

## **Conflicting Requirements in a Complex Age**

### **Dr. Wilco Tymensen**

*Once a week, the Lethbridge Herald publishes a column written by a superintendent of one of five school jurisdictions in the Lethbridge area. This week's column is authored by Dr. Wilco Tymensen, Superintendent for Horizon School Division No. 67 and was published on October 17, 2018. CASS thanks the Lethbridge Herald for permission to post this article on our website.*

On June 1, 2018 Alberta's Occupational Health and Safety changes came into effect. The intent of the changes was to better protect workers, but these changes have also increased employer workload and made employer's responsibilities more complex.

Employees now have the right to know potential hazards, the right to participate in health and safety discussions, and the right to refuse dangerous work. Hazards and violence in all forms are also now defined as workplace hazards.

The OHS Act defines harassment as 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 affects the worker's health and safety. This means that any harassment complaint now must also be addressed under OH&S legislation.

Under the new legislation, employers must develop workplace harassment and violence prevention plans and address incidents when they do occur. While school leaders have always strived to make schools safe places, there are now multiple pieces of legislation that formally address our requirement to provide a safe environment for students and staff.

When schools encounter an issue such as student violence towards teachers, teachers have the right to refuse work while the school addresses questions about whether the school is providing adequate measures to ensure the safety of their employees.

School and school authority administration must consider their legal responsibility under OH&S legislation as well as the School Act which contains states such as: (1) "A board shall ensure that each of its resident students is provided with an education program consistent with the requirements of this Act and the regulations" and (2) "A board has the responsibility to ensure that each student enrolled in a school operated by the board and each staff member employed by the board is provided with a welcoming, caring, respectful and safe learning environment."

School and school authority administration must address complex issues, assess contextual variables, balance rights and responsibilities, and determine the best course of action. Decisions are never taken lightly nor do they occur impulsively. We live in a new age, where people know their rights and people are more willing to bring concerns forward via newspapers and social media. The problem is that such reports are often one sided and do not tell the whole story.