Administrative Procedure 710

WORKPLACE HARASSMENT AND VIOLENCE PREVENTION

Background

Aspen View Public Schools is committed to providing a safe and respectful work environment in which workers are protected from workplace harassment and violence.

Workplace harassment and violence are workplace hazards and will be prevented and addressed in accordance with occupational health and safety legislation. The Division will take reasonable measures to eliminate or control these hazards and will maintain procedures for reporting, responding to and investigating incidents and complaints.

This Administrative Procedure applies to workplace harassment or violence involving a worker, regardless of whether the behaviour is alleged to have been committed by an employee, student, parent/guardian, volunteer, contractor, visitor or member of the public.

Where an incident also involves serious wrongdoing or suspected criminal activity, *Administrative Procedure 172 – Serious Incident Reporting and Response* applies. Where the alleged conduct involves a student, applicable student conduct and discipline procedures may also apply.

Definitions

Harassment means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affect the worker's health and safety. Harassment includes conduct, comments, bullying or actions based on a protected ground under the Alberta Human Rights Act, and sexual solicitation or advances. Harassment does not include reasonable conduct of an employer or supervisor in respect of the management of workers or a work site:

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.

Domestic violence becomes a workplace hazard when it occurs at or spills over into the workplace and may put a worker or others at the work site at risk.

Sexual violence includes sexual acts, attempts to obtain a sexual act, or other conduct directed against a person's sexuality using coercion, where the conduct occurs at a work site or is work-related.

Worker has the meaning established in the Occupational Health and Safety Act and, for the purposes of this Administrative Procedure, includes Division employees and other persons who meet the statutory definition of worker.

Complainant means a worker who reports or makes a complaint of workplace harassment or violence.

Respondent means the person alleged to have engaged in workplace harassment or violence.

Guidelines

1. The Division shall, as far as reasonably practicable, ensure that workers are not subjected to or participate in harassment or violence at a work site.
2. Workplace harassment and violence shall be addressed as workplace hazards through the Division's hazard assessment and control processes.
3. The Division shall develop, implement and maintain a workplace harassment and violence prevention plan that includes measures to eliminate identified hazards or, where elimination is not reasonably practicable, to control those hazards.
4. In developing, implementing and reviewing the workplace harassment and violence prevention plan, the Division shall consult with the joint health and safety committee, health and safety representative, or affected workers, as applicable.
5. Supervisors shall, as far as reasonably practicable:
    5.1. Ensure that workers under their supervision are not subjected to or participate in workplace harassment or violence;
    5.2. Respond to concerns or incidents of workplace harassment or violence that come to their attention; and
    5.3. Take reasonable steps to protect the health and safety of affected workers.
6. Workers shall:
    6.1. Refrain from causing or participating in workplace harassment or violence;
    6.2. Report workplace harassment or violence in accordance with this Administrative Procedure; and
    6.3. Cooperate with reasonable measures taken by the Division to prevent or address workplace harassment or violence.

7. The Division shall ensure workers are informed of the nature and extent of workplace harassment and violence hazards, including specific or general threats that may affect them.
8. The Division shall ensure workers receive training appropriate to their work respecting:
    8.1. Recognition of workplace harassment and violence;
    8.2. The Division's workplace harassment and violence prevention plan, including any revisions;
    8.3. Appropriate responses to workplace harassment and violence, including how to obtain assistance; and
    8.4. Procedures for reporting, investigating and documenting complaints and incidents.
9. The Division shall review and revise its workplace harassment and violence prevention plan as required by occupational health and safety legislation.

Procedures

1. Reporting Workplace Harassment or Violence
    1.1. A worker who experiences, witnesses, or becomes aware of workplace harassment or violence shall report the incident as soon as reasonably practicable to their immediate supervisor or another appropriate supervisor or administrator.
    1.2. Where the worker's immediate supervisor is the subject of the complaint, or where the worker is not comfortable reporting the matter to that supervisor, the report may be made to another appropriate administrator or to the Superintendent or designate.
    1.3. A supervisor or administrator who receives a report of workplace harassment or violence shall:
        1.3.1. Take immediate steps, where necessary, to address any risk to the health or safety of workers or others;
        1.3.2. Ensure the incident or complaint is appropriately documented;
        1.3.3. Notify the Superintendent or designate where the matter is serious, involves significant safety concerns, requires a more structured or Division-level investigation, or otherwise warrants Division-level involvement; and
        1.3.4. Ensure any reporting required by legislation or another Administrative Procedure is completed.
    1.4. Where the incident involves serious wrongdoing or suspected criminal activity, *Administrative Procedure 172 — Serious Incident Reporting and Response* shall also apply.

1.5. Nothing in this Administrative Procedure limits or delays any reporting that is required by law or necessary to address an immediate threat to health or safety.

2. Immediate Response and Safety Measures

2.1. Where workplace harassment or violence presents an immediate risk to health or safety, the supervisor or administrator shall take reasonable steps to protect affected workers and others.

