



YTA MEMBERS HAVE RIGHTS TOO.

Dealing with Harassment by Students, Parents and other Adults

All employees have the right to be treated with respect and to work in an environment free from harassment and abuse. Our Yukon Teachers' Association members are increasingly reporting incidents of inappropriate behaviour from students, parents and other adults. This article is intended to raise awareness of the problems teachers are facing and to provide general information about the law in this area. Readers are encouraged to seek legal advice for their specific questions on the law.

What kinds of incidents involving students, parents and other adults are teachers concerned about?

- Parents coming into the classroom area and yelling at teachers
- Parents being intrusive and disruptive by repeated unannounced visits to their classrooms
- Teachers receiving angry or inappropriate comments in public
- Threats received at home or at school
- Damage to property at home or at school
- Pushing or other unwelcome physical contact
- Repeated phone calls

When is behaviour inappropriate?

There are several laws and policies that define appropriate behaviour inside and outside the school.

The Yukon Education Act 2002

Article 34 (e) - Every student is entitled to be treated in a fair and consistent manner.

Article 38 (a-g) - Every student shall:

- Respect the rights of others;
- Attend school regularly as required by the Act;
- Arrive punctually for each session of school;
- Observe the rules of the school;
- Pursue in a diligent manner the courses of study and carry out learning activities as may be required by a teacher;
- Return any school books or apparatus on loan when required to do so by a teacher or a principal;
- Refrain from damaging or mutilating any school property.

Article 167 - Every teacher has the right to be treated in a fair and reasonable manner free from physical and other abuse.

While Parents have the right to observe the instruction of their children (Article 18. (1) Part b), they must provide reasonable notice to the principal and teacher and the parental visitation must not impede the instruction of other children. They should not come to classrooms unannounced or linger around classroom doors.

The Yukon Human Rights Act, 2002

Sexual harassment is a violation of the *Yukon Human Rights Code*. The *Code* also protects against discrimination and harassment based on characteristics such as race, colour, sex, religion, marital status, sexual orientation and disability.

YG - Workplace Harassment Policy

1.4 Principles

1.4.1 The Government of Yukon strives to create an inclusive workplace that values and appreciates the diversity and contributions of all its employees.

Some types of prohibited behaviour:

- **Harassment, intimidation and violence**
- **Discrimination**
- **Hate propaganda**
- **Theft or intentional property damage**
- **Any behaviour, which threatens the health and safety or safety of any person.**

1.4.2 Issues related to workplace harassment will be addressed with the utmost priority, tact, confidentiality and discretion.

1.4.3 Workplace harassment introduces a disruptive element into the work environment which affects the well-being and/or job performance of employees. The Government of Yukon's goal is to prevent harassment from occurring in the workplace through a proactive approach with a focus on effective leadership and education at all levels of the organization.

1.5 Definitions

Workplace harassment Prohibited behaviour under the policy can extend to any aspect of the employment relationship including a supervisor, manager, a co-worker or a subordinate and may include rude, degrading or offensive remarks, emails, bullying, threats or intimidation either on a one time basis or a continuous series of events. This may include any conduct that has a connection with the workplace.

Personal harassment

Personal harassment means improper behaviour by a person employed in the Government of Yukon that is directed at, and offensive to, another person employed in the Government of Yukon, and which the first person knew or ought reasonably to have known would be offensive. Personal harassment includes objectionable conduct, comment or display that could reasonably be expected to demean, belittle, or cause personal humiliation or embarrassment to the recipient.

Personal harassment includes harassment as described in Section 14 of the Yukon *Human Rights Act*. (Prohibited grounds under the *Human Rights Act* are: ancestry, including color and race; national origin; ethnic or linguistic background or origin; religion or creed, or religious belief, religious association, or religious activity; age; sex, including pregnancy, and pregnancy related conditions; sexual orientation; physical or mental disability; criminal charges or criminal record; political belief, political association or political activity; marital or family status; source of income; actual or presumed association with other individuals or groups whose identity or membership is determined by any of these grounds listed).

