



PROCEDURE

HS-007

MAINTAINING EMPLOYEE SAFETY WHILE WORKING WITH STUDENTS

Superintendent Responsible: Superintendent of Human Resources	Initial Effective Date: 2018/06/29
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Purpose:

To outline the process that Grand Erie District School Board (Grand Erie) employees will take to maintain employee safety while working with students.

Guiding Principles:

1.0 Introduction

- 1.1. In Grand Erie, it is recognized that we have a responsibility, in partnership with pupils, their families, employees and the community, to provide a safe, positive learning and working environment for employees working with students.
- 1.2. The main purpose of this procedure is to provide schools with direction in dealing with situations in which the behaviour of students has resulted in injury to a Grand Erie employee(s).
- 1.3. It is recognized that enhanced measures for employees working with students who display violent or aggressive behaviours may be required.
- 1.4. It is recognized that students may, at times, exhibit some aspects of behaviours that are considered aggressive. This may be due to cognitive or developmental level, or as part of the nature of their exceptionality as a student who has special needs. The behaviours are not necessarily intended to harm others and could be attributed to environmental components, communication needs, avoidance or escape of expectations, or to gain access to items or attention from others.
- 1.5. It is recognized that, despite the challenges presented by the behaviour of students, every precaution reasonable will be taken in the circumstances for the protection of a worker to maintain a safe working environment. The safe working environment may be achieved through protective equipment and/or effective educational programming to address student - specific needs, employee training, and effective incident response to employee procedures and debriefing. Employees will have the opportunity to debrief after a traumatic event.

2.0 Background

- 2.1. Administrator(s), regular education and special education teachers, educational assistants, early childhood educators, and support employees provide instructional programs and services to students. As well, secretaries and custodians are involved in supporting students.
- 2.2. On occasion, aggressive behaviour may be directed toward employees posing a risk to the safety of employees.
- 2.3. All reasonable precautions will be taken to ensure the safety of employees for anticipated and unanticipated acts that result in physical or emotional injury to employees due to the behaviour of students. There is a commitment to working with employees and students to plan proactively to minimize occurrences of injury and to respond effectively when unsafe situations arise.

3.0 Authority

- 3.1. Under the *Occupational Health and Safety Act* (OHSA), and applicable regulations, Grand Erie is required to take every precaution reasonable for the protection of a worker. Under Regulation 857, the Administrator(s) are supervisors and are therefore responsible for taking reasonable precautions when dealing with students in our schools.
- 3.2. Also, under the *Education Act*, Part 13, Behaviour, Discipline, and Safety, the Administrator(s) has a duty to ensure that a student's behaviour does not affect the safety of employees, students, and others. In exercising this duty, the Administrator(s) may exclude a student from attending school pending a review of safety precautions as indicated in Exclusion of Students Procedure (SO-032).
- 3.3. Grand Erie's Code of Conduct Procedure (SO-012) outlines the expectations for ensuring a safe environment, student behaviour expectations, and consequences for failure to meet these expectations.

4.0 Commitment

There is a commitment to working with employees and students to plan proactively to minimize occurrences of injury and to respond effectively when unsafe situations arise.

5.0 Responsibilities

Grand Erie employees have varying responsibilities depending on their role. However, all employees must work together to respond appropriately to incidents that occur. It is the responsibility of:

- The Administrator(s) to respond to concerns about employee safety, to investigate and develop follow up plans regarding incidents and to communicate this procedure to employees
- All employees are to complete training in De-escalation Techniques for Students with Problem Behaviour
- All employees are to follow instructions for safety procedures in the school, and to follow procedures outlined in Individual Education Plan, behaviour plan, and/or safety plan (BeSafe plan), for students, as needed
- The Family of Schools Superintendent, in consultation with the Superintendent(s) responsible for Special Education and/or Safe Schools (or designates), to oversee program adjustments and employees or resource needs that may be required to provide for the learning needs of students that demonstrate violent or aggressive behaviour and the safety of employees
- The Joint Occupational Health and Safety Committee (JOHSC) to monitor and review concerns regarding the implementation of this Procedure and consider training when necessary
- The Superintendent of Human Resources to assist with procedures for employee support, deployment, and response to concerns

6.0 General Procedures to Prevent Occurrences of Violence Against Employees

- 6.1. Wherever possible, preventative planning should take place to be prepared for situations where risk may occur.
- 6.2. The application of consequences may be mitigated and/or modified to meet the needs of some students based on information contained in the student's Individual Education Plan. Responses will be handled consistently, and in compliance with the policies and procedures of the board and legislation found in the *Education Act*, OHSA, and other legislative statutes governing residents of Ontario.

