



POLICY

HR8

Workplace Violence

Board Received: October 28, 2019 Review Date: November 2023

Policy Statement

The Grand Erie District School Board is committed to providing a working and learning environment free from Workplace Violence. Everyone should be able to work without fear of violence, in a safe and healthy workplace. Violence in the workplace is unacceptable. The Grand Erie District School Board will not tolerate violence.

Accountability

1. Frequency of Reports – As needed
2. Criteria for Success – Employee safety is enhanced
– Reduction in violent behaviour

Background

Under the *Occupational Health and Safety Act (OHSA)*, everyone in the workplace has a responsibility to act cooperatively together to provide a safe and healthy work environment.

The Grand Erie District School Board will take appropriate steps from a human resource, student discipline and safety perspective to address concerns regarding unsafe or violent behaviour. Violent behaviour and behavior which increases the risk of violence in the workplace will not be tolerated.

This Policy is to be interpreted and applied in conjunction with other Board policies related to employee behaviour, progressive discipline and school safety. This Policy shall be reviewed annually by the Joint Occupational Health and Safety Committee (JOHSC) of the Board.

Procedures

Workplace Violence

1. Application

This procedure applies to all members of the Board community, including but not limited to, trustees, students, employees, visitors such as parents and community members, volunteers, permit holders, contractors, and employees of other organizations who work on or are invited onto Board property.

2. Definition of Violence

The *Occupational Health and Safety Act (OHSA)* defines workplace violence as:

- 2.1 the exercise of physical force by a person against a worker, in a workplace, that cause or could cause physical injury to the worker,
- 2.2 attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker; and
- 2.3 a statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

This definition of workplace violence is broad enough to include acts that would constitute offences under Canada's *Criminal Code*.

The following examples are provided for guidance and illustration and are not intended to limit the applicability of the Workplace Violence Policy.

- verbally threatening to attack a worker, biting, scratching, hitting, kicking, punching and all other forms of violence;
- leaving threatening notes at the workplace or sending threatening e-mails to a worker;
- wielding a weapon at work;
- throwing an object at a worker;
- sexual violence against a worker;
- situations where two non-workers, students for example, are fighting and a worker is injured when he or she intervenes. The non-workers may not have intended their violence to spill over to anyone else, but they used physical force, which could ultimately cause physical injury to a worker.
- a person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partner or a family member – may physically harm, or attempt or threaten to physically harm, that worker at work. In these situations, domestic violence is considered workplace violence.

Domestic violence occurring in the workplace is recognized by the *OHSA* as workplace violence. Unlike many risks which may lend themselves to regular and ongoing assessment, the risk of domestic violence taking place in the workplace is much more variable and less easily anticipated, although nonetheless real. The *OHSA* does not require an assessment of the risks of domestic violence becoming workplace violence. However, the Grand Erie District School Board is committed to educating workers regarding domestic violence, and to take every reasonable precaution to protect workers from domestic violence that is likely to expose workers to physical injury in the workplace.

3. Definition of Workplace

The *Occupational Health and Safety Act* defines a workplace as “any land, premises, location or thing at, upon, in or near which a worker works”.

A workplace could be a building, mine, construction site, vehicle, open field, road or forest.

4. Duties of Workplace Parties

4.1 Duties of Employer

Under Section 25 of the *OHSA*, an Employer shall:

“take every precaution reasonable in the circumstances for the protection of a worker.”

This includes protecting workers from the hazard of workplace violence and harassment. Under Section 32.0.2 (1) of the *OHSA*:

“An employer shall develop and maintain a program to implement the policy with respect to workplace violence required under clause 32.0.1 (1) (a).”

Domestic Violence

Under sect 32.0.4 of the *OHSA*:

“If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the

employer shall take every precaution reasonable in the circumstances for the protection of the worker.”

Measures and Procedures for Summoning Immediate Assistance When Workplace Violence Occurs or is Likely to Occur

Depending on the nature, location and level of risk, this includes summoning assistance from the site supervisor or site emergency response team as well as community assistance through 911. When determining the effectiveness of various devices, it is important to consider the employee’s location (onsite or offsite) and time of day (working during or outside of regular hours). Training in emergency communication procedures is essential if they are to be used effectively.

Information about a Person with a History of Violent Behaviour

The *Occupational Health and Safety Act* clarifies that employers and supervisors must provide workers with information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour. However, this duty is limited and applies only when the:

- a) worker can be expected to encounter that person in the course of their work; and
 - b) the risk of workplace violence is likely to expose the worker to physical injury.
- Employers and supervisors must also not disclose more personal information than is reasonably necessary for the protection of a worker from physical injury.

Notification of Risk of Workplace Violence (see the Workplace Violence Manual)

Methods of Notification:

A. Be Safe Plans

Be Safe Plans will be kept in classrooms and be accessible to all staff who work in that classroom, this includes occasional or casual staff who are called in to work in these areas.

