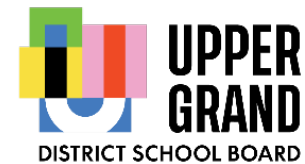


Violence in the Workplace Procedures 417-A



Category:	Human Resources
Administered by:	Appropriate Senior Administrator
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1. General

These procedures set out the definitions of Workplace Violence, Sexual Violence and Domestic Violence, the Employee Risk Assessment and Workplace Violence Site Assessment that are required, the duty of employees to report, and the investigation process and disposition. The procedures also outline the process for summoning immediate assistance and dealing with work refusals by employees. The role of the Health and Safety Department, the principal/supervisor, the Ministry of Labour, Training and Skills Development, and the Joint Health and Safety Committee are covered, as is the Workplace Violence Training program that the board has put into place.

2. Definitions

Workplace

The workplace is any land, premises, location or thing, upon, in or near which a worker works.¹ For the purpose of this document, examples include a school board office, a school, a classroom, a non-traditional setting (e.g., home schooling), a field trip location, a school bus, a conference, a training session, or any other place a worker performs work for the board.

Workplace Violence

Workplace violence is:

- 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,

¹ [Occupational Health and Safety Act](#), R.S.O 1990, C.O.1, s.1(1)

that could cause physical injury to a worker, or

- a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against a worker, in a workplace, that could cause physical injury to a worker.¹

Workplace violence also includes any aggressive action or threat sent in writing or by electronic messaging.

Sexual Violence

Sexual violence is any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

Domestic Violence

When domestic violence enters the workplace it is workplace violence. As defined by the Ontario Safety Association for Community and Healthcare, "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. It may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking, and use of electronic devices to harass and control."

Bullying

Bullying is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance.

Bullying takes on different forms and contexts with age. It can be physical, verbal, social/emotional or through the use of technology. Bystanders contribute to bullying by doing nothing to prevent it or by becoming actively involved in supporting it.

Site Supervisor

The site supervisor is defined as the principal, vice-principal, senior administrator or manager responsible for the workplace.

Worker

A worker is defined as:

- A person who performs work or supplies services for monetary compensation.
- A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
- A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university private career college or other post-secondary institution.
- Such other persons as may be prescribed (by the *Occupational Health and Safety Act*) who perform work or supply services to an employer for no monetary compensation.¹

External Investigator

An external investigator is an impartial person possessing such knowledge, experience or qualifications to conduct an investigation.

Gender Identity

Gender identity is each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as or different from their birth-assigned sex. Gender identity is fundamentally different from a person's sexual orientation.

Gender Expression

Gender expression is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender.

3. Employee Workplace Violence Survey

- 3.1 The board shall develop an Employee Workplace Violence Survey to determine the extent to which employees feel their workplace is safe. Surveys shall be conducted when necessary and at least when workplace

conditions substantially change.

- 3.2 Safe School Surveys (Policy 503) may be reviewed as part of an Employee Workplace Violence Survey.

4. Workplace Violence Site Assessment

- 4.1 A site supervisor shall ensure that a Workplace Violence Site Assessment Survey is conducted to 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 Workplace Violence Site Assessment will be conducted in consultation with workers at the site (e.g., the site health and safety representative).
- 4.2 Site supervisors shall ensure that a Workplace Violence Site Assessment Survey is completed annually, or more frequently when workplace conditions substantially change or when there is an increase in workplace violence.
- 4.3 Once a Workplace Violence Site Assessment has been completed, the site supervisor has a responsibility to recommend procedures and measures to protect workers from workplace violence.
- 4.4 The Workplace Violence Site Assessment Form shall be maintained on file at the workplace location. A copy shall be forwarded to the appropriate superintendent/senior administrator and Health and Safety Department. A copy of the assessment forms will be made available to the Joint Health and Safety Committee (JHSC).
- 4.5 Reassessing the risk of workplace violence

A reassessment of the risks of workplace violence is required by the OHSA as often as necessary to ensure that the workplace violence policy and program continues to protect workers from workplace violence.

Changes or events that may warrant a reassessment may include:

- an increase in the number, frequency or severity of workplace violence incidents for that specific workplace;
- a change in the physical environment of the workplace (e.g., addition/removal of portables)
- a change in the student population (e.g., at the beginning of the school year or when there is a significant change in the numbers or

make-up of the student population during the year); and/or

- a change in curriculum or scheduling, or a change in environment (e.g., noisy construction) to determine if such a change could provoke violent behaviours.

The workplace violence reassessment must be conducted in consultation with workers (e.g., the site health and safety representative) and the results provided to the JHSC.

5. Reporting Violent Incidents

5.1 All employees shall promptly report all incidents of workplace violence including threats, to the principal/supervisor and/or Health and Safety Department using:

5.1.1 the Online Non-Student Workplace Violent Incident Report – Visitor, Volunteer to Employee (for workplace violence not involving students) (casual employees are to use the 417-1 form), or

5.1.2 the Online Employee Incident Report for workplace violence involving students (casual employees are to use the 417-2 form).

