



Huron-Superior Catholic

DISTRICT SCHOOL BOARD

Procedural Guidelines **Workplace Violence**

Workplace Violence Definition:

Workplace violence means:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; and
- A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Developing and Maintaining a Workplace Violence Policy and Procedural Guideline:

The Occupational Health and Safety Act (OHSA), Section 25(2)(h) states that the employer must “take every precaution reasonable in the circumstances for the protection of a worker.” The OHSA was amended to recognize Workplace Violence and Harassment as a workplace hazard. To protect the health and safety of workers, the board has developed Policy 4024 Safe Schools and Workplaces and an accompanying Workplace Violence Procedural Guideline. This policy will be reviewed at least annually, in consultation with the Joint Health and Safety Committee. The policy and procedural guideline will be posted in each workplace.

This workplace violence procedural guideline will include:

- Procedures to assess and control the risk of potential violence that may arise from the nature of the workplace, type of work or the conditions of work and subsequently develop measures and procedures to control the risk identified;
- Develop measures and procedures to control the risk identified and for summoning immediate assistance when workplace violence occurs or is likely to occur;
- Procedures for workers in meeting their duty to report incidents of workplace violence, including threats of violence, to their supervisor and the school board
- Details of how the school board will meet their obligation to investigate and deal with incidents reported or complaints or workplace violence.

Workplace Violence Risk Assessment:

A workplace violence risk assessment involves a step-by-step, common sense look at the workplace to find existing or potential hazards for workplace violence. The board will ensure an assessment of the risks of workplace violence is conducted for each of their workplaces, using the Violence Risk Assessment Tool (see related forms) as often as necessary, but at least annually. The assessments are site specific and will be facilitated by the site supervisor, in consultation with union representatives from the workplace. The Board will assess the risks of workplace violence that may arise from the nature of the workplace, the type of work, or the conditions of work.

The nature of the workplace refers to the physical aspects of the workplace, which include:

- Entry points;
- Lighting;
- Communication system;
- Physical facilities.

The type of work refers to the activities workers perform and the type of people with whom workers interact, which include:

- Student Safety /Risk Assessment Plans and Notification of Risk documentation;
- Transportation assignments;
- PPE and assignment specific training.

The conditions of work refer to the specific circumstances of an assignment, which include:

- Working alone;
- Classroom assignments with specific students or programs;
- Personal care assignments;
- Handling cash.

In carrying out the assessment, the board will consider circumstances common to similar workplaces (e.g., other school boards) and circumstances specific to the workplace (geographic locations). The board shall advise the Joint Health and Safety Committee and the health and safety workplace representatives of the results of the Violence Risk Assessment and reassessment, and provide a copy of the report.

Workplace Violence Risk Reassessment:

A reassessment of the risks of workplace violence is required as often as necessary, but at least annually, to ensure that current conditions and practices continue to protect workers from workplace violence. Changes or events within a workplace that may warrant a reassessment may include:

- An increase in the number, frequency or severity of workplace violence incidents for a specific workplace;
- A change in the physical environment of the workplace;
- A change in the student population of a school;
- A change in curriculum or scheduling or a change in environment, to determine if such change could provoke violent behaviours.

The results of the initial workplace violence risk assessment and any reassessments will be shared with the worksite's health and safety representatives and the Joint Health and Safety Committee, on an annual basis.

Procedures to Control the Risks of Workplace Violence:

The Occupational Health and Safety Act (OHSA) requires employers to assess the risk of potential violence that may arise from the nature of the workplace, type of work or the conditions of work and subsequently develop measures and procedures to control the risk identified. In addition, the board will maintain a program with respect to workplace violence.

