

Committee Minute Form

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Room 328, 340-9th Street
 Brandon MB R7B 2K8
 Phone (204) 726-6361
 FAX (204) 726-6749
 Email: cominutes@gov.mb.ca

Workplace Safety & Health Division

BRANDON SCHOOL DIVISION 1031 – 6 th Street Brandon, MB R7A 4K5 Phone: (204) 729-3100 Fax: (204) 727-2217 Central Committee Meeting date: <u>October 19, 2011</u> Date of next meeting: <u>January 18, 2012</u> Number of employees at Workplaces: 700+	Employer Members Gerald Barnes Mel Clark Marty Snelling Craig Laluk	Occupation Secretary-Treasurer Director Fac & Trans Trustee School Administrator	Present x x x x	Absent
	Worker Members Lionel Ogg James Copeland Jamie Rose Issa Qumsieh	Teacher Teacher Utility Worker Custodian	x x x x	
	Guests Doug Armstrong, WPS&H Officer Kevin Zabowski	Ex-officio Asst. Sec-Treasurer	x x	

Date of Origin	Concern or Problem	Recommendation or Action To Be Taken	Action By (who & when)
A	Minutes of May 18, 2011 <ul style="list-style-type: none"> Mel Clark, Chair, called the meeting to order at 1:05 p.m. Everyone was welcomed to the first committee meeting of the school year. Kevin Zabowski attended the meeting as he will be part of the committee effective January 2012 as he assumes his new role as the Secretary-Treasurer. There were no amendments to the meeting minutes of May 18, 2011. 	<ul style="list-style-type: none"> L. Ogg inquired if the copy of the Improvement Order (dated April 19, 2011) attached is the same one as the last meeting and it was answered no. Chair M. Clark requested a volunteer for a co-chair as R. Derewianchuk is no longer on the committee. It was decided that L. Ogg will be co-chair. Moved by Issa Qumsieh – Craig Laluk – That the previous meeting minutes of May 18, 2011 be adopted as circulated. Carried 	-
B	Outstanding Issues: 1. Draft Policy: Violence in the Workplace – Update	<ul style="list-style-type: none"> Copies of the current "Policy and Procedures 5026 – Harassment" were provided to the committee for their review. G. Barnes indicated that the draft version of "Violence in the Workplace" is the policy only and the procedures are currently being worked on. As G. Barnes will be retiring before the next meeting scheduled for January, he indicated that he will complete the procedures and distribute them before he leaves. L. Ogg inquired about including the February 2011 changes as per Safe Manitoba in regards to harassment. It was reported that there are separate policies for harassment and violence, so this draft violence policy will not include harassment. In reference to the Policy and Procedures 5026 hand-out, L. Ogg inquired if students and parents can be included in the paragraph that states "An individual who believes he/she is being harassed by a person..." (page 2 of Procedures 5026, paragraph two under "Administrative Procedures"). 	G.Barnes December 2011

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Within 7 days, copy to: ● Committee members; ● Committee files; ● Workplace Safety and Health; ● Post on S&H Bulletin Board

