

POLICY GBEA – Protection of Staff

The Board requires employees, students, volunteers, parents and all others who visit Board facilities to conduct themselves in a manner that promotes and protects the best interests of students, staff and colleagues.

BACKGROUND

The Board recognizes that in the performance of their duties, staff will be faced with individuals experiencing serious levels of frustration, concern or anger. Such individuals may initially conduct themselves in an uncivil and rude manner.

The Board expects its staff to respond to such challenges with a professionalism that may defuse the causes of such behavior and could allow problems or concerns to be resolved.

The Board also recognizes that on rare occasions the professional behavior of its staff may be unsuccessful in defusing offensive behavior by others. The Board believes it has an obligation to support, assist and educate its staff and volunteers in the schools with respect to issues surrounding abuse, harassment or defamation associated with the carrying out of their duties. The Board expects such situations to be addressed, where possible, through informal resolution processes as outlined in Policy JAB – Conflict Resolution.

PURPOSE

To establish guidelines for staff members when they feel threatened by others

DEFINITIONS

1. **Abuse** is a violation of rights, dignity, and worth of other individuals. This includes any act of physical assault and/or verbal expression that humiliates, degrades, elicits fear or takes unfair advantage of staff member.
 - a) **Verbal Abuse** may take the form of threats, name-calling, gestures or swearing.
 - b) **Physical Abuse** may include striking out, grabbing, pulling or kicking an individual or other such similar activity and is generally either a criminal or civil assault or both. Under the Criminal Code, a person commits an assault when:
 - i) applies force intentionally to another person, directly or indirectly, without consent;
 - ii) attempts or threatens to apply force, causing the other person to believe that the person has the ability to carry out the threat; or,
 - iii) accosts or impedes another person while openly wearing or carrying a weapon or imitation weapon.
- Civil assault is the intentional touching of another person without consent.
2. **Defamation** is any expression that attacks or injures the reputation or honor of an individual or recognized group by, among other things, false and malicious

statements. Defamatory expressions malign, slander or libel an individual or recognized group.

3. **Harassment** occurs when an employee is subjected to unwelcome verbal abuse or physical abuse because of race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation that negatively affects the working environment (and/or) the ability to obtain services. Alberta's human rights laws prohibit harassment in the workplace on these grounds. Examples of harassment are: verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts about any employee's appearance, religious beliefs, colour, place of origin, mental or physical disabilities, ancestry, marital status, family status, source of income or gender. The display of pornographic, racist or offensive signs or images; actions that result in awkwardness or embarrassment; unwelcome invitations or requests, whether indirect or explicit could also be considered harassment.

Harassing behavior may be either criminal or civil in nature.

- a) **Criminal harassment** occurs when a person causes another person in all circumstances to fear for their safety or for the safety of anyone known to them. Conduct that constitutes criminal harassment consists of:
 - i) repeatedly following from place to place the other person or anyone known to them;
 - ii) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
 - iii) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or
 - iv) engaging in threatening conduct directed at the other person or any member of their family.
- b) **Civil harassment** may include:
 - i) shouting, swearing or the use of personally demeaning, sarcastic expressions;
 - ii) intentionally using an intimidating presence or entering Board property without permission;
 - iii) use of telephone or other electronic device to make numerous and lengthy calls or other electronic contacts that disrupt an employee's ability to attend to duties and adversely affects the well-being of the employee that is the subject of the behaviour;
 - iv) frequent detailed frivolous or vexatious written complaints that require an employee to spend inordinate time investigating thus detracting the employee from attending to duties.
- c) **Sexual harassment**, being discriminatory on the grounds of gender, is a violation of the Alberta Human Rights Act. Unwanted sexual advances, unwanted requests for sexual favours, and other unwanted verbal or physical conduct of a sexual nature constitute sexual harassment when:

- i) submission to such conduct is made either explicitly or implicitly a term of, or condition of, an individual's employment; or
- ii) submission to, or rejection of, such conduct by an individual affects that individual's employment.