- 6.3. The following information outlines areas that need to be addressed:
- At the initiation of the Administrator(s), an individualized behaviour plan, and/or safety plan (BeSafe plan), will be developed for any student whose behaviour is known to pose ongoing risk to employees or others
 - The Administrator(s) and educators will participate in the development of the behaviour plan, and/or safety plan (BeSafe plan), and will gather input from educational assistants, employees and parent(s)/caregiver(s), as appropriate. All employees that work directly with the student will sign the behaviour plan, and/or safety plan (BeSafe plan), and receive a copy. These plans are to be stored in a secure location. Administrator(s) re required to ensure that the behaviour plan, and/or safety plan (BeSafe plan), is shared with the parent(s)/caregiver(s)
 - If a situation occurs where the behaviour plan, and/or safety plan (BeSafe plan), is utilized, the Administrator(s) may debrief with employees after the incident to ensure measures were implemented correctly, and the plan is effective at mitigating risks to employees
 - Changes to any plan will be documented and shared with all appropriate employees and parent(s)/caregiver(s) by the Administrator(s). The plan will be reviewed at least annually
 - The review of the behaviour plan, and/or safety plan (BeSafe plan), will be used to identify and facilitate employee training and orientation appropriate for employees assigned to that student
 - Notification of Risk map located in the main office
- The Administrator(s) is responsible for informing all employees including supply employees, of existing or new safety plans.

7.0 Employee Training

- 7.1. Employee training is an essential part of effective planning and programming for students with challenging behaviours.
- 7.2. In addition, enhanced training measures may be required for employees dealing with students with known high levels of needs to promote prevention of incidents occurring due to student behaviour.
- 7.3. A variety of training materials and methods will form the basis of ongoing training and are reviewed regularly. Some examples are:
- Behaviour Management Systems Training
 - Principles of Applied Behaviour Analysis
 - Workplace violence reporting
 - De-escalation Techniques for Student Problem Behaviour
 - Data Collection on Student Behaviour in Grand Erie
- 7.4. Other appropriate training as deemed necessary by Human Resources or the Superintendents with responsibilities for Special Education, Safe and Inclusive Schools, and/or Administrator(s) will be provided for employees as required.
- 7.5. Employees will be expected to undertake training where it is deemed necessary, to deal effectively and proactively with students demonstrating challenging behaviour. Grand Erie will provide opportunities for training as required by the OHS. For staff routinely working with students who have challenging behaviours, the level of training will need to be in accordance with the level of behaviour exhibited by the students.

8.0 Specific Incident Procedures to Address Injury or Violence Toward an Employee

The following guidelines are intended to support school employees in dealing with a behavioural situation involving the injury of an employee that results from aggressive behaviour of students.

8.1. Immediate Actions

Employees will immediately report to the Administrator(s), or designate:

- A violent incident or a serious threat by a student
 - Any situation in which an employee requires medical, emotional, or other assistance
- 8.1.1. The Administrator(s) will conduct a preliminary investigation to assess the seriousness of the incident and immediate responses needed. Also refer to Workplace Violence Procedure (HS-002) and follow if appropriate.
- 8.1.2. It is the responsibility of all employees to ensure that the safety and physical well-being of the student(s) and employee(s) involved are attended to immediately.
- 8.1.3. The Administrator(s), or designate, will ensure that all persons involved are safely and securely situated and will determine whether any person needs emergency first aid, emotional, or other immediate assistance.
- 8.1.4. The appropriate Superintendent of Education will be notified as soon as possible for any serious incident.
- 8.1.5. The parent(s)/caregiver(s) of the student (if the student is under 18) will be notified. If 18 years of age or older the student (or the person with legal entitlement to make decisions for them) will be notified directly.
- 8.1.6. The Administrator(s) will decide whether the student should be suspended or excluded from school pending the completion of the investigation and follow-up measures by the Administrator(s). This decision will be communicated to the parent(s)/caregiver(s) by the Administrator(s).
- 8.1.7. The emergency contact/family member of the employee may be notified depending on the seriousness of the incident and employee wishes.
- 8.1.8. The Administrator(s) will decide regarding police involvement. In circumstances where the Administrator(s) has chosen not to involve the police, the affected employee will be informed of their right to notify the police.
- 8.1.9. If the employee feels that the situation endangers their health or safety and indicates a refusal to work due to this concern, the "Work Refusal Process" (See Appendix A) agreed upon through the Joint Occupational Health and Safety Committee will be followed. The Superintendent responsible for Special Education and/or Safe Schools (or designates) and the Family of Schools Superintendent should be advised as soon as possible if a work refusal is initiated.