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		<p>It was noted that they are included as specified in the title at the top of page 1 of the Procedures; "Harassment (As It Applies To Employees, Students, Volunteers/Parents)."</p> <ul style="list-style-type: none"> - L. Ogg also expressed that it is difficult to find the policies online. The policy numbers and titles are visible, but it's difficult to locate the exact policy with the way it is displayed. It will be followed up to ensure they are appropriately visible. - L. Ogg also asked if the harassment and violence policies must be displayed on the school bulletin boards. It was answered that they aren't required to be on bulletin boards as they are made available through every school administration and on the website; however, this will be confirmed. 	Secretary-Treasurer's office
	2. WPS&H Committee Structure - Update	<ul style="list-style-type: none"> - The support letter from the BTA was received. Along with the CUPE and BTA support letters, a letter was sent to MB Labour and Immigration (D. Hurst) dated September 9, 2011, re: Continuance of Variance for the committee structure (copies attached). A response has not been received yet. 	Committee will be informed of response.
	3. Incidents Reported/Not Reported	<ul style="list-style-type: none"> - The attachment provided was to confirm that the procedure to report incidents was posted to the Workplace Safety and Health conference on First Class for accessibility. - Discussion ensued on who can access this information and the other conference available only for safety reps. It was determined that access to the other conference only for safety reps has to be done by the IT department. R. Beaulieu will forward safety rep lists to IT to have safety rep access updated. - R. Beaulieu to also remove old documents off the WPS&H conference. 	R. Beaulieu
	4. Worker's Compensation Board (WCB) Presentation	<ul style="list-style-type: none"> - D. Armstrong confirmed that it would not be necessary to have a WCB presentation. All the information is available for staff to access, including the attachment that outlines the procedures for reporting incidents. 	-
	5. Reviewing of Incident Severity	<ul style="list-style-type: none"> - A handout was provided to the committee indicating the non-student and student incidents for the period of April 2010 to September 30, 2011. - D. Armstrong explained the information provided and discussion ensued on the definition of severity, repeat incidents, follow-up of incidents, etc. - J. Copeland inquired if harassment and violence incidents/complaints will be included in this report as per the new harassment and violence policies, and it was answered yes. - G. Barnes indicated that D. Armstrong will report all severe incidents. It was confirmed that D. Armstrong 	

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		<p>receives severe reports within 24-48 hours of the incidents occurring.</p> <ul style="list-style-type: none"> - L. Ogg provided that EA's are not notified of violent students before they are assigned to them. It was discussed that due to FIPPA, there are some confidentiality issues that are to be adhered to due to legalities. Follow-up on confirmation of this to be brought forward to next meeting. - Discussion included staff trained in investigating workplace incidents. It was decided that J. Copeland should be trained if L. Ogg is not available. It was mentioned that B. Stamper (management) is trained and he can investigate workplace incidents also. 	<p>D. Armstrong FIPPA & Legalities January 2012</p> <p>R. Beaulieu Training registration for J. Copeland</p>
C	<p>Correspondence:</p> <ol style="list-style-type: none"> 1. Copy of Improvement Order Form from Debra Draper, SHO, dated April 19, 2011, in response to the BSD letter dated April 4, 2011. 	<ul style="list-style-type: none"> - Committee members reviewed and discussed the information provided. 	
	<ol style="list-style-type: none"> 2. Copy of correspondence from Don Hurst, MB Labour & Immigration, dated July 19, 2011, regarding the Division's request for exemption in the frequency of workplace inspections. 	<ul style="list-style-type: none"> - Committee members reviewed information provided. - M. Clark reviewed the safety inspections frequency and confirmed that four (4) inspections must be done every year on all schools, Maintenance, and the Administration Office. - Discussion included the time and resources it will take to have 4 full inspections for all buildings within the 10 months of school and who will be involved in the inspections. - G. Barnes further provided that items identified on school inspections are to be addressed by the school custodian. M. Clark is to ensure the custodian is addressing those concerns and that it is not the responsibility of D. Armstrong. 	
	<ol style="list-style-type: none"> 3. Copy of Re-Inspection Report from Debra Draper, SHO, dated August 24, 2011, in response to the BSD letter dated April 15, 2011. 	<ul style="list-style-type: none"> - Committee members reviewed and discussed the information provided. 	
	<ol style="list-style-type: none"> 4. Copy of correspondence from Don Hurst, MB Labour & Immigration, dated June 13, 2011, regarding Appeal of Improvement Order. 	<ul style="list-style-type: none"> - Committee members reviewed information provided. 	
	<ol style="list-style-type: none"> 5. Letter to MB Labour & Immigration (D. Draper), dated September 6, 2011, regarding inspections. 	<ul style="list-style-type: none"> - Committee members reviewed the information provided. - D. Armstrong to follow-up on response from Debra Draper. 	D. Armstrong January 2012
	<ol style="list-style-type: none"> 6. WPS&H Committees & School Representative for 2011-12 	<ul style="list-style-type: none"> - Committee members reviewed information provided. - J. Copeland asked if it is a conflict to serve on both the Divisional WPS&H committee and the school committee, and it was answered yes. Therefore, it was suggested that Riverheights be advised to select another WPS&H school rep. 	M. Clark

