

Teachers have the right to be treated with respect and to work in an environment free from harassment and abuse. This brochure is intended to raise awareness of problems teachers are facing and to provide general information about the law in this area. This is not legal advice. You should see a lawyer for specific legal questions.

## WHAT KINDS OF INCIDENTS ARE TEACHERS CONCERNED ABOUT?

- ✓ Receiving angry or inappropriate comments in public and/or in the classroom
- ✓ Threats at home or at school
- ✓ Damage to property at home or at school
- ✓ Pushing and other unwelcome physical contact
- ✓ Repeated phone calls and/or emails

## WHEN IS BEHAVIOUR INAPPROPRIATE?

Several laws and policies exist that define inappropriate school behaviour.

### NSTU COLLECTIVE AGREEMENT

Article 6.05 recognizes the responsibility of School Boards to establish a policy to protect teachers from harassment and abuse.

### NSTU MEMBER INCIDENT REPORTING FORM

This form documents behaviour not conducive to a positive learning environment. Teachers should complete the form within 24 hours of an incident and fax or send it to the NSTU.

### NSTU MODEL POLICY

Through collective bargaining the NSTU has developed a model policy to address harassment or abuse of teachers by school community members.

Each Regional School Board has the option to adopt or modify it. Teachers should check with their Board to verify the wording of such a policy.

Under the policy, improper conduct may be verbal, physical, written, or electronic and includes:

- ✓ Unwanted comments, inferences or suggestions
- ✓ Aggressive and intimidating behaviour
- ✓ Verbal and emotional abuse/threats
- ✓ Application of force or physical assault
- ✓ Bullying
- ✓ Mobbing

The model policy has two complaint procedures.

*Informal complaint procedure:* the teacher communicates to the harasser that their behaviour is inappropriate. If problems persist, someone in authority should be informed, usually the Principal.

*Formal complaint procedure:* this must be commenced within a year of an incident. A form is completed and sent to the Director of Human Resources who attempts to resolve the situation. If unsuccessful, an investigator is appointed.

The investigator interviews the parties; prepares a report; and presents it to the HR Director, the Superintendent of Schools and the parties. If harassment is confirmed, appropriate intervention will commence. If a serious response is appropriate, the HR Director may refer the matter to police.

### EDUCATION ACT, S.N.S. 1995-1996, C. 1

Teachers have a duty under s. 26(1)(k) to create and maintain an orderly and safe learning environment.

S. 27 gives teachers the power to exclude individuals who disturb the learning environment from school premises. S. 70 allows for the removal of those who use profane or inappropriate language.

Anyone who breaches s. 70 may face a fine, imprisonment or both. In practice this section has rarely been used.

### CRIMINAL CODE R.S.C. 1985, C. C-46

The *Criminal Code* protects all Canadians from harm. These are some of the relevant Criminal Code offences:

- ✓ Criminal Harassment (s. 264)
- ✓ Harassing telephone calls (s. 372(3))
- ✓ Assault (s. 265)
- ✓ Theft (s. 322)
- ✓ Uttering Threats (s. 264.1)
- ✓ Mischief (s. 430)

### HUMAN RIGHTS ACT, R.S.N.S. 1989, C. 214

The *Human Rights Act* protects against discrimination and harassment based on race, colour, sex, religion, marital status, sexual orientation and disability.

## WHAT SHOULD I DO IF I AM A VICTIM?

- ✓ **Don't blame yourself.**
- ✓ **Don't ignore it.** Ongoing harassment can affect your physical and mental wellbeing, concentration and job performance.
- ✓ **Meet with the person responsible.** Tell them that their actions are unacceptable.
- ✓ **Tell someone you trust.** A member of the School Administration or a Union representative may help. It is important to have emotional support.
- ✓ **Cooperate in the investigation.**
- ✓ **Contact the police** if you are concerned for your or someone else's safety.
- ✓ **Be pro-active.** Initiate or participate in workshops or events that focus on appropriate school behaviour.

## WHAT CAN THE SCHOOL DO?

If conflicts between a parent or student and a teacher cannot be resolved informally, the Principal may become involved. Some School Boards may have restorative justice or mediation programs to help resolve conflicts.

If there has been a serious incident or ongoing problems with an individual, he or she may be asked to stay off of school property.

If problems persist, the Principal may bring the complaint to the Superintendent of Schools who could then refer the matter to the Regional School Board's legal counsel.

## WHAT CAN MY UNION DO?

If you feel you are not receiving adequate help elsewhere, your Union will advise you and, if necessary, intercede on your behalf.

## WHAT CAN POLICE DO?

If you have been threatened or assaulted, consider contacting the police or RCMP in addition to notifying school officials. Police can intervene in situations where the Criminal Code has been violated and may lay charges. They may recommend dealing with the situation outside of court by using alternative dispute resolution models. If you are concerned for your safety or the safety of your family or property, the police can assist you in obtaining a peace bond.

## AS A VICTIM CAN I GET COMPENSATION FOR DAMAGE OR HARM DONE?

If you have suffered personal injury or damage to property and wish to be compensated, consult a lawyer who can advise you on your rights. Any costs incurred during this process will be paid by you.

A fuller version of this information is available online at [www.nstu.ca](http://www.nstu.ca) or [www.legalinfo.org](http://www.legalinfo.org).

Call the Legal Information Society of Nova Scotia's Information Line: 455-3135 (HRM) or 1-800-665-9779.

*The information in this pamphlet was adapted by the Legal Information Society of Nova Scotia from a similar publication produced by the Public Legal Information Service of New Brunswick for the NBTf.*

***This material is also available in French.***

# TEACHERS' RIGHTS IN NOVA SCOTIA



## DEALING WITH HARASSMENT BY STUDENTS, PARENTS AND OTHER ADULTS