



Teachers have the right to a **safe workplace!**

**Violence is not part of it!**

insults  
cyberbullying  
threats  
shoving  
pushing

**Report incidents!**

Did you know that, in a spring 2018 survey<sup>1</sup> of QPAT members:

- 56% of respondents said they had been victims of at least one incident involving physical and/or psychological violence (including cyberbullying) in the previous two years.
- 47% of the incidents were perpetrated by students and 33% by parents.
- More than 70% of respondents said they did not always report incidents involving violence because:
  - they felt they were able to manage them
  - incidents such as these are an inherent part of teaching and in any case, they are not taken seriously by the administration
  - they are afraid of professional repercussions
- 84% of respondents described violence against teachers as “worrying”.

Violence is not trivial and must be taken seriously by everyone concerned. According to CNESST statistics from 2015,<sup>2</sup> teachers are ranked second, after health sector workers, in the list of groups most at risk.

<sup>1</sup> Presentation of results from the workplace violence experienced by teachers questionnaire administered to members of the Quebec Provincial Association of Teachers

<https://qpat-apeq.qc.ca/presentation-of-results-from-the-workplace-violence-experienced-by-teachers-questionnaire-administered-to-the-members-of-the-quebec-provincial-association-of-teachers/>

<sup>2</sup> Based on claims accepted by the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (CNESST 2015)

## Violence in the workplace: Rights and obligations

Whether violence is physical (pushing, kicking, biting, etc.) or psychological, including cyberbullying (threats, insults, rumours, etc.), both employers and employees have rights and obligations.

### You have certain obligations...

Under the Act respecting occupational health and safety, you **must** take the necessary measures to protect your health, safety and physical well-being. You must also participate in the identification and elimination of risks of work accidents or occupational diseases in your workplace (s. 49).

It is therefore essential to **report** violent incidents **in writing**, using the form provided, so that there is a record, and so that appropriate actions and interventions **can be taken**. Reporting also allows for **follow-up** measures to remedy the situation and **prevent** it from deteriorating.

### The employer also has an obligation to protect your rights...

Under the Charter of Human Rights and Freedoms (a. 46), the Act respecting occupational health and safety (s. 51), the Act respecting labour standards (s. 81.19) and the Civil Code of Québec (a. 2087), an employer **must** take the necessary steps to provide you with a harassment-free workplace where your health, safety, dignity and physical and psychological well-being are protected. An employer has an obligation of loyalty to its employees that is now recognized by law.

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For **all incidents** involving violence, it is important to keep a log of the student's or parent's behaviour as well as any follow-up actions taken by you and the administration.

If your efforts are unsuccessful with your school or centre, contact your local union.

The local union will make representation to your school board to ensure that measures are implemented to protect your health and safety at work. Failing that, if necessary, a grievance could be filed.

This pamphlet is provided for information purposes only. You should refer to the text of the legislation for any legal purposes.

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## What do you do when faced with physical violence?

### Example

In spite of your warnings to calm down, a student threatens to strike you and goes so far as to push you before leaving the classroom.

### Suggested actions

- **Report** the incident, in writing, using the form available at your school or centre (accident register or other record) and **recommend** appropriate corrective action.
- Where applicable, **meet with** the administration to discuss the corrective measures required. The administration is responsible for applying the anti-bullying and anti-violence plan and rules of conduct approved by the governing board and prepared in collaboration with school staff members (ss. 75.1, 76, 77 and 110.2 of the Education Act).
- Where applicable, **consult** a physician. **Provide** all the details of the incident so that he or she can link it to your job, and where necessary begin the process with the CNESST by signing a medical certificate setting out the diagnosis and duration of absence.
- At the school council meeting, **discuss** any problems relating to the implementation of the anti-bullying and anti-violence plan and rules of conduct.

### Education Act (s. 13)

... "**violence**" means any intentional demonstration of verbal, written, physical, psychological or sexual force which causes distress and injures, hurts or oppresses a person by attacking their psychological or physical integrity or well-being, or their rights or property.

## What do you do when faced with psychological violence?

### Example

You constantly receive insulting e-mails from a parent, criticizing your teaching methods and evaluations.

### Suggested actions

- **Organize** a meeting with the parent concerned to review the situation, and ask the administration for immediate support.  
*Do not try to justify your point of view by e-mail or via social media.*
- **Establish** a communication protocol (who? what? when? how?) to deal with future situations.
- **Report** the incident in writing, when appropriate, using the form provided by the school or centre (accident register or other record).
- Where necessary, **file** a complaint of psychological harassment in accordance with the school board's policy, to force the employer to react.

In some specific cases, if there is reason to believe that your job may endanger your health, safety or physical well-being, you may exercise your right of refusal (s. 12 of the Act respecting occupational health and safety and article 10-8.00 of the collective agreement).

Once you have notified the administration, a discussion should take place with the union representative in order to identify potential solutions. If the dispute persists, a CNESST inspector may visit the school and impose temporary measures and require the employer to implement corrective measures.

**However**, a refusal to perform work must not have the effect of putting the life, health, safety or physical well-being of another person in immediate danger (ss. 13 and 19 of the Act respecting occupational health and safety).

In other, more extreme situations, a complaint may also be filed with the police.