B. Notification of Risk Map

The map outlines all the locations within the building where students who have a history of violence and are likely to expose one or more worker to physical injury are predominately located.

A copy of the map will be placed in the Main Office in a binder and will be made available to central school board staff if they will be in contact with students.

Contractors or non-site-specific staff **MUST** attend the main office and sign in. They must be made aware of the Notification of Risk Map as appropriate. Access to areas of risk must be approved by the building administrator.

Administrator or designate are to complete/update the Notification of Risk Map (see Workplace Violence Manual) AND a Workplace Violence Assessment Survey. This will be completed/updated as soon as reasonably possible after changes occur to the risk of workplace violence in each building and annually each September.

C. Violence Awareness for School Staff

This form will be used to identify (to the worker expected to encounter the student in their work and the worker is likely to be exposed to physical injury) the students in the school who have a history of violence.

These forms will be kept in a binder in the Office and updated as soon as reasonably possible after information changes

This form will include the following information:

- Student's name, grade and location (Classroom)
- Photo of the student
- Information, precautions and safety measures: this includes strengths, triggers, early warning signs, do's and do not's
- Summoning immediate assistance in case of an emergency: steps to summon assistance.

As per Section 27 of the *OHS*A:

4.2 Duties of Supervisors

- “Advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;”
 - “where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker”
 - “take every precaution reasonable in the circumstances for the protection of a worker.” This includes protecting workers from workplace violence”

Board-wide and school codes of conduct will be shared during each school year, and staff will receive training appropriate to the tasks they perform to deal with violent acts and the potential for violent acts.

Supervisors share the same duties related to Domestic Violence and Information about a Person with a History of Violent Behaviour as listed above for an Employer.

4.3 Duties of Workers with respect to Workplace Violence

- If you are working with a student who has a *Be Safe Plan*, then you need to **be aware of the plan and follow the steps** outlined within that plan.
- **Verbally report workplace violence** incidents to your Principal/Supervisor immediately.
- **Complete an incident report** using the Safe Schools/Workplace Violence Incident Tool found on the staff portal within 48 hours if possible.
- **Complete other reports as required:**
 - The Board’s Work-Related Injury Form if an injury was sustained (for workers/WSIB)
 - The Board’s Physical Restraint Incident Form may also be required. See Procedure SO107 Physical Intervention/Restraint.

Duties of Workers with respect to Domestic Violence:

- Employees are obligated to report if they believe they may be exposed to domestic violence in the workplace.
- Employees are obligated to report if they believe a co-worker is experiencing domestic violence (or engaging in domestic violence) such that this may cause a risk to themselves or others at work.

4.4 Enforcement of Personal Protective Equipment

The *Occupational Health and Safety Act* requires employers to take all precautions reasonable in the protection of a worker. This protection may include the implementation and use of personal protective equipment as part of a plan to increase employee safety. The *OHS Act* also provides a duty to workers to use or wear protective devices or clothing as required by their employer. This shall be supervised and monitored by the Principal/Supervisor. The need for such equipment should be reviewed as required.

5. Resources

Provide assistance and resources as required during and after workplace violence incidents. The utilization of such resources may require the activation of the Board’s Crisis/Emergency Response Team. Such assistance and resources may include:

Site Based

- Emergency Response Team

Board Administration

- Tragic Events Response Team
- Employee Assistance Providers (for Board staff)
- Principal Leader of Special Education
- Human Resources Department
- Health & Safety Officer
- Processes outlined in the Board's Harassment Objectable Behaviour Policy (HR5)
- Board Policies & Procedures

Community Based

- Police
- Children's Aid Society (CAS)

6. Reporting and Response

- To the extent legally possible, reports of workplace violence or of potentially violent behaviour will be held in confidence.
- Under this policy, persons are required to report an act of violence.
- Verbal reports shall be made to a person's immediate supervisor.
- Complete an online incident report using the Safe Schools/Workplace Violence Incident Tool which is found on the Staff Portal. The Employer is obliged to investigate the report. In most cases, the investigation will be done by the immediate supervisor.
- Implement immediate crisis response measures if reasonably required by the circumstances.
- The results of the investigation will be communicated to the person who reported the circumstances and to others involved in the investigation who reasonably ought to be informed of the result.
- The Board will provide such medical and counseling support as necessary in the circumstances consistent with programs described in collective agreements or terms and conditions applicable to non-unionized staff.
- Implement progressive discipline as per the Board Procedure HR119 and Ministry Policy.
- In conjunction with any discipline that may be imposed, the Board may reassign staff or students during or after the Board's investigation as reasonable in the circumstances.
- The Joint Occupational Health and Safety Committee will be provided with written notice of any incident of workplace violence reported within 4 days of the occurrence as per Section 52 of the *Occupational Health and Safety Act*. Written notice will include all information at required by the *OHS*A.