- The program will:
 - o Include measures to take and procedures to follow in order to control risks of workplace violence, also taking into account the recommendations from a yearly, mandatory site-based violence risk assessment;
 - o Include measures to take and procedures to follow in order to summon immediate assistance when workplace violence occurs or is likely to occur;
 - o Include measures that employees must take and procedures that they must follow to report incidents of workplace violence to the Board or their supervisor;
 - o Set out how the board will investigate and deal with incidents or complaints of workplace violence or threat of violence, then act in a fair and timely manner; and
 - o Include any prescribed elements.

Student Safety/Risk Assessment Plan:

A student safety/risk assessment plan (see related forms) is developed for a student whose behavior is known to pose an ongoing risk to themselves, other students, workers or other people in general. The development of student safety/risk assessment plans should involve all workers who work on an ongoing basis with a student, as well as parents and the representatives from any community agencies working with the student or family.

Components of a Student Safety/Risk Assessment Plan:

- Description of the observable behavior concerns;
- Triggers or antecedents;
- Prevention and intervention strategies to support workers and student safety;
- Worker response (teaching and non-teaching) to the behavioural stages;
- Emergency communication procedures for all workers.

Staff Access to Student Safety/Risk Assessment Plans:

- If a worker will be in direct contact with a student who represents a risk of violence, then the supervisor must make available the appropriate student safety/ risk assessment plan prior to the commencement of duties. (see template in related forms)

- Where there is a student safety / risk assessment plan involved, the results of any assessment or reassessment are to be shared with the school health and safety representatives, and the appropriate staff involved or at potential risk.
- The student safety / risk assessment plans are available for staff to review in a binders in the office. These binders are regularly maintained by the school principal and/or vice-principal.
- Notification of Risk Binders A and B are kept in the office to identify students who pose a risk to HSCDSB employees, contractors, and community partners who conduct their work at school locations during school hours. When these visitors check in at the office, these Notification of Risk Binders will be made available for reviewing when required (e.g., if the visitors may come into contact with unpredictable students in the area in which they are working). These binders are regularly maintained by the school principal and/or vice-principal.

Process for Reviewing Student Safety/Risk Assessment Plans:

Student safety/risk assessment plans should be reviewed and updated to see what can be learned and improved in the interest of student and worker safety. The principal and/or vice-principal and all staff members who work directly with the student should be involved in the review of the plan. The student safety/risk assessment should be reviewed and updated:

- When there is a change in behavior that could increase the potential for violence;
- When there is a violent incident involving a student; and
- At least annually.

Provision of Personal Information Regarding Persons with a History of Violent Behaviour:

All collection, use and disclosure of personal information will be carried out in accordance with the Municipal Freedom of Information and Privacy Protection Act (MFIPPA). The board will share personal information related to workplace violence as appropriate.

- The board will provide an employee with:
 - o Information and instruction that is appropriate for the employee, outlining the contents of the procedural guidelines with respect to workplace violence; and
 - o Any other prescribed information or instruction.
- The information provided to the employee may include personal information related to a risk of workplace violence from a person with a history of violent behaviour if:
 - o The employee can be expected to encounter that person in the course of his/her work; and
 - o The risk of workplace violence is likely to expose the employee to injury.
- The board will not disclose more personal information than is reasonably necessary to protect the employee from injury.
- The board may be required to provide information obtained during an

investigation to an outside agency, such as police services, court or tribunal that has the right to require information otherwise protected by the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

- All correspondence and other documents generated under these procedures must, subject to the MFIPPA, be marked “Private and Confidential” and be stored in a locked and secure file in the office of the Superintendent responsible for Safe Schools.

Confidentiality:

- Supervisory and managerial personnel will maintain confidentiality in the complaint process.
- All complainants, respondents and any other persons involved with the complaint will ensure all matters remain confidential.
- Witnesses will be informed that any statements will be kept in strict confidence, subject to the ability to conduct a full and thorough investigation.
- Notwithstanding the above, procedural fairness requires that the respondent to a complaint be apprised of the nature of the complaint and by whom it has been made so that they have an opportunity to respond to the allegations. This may require disclosure of witness names and statements.
- The online Violent Incident Reporting Form shall be used and stored on the confidential Parklane database.

