

## **PREVENTION OF WORKPLACE VIOLENCE**

### **Background**

The Division supports the prevention of workplace violence, and promotes an abuse-free environment in which all people respect and work together to achieve common goals. Any act of workplace violence committed by or against any employee, student, volunteer, or contractor, while on Division premises or engaged in Division business, activities or social events, is unacceptable and will not be tolerated.

### **Definitions**

Delegated Person means:

- For workplace violence incidents involving only school-based and budget-based staff, student teachers, parents, students, volunteers or visitors in schools, the Principal responsible for that school; and
- For all other workplace violence incidents, the responsible supervisor or administrator, as the case may be.

Workplace violence means the threatened, attempted or actual conduct of a person that causes, or is likely to cause, physical injury, whether at a work site or work related.

Examples of workplace violence include, but are not limited to:

- Threatening behaviour, such as shaking fists, destroying property or throwing objects;
- Verbal or written threats, such as any expression of intent to inflict harm including:
  - Direct threats or clear and explicit communication which distinctly indicate that the potential offender intends to do harm, such as “I’m going to make you pay for what you did to me”;
  - Conditional threats, which involve a condition, such as “If you don’t get off my back, you will regret it”;
  - Veiled threats which usually involve body language or behaviours that leave little doubt in the mind of the victim that the perpetrator intends to harm them;
- Physical attacks, including biting, hair pulling, scratching, hitting, shoving, pushing, kicking the person or inciting attack by an animal; d) possession of a weapon;
- Any other act that would objectively arouse fear in a reasonable person.

### **Procedures**

1. This Administrative Procedure applies to anyone affiliated with the Division and its worksites, including, but not limited to, students, parents, employees, agents, appointees, consultants,

contractors, persons on secondment, volunteers, practicum students, student teachers, exchange teachers and students on a work assignment.

2. Where workplace violence is initiated by a student or is the result of student behaviour:
  - 2.1 The incident and its effect on the work site must be addressed under this Administrative Procedure; and
  - 2.2 In accordance with the Education Act, the student's behaviour must be addressed under the appropriate Administrative Procedure regarding student behaviour, and must not be addressed under this Administrative Procedure. A student who subjects any student, employee, volunteer, or visitor to workplace violence may be subject to disciplinary action up to and including removal from the school or program and placement in another setting under the authority of Administrative Procedure 355 – Student Discipline.
3. The purpose of this Administrative Procedure is to ensure that individuals are:
  - 3.1 Advised of available recourse if they are subjected to, or become aware of situations involving workplace violence; and
  - 3.2 Aware of and understand that acts of workplace violence are considered a serious offence for which necessary action will be imposed including immediate suspension of any person reportedly violating this Administrative Procedure pending the outcome of an investigation.
4. Conduct that is the subject of a complaint under this Administrative Procedure may also be:
  - 4.1 Investigated under the Occupational Health and Safety Act;
  - 4.2 Investigated under administrative procedures that establish employee conduct;
  - 4.3 Addressed under Administrative Procedure 350 – Student Conduct;
  - 4.4 Addressed under any Board policies or other administrative procedures; and
  - 4.5 Investigated by the police.
5. No employee or any person affiliated with the Division shall subject any other person to workplace violence or allow or create the conditions that create or support workplace violence.
6. Anyone affiliated with the Division or any of its worksites, who subjects any other person to workplace violence may be subject to disciplinary action up to and including dismissal from employment or exclusion from a school.
7. Any violation of this Administrative Procedure, or the principles or expectations set out in it, may result in:
  - 7.1 Loss of access privileges,
  - 7.2 Loss of volunteer position,
  - 7.3 Employee disciplinary action such as employment suspension or termination, or

- 7.4 Legal action, including actions taken by the Board, by persons unrelated to the Board, and criminal prosecution.
8. For the purpose of this Administrative Procedure, a Supervisor, Manager or Principal is responsible for:
  - 8.1 Developing workplace arrangements to minimize and effectively control the risk of workplace violence;
  - 8.2 Promoting a non-violent workplace;
  - 8.3 Ensuring that this Administrative Procedure is clearly communicated to all employees within their jurisdiction;
  - 8.4 Providing a means of communication to ensure that pertinent information about workplace violence is conveyed to employees in a timely manner;
  - 8.5 Identifying specific training needs for employees;
  - 8.6 Providing immediate intervention in accordance with this Administrative Procedure; and
  - 8.7 Operating with any efforts to investigate and resolve matters arising under this Administrative Procedure.
9. For the purpose of this Administrative Procedure, anyone affiliated with the Division is responsible for:
  - 9.1 Ensuring their own immediate physical safety;
  - 9.2 Immediately reporting all acts of violence that place oneself or others in imminent danger, to the police after securing your own physical safety;
  - 9.3 Immediately reporting all threats and acts of violence to a Supervisor, Manager, or Principal after having secured their own physical safety;
  - 9.4 Co-operating with any efforts to investigate and resolve matters arising under this Administrative Procedure; and
  - 9.5 Completing the Violence and Threat of Violence Reporting Form (Form 171-1), and forwarding it to the Secretary Treasurer. The Secretary Treasurer shall be responsible for the development and maintenance of this form.
10. Upon receipt of the Violence and Threat of Violence Reporting Form (Form 171-1), the Secretary Treasurer will forward it to the Delegated Person.
11. The Delegated Person, in consultation with the Secretary Treasurer, will determine whether a formal investigation may be pursued, and will:
  - 11.1 Advise the respondent in writing of the investigation and nature and specifics of the complaint;
  - 11.2 Advise the complainant of the investigation; and
  - 11.3 Assign the investigation to an internal or external person to investigate.

