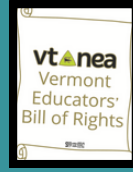


Safety

Safe Working and Learning Conditions for All



VTNEA Bill of Rights Topic: Safety

Definition:

The right of public-school employees to a safe workplace, including protections from dangerous conditions and harmful situations regarding coworkers, parents, or students.

Legal Reference:

Working Conditions are a mandatory subject of bargaining (16 VSA § 2004 and 21 VSA § 1725).

Potential Union Proposals:

- Be fully and adequately staffed to meet the academic, physical, and emotional needs of all students.
- Increase the number of nurses, school counselors, social workers, and other mental health professionals working in buildings.
- Develop and implement clear and consistent procedures for addressing harassment and assault against educators and students.
- Develop and implement consistent system-wide approaches to student behavior, through ongoing training for educators and students.
- Adopt adequate leave policies for assault or injury incurred as a result of unsafe conditions.
- Maintain safe and healthy school facilities that ensure optimal teaching and learning conditions.

Possible Responses from School Board:

- We cannot put this into the collective bargaining agreement.
- We already have policies on safety.
- Making improvements to safety is too expensive.
- If we invest in safety improvements, we will need to reduce wage increases or cut staff.
- We do not want employees filing grievances every time there is a behavior incident with a student.
- Creating safety standards could deny some students an education.

Safety

Safe Working and Learning Conditions for All



VTNEA Bill of Rights Topic: Safety

Union Rationale/Talking Points:

- Safety issues are at the heart of the union movement. Without safe conditions teaching and learning cannot happen. Safety is important and it belongs in our shared agreement.
- Labor Management discussions develop an internal process that will produce actionable items.
- The district must develop safety standards that ensure all students have access to an education.
- As student behavior becomes more complex, many educators are experiencing violent incidents from students.
- School systems often attempt to minimize dangerous situations experienced by educators.
- Educators must have the right to grieve and/or appeal when their employer does not seriously consider safety as a priority.
- If the school system truly believes in maintaining a safe working environment for staff, they should not have concerns with a system that is transparent and maintains accountability.
- The goal of safety standards is to address any situation where an educator or student is experiencing abuse, assault, and/or violence from any person present in the workplace and to provide for a healthy environment.
- As school systems continue to fall behind in modernizing school buildings, both students and educators often work in environments lacking modern ventilation. As the pandemic has shown us, HVAC systems are critically important to the well-being of students and staff.

Assault & Injuries at Work

Safe Working and Learning Conditions for All



VTNEA Bill of Rights Topic: Safety

The optimum assault provisions contain the following elements:

- Definition of assault.
- Guarantee of legal assistance.
- Protocol for reporting incidents and transparent means of tracking.
- Create a procedure for injuries and assaults.
- No loss of sick time.
- Leave policies for assault or injury incurred due to unsafe conditions that address any gap in pay left by workers' compensation.
- Include bullying (adult to adult)

Example- Legal Assistance:

- The employer shall provide full support, including legal and other assistance, to employees who are assaulted during the performance of their duties. A bargaining unit member who is injured as a result of attempting to quell a disturbance among students shall be considered to have been injured as a result of an assault.

Example- No lost wages/Time:

- When absence and/or disability arise out of an assault or other injury that occurred while the employee was engaged in the performance of their duties, the employee(s) shall suffer no loss in wages or other benefits, including health insurance for the employee and their health care dependents, set forth in this Agreement.
- Should an Employee experience an assault at work and suffer medical and/or mental health consequences which are found to be compensable under Workers Compensation statutes the Board shall make up the difference between the compensation the Employee would normally receive under their contract and the payments received by the Employee under the District's Workers Compensation Program for a period not to exceed ninety (90) calendar days with no charge to the Employee's accrued leave. Employee benefits such as health, dental and other insurances will continue in accordance with the provisions of this Agreement while the Employee is absent due to a work-related injury resulting from an assault at work.