Summoning Immediate Assistance:

- When workplace violence occurs or is likely to occur, employees are encouraged to act immediately and summon assistance. For threats of violence, assaults or other violent incidents, employees should contact their supervisor, if possible, and/or call 911.
- In schools, Voice Over IP phones are used to communicate with the office to summon assistance or call 911.
- Walkie talkies are available for situations where a second EA needs to be summoned for assistance when dealing with a student who has a safety / risk assessment plan. The use of walkie talkies, who the second person is to be summoned, and the roles and responsibilities will be outlined in the student’s safety / risk assessment plan and communicated to staff members who work directly with the student.
- For fieldtrips and other off-site learning, the supervisor will ensure that emergency contact numbers are provided to staff and that at least one adult has a communication device (e.g., cell phone).
- Employees will receive yearly training on the Emergency Procedures Handbook to make them aware of the appropriate procedures e.g., Lockdown, Hold and Secure, Evacuation, Shelter in Place.
- After summoning assistance and the emergency situation is under the proper control, the particulars of the event must be detailed on the Violent Incident Reporting Form by the employee who was involved, as either a victim or a witness, through the Parklane (KICS) website, within 24 hours of the incident.

Reporting Incidents:

Incidents Involving Students:

- For recording and tracking purposes, acts of violence initiated by students towards employees must be submitted online using the Violent Incident Reporting Form and be printed and placed in the student's OSR.
- Within 24-48 hours of receipt of the form, the supervisor will meet with the employee to complete page two of this form and debrief.

Reporting Serious Student Incidents under the Education Act:

- The purpose of reporting serious student incidents is to make sure that the principal is aware of any activities taking place in the school for which suspension or expulsion must be considered.
- If the incident is to be considered by the principal for suspension or expulsion, the employee will submit a Safe Schools Incident Reporting Form, Part 1 also found online. For a list of incidents that would be considered for suspension or expulsion, please refer to the Safe Schools Incident Reporting Form, Part 1. Access to these forms are available through a link provided in related forms, or via the Employees tab of the board website, under board forms.
- If a Safe Schools Incident Reporting Form, Part I is submitted, the supervisor must complete part 2, print it, and provide it to the employee.
- The Workplace Violence Incident Reporting form and, when applicable, the Safe Schools Incident Reporting Form, Part 1 is/are to be completed when such an incident occurs (See link in Related Forms or via the Employees tab of the board website, under board forms).

Incidents Involving All Others:

- All employees have the right to file a complaint of workplace violence or threat of violence and are entitled to have access to complaint procedures.
- Individuals who believe that they are targets of violence may initiate a complaint.
- Those who have witnessed workplace violence directly, have received reports of incidents, or have reasonable grounds to suspect that workplace violence is occurring, may initiate a complaint.
- To report an act of violence initiated by others, employees must submit the Violent Incident Reporting Form, which can be found online under Board Forms.
- Within 24-48 hours of receipt of the form, the supervisor will meet with the employee to complete page two of this form.
- The information will be shared with the Manager of Human Resources and the Informal Complaint Resolution process will begin.
- Every employee has the right and is encouraged to contact his/her union/federation for assistance and advice through the process.
- Non-unionized employees are encouraged to consult with the Manager of Human Resources.

Reporting Under the Occupational and Safety Act:

- Workers have a duty to report the existence of any hazards, including acts of violence, to their supervisor.
- The board must immediately notify the Ministry of Labour, the Joint Health and Safety Committee, the health and safety representatives at the site and the union if a person is critically injured. The board submits a written report to the Ministry of Labour, using the online Critical Injury Reporting form, within 48 hours.
- If a worker is disabled from doing his or her usual work or requires medical attention because of an incident of workplace violence, the board must provide written notice, using the online Supervisor's Report of Injury, to the Joint Health and Safety Committee, the Health and safety representative at the site of the injury and the union.