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D	New Business: 1. School Incidents Reported Electronically January 1 to June 30, 2011	<ul style="list-style-type: none"> - Committee members reviewed information provided. - It was noted that the incidents were mainly on the playground. - Also noted is that this report does not include near-misses, which will need to be documented and investigated, as well. 	
	2. Inspections Completed for 2010-11	<ul style="list-style-type: none"> - Committee members reviewed information provided. - All schools were inspected last year. 	
	3. Inspection Schedule for 2011-12	<ul style="list-style-type: none"> - Committee members reviewed information provided. - D. Armstrong explained that he initially requested only two inspection dates from each school, and the other two dates will follow from the second inspection date. - M. Clark indicated that an inspection can be done at Maintenance next week. - D. Armstrong indicated that the Administration Office can be inspected at any time. - D. Armstrong has copies of all inspections. The inspections completed will go to the committee as per Debra Draper. - Further discussion resulted in the decision that the completed inspections will become an agenda item for each WPS&H Committee Meeting; it was suggested that the inspections be brought up electronically on the screen in the committee meetings in order to use less paper. - Completed inspections will be placed on the WPS&H conference where they can be accessed electronically at the committee meetings and be visible for committee members to access at any time. - Committee members can view the inspections before the meeting and bring any questions forward at the meeting. - Further discussion ensued regarding the frequency of inspections and the difficulty of completing 4 inspections per year with only 10 months to work with. None can be completed during the summer because there are no teacher reps available, custodians are away in July, August is busy getting schools ready, and June and September are too busy with school ending and starting. This results in the inspections being completed close together within the 10 months simply to get the required 4 inspections done. - Suggestion was made to perhaps inquire about having only certain areas of inspection be completed at certain times, for different buildings, i.e. high school labs versus elementary school classrooms, to effectively utilize valuable resources. 	D.Armstrong R.Beaulieu Posting of inspections to WPS&H conference on First Class, Add to each meeting agenda.

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	4. WPS&H Program, Three Elements	<ul style="list-style-type: none"> - Committee members reviewed information provided. - The WPS&H program is based on 11 elements; 3 of them were discussed in this meeting as per the attachment. - D. Armstrong reported that we are to complete 3 of the 11 elements per meeting this year; the next meeting will address the next three elements. - J. Copeland suggested that "harassment" be included in the paragraph under "General Policy Statement" (line 5; "...They are committed to the prevention of occupational injuries, illnesses, harassment, and violence..." It was agreed by the committee members to add the word "harassment." 	D. Armstrong January 2012
	5. WPS&H Fall Training Report – October 3, 2011	<ul style="list-style-type: none"> - D. Armstrong reported that the session was well attended. There were 41 BSD staff in total; 20 BTA members, 19 CUPE members, 2 Facilities Maintenance supervisors, and himself. - The workplace inspection component was informative as it included an interactive piece done on laptops that was very engaging for each group as they had to spot the hazard in different areas of a school. Feedback from participants was positive. - M. Clark requested that next year's training be scheduled on a teacher PD day when it is easier for custodians to attend. It was explained that this fall training is an MTS activity, so we are left to work with the date they choose. Discussion ensued on a suitable date during the year, but it was determined that there is no exact "ideal" date. 	
	Other: 1. High School Committees Meeting Minutes	<ul style="list-style-type: none"> - L. Ogg indicated that he cannot locate high school meeting minutes. It was explained that the high schools report their minutes directly to the Workplace Health & Safety Office (in Winnipeg). - M. Clark explained this divisional committee provides policies and procedures to the Division as a whole, and represents the K-8 schools. 	-
	2. Sending Out of Meeting Agenda	<ul style="list-style-type: none"> - I. Qumsieh indicated that the agenda for this meeting was only sent out on Monday (two days before the meeting date) leaving not enough time to review the agenda and attachments. He suggested that the agenda be sent out two (2) weeks ahead of the meeting date, if possible. It was confirmed that only one (1) week is required. 	R.Beaulieu
	3. Primary Access	<ul style="list-style-type: none"> - G. Barnes provided that primary access is being looked at in regards to the schools. Discussion ensued about the various schools' access points and some differed from the information that D. Armstrong had (which was received directly from the schools at 	D.Armstrong