2.2. Immediate response measures may include, as appropriate:

2.2.1. Contacting emergency services or law enforcement;

2.2.2. Separating the individuals involved;

2.2.3. Directing an individual to leave a Division work site;

2.2.4. Limiting or restricting an individual's access to a Division work site or to Division employees;

2.2.5. Establishing conditions for future communication or interaction; and

2.2.6. Implementing other interim measures necessary to protect health and safety while the matter is being addressed.

2.3. Where the Division is aware that a worker is or is likely to be exposed to domestic violence at a work site, reasonable precautions shall be taken to protect the worker and any other persons at the work site who may be affected.

2.4. Immediate or interim safety measures are not, in themselves, a determination that workplace harassment or violence has occurred.

3. Assessment and Investigation

3.1. Upon receiving a report of workplace harassment or violence, the supervisor or administrator shall ensure that the matter is assessed promptly to determine the appropriate response.

3.2. In determining the appropriate response, consideration shall be given to:

3.2.1. The nature and seriousness of the alleged conduct;

3.2.2. Any immediate or ongoing risk to health or safety;

3.2.3. Whether the matter may be appropriately addressed through informal resolution;

3.2.4. The nature and extent of investigation required;

3.2.5. Whether another Administrative Procedure or external reporting requirement also applies; and

3.2.6. Whether interim measures are required while the matter is being addressed.

3.3. Where the circumstances are appropriate and the parties are willing, a matter may be addressed through informal resolution, including facilitated discussion, mediation or other mutually acceptable measures.

3.4. Informal resolution shall not be required where it would be inappropriate because of the nature or seriousness of the alleged conduct, a power imbalance, safety concerns, or other relevant circumstances.

3.5. Informal resolution, withdrawal of a complaint, or a complainant's decision not to participate further does not remove the Division's obligation to investigate, document or otherwise respond to the extent required by occupational health and safety legislation or other applicable law, or where necessary to address health, safety or workplace concerns.

3.6. Every incident of workplace harassment or violence shall be investigated. The nature and extent of the investigation may be proportionate to the nature and circumstances of the incident.

3.7. The Superintendent or designate shall determine the appropriate investigator and investigation process, having regard to the nature and circumstances of the matter.

3.7.1. Where an external investigation or proceeding is underway, the Superintendent or designate may modify, sequence or defer aspects of the Division's investigation where appropriate to avoid interfering with that process, provided that any immediate safety measures, statutory reporting requirements and investigation obligations required by law continue to be met.

3.8. The investigation shall be conducted fairly and impartially. The complainant and respondent shall:

3.8.1. Be provided with sufficient information regarding the allegations and matters under investigation to participate fairly in the process;

3.8.2. Have a reasonable opportunity to provide relevant information and respond to information material to the findings; and

3.8.3. Be permitted to obtain advice, support or representation, including from a union or professional association, where applicable.

3.9. Information provided under section 3.8 shall be subject to applicable privacy, confidentiality, safety and legal requirements.

3.10. The investigator may interview the complainant, respondent and other persons with relevant information, and may review documents or other information necessary to determine the circumstances of the incident.

3.11. The investigation shall result in a written report outlining the circumstances of the incident, any corrective action taken to prevent recurrence, and any further corrective action recommended.

3.12. The Division shall retain the investigation report in accordance with occupational health and safety legislation and applicable Division records-management requirements.

4. Confidentiality and Information Sharing

4.1. The Division will make reasonable efforts to protect the confidentiality and privacy of individuals involved in a workplace harassment or violence report or investigation.

4.2. Personal information relating to a report or investigation will be used or disclosed only to the extent necessary and as authorized by law to:

4.2.1. Address immediate or ongoing health and safety concerns, including informing workers of a specific or general threat of violence or potential violence;

4.2.2. Conduct a fair and effective investigation;

4.2.3. Provide the complainant and respondent with sufficient information to participate fairly in the process;

4.2.4. Implement corrective or disciplinary action;

4.2.5. Inform affected parties of the outcome of an investigation or corrective action, where appropriate; or

4.2.6. Comply with legal, regulatory or reporting obligations.

4.3. Confidentiality cannot be guaranteed where disclosure is authorized or required by law or is necessary for the purposes identified in section 4.2.

4.4. Individuals involved in a report or investigation are expected to respect the confidentiality of the process and not disclose information except where reasonably necessary to obtain advice, support or representation, or as otherwise required by law.

4.5. Records relating to workplace harassment or violence shall be created, maintained, accessed and retained in accordance with applicable legislation and Division records-management requirements.

5. Outcomes and Corrective Action

5.1. Upon completion of an investigation, the Superintendent or designate shall determine what corrective action, if any, is required based on the findings and circumstances of the matter.

5.2. Corrective action may include measures intended to:

5.2.1. Protect the health and safety of workers;

5.2.2. Prevent a recurrence of workplace harassment or violence;

5.2.3. Address identified workplace hazards or contributing factors; and

5.2.4. Address conduct that is inconsistent with Division expectations, applicable Administrative Procedures, legislation or collective agreements.

5.3. Where workplace harassment or violence by an employee is substantiated, disciplinary action may be taken in accordance with applicable legislation, collective agreements, Board policy and Administrative Procedures.

