-19 while in the hospital. There were issues with air ventilation.

We saw other provinces invest in this. They had a COVID-19 resilience fund. They took money from the federal government and invested it in people. They did not put it on the debt like this government did while New Brunswickers were suffering and trying to get clean air in facilities such as hospitals. What steps is this government taking to support the hospitals in implementing advanced air-filtration technologies and ventilation systems?

**Hon. Mr. Fitch** (Riverview, Minister of Health, PC): Thank you very much. I appreciate the opportunity to stand and talk about that as well. Mr. Speaker, if the member opposite would take the time to look through our capital budget, he would see that there is a significant investment in air filtration and air exchange and in making sure that there is clean air in the hospitals at this time. So I have answered your question.

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In the meantime, in the time I have left, I would like to talk about some of the things we have done in the last little while that go to our Health Plan, to increase access to surgery and to increase access to primary care. Mr. Speaker, we have expanded the opportunity for pharmacists to treat the ailments of the people who present themselves at pharmacies. This will alleviate the need for doctors to see additional patients in their offices. We have freed up patient space, time, and appointments that would have gone to a family doctor or physician. That, again, is increasing access to primary care because those appointments will be available to...

**Mr. Speaker** (Hon. Mr. Oliver): Time, minister.

[*Translation*]

**Mr. McKee** (Moncton Centre, L): Thank you, Mr. Speaker. I would like to know if the minister is prepared to tell us that there is money in the government's budget that will be invested in improving air quality and ventilation in our public buildings, such as hospitals. Today, we have tabled a motion improve the *Clean Air Act*.

Also, Mr. Speaker, I wonder if the minister is prepared to support this motion today. It is a very important motion, because, during the pandemic, we saw people go to the hospital and contract other illnesses during their stay. As we know, there was a lack of good-quality air in schools, and it was caused by poor ventilation. Parents even wanted to donate filters so they could be installed in schools, but this government refused.

So, are the minister and his government prepared to support our motion to improve the *Clean Air Act* today?

[*Original*]

**Hon. Mr. Fitch** (Riverview, Minister of Health, PC): Thank you very much. I think that the member opposite might have been that child who went and peeked at his Christmas gifts. He wants us to tell him what we are going to do with the motion this afternoon. Be patient and wait for the debate. We will see how it goes from there.

As a matter of fact... I have answered his question, so in the time that I have left, I want to tell him about the tour that I had up at the Dr. Everett Chalmers Hospital in the ICU. The unit has had significant changes made to its ventilation system to make sure that ICU patients are separated from the general population. I know that the member opposite wanted to take credit for it, but this project actually goes back to the Alward government. We cut the ribbon, along with the Minister of Transportation and Infrastructure. This is a significant and specific item that is improving the quality of surgery at the Chalmers hospital, and it is a significant step, increasing the number of beds for surgery and increasing...

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**Mr. Speaker** (Hon. Mr. Oliver): Thank you, minister.

### SCHOOLS

**Ms. Mitton** (Memramcook-Tantramar, G): Mr. Speaker, the Minister of Education and Early Childhood Development says that he does not want to put teachers in challenging positions, yet this new policy seems as though it will put teachers in the challenging position of having to deadname and misgender students who do not have their parents' consent. The harm that this will cause is absolutely unacceptable. Let me repeat this. It will cause serious harm to 2SLGBTQ+ students.

Students need to feel safe around their teachers, and their being deadnamed and misgendered is not the way to create a safe school environment for some of our most vulnerable students. The best interest of the child should always be paramount when making any of these decisions. It clearly is not here. Why is the minister putting 2SLGBTQ+ lives at risk by insisting that they be deadnamed and misgendered?

**Hon. Mr. Hogan** (Carleton, Minister of Education and Early Childhood Development, PC): Thank you, Mr. Speaker, and thank you to the member opposite for the question. I do not believe that I am putting anybody's life at risk. I do not think, understanding what a position of public trust means and how challenging it is for teachers, that we want to put teachers in that position.

It is extremely important to continue to create safe spaces for our LGBTQ+ students, teachers, and parents, but at the same time, we need to respect parental rights. We need to respect parents' choices. We need to involve them, and we want to involve them all the time in their children's education. This is just another step. We are not going to out students, but we are going to support them at the same time. Thank you.

**Ms. Mitton** (Memramcook-Tantramar, G): Mr. Speaker, what is this minister even talking about? Has he listened to any of the experts? Has he listened to Pride in Education, the Child and Youth Advocate, the New Brunswick Women's Council, all the pride groups, and all the trans and nonbinary students and their parents who are saying that their lives are at risk? This is absolutely unacceptable.

