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LANDMARK DECISION ON VIOLENCE:

Teacher Safety Must be a Priority

October 24, 2024, FREDERICTON (NBTF) – A landmark ruling by adjudicator Trisha Perry finds a New Brunswick school district failed to protect school personnel from repeated physical and psychological harm caused by a student with who acted violently.

The ruling, following a successful grievance filed by the New Brunswick Teachers' Federation (NBTF), makes it clear: **The employer's obligation to provide inclusive education to students does not outweigh the employer's duty to ensure a safe, violence-free workplace to employees.** Perry's 108-page decision, released on October 11, 2024, asserts

“Though some inherent risk is associated with inclusive education, extreme, consistent, and frequent incidents of violence and harm should not be considered the ‘norm’ for educational providers...”

In *NBTF v. His Majesty in Right of the Province of New Brunswick as Represented by the Department of Finance and Treasury Board (EECD)*, Perry found that the Employer had violated its obligations under the *Safety Policies of the Occupational Health and Safety Act*, and Article 10 of the Collective Agreement, further affirming that

“Children are entitled to an education, and school employees deserve to work in a safe environment. The solutions are not straightforward, but we need to strive to improve the experience of students with complex behavioural exceptionalities without sacrificing the health and safety of staff.”

Damages were awarded to the grievors for both physical and psychological injuries.

To protect the privacy of the student involved, names and other details remain confidential.

Key Takeaways from the NBTF

- Employees in education are not required to tolerate incidents of violence and harm at school.
- Districts must take reasonable precautions to ensure the safety of their employees. This can include:
 - Ensuring that the transfer of information occurs when a student moves from school to school, particularly if the student may pose a risk to themselves and others.
 - Ensuring all staff receive appropriate specialized training to support the more complex learning plans of the students with whom they work.
 - Providing additional resources early to avoid escalation of violent incidents.
 - Ensuring all staff have the capacity and/or degree of expertise necessary to support their students.
 - Requesting a complex case designation when recommended interventions are not effective.
 - Implementing a Partial Day Plan for students whose aggressive behaviour escalates at specific times in the day.
 - Identifying an alternate location to deliver programs and services to the student when the school cannot provide the services and/or the safety of the student or others is at risk.
- Districts must be particularly vigilant in addressing extreme cases, in terms of severity or frequency, early so as to ensure a safe working environment for employees.
- Blaming school staff when intervention plans fail is not an option.
- Where Districts fail to adequately protect their employees, remedies are available through the grievance process.

NBTF members are reminded of their right to refuse unsafe work following the established protocol with [WorkSafeNB](#) and to file [violent incident reports](#) with the NBTF.

Members can address their questions to nbtf-fenb@nbtffeb.ca.

The New Brunswick Teachers' Federation is dedicated to protect and improve working conditions for the socio-economic well-being of New-Brunswick teachers.



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