5.2 If the principal/supervisor is a party to the violent incident, the employee shall inform the appropriate senior administrator.

6. Investigations and Disposition

6.1 The principal/supervisor or designated external investigator shall ensure that a thorough investigation of all complaints and allegations is conducted to determine:

- what happened, including the circumstances leading up to the incident
- who was involved, directly or indirectly
- who witnessed the incident
- where it happened
- when it happened
- why, and
- how it happened

If the principal/supervisor is party to the violent incident, the investigation may be conducted by the appropriate senior administrator or designated external investigator.

- 6.2 The investigation needs to be fair, unbiased, and conducted in a confidential manner to the extent possible under the *Occupational Health and Safety Act*.
- 6.3 The principal/supervisor, in consultation with the appropriate senior administrator and human resources, shall ensure that the perpetrator(s) of the violent incident(s) are held accountable for their behaviour according to the applicable legislation, policies and guidelines, which may include discipline up to and including termination of employment. If the principal/supervisor is party to the violent incident, this task will be completed by the appropriate senior administrator and human resources.

7. Domestic Violence

- 7.1 The board shall take every precaution reasonable in the circumstances for the protection of its employees if it becomes aware or ought reasonably to be aware, of domestic violence that would likely expose a worker to physical injury that may occur in the workplace.
 - 7.1.1 Employees who have information that they or a fellow employee is subject to domestic violence that may expose them or their fellow workers to physical injury in the workplace, have a duty to inform their supervisor. Where the supervisor may be party to the domestic violence, the employee shall inform the appropriate senior administrator.
 - 7.1.2 The supervisor or senior administrator shall treat all such reports as restricted information, and only disclose to human resources or others who need to know, information that is necessary for the protection of workers in the workplace.
 - 7.1.3 Investigations and dispositions, as per section 6, shall also apply to reports of domestic violence with due consideration given to the sensitivity of the issue.
 - 7.1.4 The supervisor or senior administrator shall seek direction from the Health and Safety Department on how to proceed.

8. The Role of the Joint Health and Safety Committee

- 8.1 The board's Joint Health and Safety Committee shall:
- 8.1.1 receive information on the board's Workplace Violence Training Program;
 - 8.1.2 be advised of the results of the board's workplace violence risk assessments, and
 - 8.1.3 receive written notice, if a person is disabled from doing his or her usual work or requires medical attention because of an incident of workplace violence, within four (4) working days of the occurrence of the incident.

9. Summoning Immediate Assistance

- 9.1 Each board site shall develop and implement measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur. Measures and procedures to summon immediate assistance need to be appropriate for the circumstances. For example, a different means of summoning assistance may be required while on a field trip than when in a school classroom. The measures and procedures for summoning immediate assistance must be reliable and effective at all times.
- 9.2 All workers who are responding to the need for immediate assistance must be aware of their roles and responsibilities and must have received information and instruction to respond safely.
- 9.3. Means of summoning immediate assistance may include the PA system, two-way radio system, cell phone, etc.

10. Work Refusals

- 10.1 Workers have the right to refuse to work or do particular work where the worker has reason to believe that workplace violence is likely to endanger them.

Note: [Regulation 857 – Teachers](#) made under the OHS Act states that Part V of the OHS Act does not apply to teachers, as defined in the *Education Act*, where the circumstances are such that the life, health or safety of a student is in imminent jeopardy. However, the employer and supervisor

still have a duty to take every precaution reasonable in the circumstances to protect the health and safety of the teacher. When the life, health or safety of a student is not in imminent jeopardy, the teacher has a right to refuse work consistent with the procedure outlined in the OHSA. Other workers in the school board who are not teachers (e.g., educational assistants, office workers, early childhood educators, custodians, etc.) have the right to refuse work when they have reason to believe that workplace violence is likely to endanger them.

- 10.2 An employee shall report the circumstance of the work refusal to their principal/supervisor if they are refusing to work.

11. Workplace Violence Training Program

- 11.1 All staff will receive training on this procedure at the time of hire and as identified in the Staff Training Chart.

12. References

Members of the board community are directed to the following for reporting incidents relating to safe workplaces and learning environments:

- Online Employee Incident Report – Student to Employee (casual employees are to use the 417-2 form)
- Online Non-Student Workplace Violent Incident Report – Visitor, Volunteer to Employee (casual employees are to use the 417-1 form)
- Policy 413 Safety (Behaviour Prevention and Intervention)
- Online Safe Schools Incident Report - Policy 503
- OSBIE Incident Reporting through Maplewood
- HSP-005 Work Refusal Procedure
- HSF-005 Work Refusal Form
- HSP-013 Personal Protective Equipment
- Notification of Risk of Workplace Violence Work Instructions
- Workplace Domestic Violence Safety Plan
- Employee Risk Assessment Survey
- [Workplace violence in school boards: A guide to the law](#) – Ministry of Labour