Reporting Under the Workplace Safety and Insurance Act:

- When an employee is injured a Supervisor's Report of Injury (See Related Forms) must be filled out.
- The appropriate WSIB forms will be submitted to the Human Resources Department when medical attention is sought or the employee is unable to work their next scheduled shift (See Related Forms).
- If an employee is injured as a result of the incident, the employee has a duty to report to their supervisor.

Investigation and Response to Incidents or Complaints:

Student Incidents:

- All reports of violent incidents will be investigated. In most cases, the immediate supervisor will do the investigation.
- If the incident involves a behaviour for which the supervisor must consider suspension or expulsion, the Safe Schools Reporting Form, Part II will be used to provide the reporting employee confirmation of the investigation.
- The results of the investigation and any resulting preventative and/or corrective measures will be communicated to the employee(e) who reported the incident and to others involved in the investigation that reasonably ought to be informed of the results.
- If the investigation reveals that the incident meets the criteria for mandatory police contact, the supervisor will call the police. If the incident meets the criteria for discretionary police contact, the supervisor will determine whether or not to contact the police. Refer to the Ontario North East Region Police and School Protocol, which can be found in related forms for Policy 4024, for more details.
- The investigation will focus on identifying the root cause of the violent incident and the response should focus on applying measures and procedures to control the risk and prevent a recurrence.
- In response to a violent incident involving a student, the employee submitting the report will participate in the debriefing process with the supervisor and the review of the Safety / Risk Assessment Plan.
- To gather additional information on ways to prevent recurrence, the Safety / Risk Assessment Plan will be reviewed as soon as possible, by the rest of the

school team (e.g., any other staff members who work directly with the student, witnesses to the incident, Learning Resource Teacher etc.)

Incidents or Complaints Involving Other Individuals:

Informal Complaint Resolution:

- Supervisory or managerial personnel as well as union/federation representatives shall attempt to facilitate an informal resolution by:
 - Suggesting that the complainant confront the problem by making it clear to the individual that violent behaviour or threats are not acceptable, and by obtaining a commitment that the behaviour will stop;
 - Informing the individual of the complainant's concern regarding the alleged objectionable behaviour and the Board's expectation for appropriate behaviour, and obtaining a commitment that the behaviour will stop; and
 - Following up with the complainant to ensure that the behaviour has stopped.
- Supervisory or managerial personnel may initiate mediation by a neutral third party.
 - When an informal plan of action is implemented, supervisory and managerial personnel will follow up by monitoring the situation and holding subsequent meetings if necessary.
 - All notes and/or other information prepared in the course of the formal complaint process will be forwarded to the office of the Superintendent responsible for Safe Schools for storage in a confidential workplace incident file separate from the personnel file. Only a record of the negative consequence, warning or caution will be placed in the respondent's personnel file.

Formal Complaint Resolution:

Initiating a Formal Complaint

- Where an incident or threat of workplace violence requires employees to summon immediate assistance and/or to implement any of the Emergency Plan, Emergency Response Plan, Hold and Secure procedures and/or the Lockdown Plan, the formal complaint procedure shall be initiated as soon as possible thereafter.
- Formal complaints will only be initiated once all reasonable efforts have been made to resolve the conflict informally.
- Employee complainants should contact their appropriate supervisor, a colleague, or a union/federation representative.
- If an employee requires assistance in completing the Formal Complaint Form (see Related Forms), another individual such as a colleague or union/federation representative can make the complaint on the employee's behalf.
- If the immediate supervisor is the party alleged to be responsible for the objectionable behaviour, or alleged to condone the objectionable behaviour, the complaint should be reported to the person responsible for the complainant's immediate supervisor.

