Your Duty to Report

The *Child and Family Services Act* has a significant impact on the jobs of teachers and educational workers.

The legislation applies to all OSSTF/FEESO members. It "applies to every person who performs professional or official duties with respect to children". Section 72 of the Act states that "members of the public, including professionals who work with children, must promptly report any suspicions that a child is or may be in need of protection" immediately.

You must report if:

- You have reasonable grounds to suspect that a child (15 years or under) has suffered physical harm caused by the caregiver(s) or as a result of improper supervision or neglect;
- A child has a 'risk' of suffering physical harm that might be caused by the caregiver(s) or as a result of improper supervision or neglect;
- A child has been sexually molested or exploited or might be at risk of same;
- A child requires medical treatment and is unable to consent**;**
- A child has suffered emotional harm, demonstrated by serious anxiety, depression, withdrawal, self-destructive or aggressive behaviour, or delayed development;
- Emotional harm results from neglect;
- There is a risk of emotional harm;
- A child has been abandoned;
- A child has killed or seriously injured another person or has damaged another person's property and the caregiver does not seek services or treatment;
- The above acts are the result of inadequate supervision and the child is under 12 years old.

Remember that, even though the Act does state reasonable grounds to suspect, it will make it a difficult call. If in doubt, contact Provincial Office for advice.

There is not only an obligation to report but there is an ongoing duty to report. The fact that you reported once before with the same or similar concern is not enough to release you of your duty. **Your report to an administrator does not release you of your obligation to call Children's Aid Society.**

If you fail to report and are convicted of this offence, you may be subject to a fine of $1,000.

Failure to report may also become a matter with a professional college.

Remember the OSSTF/FEESO bylaw 5 which states that members, "on making an adverse report on another member, furnish him/her with a written statement of the report at the earliest possible time and not later than three days after making the report." However, this bylaw also states that this requirement does not apply when an OSSTF/FEESO member files a report with a CAS that involves a colleague. Contact Provincial Office for further advice and assistance, if needed.

SC:ams\cope 343
March 3, 2010

Ontario Secondary School Teachers' Federation
Fédération des enseignantes-enseignants des écoles secondaires de l'Ontario
60 Mobile Drive, Toronto, Ontario M4A 2P3
TEL 416.751.8300
TEL 1.800.267.7867
FAX 416.751.3394
www.osstf.on.ca