STEPS IN THE REPORTING PROCEDURE

Following a report of workplace violence, the following process must be implemented immediately:

- Implement immediate crisis response measures if reasonably required by the circumstances.

Requirement for employee:

- Report immediately to their supervisor (*or school board management if supervisor is involved*); and the police if there is any question as to whether a criminal act has taken place. **Complete an incident report using the Safe Schools/Workplace Violence Incident Tool found on the staff portal.**

It must be emphasized that if the police become involved in the incident, they will take control of the situation and the environment. Their instructions must be adhered to and they must be allowed to complete their duties before an internal investigation is initiated.

- Complete other reports as may be applicable based on injuries sustained to workers, students, parents, contractors or others. Such forms may include:
 - The Board's Work-Related Injury Form if an injury was sustained
 - The Board's Physical Restraint Incident Form

An employee who is the victim of an act of violence/threat may refuse to work if the workplace violence/threat is likely to endanger themselves. (A teacher's right to refuse work does not apply where the circumstances are such that the life, health or safety of a student is in imminent jeopardy.) The employee must follow steps for work refusal as outlined in *Occupational Health and Safety Act*. In such a case the worker, pending the investigation, shall remain at work during the worker's normal working hours, in a safe place that is as near as reasonably possible to their work station and available to the inspector for the purposes of the investigation.

The supervisor must:

- Give the injured workers priority.
- Call emergency services for medical assistance, secure area and administer first aid.
- Take all reasonable precautions in the circumstances to ensure workplace safety and the safety of persons who are connected with the reported incident.
- Request completion of an incident report using the Safe Schools/Workplace Violence Incident Tool found on the staff portal.
- Implement interim response measures as necessary while incident is under investigation.
- In the case of a critical injury (loss of consciousness, substantial loss of blood, a fracture of the leg or arm, loss of sight, significant burns) as defined by regulation 834 under the *OHS*, report the incident immediately to the Board's Health and Safety Officer and if not available report to the Occupational Health and Safety Branch of the Ministry of Labour. The incident scene is to be preserved until an inspector from the Ministry of Labour has had an opportunity to view it or to instruct you otherwise.
- Apart from the *OHS* considerations, if there is a possibility that the incident may constitute an offence under the *Criminal Code*, the police should be notified immediately. The incident scene should not be disturbed.
- Consideration must be given as to whether the School Board's Tragic Events Response Team needs to be notified.
- Consideration must be given as to who needs to be immediately informed (i.e. family members).
- A list of potential witnesses needs to be developed.
- In consultation with the supervisory officer, or with senior management, an initial analysis ought to be conducted which will include a plan for the incident investigation
- All incidents of workplace violence must be reported to the school's Superintendent and the Superintendent responsible for Health and Safety or Designate. All incidents and measures taken need to be documented.
- Complete online the Principal/Supervisor section of the incident report in the Safe Schools/Workplace Violence Incident Tool once received and forward to the school's Superintendent and the Superintendent responsible for Health and Safety or Designate.
- Ensure that the investigation includes steps to prevent reoccurrence and that those steps identified are implemented/completed in a timely fashion.
- Complete the Workplace Violence Investigation/Be Safe Plan Checklist for Administrators This document will be completed each time there is a workplace

violence report submitted or situation occurs that requires changes to the Be Safe Plan (i.e., a new trigger is identified). (See the Workplace Violence Manual)

- Ensure the Notification of Risk Map is updated as needed
- Ensure Be Safe Plans are updated as needed as new information becomes available i.e. triggers, or practices. Ensure all staff working directly with the student receive updated copies
- Complete other reports as required based on injuries sustained to workers, students, parents, contractors or others.
- The Board's Work-Related Injury Form
- Ontario School Board's Insurance Exchange ("OSBIE") Incident Report Form (for students, parents or other visitors to the building)
- The Board's Physical Restraint Incident Form

7. Information and Instruction specific to staff in workplace areas where elevated risk exists

The Board and the site supervisor shall ensure that:

- all the staff who work on a regular basis in positions where moderate to high risk exists shall have the qualifications, experience and training necessary to minimize the risk of workplace violence;
- all staff have received training in the nature and recognition of the risks specific to their assignment;
- all staff have received training in procedures/safety measures that minimize the risks specific to their assignment;
- that all staff working regularly with a student who has a Be Safe Plan have current certification in Behaviour Management Systems or equivalent
- all staff have any personal protective equipment (PPE) deemed reasonable and necessary in the circumstances;
- the effected and necessary staff are involved in the development of the Be Safe Plan for the staff working with the student. A copy of the Be Safe Plan is made available to all staff working with the student.
- procedures and safety measures that are implemented to reduce risk are included in the Be Safe Plans, are available to the effected staff as required;
- training is updated and/or refreshed as often as necessary;
- procedures are in place when these staff are absent
- any replacement staff (short or long-term) are aware of the risks and are provided with access to any Be Safe Plans in the classroom and have the training requirements noted

The assessment identified an elevated risk of workplace violence with Educational Assistants ("EA") and special education support staff and teaching staff working in high needs classes. All Educational Assistants, Special Education support staff and teaching staff identified as working in positions with elevated risk where a Be Safe Plan is in effect will be trained in Behaviour Management Systems techniques.

