
VIOLENCE AND HARASSMENT IN THE WORKPLACE

Background

All individuals within the Division have the right to a safe and caring environment free of disrespect and harassment. All staff members must support a safe and respectful workplace that protects the dignity, worth and human rights of every person. Any act of disrespectful conduct at work, whether on Division premises or at Division sponsored activities, is unacceptable and will not be tolerated.

The purpose of this Administrative Procedure is to ensure that:

- Individuals are aware of and understand that acts of workplace harassment/violence are considered a serious offence for which necessary action will be imposed;
- Those subjected to acts of workplace harassment/violence are encouraged to access any assistance they may require in order to pursue a complaint; and
- Individuals are advised of available recourse if they are subjected to, or become aware of, situations involving workplace harassment/violence.

Definitions

For the purpose of this Administrative Procedure, *violence* is defined as per the Occupational Health and Safety Act as, “whether at a worksite or work related, means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical injury.” Examples include, but are not limited to:

- Threatening behaviour such as shaking fists, destroying property or throwing objects;
- Verbal or written threats that express an intent to inflict harm;
- Physical attacks;
- Any other act that would arouse fear in a reasonable person in the circumstances.

For the purpose of this Administrative Procedure, *harassment* is defined as a repeated incident of objectionable or unwelcome conduct, comment, bullying or action intended to intimidate, offend, degrade or humiliate a particular person or group.

A person in authority is defined as a supervisor or manager who has responsibility for completing performance assessments and/or initiating disciplinary actions on an individual.

It should be noted that bullying can be directed upwards towards a person in authority, unilaterally or downwards in the chain of command. This also includes group mobbing of an individual.

Procedures

1. No staff member or other individual will engage in workplace harassment/violence or allow or create conditions that support workplace harassment/violence.
2. Prior to filing a formal complaint, any individual subjected to workplace harassment/violence (complainant) is encouraged to make it clear to the alleged offender (respondent), directly or with the assistance of a person in authority, that the respondent's behaviour is unacceptable. Complainants are encouraged to bring incidents of alleged workplace harassment/violence to the attention of a person in authority to register their complaint. Furthermore, a formal complaint should be presented to the Human Resources Department.
3. Any person in a position of authority who receives a complaint is responsible for ensuring that the complaint is addressed.
4. Complainants will not knowingly and willfully submit complaints based on false allegations.
5. Complainants can obtain advice and assistance regarding strategies for confronting harassment/violence at an interpersonal level by contacting the Human Resources Department who will appoint a resource person to provide assistance.
6. Complaints regarding harassment/violence may be addressed through mediation and/or restorative justice circle.
7. The respondent is entitled to know the name(s) of individual(s) making an informal or formal complaint. In the case of a formal complaint, the respondent will receive a copy of the letter of complaint outlining the allegations.
8. All reasonable efforts will be made to respect the confidential nature of a complaint. However, absolute confidentiality cannot be guaranteed owing to the need for an investigation and the need to inform the respondent.
9. Resolution procedures do not take away the right to file a complaint outside the organization with the Alberta Teaching Profession Commission, an Occupational Health and Safety officer, the Alberta Human Rights Commission, police, the Alberta Teachers' Association, the support staff association or through civil or criminal court.
10. A staff member who reports an injury or adverse symptoms resulting from workplace harassment/violence or who is exposed to workplace harassment/violence is advised to consult a health professional of the staff member's choice for treatment or referral.
11. Personnel Assisting in a Harassment/violence Complaint.
 - 11.1 Persons in Authority

Not all incidents of harassment/violence require formal complaints before they are addressed. Where there is a complaint, persons in authority must:

 - 11.1.1 Ensure that there is fair treatment for all parties involved.
 - 11.1.2 Provide support throughout the complaint process.
 - 11.1.3 Protect the complainant against possible reprisals.

- 11.1.4 Assist, if required, in the fact-finding process.
- 11.2 Outcome of an Informal Complaint
 - 11.2.1 If a complainant confronts the respondent directly and resolves the problem at that level, further investigation may be required and/or sanctions may still be applied by the Division.
 - 11.2.2 If an individual in a position of authority is asked to speak to the respondent and the behaviour appears to be in violation of Division expectations for employees, further action may be initiated by the person in authority.
 - 11.2.3 If the informal complaint is not satisfactorily resolved, a formal complaint may be filed. As part of the informal complaint process, a secured file will be created which includes:
 - 11.2.3.1 The name of the complainant(s) and respondent(s).
 - 11.2.3.2 The nature of the alleged harassment/violence.
 - 11.2.3.3 A record of all meetings to date which specifies meeting dates and names of attendees, and includes the nature or details of the discussions.
 - 11.2.3.4 The present disposition of the complaint.