12. The investigator will:

- 12.1 Advise all parties to the investigation that they may have representation at their own expense;
- 12.2 Conduct the investigation in accordance with the principles of natural justice; and
- 12.3 Explore all allegations by interviewing the complainant, the respondent, and others who may have knowledge of the incidents or circumstances that led to the complaint, or are responsible for the workplace, either in person or by telephone.

13. The investigator may make a finding of:

- 13.1 Sufficient evidence to support a finding of violation of this Administrative Procedure;  
or
- 13.2 Insufficient evidence to support a finding of violation of this Administrative Procedure;  
or
- 13.3 No violation of this Administrative Procedure.

14. The investigator must prepare a written report with the finding of the investigation, and forward that report to the Delegated Person within thirty (30) working days from the respondent being advised of the complaint.

15. The Delegated Person:

- 15.1 May, upon request by the investigator, extend the time required to prepare a written report of the investigation;
- 15.2 Must make a decision to dismiss or act upon the report within thirty (30) working days of receiving the report; and
- 15.3 Must advise the complainant and respondent in writing of the outcome of the investigation.

16. A workplace violence investigation report must:

- 16.1 Be kept on file for five (5) years from the date of the incident, and
- 16.2 Be readily available for inspection by a provincial Occupational Health and Safety Officer.

17. Any retaliation against an individual for

- 17.1 Invoking this Administrative Procedure whether on their own behalf or on behalf of another individual;
- 17.2 Participating or cooperating in any investigation under this Administrative Procedure;  
or
- 17.3 Associating with a person who has invoked this Administrative Procedure or participated in procedures under this Administrative Procedure, or who has been sanctioned under this Administrative Procedure, is strictly prohibited, and will be subject to discipline, up to and including dismissal, or exclusion from a school or other Division facilities, or, in the case of a student, expulsion.

18. If an investigation determines that a complainant, other than a student complainant, falsely accused another person of workplace violence knowingly or in a malicious or vindictive manner, the complainant may be subject to disciplinary action, up to and including dismissal or legal action.
19. If an investigation determines that a student complainant falsely accused another person of workplace violence knowingly or in a malicious manner, the student may be subject to disciplinary action, up to and including expulsion.
20. In the absence of a specific complaint or request for an investigation, the Secretary Treasurer may initiate an independent investigation where:
  - 20.1 There is a pattern of inquiries or complaints over time which suggests the existence of a specific problem which has been identified but not corrected;
  - 20.2 There is reason to believe that a broader, systemic problem exists in the learning and working environment which causes, contributes to or encourages harassment and/or violence;
  - 20.3 As the result of an investigation, a specific complaint is not supported but there is reasonable evidence that a broader systemic problem exists; or
  - 20.4 In any other circumstances where it is deemed appropriate.
21. In the event an independent investigation is initiated, the Secretary Treasurer shall:
  - 21.1 Appoint an investigator, and
  - 21.2 Advise the parties of the:
    - 21.2.1 Independent investigation,
    - 21.2.2 Reason for initiating the investigation,
    - 21.2.3 Name of the investigator, and
    - 21.2.4 Process and procedures which will be used in the investigation.
22. Workplace violence inquiries or complaints at the Division are confidential, and may only be disclosed:
  - 22.1 To investigate and respond to an inquiry or complaint,
  - 22.2 To advise the respondent about the complaint and the identity of the complainant,
  - 22.3 In accordance with the Occupational Health and Safety Act, its regulations and the Occupational Health and Safety Code, and
  - 22.4 In accordance with the Freedom of Information and Protection of Privacy Act.

23. Any unauthorized disclosure of confidential information relating to a workplace violence inquiry or complaint may result in disciplinary action.

Adopted/Revised: JUN 2016/NOV 2019

Reference: Section 11, 52, 53, 197, 204, 222 Education Act  
Alberta Human Rights Act  
Child Youth and Family Enhancement Act  
Employment Standards Code  
Occupational Health and Safety Act  
Canadian Charter of Rights and Freedoms  
Canadian Human Rights Act  
Criminal Code  
Individual's Rights Protection Act  
Student Record Regulation 225/2006  
ATA Code of Professional Conduct