I really hope that everyone in this House, including on the government side, will stand up against this nonsense. It is beyond nonsense. It is harmful. There are lives at risk. I cannot even believe that the minister would stand up and say that he does not think that lives are at risk. I have heard of youth who are at risk, who have self-harmed, and who are afraid. This minister does not care at all about 2SLGBTQ+ rights. Why does the minister insist on putting their lives at risk by deadnaming and misgendering them?

(Interjections.)



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**Mr. Speaker** (Hon. Mr. Oliver): Order. Order, members.

**Hon. Mr. Hogan** (Carleton, Minister of Education and Early Childhood Development, PC): Mr. Speaker, in my 35 years in education, I have seen a lot of things. I have seen a lot of kids who were at risk for a whole variety of reasons. I have seen kids who were cutters. It was absolutely shocking to me to see how much self-harm they had done to themselves. There is no intent here to create more self-harm in children, but there is a recognition that parents have a right to be involved in their children's education. We want to work together, as partners.

Having been involved in the system and having seen these things firsthand... Who comes right to mind is this one child whose arms were cut from top to bottom, because her pain was so bad and the cutting took the pain away. And that...

(Interjections.)

**Mr. Speaker** (Hon. Mr. Oliver): Time, minister.

Order.

**Ms. Holt** (Bathurst East—Nepisiguit—Saint-Isidore, Leader of the Official Opposition, L): Mr. Speaker, I am sitting here trying to absorb the minister's language—the minister's new language today—about public trust. I will concede that I do not believe that it is this government's intent to harm students. But the responsibility of government is to put in place well-crafted policies that protect New Brunswickers, and that is not what has happened here.

Here we have a government that appears to have chosen the rights of the parent over the rights of the child. I believe that it is the government's responsibility... There is a legal principle that the best interest of the child trumps all. You are putting teachers in an extremely challenging position, under a dangerous notion of public trust, to choose a parent's right over a child's right. We need the government to stand up and protect 2SLGBTQIA+ students. Will the minister fix the policy so that it does?

(Interjections.)

**Mr. Speaker** (Hon. Mr. Oliver): Order.

**Hon. Mr. Hogan** (Carleton, Minister of Education and Early Childhood Development, PC): Thank you very much, Mr. Speaker. Thank you, again, to the Leader of the Official Opposition. As I stated before, the concept of a position of public trust is not a foreign one. It is not something that I just pulled out of the air. It is well documented in case law. We have all kinds of teachers who have violated their positions of public trust and have lost their jobs.

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It is not about not protecting... I concur with the Leader of the Opposition that this is a challenging situation. Trying to balance supporting our students and at the same time respecting parents' rights is certainly challenging. I agree with that totally. You will get no disagreement with that from me. But we also have to recognize that we need to support our students, we need to support our teachers, and we also need to support our families and parents. Thank you, Mr. Speaker.

**Ms. Holt** (Bathurst East—Nepisiguit—Saint-Isidore, Leader of the Official Opposition, L): Mr. Speaker, the minister talks about balance, and he talks about the challenge.

*[Translation]*

Yes, it is clear; it is a challenge. Governing is difficult, because you have to think of everyone, and you have to make difficult decisions.

*[Original]*

I think that in this case, the government itself has proven that it is not up to the challenge of managing this complex situation. Now we have parents, students, and New Brunswickers who today are again left unclear about what is happening. We have very few people on the floor—wow, there are a lot of people in the gallery—which makes me wonder whether the support is really there in that caucus. The government is not up to the challenge of protecting the rights of students in New Brunswick. We would ask the minister to continue working on this policy until it reflects the interests of all students in New Brunswick and puts children's rights first.

(Interjections.)

**Mr. Speaker** (Hon. Mr. Oliver): Thank you. Order.

(Interjections.)

**Mr. Speaker** (Hon. Mr. Oliver): Thank you, members. Members.

Go ahead, minister.

**Hon. Mr. Hogan** (Carleton, Minister of Education and Early Childhood Development, PC): Thank you, Mr. Speaker. I do not think this is a topic that needs grandstanding in not supporting parents' rights. I think that we need to be very clear on that. I do think that we need to be very clear that we support the rights of all our marginalized students, particularly our LGBTQ+ students, but we need to find the balance. The Leader of the Opposition has the luxury of criticizing but not providing solutions—not saying how she will respect the rights of families or how she will work with parents to maneuver through

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this murky water. So, I can appreciate what she is saying, Mr. Speaker, and I am going to stand by what I have already said. Thank you.

**Mr. Speaker** (Hon. Mr. Oliver): The time for question period is over.