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		<p>the beginning of this year).</p> <ul style="list-style-type: none"> - Further to school access, G. Barnes indicated that Senior Administration discussed implementing a sign-in procedure at the main office for visitors to all schools – meaning anyone who accesses a school but does not work there including Maintenance staff and contractors. Further discussion suggested name tags for all BSD staff. - M. Clark suggested having a staff ID card to swipe when entering buildings. 	
	4. Farewell to G. Barnes	<ul style="list-style-type: none"> - M. Clark extended best wishes to G. Barnes as this is his last meeting before his retirement. His expertise, knowledge, and guidance throughout all areas of the Division will be missed. M. Clark also acknowledged K. Zabowski, G. Barnes' successor, and that he will be an asset to the committee and Division. - G. Barnes acknowledged his enjoyment with working with the committee and wishes the best to everyone. 	

Other Business: Confirmation of Next Meeting: January 18, 2012

Adjournment: Lionel Ogg – Issa Qumsieh – That the meeting do now adjourn at 3:00 p.m. Carried.

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BRANDON SCHOOL DIVISION POLICY

POLICY 5026

HARASSMENT

Adopted: Motion 79/2010; May 25, 2010

The Brandon School Division believes in the rights of all members of the school community to work and learn in environments that value and demonstrate respect for human rights and freedoms.

The Brandon School Division affirms its obligation as an employer to provide learning and working environments free of harassment. The Division requires employees, students, parents, volunteers and all visitors to conduct themselves in a manner which promotes and protects the best interests and well being of students, staff and others. The principle of fair treatment is a fundamental one and the Division will not condone any improper behaviour which jeopardizes dignity, undermines learning, working relationships or productivity.

Harassment, as defined in the administrative procedure, is unacceptable. Such behaviour toward an individual attacks the dignity and self respect of that person and constitutes a serious infraction. When a student or employee exhibits harassing behaviour, disciplinary action, up to and including dismissal or expulsion, may result.

The Brandon School Division will take reasonable steps to ensure employees, students, parents, volunteers and visitors are informed and aware of the issue of harassment and the procedures to follow should they experience harassment.



BRANDON SCHOOL DIVISION POLICY

PROCEDURES 5026

HARASSMENT

(AS IT APPLIES TO EMPLOYEES, STUDENTS, VOLUNTEERS/PARENTS)

Adopted: Motion 79/2010; May 25, 2010

GUIDELINES

A. Legislative Context

Canadian Charter of Rights and Freedoms

The *Constitution Act [1982]*, which includes the Canadian Charter of Rights and Freedoms, is the supreme law of Canada. As such, all other laws and applicable workings of governments, including school boards, must be consistent with its provisions. The Charter and Supreme Court of Canada decisions made under the Charter guarantee everyone equality regardless of race, national or ethnic origin, citizenship, colour, religion, marital status, sex, sexual orientation, age, or mental or physical disability. The Charter and Supreme Court decisions also promote the development of programs designed to redress the conditions of disadvantaged individuals or groups.

Manitoba Human Rights Code

The Human Rights Code of Manitoba recognizes the individual worth and dignity of every member of the human family, and this principle underlies the *Universal Declaration of Human Rights*, the *Canadian Charter of Rights and Freedoms*, and other solemn undertakings, international and domestic, that Canadians honour.

Implicit in the above principle is the right of all individuals to treatment that is solely based on their personal merits, and to equality of opportunity with all other individuals, in all matters.

