

WORKPLACE HARASSMENT AND VIOLENCE PREVENTION

The High Prairie School Division (HPSD) endorses the prevention of workplace violence and/or harassment and promotes an abuse free environment in which all people respect and work together to achieve common goals.

Any act of workplace violence including physical and verbal acts, harassment and/or discrimination committed by or against any employee, student, volunteer, contractor, or any worker while on HPSD's premises or engaged in HPSD business, activities, or social events, is unacceptable and will not be tolerated.

HPSD is committed to:

- Investigating reported incidents of harassment and/or violence in an objective and timely manner
- Taking necessary action to eliminate or control the hazards due to harassment and/or violence
- Providing appropriate support for victims

Definitions

Supervisor - the principal, supervisor, administrator, contractor, director or Superintendent or Assistant or Deputy Superintendent having direct administrative authority over the worker.

Workplace Violence - whether at a work site or work-related, means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes domestic or sexual violence.

Harassment - means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person who knows, or ought reasonably to know, will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety. Harassment may have the effect of implicitly or explicitly placing terms or conditions on an individual's work, study, access to services or opportunities.

Sexual Harassment - is unwanted sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature which:

- *Implicitly or explicitly makes submission to such conduct, a term or condition of an individual's work or study;*
- *Affects access to services, employment, or educational opportunities; or*
- *Creates a hostile or offensive environment and unreasonably interferes with an individual's work or study.*

Sexual harassment has the effect of intimidating, embarrassing, coercing, or humiliating the victim. The personal impact upon the individual may be expressed in physical, psychological, or economic form. It is not a relationship of mutual consent.

Complainant - an individual who makes a violence or harassment complaint.

Respondent - an individual against whom a violence or harassment complaint is filed.

Delegated person - the principal, supervisor, administrator, contractor, director, or Superintendent or Assistant or Deputy Superintendent having direct administrative authority over the worker or the supervisor, director, or executive council member, as the case may be for all other workplace violence incidents.

1. Application

- 1.1. This procedure applies to anyone affiliated with HPSD and its worksites, including but not limited to:
 - 1.1.1. Agents
 - 1.1.2. Appointees
 - 1.1.3. Consultants and their employees
 - 1.1.4. Contractors and their employees
 - 1.1.5. Employees
 - 1.1.6. Exchange teachers
 - 1.1.7. Parents
 - 1.1.8. Persons on secondment from
 - 1.1.9. Students
 - 1.1.10. Exchange students
 - 1.1.11. Students on a work assignment
 - 1.1.12. Student teachers
 - 1.1.13. Visitors, volunteers, and workers
- 1.2. Where workplace violence and/or harassment is initiated by a student or is the result of student behavior the incident and its effect on the work site must be addressed under this policy, in accordance with the Education Act and the applicable administrative procedures related to student behavior.

2. Purpose

- 2.1. The purpose of this Administrative Procedure is to ensure that individuals are:
 - 2.1.1. informed of how to recognize workplace violence and/or harassment;
 - 2.1.2. informed of how to minimize or eliminate workplace violence and/or harassment;
 - 2.1.3. advised of available recourse if they are subjected to, or become aware of situations involving workplace violence and/or harassment;
 - 2.1.4. 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 regulation pending the outcome of an investigation;
 - 2.1.5. aware of and understand that acts of harassment will be investigated, and disciplinary action will be decided. The Superintendent shall act promptly and take disciplinary action in substantiated cases. The nature of the disciplinary action will depend on the gravity of the misconduct and any mitigating circumstances. It may range from a reprimand for a first offence of a petty nature, to suspension or dismissal for serious cases involving threats of reprisal, or repeated offences; and
 - 2.1.6. advised to consult a medical care professional should they be exposed to workplace violence.