Sexual harassment

Sexual harassment means any conduct, comment, gesture, display or contact of a sexual nature that might reasonably be expected to cause offense or humiliation, or that might reasonably be perceived as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

Abuse of Authority

Abuse of authority means an individual's improper use of power and authority inherent in the position held, by means of intimidation, threats, blackmail or coercion. This includes actions which could reasonably be expected to endanger an employee's position in a job, undermine an employee's ability to perform the job or threaten the economic livelihood of an employee. It shall not include the legitimate exercise of an individual's supervisory power or authority.

Conduct involving the proper exercise of authority related to providing advice and assigning work, counselling, performance evaluation, appropriate disciplinary and other supervisory /leadership functions does not constitute abuse of authority.

Tips for teachers dealing with inappropriate behaviour:

- **Don't blame yourself.**
- **Don't ignore it.**
Ongoing harassment can affect your physical and mental wellbeing, concentration and job performance.
- **Tell someone you trust.**
It is important to have emotional support.
- **Keep written records.**
Write down what happened, dates, names of witnesses and how you reacted.
- **Research the subject and ask questions**
- **Cooperate in the investigation.**
If you lodge a complaint, it is important to cooperate at all stages of the investigation. If you are uncomfortable or nervous, ask to have a friend come with you to the interview.
- **Be proactive.**
Initiate or participate in workshops or events that engage discussion between parents, students and teachers about appropriate behaviour in and out of school.

What should I do if I am a victim?

If you feel you are the victim of inappropriate or harassing behaviour there are various ways to resolve the situation.

- You can meet with the person responsible for the inappropriate behaviour and tell them that their actions or comments are unacceptable. You do not have to do this alone. In some situations this may be enough to resolve the problem.
- If you are intimidated or uncomfortable dealing with the individual yourself, you should consider seeking help from your school administration, Director of Learning or the Yukon Teachers' Association.
- If you are afraid for your personal safety or the safety of someone else, you should contact the police immediately.
- It may be wise to keep notes to ensure you have accurate information about the incidents should you choose to take further action.
- Write down the appropriate contact numbers and keep them in your purse or wallet where you can quickly access them should a problem arise.

What can the school do?

If there is conflict between a parent or student and a teacher, the first step is often to meet one-on-one with the parent/student and attempt to resolve the problem or come to an agreement. If this initial meeting is unsuccessful, the principal may be involved and attempt to bridge the gap between the people involved. Some schools may have restorative justice or mediation programs to help resolve conflicts.

In cases where there has been a serious incident or ongoing problems with an individual, he or she may be barred from school property.

Section 308. (1) No person shall:

- (a) Disturb or interrupt the proceedings of a school, or
- (b) Disturb or interrupt the proceedings of a meeting of a School Board or Council.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable to a fine of not more than \$500.00. Trespassing on school property can result in a fine of \$25-\$200 for a first offence and between \$100 and \$1000 for subsequent offences under the ***Trespass Act***.

If the problem persists, the teacher and principal may wish to bring the complaint to the employer through the respective Superintendent.

What can my professional association do?

It is the employer's duty to provide teachers with a safe work environment and to support teachers who are being harassed or threatened. If you feel you are not receiving the help you need from the employer, the Yukon Teachers' Association (YTA) will advise you, and if necessary, intercede on your behalf. If you are in need of assistance from your YTA, please call the Employment Relations Advisor at 867-668-6777 ext 2 or email era@yta.yk.ca

What can the RCMP do?

If you have been threatened, assaulted, or if you are worried about your safety, you should consider contacting the RCMP in addition to notifying school officials. They can intervene and in cases of criminal behaviour they can lay charges against the student, parent or other adult. For some cases they may recommend dealing with the situation outside of court by using a Community Justice Forum or other restorative justice models to help parties work together to resolve conflict.

If you are concerned for your safety, your family or your property, the police may be able to assist you in obtaining a peace bond. If the parent or student agrees, they can sign an agreement "to keep the peace and be of good behaviour". If they do not agree, the court can order a peace bond, if there are reasonable grounds for your fears.

As a victim can I get compensation for damage caused or harm done?

If you have incurred harm or damage to property and wish to have compensation you should consult a lawyer who can advise you based on the details of your specific situation.