B. Duties and Responsibilities

1. The Brandon School Division will strive to:

- maintain an environment of acceptance within the organization;
- take reasonable steps to ensure the removal of any barriers to acceptance in employment policies and practices and to access of programs, resources and facilities;
- provide positive role models.

2. Supervisory and Managerial Personnel

Supervisory and managerial personnel have a specific duty to implement the policy. This responsibility includes support of a culture of acceptance, response to harassment, and the education of staff, students and the school community.

3. Employees

Employees have an obligation to ensure that the learning environment promotes acceptance for all people.

4. Members of the learning community

Employees, students and parents can support learning and working environments of acceptance. They should strive to prevent conduct injurious to the welfare of these environments and thereby preserve respectful partnerships.

ADMINISTRATIVE PROCEDURES

Individuals have the right to take assertive action when they encounter harassment in the learning or working environment. They have the right to expect confidentiality from the parties involved, and a reasonable degree of privacy as the matter is resolved. The safety of all parties involved is paramount when a complaint arises.

An individual who believes he/she is being harassed by a person in a position of authority, or by a co-worker, or by any other person affiliated with the Brandon School Division shall follow the procedures herein set forth.

All complaints of harassment will be acted upon in accordance with this procedure and policy. Confidentiality will be respected, but when necessary, information will be shared on a need to know basis with affected and/or involved individuals. Complainants will be advised on the extent to which information may need to be shared and with whom.

Any written documentation received in regards to a complaint, including investigative interview statements, should be signed by the appropriate parties.

Unless a complaint is clearly frivolous or vexatious, an investigation will be conducted of all complaints of harassment.

A. Resolutions

1. Informal Resolution

Through the informal resolution process, should no previous incidents be evident, the individual in authority may attempt to achieve a resolution to the problem through mediation and counseling. Involvement from Guidance Counselors, the Harassment Resource Team and/or the Director of Human Resources may be requested where applicable.

2. Formal Resolution

Through a formal resolution process, an investigative committee is formed and within a reasonable timeframe, the committee will review and investigate the complaint of

harassment as described. It is required that the **Harassment Documentation Complaint Form** should be used as the formal written complaint.

A formal resolution investigation is conducted when:

2.1 Employee Initiated Complaints

If: (a) past incidents of harassment are evident, or
(b) if the situation is not resolved through informal procedures, or
(c) at the request of the complainant,
the complaint shall be addressed through a formal complaint process. The trusted individual in authority who has been contacted or the complainant shall forward a written complaint to the Director of Human Resources.

2.2 Student Initiated Complaints

If: (a) past allegations of harassment are evident in a student's history, or
(b) at the request of the complainant, or
(c) when the complaint involves an employee of the Division, or
(d) when the Principal deems the complaint to be sufficiently serious,
the complaint shall be addressed through a formal resolution process. The adult contacted by the student shall forward a written complaint to the Principal.

Individuals should reference the following when considering the initiation of a complaint:

Appendix A – Definitions

Appendix B – Procedures for Resolution – EMPLOYEE

Appendix C – Procedures for Resolution – STUDENT

Appendix D – Procedures for Resolution – VISITOR/VOLUNTEER/PARENT

Appendix E – Investigation of Harassment Complaints

In addition to or instead of levying a complaint pursuant to the policy, a complainant has the right to pursue his/her complaint through the Human Rights Commission or, where appropriate, to lay information under the Criminal Code of Canada, or both. The complaint procedures of this policy do not prohibit the individual's right to respond to a complaint through the collective agreements, or to seek redress as provided under the law.

Non Student Incidents

From April 2010 to September 30, 2011

Total = 21

minor	11
moderate	5
severe	5

Three (3) of these incidents were staff student incidents and 11 were Maintenance staff.

Student Incidents

Total = 129

minor	105
moderate	10
severe	14

The breakdown is as follows:

- Playground = 77 incidents

minor	57
moderate	9
severe	11
- Shop = 6 incidents
all minor
- Inside gym = 46 incidents

minor	42
moderate	1
severe	3