

This is Exhibit " E " referred  
to in the affidavit of Supplementary .....

JANET KEHLER .....

~~sworn~~ <sup>affirmed</sup> to before me this 4 .....

day of April ..... 2012 .....

  
A Notary Public in and for  
the Province of Manitoba

# MGEU won't appeal Sinclair inquiry decision

*Winnipeg Sun*

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Phoenix Sinclair (Sun Media files)

The MGEU won't appeal after its bid to downgrade the Phoenix Sinclair inquiry to an inquest was shot down by a judge last week.

In a letter released Friday, the Manitoba Government and General Employees' Union wrote that it believes the scope of the inquiry is too wide, but it sees no point in appealing the decision.

"The government has made it clear to us that even if we appealed and won, they will do everything in their power, including changing legislation, to pursue the Inquiry as is," the union wrote. "A media spectacle will not help us better understand how this tragedy happened or help us more effectively prevent such tragedies in the future."

The union indicated that it will continue to seek to keep individual social workers' names out of the public inquiry.

Phoenix Sinclair's mother and her boyfriend were convicted of first-degree murder for the toddler's death in 2008. She was a ward of Child and Family Services for much of her short life.

## THE FULL LETTER

THE MGEU HAS DECIDED NOT TO APPEAL Justice Freedman's ruling regarding the legality of the Phoenix Sinclair Inquiry. While we remain convinced that Cabinet did not have a legal basis to call a public inquiry with a scope as wide as it did, the government has

made it clear to us that even if we appealed and won, they will do everything in their power, including changing legislation, to pursue the Inquiry as is.

When our lawyers filed the challenge last month, we knew the media's response would be fierce — for in this instance, media outlets are not unbiased third parties. They have hired lawyers to go in front of the Commissioner on May 10, 2012 and argue their right to publish the names and faces of everyone involved with the inquiry, as well as all evidence and testimony.

Our lawyers will also be there on May 10, arguing that such a position cannot lead us to the truth Manitobans seek. A media spectacle will not help us better understand how this tragedy happened or help us more effectively prevent such tragedies in the future. As we've said from the beginning, "going public" is not the solution.

Those of you who've been called to testify in the Inquiry are well aware of how this position can be perceived — that you have something to hide, or at least look like you do. But there is too much at stake to worry about perceptions. Opening up for public consumption every case file, every name, every confidence, every detail — and yes, every mistake — will not make our children safe. In fact, it's probably the reverse.

In your jobs as child welfare social workers you regularly make complex judgment calls. You are expected to both protect children and support families while asking yourselves on any given day: would these parents who are barely adequate do better if supports were in place? Or are they failing to the point where the children must be removed? You must assess everything from neglect, emotional deprivation, and psychological as well as physical abuse. And without a doubt, because you are human, sometimes mistakes are made.

So how to keep these mistakes to a minimum? How can the "system" improve to prevent another child from suffering the horrific fate of five-year-old Phoenix Sinclair? Well, in the fields of medicine and aviation, it's long been recognized that simply increasing accountability measures does little in preventing human error on the job. If anything, it can make things worse. Social worker Evelyn Wotherspoon, in her Op-Ed for the Calgary Herald, "Fearful Social Workers Can Not Save our Children," explained it best: "Instead of fewer mistakes, the result is demoralized, secretive employees who flee from challenging situations, avoid decisions and withdraw from responsibilities... Instead of quick, decisive action from competent professionals, you get nervous employees who blindly follow procedures... People shy away from very high risk cases because the prospect of being blamed in the event of a tragedy (fairly or unfairly) can destroy careers. Everyone feels vulnerable because most of us recognize that hindsight has a way of bringing things into sharp focus that were not nearly so clear cut beforehand."

In other words, those who work in child welfare, as in the medical and aviation fields, must feel free to reflect on why they took this or that particular course of action without fear of public humiliation. It's the only way such professions have found to dramatically reduce the likelihood of making the same mistakes in the future.