8.2. Follow Up Actions

8.2.1. Investigation

- 8.2.1.1. The Administrator(s) will investigate the circumstances surrounding the incident. Investigation will include the review of:
- The details of the incident including interviewing of witnesses, examination of the incident site, medical treatment required, etc.
 - Current work practices employed and student responses to same
 - Previous history and documentation to date
 - Current Individual Education Plan and behaviour plan, and/or safety plan (BeSafe plan), (if in place for the student) and adherence to the strategies contained in each
- 8.2.1.2. The Administrator(s) shall follow appropriate disciplinary procedures with respect to the board's Code of Conduct

Procedure (SO-012) and and individual student Individual Education Plans and behaviour plan, and/or safety plan (BeSafe plan), Also refer to Workplace Violence Procedure (HS-002) regarding investigation.

8.2.2. Documentation

If an employee is injured

Administrator(s)/immediate Supervisor(s) must follow Employee Injury Reporting and Investigation procedure (HS-006) which outlines the requirements for notification and investigation of the incident. If this falls within the definition of workplace violence, then Workplace Violence Policy (HS-02) and Workplace Violence Procedure (HS-002) will be followed.

8.2.3. Support of employee

The Administrator(s)/immediate Supervisor(s) may arrange other support for the employee(s) as determined in consultation with Grand Erie employees (Family of Schools Superintendent, Superintendent with responsibilities for Special Education and/or Safe Schools (or designates), Special Education, Safe Schools and Human Resources Departments). This support may be required to meet:

- Physical needs (medical assessment or treatment, recuperation)
- Emotional needs (counselling, Employee Assistance Plan, debriefing)
- Risk management needs (assistive devices, additional support staff, and training, Violence Threat Risk Assessment, review of behaviour plan, and/or safety plan (BeSafe plan))

8.2.4. Prevention of Recurrence

8.2.4.1. Based on the findings of the above investigation, the Administrator(s) will recommend appropriate actions to avoid a recurrence.

8.2.4.2. Short-term and long-term responses may include:

- Review of the Individual Education Plan and/or behaviour plan, and/or safety plan (BeSafe plan), and/or behaviour plan, with revisions as needed
- Violence Threat Risk Assessment
- Environmental modifications
- Restorative practices
- Cultural pedagogy
- Changes in work procedures
- Additional employee training
- Personal protective equipment
- Behaviour modification plans, counselling, suspension
- Modified school attendance
- Community Support Intervention
- Police intervention or Child and Family Services intervention
- Other intervention deemed appropriate

8.2.5. Student Re-entry Plan

8.2.5.1. The re-entry of a student after an aggressive incident must be well planned to avoid further difficulties.

8.2.5.2. The Administrator(s) will make the determination of the appropriateness and timing of the student's return to school. In cases of any significant injury or safety concern, a student may need to be suspended or excluded from school until the necessary actions have been taken to address the safety concerns and prevent further incidents.