3. Violence Violation

- 3.1. Examples of workplace violence include, but are not limited to:
 - 3.1.1. Threatening behavior, such as shaking fists, destroying property or throwing objects.
 - 3.1.2. Verbal or written threats, such as any expression of intent to inflict harm including:
 - 3.1.2.1. Direct threats or clear and explicit communication which distinctly indicates that the potential offender intends to do harm, such as "I'm going to make you pay for what you did to me".
 - 3.1.2.2. Conditional threats, which involve a condition, such as "If you don't get off my back, you will regret it".
 - 3.1.2.3. Veiled threats which usually involve body language or behaviors that leave little doubt in the mind of the victim that the perpetrator intends to harm them.
 - 3.1.3. Physical attacks, including biting, hair pulling, scratching, hitting, shoving, pushing, kicking the person or inciting attack by an animal.
 - 3.1.4. Possession of a weapon(s).
 - 3.1.5. Any other act that would objectively arouse fear in a reasonable person.
- 3.2. Anyone affiliated with HPSD shall not subject any other person to workplace violence or allow or create the conditions that create or support workplace violence.

- 3.3. Anyone affiliated with HPSD who subjects any other person to workplace violence may be subject to disciplinary action up to and including dismissal from employment or exclusion from the school, HPSD, or the worksite.
 - 3.3.1. A student who subjects any student, employee, volunteer, or visitor to workplace violence may be subject to disciplinary action and the applicable administrative procedures related to student behavior.
- 3.4. Any violation of this regulation, or the principles or expectations set out in it, may result in:
 - 3.4.1. loss of access privileges;
 - 3.4.2. loss of volunteer position;
 - 3.4.3. loss of school access;
 - 3.4.4. employee disciplinary action such as an employee warning, or a suspension, up to and including dismissal, or exclusion from a school or HPSD;
 - 3.4.5. student disciplinary action; and/or
 - 3.4.6. legal action, including actions taken by HPSD, by persons unrelated to HPSD, and criminal prosecution.

4. Harassment Violation

- 4.1. Examples of workplace harassment include, but are not limited to:
 - 4.1.1. conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression, sexual orientation, and sexual solicitation or advance.
- 4.2. Any individual subjected to discrimination or harassment has a responsibility to make it clear to the alleged offender and, if necessary, any individual in a position of authority that the behaviour is unacceptable and must be discontinued immediately.
- 4.3. Any person in a position of authority who receives a complaint is responsible for ensuring that the complaint is resolved.
- 4.4. Any person who submits, knowingly, willfully, and intentionally, a malicious complaint based on false allegations shall be subject to disciplinary action.
- 4.5. A person affected by this Administrative Procedure is in no way prevented from the exercise of their rights pursuant to any other law.

5. Supervisors, Managers, Principals or Contractors

- 5.1. For the purpose of this administrative procedure, as a supervisor, manager, principal or contractor, in consultation with the Joint Work Site Health and Safety Committee you are responsible for:
 - 5.1.1. developing workplace arrangements to minimize and effectively control the risk of workplace violence and harassment;
 - 5.1.2. promoting a non-violent and harassment free workplace/school;
 - 5.1.3. ensuring that this regulation is clearly communicated to all employees and students within their jurisdiction;
 - 5.1.4. providing a means of communication to ensure that pertinent information about workplace violence and harassment is conveyed to employees and students in a timely manner;
 - 5.1.5. identifying specific training needs for employees and students;
 - 5.1.6. providing immediate intervention in accordance with HPSD's administrative procedures and training; and
 - 5.1.7. co-operating with any efforts to investigate and resolve matters arising under this regulation.

6. Responsibilities

- 6.1. For the purpose of this regulation, anyone affiliated with HPSD is responsible for:
 - 6.1.1. ensuring their own immediate physical safety;
 - 6.1.2. initiating a Lock-Down or Hold and Secure as per emergency protocol;
 - 6.1.3. immediately reporting all threats and acts of violence to a supervisor, manager, or principal after having secured their own safety;

- 6.1.4. immediately reporting all acts of violence that places oneself or others in imminent danger, to the police after securing their own physical safety;
- 6.1.5. co-operating with any efforts to investigate and resolve matters arising under this regulation;
- 6.1.6. completing an incident report through Public School Works and forwarding it to the Safety Coordinator or designate; and
 - 6.1.6.1. The direct supervisor of the complainant will complete the Public School Works investigation
- 6.1.7. completing training made available by HPSD.