Responding to a Formal Complaint

- Individuals named as respondents in a complaint will be informed, in a timely manner, that they are the subject of a complaint, who the complainant is, what the allegations are, and what approach to a resolution is being considered.
- A copy of the complaint will be provided which describes the specifics of an allegation, including times, dates, and alleged conduct.
- Employee respondents should contact their appropriate supervisor, a colleague, or union/federation representative.
- Respondents will be given time to prepare a full and complete response to the allegations.

Threshold Assessment

- All formal reports filed under the Workplace Violence Procedural Guideline will be subject to an immediate threshold assessment to determine whether the alleged conduct would, if proven, meet the definition of workplace violence.
- If the complaint does not meet the threshold, the complainant will be so advised and no further action will be taken.

Formal Investigation and Resolution

- The investigation will be conducted by the supervisory staff of the complainant and/or respondent, unless such person(s) actively participated in the unsuccessful informal resolution process, in which case an independent investigator will be appointed.
- Supervisory/managerial personnel will:
 - Take appropriate measures to ensure the safety of the complainant;
 - Notify the complainant(s), the respondent(s) and the witness(es) that they are entitled to support and assistance throughout the process;
 - Ensure a copy of the complaint is provided to the respondent(s);
 - Interview the complainant(s) and/or third party reporting the complaint;
 - Inform the respondent(s) of the allegations and provide an opportunity for response;
 - Interview the respondent(s);
 - Interview witness(es);
 - Come to conclusions about whether a specific incident did or did not occur based on a balance of probabilities (standard of proof);
 - Provide a written summary of the findings and conclusions to the complainant and to the respondent, and give them an opportunity to respond to same; and
 - Take appropriate action(s) to resolve the situation.
- If the respondent declines to participate in the formal investigative process, the investigation will still proceed.
- The respondent should be encouraged to participate in the interest of a balanced and fair process.
- In the event the complaint is not substantiated, no further action will be taken, subject to the section on maintaining records.
- If the complaint is found to be trivial, vexatious or an abuse of the process,

the complainant may be subject to disciplinary action.

- If there is a need to restore the positive learning or working environment, or if the complainant and/or respondent require counselling, appropriate steps will be taken to meet such needs.

Disciplinary Actions

- The appropriate supervisor or manager may impose discipline as appropriate and consistent with the circumstances.
- The principles of progressive discipline will be applied and may include any of the following:
 - o Verbal warning
 - o Written reprimand
 - o Suspension with pay
 - o Suspension without pay
 - o Dismissal from employment from the Board.
- Other user respondents may require actions as appropriate for the individual situation and may include:
 - o Letter of disapproval and warning
 - o Revoking of permits or contracts
 - o Issuing a trespass warning
 - o Other remedies as provided by common law and/or appropriate legislation.

Mediated Resolution

- Mediation involves an unbiased third party acting as facilitator in direct communication between parties who voluntarily agree to enter this process.
- Where there is already a formal complaint being investigated, at any time the parties may agree to hold the investigation in abeyance, and attempt to achieve a mediated resolution.
- The trained mediator must be acceptable to both parties.
- Meetings shall be scheduled as soon as possible, and at a time and place convenient for the complainant, the respondent, and the mediator.
- Mediation is voluntary and the complainant or respondent may choose to withdraw at any time.
- When matters are resolved through mediation, the complainant and respondent will sign a memorandum of agreement outlining the terms to which they have agreed.

Review

- A request for review may be made to the Director of Education within ten working days, if:
 - o The investigators did not comply with the procedures, or
 - o New evidence has become known after the final decision but before the expiry of the ten working days limitation period for requesting a review.
- The Director will appoint the reviewer.

- No review of the final decision will be undertaken with regard to the claim that the conclusions drawn by the investigator(s) based on findings of fact were incorrect.
- The reviewer will report its findings to the Director of Education who will affirm or amend a final decision or require that a new investigation be undertaken.

Reprisals:

- Reprisal is defined as any act of retaliation, either direct or indirect.
- Reprisals are prohibited against individuals, acting in good faith, who report incidents of workplace violence or act as witnesses because they have reported a complaint.
- The board will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or future violence.