GUIDELINES & PROCEDURES

1. Considerations when Communicating with Angry Persons

- a) The Board recognizes that in the performance of their duties, staff will be faced with individuals experiencing serious levels of frustration, concern or anger. Such individuals may initially conduct themselves in an uncivil and rude manner. Wherever possible, staff members are to use communication techniques that defuse frustration or anger and allow problem resolution to occur. In working with angry, concerned persons, the Board expects staff members to:
 - i) conduct themselves in a civil and cordial manner.
 - ii) anticipate, where possible, personal sensitivities and avoid comments or behaviors that arouse those sensitivities.
 - iii) call for support from a colleague or administrator if rude, confrontational behavior persists.
 - iv) assert their legal rights while meeting their responsibilities.
 - v) politely discontinue meetings or telephone calls with angry persons if, in their judgment, there is no possibility, at the time, for civil conversations.
 - vi) respect the requirements of the Freedom of Information & Protection of Privacy Act in discussing unsuccessful meetings except with their immediate supervisor(s) or, if necessary, the Superintendent or the Director of Human Resources and Labour Relations.
- b) To support staff's ability to work with angry persons, the Board:
 - i) authorizes provision of staff learning opportunities in personal communication, conflict resolution and human problem solving.
 - ii) authorizes provision of staff learning opportunities to assist staff in dealing with the personal and emotional consequences of dealing with angry persons.

2. Procedures – General

- a) When an individual believes that he/she has been subjected to criminal or civil abuse, harassment or defamation, he/she is to keep records, where possible, of the experience(s). The incident(s) is to be reported to their immediate supervisor who may inform the Superintendent or the Director of Human Resources of the incident and the individual is to immediately provide a written report of the incident(s) to their supervisor and the Police.
- b) If the matter brought to the attention of a supervisor is not resolved through the intervention of the supervisor, the matter will be reported to a Superintendent or the Director of Human Resources who may consult with legal counsel. If the individual affected is a member of the Alberta Teachers' Association, the individual is advised to contact the Association.

- c) If the intervention of the Superintendent or the Director of Human Resources does not satisfactorily resolve the matter, it will be referred to legal counsel for advice and possible action.

3. Steps to be Taken in Dealing with Harassment

- a) First, make every reasonable attempt to meet with the individual(s) to resolve the issue using [PWPSD Guideline for Healthy Interactions](#) as outlined in [Policy JAB](#) – School Dispute Resolution.
- b) If the harassment persists, act on Procedure – General 2.b) above both orally and in writing.
- c) Where a school principal, department manager or a Superintendent or the Director of Human Resources believes the harassment of an employee disturbs or interrupts the proceedings of a school, the conduct of the perpetrator can be controlled through the application of Section 256 of the *Education Act*. If harassment occurs through loitering or trespassing on property owned by the Board, section 256 of the *Education Act* may, likewise, be invoked (see Form Letter).

4. Systemic Investigations

When the Superintendent (or designate) has reason to believe that harassment or abuse of an employee(s) has occurred but a complaint has not been registered, the Superintendent (or designate) shall investigate the matter under the following conditions:

- a) there is a focused pattern of inquiries, complaints or behavior over time that suggest the existence of a specific problem; or,
- b) there is reason to believe a broader or systemic problem exists in the learning or work environment that causes, contributes to, or encourages harassment; or,
- c) as a result of an investigation, a complaint is not supported but there is reasonable evidence that a broader systemic problem exists.
- d) prior to investigating, the Superintendent or designate shall describe in writing the conditions providing reasonable grounds for an investigation.
- e) where the Superintendent authorizes an investigation, the appropriate parties will be advised of the intent to conduct a systemic investigation, the reasons for initiating the investigation and the process or procedures to be implemented for the investigation.

The results of any systemic investigation undertaken by the Superintendent shall be reported to the Board in a manner that respects the rights of individuals to appeal his/her decisions to the Board and in a manner that respects the provisions of the *Access to Information Act* and *Protection of Privacy Act*.

5. False Charges

- a) If an investigation determines that complaint(s) made by an employee was intentionally false, malicious, or vindictive, the employee shall be subject to

disciplinary action including dismissal or legal action as the circumstances warrant.

b) If the employee described above is a teacher, he/she may be subject to discipline by the Alberta Teachers' Association.

REFERENCES

Cross References:

[Exhibit 1](#) – PWPSD Guidelines for Healthy Interactions (JAB-Ex1)

[Exhibit 2](#) – Standard Form Letter

[Policy GBE](#) – Health and Safety Policy

[Policy JAB](#) – School Dispute Resolution

[Policy JAB – Exhibit 1](#) – PWPSD Guidelines for Healthy Interactions

[Policy JAB – Exhibit 2](#) – A Process for Resolution Form

[Policy JAB – Exhibit 3](#) – The Big Picture: A Division-wide Process for Resolving Conflict

[Policy IGH](#) – Anti Bullying

Legal Reference:

[Education Act](#) Section 33, 256

[Alberta Human Rights Act](#)

[Access to Information Act](#)

[Protection of Privacy Act](#)

[Occupational Health and Safety Act, Regulation and Code](#)

[Criminal Code](#) Section 265

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