Confidentiality is a key tenant of our child welfare system. It allows for a foundation of trust between a worker and a client, who is most often revealing highly private and sensitive information. And when the system fails in its mission to protect a child, two Acts of legislation — the Child and Family Services Act and the Fatalities Act — are in place to help those systemically responsible understand how and why such a tragedy occurred. We now know that four investigations have been completed into how and why the system failed to protect Phoenix, three of them conducted by independent investigators, including the Children's Advocate and the Ombudsman. All four investigations yielded similar findings and nearly 300 recommendations have been made. Phase 2 of the inquiry is intended to deal with if and how such recommendations have been implemented, while Phase 3 to assess what other improvements are required. But Phase 1 will largely be a public airing of what's already been said.

As we move ahead in the coming weeks, we will argue vehemently on your behalf that such public duplication is counter-productive for all involved. And we'll stand firm in our position that the public nature of the Inquiry will not prevent another tragedy.

We will pursue every legal avenue to protect the tenants of confidentiality — for in the case of child welfare, the public's right to know is superseded by our children's right to the best possible protection.

Sincerely,

Janet Kehler, MGEU Staff Representative

Jan Henley, 4th Vice President

Lois Wales, MGEU President

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[Tracey Pruden-Moerland](#)

All they r interested in is protecting themselves,my parents had just under 100 children go through their home over the years of fostering and I can tell u,the social workers (most of

them) are only interested in collecting a pay check,if they were doing there jobs this would never happened.Now that it has they want to hide and be saved,they should be named and have to stand in front of all and admit they were not doing there jobs,be held responsible for that,they the workers in this case should not b allowed to continue in this line of work it is obvious they do not have the skills to work in this field.



Butitstrue

Useless A\$\$ HOLES. They don't give a \$hit about a little chill's life. Its all about money!!



thunderleg2

Welcome to Government.  
It's like this in every department.



Jim

What job do you do that is so important?? Obviously you allowed to go on your computer at work and waste company's time.

Butitstrue,

I would love for you to talk to me like in person. I want no more than people to be safe. But this is about how to handle a situation the proper way. Dragging people through the mud and leaving them to be lynched in not going to bring this poor girl back. Want to blame anything?, maybe start by looking into how the system is ran. Maybe do some research and see how over worked these workers are. You become a social worker because you care about the well being of other people, not for the money.

(Edited by author 1 day ago)



Butitstrue

If you support them trying to fight to have the people that put this child in harms way then death held responsible, then you are a scum bag too. If you don't know what your talking about then shut your ignorant mouth. Maybe someone needs to shut it for you. Have some respect for a murdered child. Your obviously a scumbag benefiting from union members payments. BTW Im successfully self employed, not like its your business you loser.



sonny204

looks who's talking. Btw, I'm home and done work so I can comment on my free time.



jumpin\_jimmy

Hey Janet Kehler, Jan Henley, Lois Wales, and all the staff at CFS, those are OUR children, not yours. Just thought I'd point that out.



my\_two\_cents\_74

CFS=home and family wreckers!!!



TIG

I am going to paraphrase this letter. Title: Here are the top 10 reasons we should not be blamed for the shit the government is about to find out.



Worriedd Parentt

This isn't only about a poor girl who was beaten and tortured to death who does have my deepest sympathies.

This inquiry will put it into the public eye how over taxed the workers are and the laziness of some of these workers saying and doing

whatever they have to be it in the child's interest or not or even ethical to make it to pay day Friday. I was personally told by the director of the Winnipeg Child and Family Services that my worker has 35 to 45 families in care as a reasoning why the worker will not dedicate the needed and repeatedly asked for time to my family.

These people need to be held accountable for their actions (or lack of) that are harming children right now just because it's the easiest route and gets them to Friday.

This death could have been prevented by a simple home visit to ensure the child was okay but I guess it was Friday already and didn't get worried about ... it is incredibly sad that this behaviour continues to this day.



bored\_stiff

Janet, Jan, Lois...save your propaganda for people who will actually believe your bs. Your not appealing because you know you will lose. You three are nothing but scummy bitches.



teddy2

It should been looked at already! Criminal charges!!!!!!



thevoiceofraisin

whoever was the case worker that took that poor kid back should be shot.



sherlock12

Will the MGEU inform it's members how much money dumb this idea of cancelling the inquiry, has cost the union? Bet not! Who runs the union? Not the members, they are just sheep following management's orders and they pay them to!



bb12winnipeg

The MGEU has a tarnish mark so deep they will never be able to remove it. I hope that the media lawyers win their bid to keep all information open and for the public to know EXACTLY who what where and when for the sake of all children in Manitoba.