Information and Instruction on Workplace Violence Policy Procedural Guideline:

Employer Responsibilities:

- The supervisor will advise an employee of the existence of any potential or actual danger to the health and safety of the employee, of which the supervisor is aware or ought to be aware, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if:
 - o The employee can be expected to encounter that person in the course of his/her work; and
 - o The risk of workplace violence is likely to expose the employee to physical injury.
- Workplace violence prevention measures that will be taken include, but are not limited to:
 - o Yearly education and training of all employees about workplace violence and relevant prevention oriented policies and procedures that are in place;
 - o Additional education and training for employees as deemed necessary to deal with students demonstrating violent behaviour;
 - o Development of information sharing process between principals, supervisors, managers and employees;
 - o Development of personal safety strategies by individual employees; and
 - o Making changes and/or improvements to the workplace in such areas such as work practices, administrative practices, building design and physical plant.

Employee Responsibilities:

- Participate in education and training programs to be able to respond appropriately to any incident of workplace violence – this includes in-class sessions, as well as mandatory computer-based training for all employees;
- Understand and comply with the Workplace Violence Policy and procedural guidelines;

- Report all incidents or injuries of violence or threats of violence to the Supervisor immediately and complete required documentation;
- If an employee becomes aware, ought reasonably to be aware that domestic violence is likely to enter the workplace and present a physical threat, that information must be reported immediately to the respective Supervisor;
- Inform the JHSC or worker member of the JHSC about any concerns about the potential for violence in the workplace;
- Contribute to completion of risk assessments;
- Seek support when confronted with violence or threats of violence;
- Seek medical attention as necessary.

Joint Health and Safety Committee (JHSC) and Health and Safety Representatives Responsibilities:

The Joint Health and Safety Committee and the Health and Safety Representatives play an important role in the recognition and prevention of workplace violence.

The Joint Health and Safety Committee will:

- Review the contents of the workplace violence policy and procedural guidelines each year and provide feedback to the school board;
- Review workplace violent incident trends twice a year and make any necessary recommendations to the board;

The Workplace Health and Safety Representatives will:

- Participate in identifying workplace hazards as part of their monthly inspections.
- Assist the principal with incident investigation and help to determine ways in to prevent recurrence.

Work Refusal for Workplace Violence:

The *Occupational Health and Safety Act* (OHSA) gives a worker the right to refuse work that he or she believes is unsafe to himself/ herself or another worker. A worker who believes that he or she is endangered by workplace violence may also refuse work.

The Act sets out a specific procedure that must be followed in any work refusal. It is important that workers, employers, supervisors, members of joint health and safety committees (JHSCs) and health and safety representatives understand the procedure for a lawful work refusal.

Domestic Violence Awareness and Response Process:

Domestic Violence is a pattern of behaviour used by one person to gain power and control over another with whom he/she has or has had an intimate relationship. This pattern of behaviour may include physical violence, sexual violence, emotional and psychological intimidation, verbal abuse, talking and using electronic devices to harass and control.

Domestic violence becomes workplace violence when it occurs or spills over into the workplace. Employers must take precautions to protect workers from domestic violence that may occur in the workplace and is likely to expose an employee to physical injury within the workplace.

Responding to victims of domestic violence – general guidelines:

- Provide a non-judgmental and supportive environment for victims to access information and resources;
- Provide empathetic messaging;
- Respect the employee's personal choices;
- Keep all reports of domestic violence confidential, unless disclosure is necessary to comply with the law to protect the physical safety of the employee and other employees.

Related Forms:

Supervisor Incident Reporting Flowchart

Employee Incident Reporting Flowchart

Violence Risk Assessment Tool

Violent Incident Reporting Form

Supervisor's Report of Injury

Student Safety/Risk Assessment Plan

Behaviour Plan

Ontario North East Region Policy and School

Protocol WSIB 6

WSIB 7

WSIB 8