7. Training

- 7.1. To prevent and manage incidents of workplace violence and harassment, adequate training to recognize and manage a potentially violent situation is important.
- 7.2. HPSD will provide courses, training, information and orientation to workers and students on:
 - 7.2.1. rights and responsibilities including HPSD Administrative Procedures;
 - 7.2.2. recognizing the potential for violence and/or harassment;
 - 7.2.3. identifying potential volatile situations;
 - 7.2.4. safe and appropriate response and intervention to incidents or potential incidents, including how to obtain assistance;
 - 7.2.5. the correct procedure for reporting, investigating and documenting incidents or potential incidents;
 - 7.2.6. the follow-up and support services that are available to them in the event of an incident involving violence and/or harassment;
 - 7.2.7. how to get help; and
 - 7.2.8. how to support those who have been subjected to abuse.

8. Investigations

- 8.1. Upon notice of workplace violence and/or harassment, Safety personnel or another employee designated by the Superintendent will initiate the process to determine whether a formal investigation is warranted.
- 8.2. The supervisor, in consultation with Safety personnel, will determine whether a formal investigation may be pursued, and will:
 - 8.2.1. advise the perpetrator of the alleged workplace violence (Respondent), in writing, of the investigation, the nature and specifics of the complaint;
 - 8.2.2. advise the Complainant of the investigation; and
 - 8.2.3. assign the investigation to an internal or external person to investigate.
- 8.3. The investigator will:
 - 8.3.1. advise all parties to the investigation that they may have representation at their own expense;
 - 8.3.2. conduct the investigation in accordance with the principles of natural justice;
 - 8.3.3. explore all allegations by obtaining a statement from all parties involved, together with interviews with 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; and
 - 8.3.4. retain and protect all evidence acquired.
- 8.4. The investigator may make a finding of:
 - 8.4.1. sufficient evidence to support a finding of violation of this regulation; or
 - 8.4.2. insufficient evidence to support a finding of violation of this regulation; or
 - 8.4.3. no violation of this regulation; and
 - 8.4.4. corrective actions required reducing or eliminating the hazard and preventing a recurrence as required by OHS Code Part 2, Section 9 and Part 27 Section 390 and Section 390.2.
- 8.5. The investigator must prepare a written report with the finding of the investigation and forward the report to the supervisor within thirty (30) working days from the date the Respondent was advised of the complaint.

8.6. The supervisor:

- 8.6.1. may, upon request of the investigator, extend the time required to prepare a written report of the investigation;
- 8.6.2. must make a decision to dismiss or act upon the report within thirty (30) working days of receiving the report; and
- 8.6.3. must advise the Complainant and alleged Respondent, in writing, of the outcome of the investigation.

9. Other Investigations

- 9.1. Conduct that is the subject of a complaint under this regulation may also be:
 - 9.1.1. investigated under the Occupational Health and Safety Act, Regulations & Code; and/or
 - 9.1.2. investigated by the RCMP.
- 9.2. HPSPD and all employees will cooperate fully with appropriate authorities in their investigations.

10. Records

- 10.1. A workplace violence and/or harassment investigation report must:
 - 10.1.1. be kept on file for two (2) years from the date of the incident; and
 - 10.1.2. be readily available for inspection by a provincial Occupational Health and Safety Officer.

11. Retaliation

- 11.1. Any retaliation against an individual is strictly prohibited, where the individual:
 - 11.1.1. invoked this regulation whether on their own behalf or on behalf of another individual;
 - 11.1.2. participated or cooperated in any investigation under this regulation; or
 - 11.1.3. associates with a person who has invoked this regulation or participated in procedures under this regulation, or who has been sanctioned under this regulation.
- 11.2. The retaliator will be subject to discipline, up to and including dismissal, or exclusion from a school, other HPSPD facilities, or in the case of a student, expulsion.

