



PROCEDURE

HS-002

WORKPLACE VIOLENCE

Superintendent Responsible: Superintendent of Human Resources	Initial Effective Date: 2019/10/28
Last Updated: 2023/06/26	Next Review Date: 2027/06/25

Purpose:

To establish the framework for the Grand Erie District School Board (Grand Erie) to comply with the *Occupational Health and Safety Act (OHSA)*, related to workplace violence prevention; and to demonstrate the commitment in providing a work environment that is safe and free from workplace violence.

Guiding Principles:

This procedure is to be interpreted and applied in conjunction with other Grand Erie processes related to employee behaviour, progressive discipline and school safety. Grand Erie will review this procedure annually to ensure all legislated requirements and practices are maintained.

The Joint Occupational Health and Safety Committee (JOHSC) will review the procedure annually and make recommendations to ensure that the processes remain relevant and appropriate.

1.0 Application

This applies to all members of the Grand Erie community, including but not limited to, students, employees, visitors such as parent(s)/caregiver(s) and community members, volunteers, permit holders, contractors, and employees of other organizations who work on or are invited onto Grand Erie property.

2.0 Definition of Violence

2.1. The *OHSA* defines workplace violence as:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- Attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker
- 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*.

2.2. 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 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 impact 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
- 2.3. 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, Grand Erie 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.
- 3.0 **Definition of Workplace**
The *OHSA* defines a workplace as “any land, premises, location or thing at, upon, in or near which a worker works.”
- 4.0 **Duties of Workplace Parties**
- 4.1. Duties of Employer
- 4.1.1. Under Section 25 of the *OHSA*, an Employer shall “take every precaution reasonable in the circumstances for the protection of a worker.”
- 4.1.2. This includes protecting workers from the hazard of workplace violence and harassment. Under Section 32.0.2 (1) of the *OHSA*:
- 4.1.3. “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).”
- 4.1.4. Domestic Violence
Under section 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.”
- 4.1.5. 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.
- 4.1.6. Information about a Person with a History of Violent Behaviour
The *OHSA* 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:
- Worker can be expected to encounter that person in the course of their work
 - 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

4.2. **Duties of Supervisors**

- 4.2.1. “Advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the Supervisor(s) 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”
- 4.2.2. Board-wide and school codes of conduct will be shared during each school year, and employees will receive training appropriate to the tasks they perform to deal with violent acts and the potential for violent acts.
- 4.2.3. 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**

- 4.3.1. If employees are working with a student who has a *BeSafe Plan*, then the employees need to be aware of the plan and follow the steps outlined within that plan.
- 4.3.2. Report workplace violence incidents to Administrator(s)/immediate Supervisor(s) immediately.
- 4.3.3. Complete an incident report using the Safe Schools/Workplace Violence Incident Tool found on the portal within 48 hours if possible.
- 4.3.4. Complete other reports as required:
- Grand Erie’s Work-Related Injury Form if an injury was sustained (for workers/WSIB)
 - Grand Erie’s Physical Restraint Incident Form may also be required. See Student and Staff Safety-Personal Protective Equipment and Physical Intervention Techniques Procedure (HS-011)

4.4. **Duties of Workers with respect to Domestic Violence:**

- 4.4.1. Employees are obligated to report if they believe they may be exposed to domestic violence in the workplace.
- 4.4.2. 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.

4.5. **Enforcement of Personal Protective Equipment**

The *OHSA* 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 *OHSA* also provides a duty to workers to use or wear protective devices or clothing as required by their employer. This will be supervised and monitored by the Administrator(s)/immediate Supervisor(s). The need for such equipment should be reviewed as required.

5.0 **Resources**

- 5.1. Grand Erie will provide assistance and resources as required during and after workplace violence incidents. Such assistance and resources may include:
Grand Erie Resources
- Traumatic Events Response Team
 - Employee Assistance Providers (for Board employees)
 - System supports - Specialized Services
 - System supports - Safe and Inclusive Schools
 - Human Resources Department
 - Health and Safety Officer

- Processes outlined in the Board's Harassment and Objectionable Behaviour Policy (HR-05)
- Board Policies and Procedures
- Community Based Resources
- Police
- Children's Aid Society (CAS)

6.0 Reporting and Response

- 6.1. To the extent legally possible, reports of workplace violence or of potentially violent behaviour will be held in confidence.
- 6.2. Under this policy, persons are required to report an act of violence.
- 6.3. Verbal reports shall be made to a person's Administrator(s)/immediate Supervisor(s).
- 6.4. Complete an online incident report using the Safe Schools/Workplace Violence Incident Tool which is found on the Portal. The Employer is obliged to investigate the report. In most cases, the investigation will be done by the Administrator(s)/immediate Supervisor(s).
- 6.5. Implement immediate crisis response measures if reasonably required by the circumstances.
- 6.6. 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.
- 6.7. Grand Erie 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 employees.
- 6.8. Implement progressive discipline as per Grand Erie Progressive Discipline procedure HR-018 and Ministry policy.
- 6.9. In conjunction with any discipline that may be imposed, Grand Erie may reassign employees or students during or after Grand Erie's investigation as reasonable in the circumstances.
- 6.10. The JOHSC 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 *OHSA*. Written notice will include all information as required by the *OHSA*.