VTNEA Bill of Rights Topic: Safety

Example- Reimbursement for property damage:

- The employer shall reimburse employees for all costs incurred as a result of the assault. Reimbursement shall include, but not be limited to, costs incurred in repairing or replacing personal property which may have been damaged or destroyed, all related medical costs not covered under insurance benefits to which the employee(s) may be entitled.

Example- Protection against bullying behaviors:

- The Association and Board consider workplace bullying unacceptable and will not tolerate it under any circumstances. Examples of bullying behavior include, but are not limited to ridiculing, humiliating, or intimidating behavior towards an individual or group of employees. If an employee believes that they are the target of bullying behavior, a formal complaint should be lodged with the building administrator.
-
- Protection in the Case of Threats: Employees shall not be required to work under conditions which constitute a threat to their health or safety.
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- The Association and Superintendent will annually review, revise, and agree upon the procedures for a student threatening the life and/or safety of an educator.

General Health & Safety

Safe Working and Learning Conditions for All



VTNEA Bill of Rights Topic: Safety

The optimum Health and Safety Language should include:

- Safe physical environment free from hazards.
- Safety training
- Protocol for reporting incidents and transparent means of tracking.
- Leave policies for assault or injury incurred due to unsafe conditions
- No reprisals against employees who raise safety concerns
- Sharing of IEP, 504, behavior plan for anyone working with a student

Example- Safe Working Environment:

- The Employer will provide a safe working environment free from risks to employee wellbeing. Employees will not be required to work in unsafe or hazardous conditions, or to perform tasks that endanger their health, safety, or well-being. This includes conditions that pose risks to both the employee's physical and mental health.

Example- Addressing Student Behaviors:

- Employees shall be informed prior to being assigned to work with or supervise student(s) whose behaviors could present a safety hazard to the students or employees. Employees shall be provided in advance with specific information about the known behavior pattern(s) of the student(s) and suggested specific strategies for managing those behaviors.

Example- No Reprisals:

- There shall be no reprisals, restraints, interference, coercion, or discrimination against an employee filing a report of an unsafe or unhealthy working condition, for refusing to work in an unsafe environment or perform unsafe tasks.

Example- Response to Trauma:

- The Association, in partnership with the school administration shall also determine what supports, if any, the faculty and staff may require in order to move forward in a healthy manner.
- In the event an educator is threatened, attacked, intervenes in a fight, witnesses a serious act of violence or the arrest of a student(s), the supervisor/administrator or designee shall immediately determine if the educator desires and/or requires assistance and shall coordinate with the Association to provide the necessary support.

Air & Water Quality

Safe Working and Learning Conditions for All



VTNEA Bill of Rights Topic: Safety

The optimum Air Quality of Workplace and other Environmental Issues provision contains the following elements:

- Create a labor-management safety committee that includes air quality.
- Plans for consistent meetings, regular walkthroughs, and construction contingencies.
- Has a process for getting work orders finished.
- Process to determine if testing is needed.
- Data that demonstrates the workplace is clean, healthy and safe will be shared with the Association.
- Allowance for administrative leave for absence caused by workplace conditions.
- Training for employees who may be required to perform duties related to these issues.
- Having transparent communication with the Association and staff on air and water quality.
- Shared plan for remediation.

Example- Air & Water Quality:

- If during the term of this agreement the Association has reasonable cause to think that testing should be conducted on the indoor air quality and/or the quality of drinking water, tests can be requested. The tests will be conducted within two weeks of the request, paid for by the District, and the unredacted results shared as soon as they are received.
- There will be no loss of sick time to employees who are absent from work as a result of an unsafe or unhealthy work environment.
- Environment and air quality shall follow the recommendations of the Occupational Safety and Health Administration (OSHA) and American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 55, Thermal Environmental Conditions for Human Occupancy, for air quality and temperature. Should indoor temperatures exceed the recommended thermal comfort level by four (4) or more degrees, students shall be released early, and educators shall report to a location(s) which meets those thermal requirements.