The only decent thing the MGEU has done was to not appeal, then there shouldn't have been a case to begin with.

I think that the MGEU has failed big time in the eyes of the majority of the public and even among their own membership.

I hope that those MGEU officials on their board that decided to proceed will all lose their positions in the MGEU's next board elections. And better yet they should do the honourable thing and resign their positions asap. Only then will that tarnish mark start to fade.

(Edited by author 4 days ago)



Jim

Do you realize how much a public inquiry cost? And what do you think will come out of it?? They've already done 4 inquiries. Stop wasting my money and move on. The media loves this stuff because now they have something to write about.

Sonny204,

Learn to read you moron. They have done 4 investigations already and made a number of changes to the system. All people like you want is lynch people who work in an overworked system.

(Edited by author 1 day ago)



sonny204

WOW! you're a douchebag. Who cares about the cost! this is money well spent on trying to figure out what went wrong. You can't put a price on a little girls life. This is democracy. We'll know who messed up and put a public shaming on these overpaid union jobs.



bb12winnipeg



No , whats the going rate for a public inquiry? Then whats the going price for a young child's life?

The child care system in Manitoba needs to be checked and balanced. This is how things are done in Canada. Overall the hope is to determine the problems as so no more little children will fall through the cracks.

Its far from a waste of money, if in the end changes are made to save even one child.

If you have a better and cheaper way to determine the problems, lets hear them.



Mistyblu9

poor wee angel ,



OnlineCommentator

Finally! Let's get this going already.



SkulkingPermit

"You are expected to both protect children and support families while asking yourselves on any given day: would these parents who are barely adequate do better if supports were in place? Or are they failing to the point where the children must be removed? You must assess everything from neglect, emotional deprivation, and psychological as well as physical abuse. And without a doubt, because you are human, sometimes mistakes are made." <- So they go into these cases assuming that the parent(s) is/are inadequate. Whatever happened to looking at the evidence before jumping to conclusions? I fail to see how automatically assuming the parents are failures helps anyone and seems to be a way to justify taking children from a normal home to pad their pockets. It must be okay to damage children emotionally if an institution's doing it, right? Better not piss anyone off, they'll call CFS on you and say you're abusing your kids and you'll be the one in trouble since nobody ever abuses the system for petty reasons.



bobsled1

"we will argue vehemently on your behalf that such public duplication is counter-productive for all involved."

Who is "your"?



teddy2

I would have a trial for just animals let alone a human being?



It's Manitoba Time

Union dues hard at work. Unions have too much money. There is one that actually advertises during Jet games. Union members wake up. They do not need your money, they are just wasting your hard earned cash.



red\_injun

Why do you guys care? She was a little indian girl, a breed, a welfare bum, a sniffer, a leech on tax payers and so on. Isn't that what you guys think all natives are?



jumpin\_jimmy

You seem to be just as racist, ignorant and plain stupid as those you accuse of being so. Most people, believe it or not, care, because in reality, most people are NOT racist, or ignorant, or just plain stupid. Most people see a child who wasn't taken care of by a lot of people who should have been taking care of her, from her parents, to social workers. Just for the record, "little indian girls" live in India, little Canadian girls live here. If you are going to lead us from bigotry and racism, then might I suggest you do so first by setting the example. After all, "lead" means you go first.



donendusted

Well said. My hat is off to you!



Worriedd Parentt

It's not  
only natives who are affected by a government agency that has no  
accountability.

Get your  
head out of your a\$\$!

The statement you made makes you look bad and just looks  
like you are trying to play the native card for sympathy. Not all natives I know are  
like this and I'm glad.



malady

Really I thought the breeds were all like that.



swb0819

You are definitely stupid.



br0at

What an amazing response! Well it's actually not, but for someone of your  
mental capacity it can be seen in that light.



swb0819 Collapse

I forgot to include you in my comment!