8. Low Risk Worker

The assessment identified the risk to all other Board workers as being moderate to low risk. All such workers will be made aware of workplace violence prevention through this Policy. A copy of the Notification of Risk Map (see the Workplace Violence Manual) will be posted in the Main Office in a binder and will be made available to central school board staff if they will be in contact with students.

A copy of the Violence Awareness for School Staff (see the Workplace Violence Manual) will be posted in the staff room. See Section 4.2 above

9. New Hires

Behaviour Management Systems Training

All newly hired Educational Assistants, Designated Early Childhood Educators, Special Education support staff and teaching staff working in areas of elevated risk may be required to have behaviour management systems training or equivalent prior to being hired by the Board. However, if new Educational Assistants, Early Childhood Educators, Special Education support staff and teaching staff new hires do not have behaviour management systems training or equivalent and will be working with students who have a Be Safe Plan in effect, they must be trained in Behaviour Management Systems techniques or equivalent before beginning work in that area.

Workplace Violence Prevention Procedure

All new hires to the Board will be made aware of our workplace violence prevention program.

10. Annual Review

All Board workers will be required to complete annual awareness review of their workplace responsibilities as outlined in this Workplace Violence Policy.

11. Re-Assessment

OHSA 32.0.3(4) an employer shall reassess the risks of workplace violence as often as is necessary to ensure that the related policy... and program ... continue to protect workers from workplace violence.

The Board shall ensure that:

- ongoing annual review procedures are in place to monitor levels of workplace violence risk and to evaluate the effectiveness of controls, procedures and measures in place;
- all incidents of workplace violence are documented and reported immediately to the site supervisor and as required to the Joint Occupational Health and Safety Committee for the Board; and
- an ongoing site-based process is in place to modify controls, procedures and measures as necessary.
- On an annual basis, or as required by change, that completion of Workplace Violence Assessment Survey is done by building Administrator in consultation with staff at the location and posted to staff for information
- On an annual basis, or as required by change, that the Notification of Risk Map identifying areas of risk is updated as needed, as soon as reasonably possible after a change. A copy is to be posted in the Main Office in a binder and will be made available to central school board staff if they will be in contact with students.

12. Records

All workplace violence records generated under this policy or manual are subject to the *Municipal Freedom of Information and Protection of Privacy Act* and are to be stored electronic format for current year -plus three (3) previous years. If after three (3) years, there is no litigation, investigation (i.e. Workplace Safety Insurance Board) or further activity under this policy involving a party to the original complaint, all records of the complaint will be shredded or erased.

13. Confidentiality

- It is the duty of the Board and supervisory/managerial personnel to maintain confidentiality in the complaint process to the extent possible. All complainants, respondents, and other persons involved with the complaint processes under these procedures have a responsibility to ensure that all matters remain confidential. The obligation to maintain confidentiality does

not prohibit any party to a complaint from obtaining advice or counsel or from speaking to any union/association representative.

- The Board may be required to provide information obtained during an investigation to an outside agency that has the right to require information otherwise protected by the *Municipal Freedom of Information and Protection of Privacy Act*. Examples of such agencies are the Ministry of Labour or Police.

14. Contacts and Supports

- a) Local ETFO President
- b) Local OSSTF President
- c) Local CUPE President
- d) Board – Superintendent of Education (Human Resources)
- e) Board – Manager of Human Resources
- f) Human Rights Commission, Toronto Office – Phone (416) 326-9511 or 1-800-387-9080
- g) Ministry of Labour, Call Centre – 1-877-202-0008

BOARD POLICIES & PROCEDURES (SEE ALSO)

1. Health & Safety Policy - HR4
2. Safe Schools Policy - SO13
3. Physical Intervention/Restraint Procedure - SO107
4. Code of Conduct Policy - SO12
5. Maintaining Employee Safety While Working with Students Procedure - HR107
6. Harassment/Objectionable Behaviour - HR5
7. Employee Safety Protocol at Non-Board Locations - HR104
8. Local Police/School Board Protocol - Main Office and Grand Erie website.
9. Administrative Memo 'Transition of Students with a History of Risk, Violent, or Aggressive Behaviours (AM47)