12. Formal Complaint Process

- 12.1 Making a Formal Complaint
 - 12.1.1 A formal complaint made by the complainant to a person in authority must consist of a signed written statement outlining the accusations against the respondent, describing the specific incident(s), the dates and any witness(es) who may have been present.
 - 12.1.2 A formal complaint may be filed up to six (6) months from the date of the most recent incident cited in the letter of complaint.
 - 12.1.3 The complainant is requested to notify the person in authority immediately if a complaint is filed with an Occupational Health and Safety officer, the Alberta Human Rights Commission, police, the Alberta Teachers' Association, a support staff association, or if civil or criminal court action is initiated while the charges are still under review by the Division. Human Resources may elect to process the complaint or stay the procedures pending the outcome of the other investigation.
- 12.2 Receiving a Formal Complaint
 - 12.2.1 An individual in a position of authority will:
 - 12.2.1.1 Accept the formal complaint provided no more than six (6) months has elapsed since the most recent incident outlined in the complaint. Human Resources may elect to consider a complaint received after this time.
 - 12.2.1.2 Verify that the charges may represent a violation of Division expectations for employees.
 - 12.2.1.3 Notify and provide a copy of the complaint to the respondent.
- 12.3 Resolving a Formal Complaint

- 12.3.1 An individual will be appointed by Human Resources in consultation with the Office of the Superintendent (Superintendent and Assistant Superintendent of Corporate Services) to conduct an investigation regarding the complaint. Every attempt will be made, throughout investigative proceedings on the part of all parties concerned, to respect the confidential nature of the information.
 - 12.3.2 The complainant and respondent will have the opportunity to:
 - 12.3.2.1 Provide written submissions to the investigator.
 - 12.3.2.2 Respond to the other party's written submission.
 - 12.3.2.3 Appear before the investigator to provide oral submissions.
 - 12.3.2.4 Respond to one another's statements.
 - 12.3.2.5 Have someone present to provide advice and assistance (e.g., legal counsel, association or union representative, Division Office representative).
 - 12.3.3 The investigator will have the right to ask questions of the complainant, respondent and others who may have knowledge of the circumstances that led to the complaint.
 - 12.3.4 The investigator's findings will address all pertinent circumstances, including corrective action to be taken to prevent a recurrence, and will be detailed in a report to the Director of Human Resources, Superintendent and Assistant Superintendent - Corporate Services.
 - 12.3.5 Resolution of a formal complaint will occur, where possible, within one hundred and twenty (120) days of the date on which the complaint was filed.
 - 12.3.6 Complaint files will be secured for a period of two (2) years following the resolution and/or last Division procedure pursued by the complainant or respondent. Documents may be retained in a secured location for a period of longer than two (2) years when it is reasonable to do so in the circumstances.
- 12.4 Outcome of a Formal Complaint
- 12.4.1 If the results of the investigation support allegations in the letter of complaint, a range of sanctions may be imposed on the respondent by Human Resources.
 - 12.4.1.1 The sanctions depend upon the nature and seriousness of the offence.
 - 12.4.1.2 The range of sanctions include a verbal warning, a written reprimand with a copy retained in the respondent's file, transfer, demotion, suspension or termination of employment.
 - 12.4.2 If the results of the investigation do not support the allegations, the complaint will be dismissed and a letter will be issued indicating that the respondent has been cleared of all allegations.
 - 12.4.2.1 An individual cleared of allegations has the option of requesting that a copy of the letter be placed in the personnel file.
 - 12.4.3 If the evidence indicates that the complainant knowingly and willfully made false allegations in an attempt to cause harm to the respondent, a range of

sanctions may be imposed on the complainant by the Human Resources in collaboration with the Office of the Superintendent.

12.4.3.1 The sanctions depend upon the nature and seriousness of the offence.

12.4.3.2 The range of sanctions include: a verbal warning, a written reprimand with a copy retained in the complainant's file, transfer, demotion, suspension or termination of employment.

13. Appeals

13.1 Staff members who are not satisfied with the action taken with respect to a complaint may appeal the decision to the Superintendent.

13.2 Either party has the right to seek civil or criminal redress through the courts or to file a complaint with the Alberta Teaching Profession Commission, an Occupational Health and Safety officer, the Alberta Teachers' Association or the Alberta Human Rights Commission.

14. Retaliation

14.1 No staff member will take retaliatory action with the intent of dissuading or punishing an individual for participating in the complaint resolution process. Sanctions may be imposed for retaliation.

14.2 Retaliation against individuals participating in the complaint resolution process is not to be confused with sanctions imposed for harassment/violence or making false allegations.

15. Role of the Human Resources Department

15.1 Provide support, information and in-servicing to staff members with respect to harassment/violence and Division procedures.

15.2 On request, help the complainants and/or respondents with advice and discussion on ways to:

15.2.1 Determine whether or not incidents described constitute harassment/violence.

15.2.2 Resolve a harassment/violence complaint.

15.2.3 Clarify concerns.

15.2.4 Assist in bringing both parties to a meeting where mediation of the complaint or exploration of optional routes toward conflict resolution can be considered.

15.2.5 Facilitate maintenance and ongoing monitoring of this Administrative Procedure.

15.2.6 Assume responsibility for the securing of complaint files following discontinuation/resolution of a complaint.

16. Role of a Person in Authority

16.1 Ensure that the workplace under their jurisdiction is free from harassment/violence and that complaints of such behaviours are reported to the Human Resources Department.

16.2 Should there be a conflict of interest from the person in authority (Human Resources) the Superintendent and Assistant Superintendent – Corporate Services will secure an external investigator.

Reference: Section 33,52,53,197,204,222 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
Student Record Regulation
ATA Code of Professional Conduct

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