8.2.5.3. Written communication should be sent to the parent(s)/caregiver(s) following notification of the status of the student that has taken place in the immediate response phase. This notification would generally consist of one of the following:

- Notice of concern about student behaviour
 - Modifications to the work environment or procedures for the student may require an extended period of absence of the student from the class or school
 - Suspension, Suspension Pending Expulsion, or Exclusion letters
- 8.2.5.4. The following steps must be taken prior to the return of the student:
- The Administrator(s) will meet with the classroom educator(s), the learning resource teacher, and other appropriate school personnel to plan for the return of the student prior to meeting with the student or the student's parent(s)/caregiver(s)
 - The Administrator(s) will schedule a case conference with parent(s)/caregiver(s) or the student who is 18 years of age or older (or the person legally entitled to make decisions for them), appropriate school, Grand Erie and/or community personnel to prepare for the transition back to school for the student
 - The Administrator(s) will support the preparation and/or review of a safety and/or behaviour plan or a Student Action Plan and modify where necessary
 - Short- and long-term responses may include:
 - Environmental modifications
 - Employee training as needed
 - Involvement of community agencies to support the school in meeting the student's needs (e.g., counselling)
 - Modified school day
 - Review and modify the Individual Education Plan, safety and/or behaviour plan as appropriate
 - Other interventions which the Administrator(s) may deem appropriate

9.0 Monitoring

- 9.1. It is the responsibility of all employees and system partners within Grand Erie to initiate and implement pre-emptive measures and/or develop plans to prevent incidents resulting from the behaviour of students. Utilizing behaviour data collection methods to inform behaviour and safety supports and/or interventions, while also monitoring employee incidents of injury and/or concerns about the behaviour of students is necessary to minimize further occurrences.
- 9.2. The following steps will be taken annually to monitor the area of employee injury due to the behaviour of a student:
- All Employee Injury Reports will be forwarded to Human Resources.
 - Reports identifying aggressive behaviour will be reported to the Joint Occupational Health and Safety Committee.
- 9.3. Monthly reports will be provided to the JOHSC to monitor the implementation of this procedure and make the necessary recommendations to the employer.

Reference(s):

- [Occupational Health and Safety Act, R.S.O. 1990, c. O.1](#)
- [Occupational Health and Safety Act; Work Refusal for Workplace Violence - Regulation 857](#)
- [Education Act, R.S.O. 1990, c. E.2](#)
- Exclusion of Students Policy (SO-32)
- Exclusion of Students Procedure (SO-032)
- Code of Conduct Policy (SO-12)

- Code of Conduct Procedure (SO-012)
- Workplace Violence Policy (HS-02)
- Workplace Violence Procedure (HS-002)
- Employee Injury Reporting and Investigation Procedure (HS-006)
- Regulations for Industrial Establishments – Regulations 851 – Section 43
- Right to Refuse Unsafe Work (Administrative Memo 27)

Appendix A

**GRAND ERIE DISTRICT SCHOOL BOARD
WORK REFUSAL PROCESS**

As per the *Occupational Health and Safety Act* and Regulations for Industrial Establishments Regulations 851, Section 43.

The Right to Refuse Unsafe Work

A worker has the right to refuse unsafe work that they have reason to believe may endanger themselves or another worker.

The right to refuse unsafe work applies to all those covered under the *Occupational Health and Safety Act*. Certain workers who have a responsibility to protect public safety cannot refuse work that is in the normal course of their duty, i.e.: firefighters, police, ambulance etc.

Limitations

Teachers employed under the *Education Act* and governed by the *Teaching Profession Act* have a "limited" right to refuse work. Teachers may not exercise the right if the life, health, or safety of a student is placed in imminent jeopardy (RRO 1990 Reg. 857). It should be noted however, that teachers have always had the right to refuse to use unsafe equipment. Refer to Administrative Memo 27 – Right to Refuse Unsafe Work.

From the *Occupational Health and Safety Act*

Refusal to work

A worker may refuse to work or do particular work where they have reason to believe that,

- Any equipment, machine, device or thing the worker is to use or operate is likely to endanger themselves or another worker
- The physical condition of the workplace or the part thereof in which they work or is to work is likely to endanger themselves
- Workplace violence is likely to endanger themselves
- Any equipment, machine, device or thing they are to use or operate or the physical condition of the workplace or the part thereof in which they work or are to work is in contravention of this Act or the regulations and such contravention is likely to endanger themselves or another worker. R.S.O. 1990, c O.1, s. 43 (3)

***Note:** Due to the complexity of the refusal process, an Administrator(s)/immediate Supervisor should contact the Health and Safety Officer immediately and in the meantime the employee should not be required to undertake the work that they consider unsafe.

The *Occupational Health and Safety Act* describes the exact process for refusing dangerous work and the responsibilities of the supervisor, Joint Occupational Health and Safety Committee member designated to handle work refusals, and the refusing worker.