5.4. Where the respondent is a student, parent/guardian, volunteer, contractor, visitor or member of the public, the Division may take appropriate action consistent with the respondent's relationship to the Division and any other applicable Administrative Procedure.

5.5. The complainant and respondent shall be informed of the outcome of the investigation and any information respecting corrective action that may appropriately be disclosed in accordance with applicable legislation.

5.5.1. Where allegations against an employee are not substantiated, the employee shall be advised of that outcome in writing. At the employee's request, a copy of that written notification may be placed in the employee's personnel file.

5.5.2. No documentation respecting a complaint shall be placed in a complainant's personnel file solely because the complaint was made in good faith. At the complainant's request, relevant written information respecting the outcome may be placed in their personnel file.

5.6. A complaint or report that is not substantiated does not, in itself, constitute a false or bad-faith complaint.

5.7. Where it is determined that a complaint was knowingly and intentionally made in bad faith, appropriate action may be taken in accordance with applicable legislation, collective agreements and Division procedures.

6. Retaliation

6.1. Retaliation against a worker for reporting workplace harassment or violence, participating in an investigation, providing information, or otherwise exercising rights or fulfilling duties under occupational health and safety legislation is prohibited.

6.2. Any allegation of retaliation shall be addressed promptly and may result in corrective or disciplinary action where substantiated.

6.3. Retaliation does not include reasonable corrective, supervisory or disciplinary action taken for legitimate reasons unrelated to a worker's participation in a workplace harassment or violence process.

7. Support for Affected Workers

7.1. A worker who reports an injury or adverse symptom resulting from workplace harassment or violence, or who has been exposed to workplace violence, shall be advised to consult a health professional of the worker's choice for treatment or referral.

7.2. Where a worker is treated or referred by a physician in accordance with occupational health and safety legislation, and the treatment sessions occur during regular work hours, the worker shall be considered to be at work.

7.3. The Division shall provide affected workers with information about available supports, which may include employee assistance, counselling, union or association representation, and other appropriate workplace supports.

7.4. Where appropriate, the Division may implement temporary workplace measures to support an affected worker while a matter is being addressed.

7.5. Support measures shall be considered separately from the determination of whether a complaint or allegation is substantiated.

8. Harassment or Violence by Students, Parents/Guardians, Visitors or Members of the Public

8.1. Workplace harassment or violence directed toward a worker by a student, parent/guardian, volunteer, contractor, visitor or member of the public shall be addressed in accordance with this Administrative Procedure.

8.2. The Division may take reasonable interim or protective measures necessary to protect the health and safety of affected workers and others.

8.3. Where the respondent is a student, applicable student conduct and discipline Administrative Procedures shall also apply.

8.4. Where the conduct involves serious wrongdoing or suspected criminal activity, *Administrative Procedure 172 — Serious Incident Reporting and Response* shall also apply.

8.5. Additional measures respecting the protection of staff from abusive, threatening or disruptive conduct by students, parents/guardians, visitors or members of the public may be addressed through Administrative Procedure 175 — Protection of Staff.

9. Roles and Responsibilities

9.1. The Superintendent or designate shall:

9.1.1. Oversee the implementation and administration of this Administrative Procedure;

9.1.2. Provide or arrange for advice and support respecting workplace harassment and violence;

9.1.3. Determine the appropriate response and investigation process where Division-level involvement is required;

9.1.4. Appoint an investigator where necessary;

9.1.5. Ensure appropriate corrective action is considered following an investigation; and

9.1.6. Ensure records arising from workplace harassment and violence investigations are maintained in accordance with applicable legislation and Division requirements.

9.2. Supervisors and administrators shall:

9.2.1. Respond promptly to reports or concerns of workplace harassment or violence;

9.2.2. Take reasonable steps to protect the health and safety of workers under their supervision;

9.2.3. Ensure incidents are appropriately documented and escalated where required; and

9.2.4. Cooperate with investigations and corrective measures undertaken under this Administrative Procedure.

9.3. Workers shall cooperate with reasonable measures taken by the Division to prevent, respond to and investigate workplace harassment and violence.

10. Complaints Involving the Superintendent

10.1. A complaint of workplace harassment or violence against the Superintendent shall be made in writing to the Board Chair.

10.2. The Board Chair, in consultation with legal counsel, shall determine the appropriate process for addressing the complaint, including the appointment of an investigator where required.

11. Review of Decision

11.1. An employee who is not satisfied with a decision made under this Administrative Procedure may request a review by the Superintendent, unless the Superintendent made the original decision. Decisions made by the Superintendent are final.

11.1.1. Any further review shall be conducted in accordance with the applicable Board policy or appeal process.

12. External Reporting and Remedies

12.1. Nothing in this Administrative Procedure limits an individual's right to make a report or complaint to an external authority or pursue another remedy available under applicable legislation, a collective agreement or professional process.

References: Section 33,34, 222 Education Act
Occupational Health And Safety Act
Occupational Health And Safety Regulation (AR 184/2021)
Occupational Health And Safety Code (AR 191/2021)
Criminal Code
Alberta Human Rights Act
Access to Information Act
Protection of Privacy Act

Reviewed/Revised: November 2026