12. False Accusations

- 12.1. If an investigation determines that a complainant, other than a student complainant, falsely accused another person of workplace violence and/or harassment knowingly or in a malicious or vindictive manner, the complainant may be subject to disciplinary action, up to and including dismissal or legal action.
- 12.2. If an investigation determines that a student complainant falsely accused another person of workplace violence and/or harassment knowingly or in a malicious or vindictive manner, the student complainant may be subject to disciplinary action, up to and including expulsion.

13. Appeals and Reviews

- 13.1. An appeal or review of a decision made under this regulation may be made by:
 - 13.1.1. seeking remedy through the appropriate collective agreement; or
 - 13.1.2. requesting a review under Administrative Procedure 447 – Discipline, Suspension, and/or Dismissal of Non-School-Based Support Staff; or
 - 13.1.3. in the case of students, requesting a review of the matter under Administrative Procedure 347 – Suspension and/or Expulsion of a Student.

14. Independent Investigations

- 14.1. In the absence of a specific complaint or request for an investigation, the Superintendent or Safety personnel may initiate an independent investigation where:
 - 14.1.1. a pattern of inquiries or complaints over time which suggest the workplace violence and/or harassment specific problem has been identified but not corrected;
 - 14.1.2. there is reason to believe that a broader, systemic problem exists in the learning and working environment which causes, contributes to or encourages workplace violence and or harassing behaviour;
 - 14.1.3. as the result of an investigation, a specific complaint is not supported but there is reasonable evidence that a broader systemic problem exists; or

- 14.1.4. in any other circumstances where it is deemed appropriate.
- 14.2. In the event an independent investigation is initiated:
 - 14.2.1. the investigation will be completed by Safety personnel or someone appointed by the Superintendent; and
 - 14.2.2. the affected parties will be advised of the:
 - 14.2.2.1. independent investigation;
 - 14.2.2.2. reason for initiating the investigation;
 - 14.2.2.3. name of the investigator; and
 - 14.2.2.4. process and procedures which will be used in the investigation.

15. Confidentiality and Disclosure

- 15.1. Workplace violence and/or harassment inquiries or complaints at HPSD are confidential, and may only be disclosed:
 - 15.1.1. to investigate an incident or take corrective action;
 - 15.1.2. when necessary to inform students, staff, and community of a specific or general threat of violence or potential violence;
 - 15.1.3. as required by law; or
 - 15.1.4. in accordance with the Occupational Health and Safety Act, the Regulation and Code 27 Section 390.1(d), and the Freedom of Information and Protection of Privacy Act.
- 15.2. The minimal amount of personal information will be disclosed under 14.1.3 necessary to inform students, staff, and community of a specific or general threat of violence or potential violence.
- 15.3. Any information disclosure is the responsibility of the Director of Communications with the approval of the Superintendent.
- 15.4. Any unauthorized disclosure of confidential information relating to a workplace violence inquiry or complaint will result in disciplinary action, up to and including dismissal.

References

Alberta Occupational Health and Safety Act
Alberta Occupational Health and Safety Regulations
Alberta Occupational Health and Safety Codes Part 2 & 27, Sections 389, 390, 391, 392
2009 OHS Explanation Guide
Workplace Health and Safety Bulletin – Preventing Violence and Harassment at the Workplace, Alberta
Employment and Immigration VAH001 Revised November 2006
Education Act Section 11, 52, 53, 197, 204, 222

Legal References

Emergency Management Act
Freedom of Information and Protection of Privacy Act
Emergency Medical Aid Act
Alberta Fire Code

Cross References:

High Prairie School Division Emergency Response Plan
[*Administrative Procedure 311 – Fire Prevention Education Fire Drills and Emergency Evacuation*](#)
[*Administrative Procedure 340 – Student Code of Conduct*](#)
[*Administrative Procedure 343 – Responding to Student Threats of Violence*](#)
[*Administrative Procedure 347 – Suspension and/or Expulsion of a Student*](#)
[*Administrative Procedure 447 – Discipline, Suspension, and/or Dismissal of Non School-Based Support Staff*](#)