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Social workers must get it right and tell the truth at Phoenix inquiry

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In legal terms, Phoenix Sinclair was killed by her mother, Samantha Kematch, and her stepfather, Karl McKay. They were convicted of first-degree murder in the child's 2005 death.

It would be nine months before anyone, including the team of child welfare workers who passed through the child's short and miserable life, noticed she was missing. Her body was eventually found near a dump.

If Phoenix's stepbrother hadn't told the family secret, it's impossible to know if anyone would have come looking for the child.

Before she died, she was caged, forced to eat her vomit, kept in a cold basement and had her bones broken from pelvis to head. She was under the care of CFS for most of her life.

The murder trial of Kematch and McKay dealt only with the sickening abuse they rained down upon the child. It is up to an inquiry to determine who else aided and abetted the couple in their depraved actions.

It won't be easy. The commission has to go to court to be granted permission to see confidential child welfare documents. What the commission wants, and what it needs, are the child's case files and child protection paperwork.

In other words: who did what when, and who looked the other way? Until that paperwork is released the inquiry is at a standstill.

The Manitoba Government and General Employees Union (MGEU) wants the media prevented from reporting the names or publishing photos of the child welfare workers involved in Phoenix's case. The MGEU maintains the loss of anonymity will make it difficult to effectively work with other clients.

The other primary claim is that the 38 workers might be less willing to tell the truth at the inquiry if they are identified.

"People are afraid of their names and photos being published. These are regular people who deal on a daily basis with things that the rest of the population doesn't want to think about," Janet Kehler, a staff representative for the MGEU said Thursday.

"What our focus is on is how do we make sure this doesn't happen to another child in care? If there's somehow something can happen to make the system better they (child welfare workers) will embrace it."

MGEU lawyer Garth Smorang said Friday it's important for the child welfare system to protect everyone

involved, not just the children. He has met with between 30 and 40 witnesses and believes they need anonymity.

The balance appears, at first glance, to favour the employees. It has already been agreed that no child welfare worker connected with the death of Phoenix will see the word "misconduct" on a letter requesting they testify.

"This process is not to lay blame," Smorang said. "These people (the involved staff) will all get letters. If the letter says 'misconduct' that's going to create a chill."

There will be no criminal charges resulting from the inquiry.

CFS and the workers' union have steadfastly refused to say whether or not any worker was fired or reprimanded after the child's death.

The anonymity argument is a solid one. Having your face in the newspaper or on television in connection with this hideous case, no matter how insignificant a role you played, could make it even harder to walk through the next stranger's house to remove their children.

But the soft-peddling of the language is a different story. If social workers with important information about Phoenix are saying they won't testify or will withhold information if the word "misconduct" appears in a letter, there's something seriously wrong.

They have an obligation to tell the truth, just as they had an obligation to protect Phoenix Sinclair as she was being tortured to death.

Let's get it right this time.

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