7.0 STEPS IN THE REPORTING PROCEDURE

- 7.1 Following a report of workplace violence, immediate crisis response measures will be implemented if reasonably required by the circumstances.
- 7.2 Requirement for employee(s):
 - 7.2.1 Report immediately to their Administrator(s)/immediate Supervisor(s) (or Superintendent/Manager 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 portal

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
 - 7.2.2 Complete other reports as may be applicable based on injuries sustained to workers, students, parent(s)/caregiver(s), contractors or others. Such forms may include:
 - Grand Erie's Employee Injury Report if an injury was sustained or medical attention or lost time occurred from the event.
 - Grand Erie's Physical Restraint Incident Form

7.2.3 An employee(s) who is the victim of an act of violence/threat may refuse to work if the workplace violence/threat is likely to endanger themselves. (An employee'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(s) must follow steps for work refusal as outlined in *OHSA*. 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 workstation and available to the inspector for the purposes of the investigation.

7.1. 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 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 *OHSA*, report the incident immediately to Grand Erie'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 otherwise
- Apart from the *OHSA* 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 Grand Erie's Traumatic 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 Superintendent, or designate, 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 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). Please 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 employees working directly with the student receive updated copies
- Complete other reports as required based on injuries sustained to workers, students, parent(s)/caregiver(s), contractors, or others.
- Grand Erie's Work-Related Injury Form
- Ontario School Board's Insurance Exchange (OSBIE) Incident Report Form (for student(s), parent(s)/caregiver(s) or other visitors to the building)
- Grand Erie's Physical Restraint Incident Form

8.0 **Information and instruction specific to employees in workplace areas where elevated risk exists**

Grand Erie and the site supervisor shall ensure that:

- All employees 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 employees have received training in the nature and recognition of the risks specific to their assignment
- All employees have received training in procedures/safety measures that minimize the risks specific to their assignment
- All employees working regularly with a student who has a Be Safe Plan have current certification in Behaviour Management Systems or equivalent
- All employees have any personal protective equipment (PPE) deemed reasonable and necessary in the circumstances
- All employees working regularly with a student will be involved in the development of the Be Safe Plan. A copy of the Be Safe Plan is made available to all employees working with the student
- Procedures and safety measures that are implemented to reduce risk are included in the Be Safe Plans and are available to the affected employee as required
- Training is updated and/or refreshed as often as necessary
- Procedures are in place when these employees are absent
- Any replacement employees (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

9.0 **Low Risk Worker**

- 9.1. When there is a moderate to low risk of workplace violence to employees, such workers will be made aware of workplace violence prevention through this process. 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 other employees if they will be in contact with students.
- 9.2. A copy of the Violence Awareness for School Employees (see the Workplace Violence Manual) will be posted.

10.0 **New Hires**

10.1. ***Behaviour Management Systems Training***

All newly hired Educational Assistants, Designated Early Childhood Educators, Special Education support employees and teaching employees working in areas of elevated risk may be required to have behaviour management systems training or equivalent prior to being hired by Grand Erie. However, if new Educational Assistants, Early Childhood Educators, Special Education support employees and teachers 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.

10.2. **Workplace Violence Prevention Procedure**

All new hires to Grand Erie will be made aware of the workplace violence prevention process.

11.0 **Annual Review**

All employees will be required to complete an annual awareness review of their workplace responsibilities as outlined.

12.0 **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.

Grand Erie 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
- 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 the building Administrator in consultation with employees at the location and posted to employees 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 other school board employees if they will be in contact with students

13.0 **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.

14.0 **Confidentiality**

14.1. It is the duty of Administrator(s)/Immediate Supervisor(s) 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.

14.2. Grand Erie 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.

15.0 Contacts and Supports

- Local ETFO President
- Local OSSTF President
- Local CUPE President
- Superintendent of Human Resources
- Manager of Human Resources
- Human Rights Commission, Toronto Office – Phone (416) 326-9511 or 1-800-387-9080
- Ministry of Labour, Call Centre – 1-877-202-0008

Reference(s):

- Workplace Violence Policy HS-02
- Workplace Violence Manual (HS-02-M)
- Bullying Prevention and Intervention Policy (SO-10)
- Bullying Prevention and Intervention Procedure (SO-010)
- Progressive Discipline and Promoting Positive Student Behaviour Procedure (SO-011)
- Code of Conduct Policy (SO-12)
- Code of Conduct Procedure (SO-012)
- Employee Safety Protocol at Non-Board Locations Procedure (HS-004)
- Harassment and Objectionable Behaviour Policy (HR-05)
- Harassment and Objectionable Behaviour Procedure (HR-005)
- Health and Safety Policy (HS-01)
- Health and Safety Procedure (HS-001)
- Maintaining Employee Safety While Working with Students Procedure (HR-107)
- [Municipal Freedom of Information and Protection of Privacy Act](#)
- [Occupational Health and Safety Act](#)
- Student and Staff Safety-Personal Protective Equipment and Physical Intervention Techniques Procedure (HS-011)