

**AGENDA: 5:30 pm**

1. Call to Order
2. Approval of the Agenda
3. Policy Review:
  1. Accommodation of Staff
  2. Recruitment and Selection
  3. Occupational Health and Safety
  4. Staff Progressive Discipline
  5. Workplace Violence and Harassment Prevention
4. Employee Incident Reporting
5. Resolution into Private Session – as per the Education Act, Section 207.2
  - (b) the disclosure of intimate, personal or financial information in respect of a member of the board or committee and;*
  - (d) decisions in respect of negotiations with employees of the board*
6. Meeting resumes in public
7. Adjournment



## EXECUTIVE REPORT TO HUMAN RESOURCES COMMITTEE

**TO:** HUMAN RESOURCES COMMITTEE

**FROM:** Manny Figueiredo, Director of Education

**DATE:** March 5, 2018

**PREPARED BY:** Stacey Zucker, Executive Superintendent of Board Operations  
 Jamie Nunn, Superintendent of Human Resources  
 Gytis Grabauskas, Senior Manager Human Resource Services

**RE:** Policy Review

---

**Action                      Monitoring X**

**Rationale/Benefits:**

Five Human Resource policies are scheduled for review. Revisions to the policies are outlined in this report.

**Background:**

**Policy 4.1 Accommodation of Staff**

**Review – Minor**

Policy highlighting the legal obligations under various legislation to provide safe working and learning environments that support employees with disabilities in the performance of their job duties

**Policy 4.3 Occupational Health and Safety**

**Annual – Review**

Policy outlining the obligations to providing and maintaining a safe and healthy work environment

**Policy 4.6 Recruitment and Selection**

**Review – Minor**

Policy confirming commitment to creating and sustaining an inclusive and safe work environment through recruitment and selection practices that are consistent, transparent and equitable.

**Policy 4.8 Staff Progressive Discipline**

**Review – Minor**

Policy committing to progressive discipline as a corrective measure to ensure that employees maintain appropriate behavior and carry out their duties responsibly, effectively, and diligently.

**Policy 4.9 Workplace Violence and Harassment Prevention**

**Annual – Review**

Policy outlining the obligation to the prevention of workplace violence and harassment under legislation.

## Summary of changes:

### **Policy 4.1 Accommodation of Staff – Approved 2013**

**Page 3**

- Title changed to include “in Employment” to clarify the policy refers to staff accommodation in employment rather than services as provided for under legislation
- Purpose updated to reflect applicable legislation governing accommodation
- Guiding Principles and Intended Outcomes changed to reflect legislative requirements for accommodations; “reasonable accommodations” are required
- Responsibility section: Human Resources added to support operation of policy
- Reference to terminology removed as this is referenced in respective legislation governing accommodations. The Board will apply the definitions in each respective piece of legislations as the situations requires
- Progress indicators have been changed to reflect legislative requirements and current practices
- References have been updated to include relevant legislation

### **Policy 4.3 Occupational Health and Safety – Approved 2017**

**Page 5**

- Terminology and Action Required sections have been updated to reflect structure and purpose of Joint Health and Safety Committee as references in the Terms of Reference
- Definitions of Supervisor and Worker has been updated to be consistent with the OH&SA

### **Policy 4.6 Recruitment and Selection – Approved 2014**

**Page 8**

- Human Resources added under Responsibility
- References and HWDSB Policies have been updated to reflect current legislation and applicable policies

### **Policy 4.8 Staff Progressive Discipline – Approved 2013**

**Page 11**

- Purpose has been changed to clarify that progressive discipline will be applied where dismissal is not appropriate
- Under Responsibility, Human Resources has been added
- Steps in progressive discipline updated to reflect written warning, suspension and dismissal
- Human Resources has been added to support supervisors prior to invoking discipline
- Progress indicators have been updated to reflect current practices
- References have been updated to include Occupational Health and Safety Act

### **Policy 4.9 Workplace Violence and Harassment Prevention – Approved 2017**

**Page 13**

- Purpose and Outcomes have been expanded to confirm the Board obligations under the OH&SA and Human Rights Code
- Human Resources has been added under the Responsibility section
- Terminology has been updated to reflect definitions under guiding legislation
- Action Required modified to reflect legislative requirements
- References have been updated to include Employment Standards Act



# Accommodation of Staff in Employment

Date Approved: 2013

Projected Review Date: 2017

Page 1 of 3

## PURPOSE:

Hamilton-Wentworth District School Board (HWDSB) is committed to meeting its legal obligations under the Human Rights Code, Workplace Safety and Insurance Act, **OHSA, AODA, Canadian Charter of Rights and Freedoms**, and the Collective Agreements with HWDSB employee groups to provide safe working and learning environments that support employees with disabilities in the performance of their job duties **and to foster the development of trustful and respectful relationships**

## GUIDING PRINCIPLES:

- Value employees by respecting their concerns, responding to their needs, encouraging professional growth and recognizing their accomplishments
- Respecting the dignity of all employees with disabilities in the accommodation process
- Promoting, encouraging and engaging in effective communication with all stakeholders
- Protecting the safety of all staff
- Maintaining the employee's right to privacy
- Supporting staff in a flexible and responsive manner as need arises
- Responding appropriately to support the employee by providing **reasonable accommodation meaningful work**

## INTENDED OUTCOMES:

In meeting the specific accommodation needs of staff, HWDSB will:

- ~~Foster the development of trustful and respectful relationships~~
- Engage staff in a collaborative and inclusive process
- Provide staff with **reasonable accommodations and support safe and early return to work meaningful work that allows them to be successful**
- ~~Support staff in safe and early return to work~~

## RESPONSIBILITY:

Director of Education  
Members of Executive Council  
**Human Resources**



# Accommodation of Staff in Employment

Policy No. 4.1

Date Approved: 2013

Projected Review Date: 2017

Page 2 of 3

## TERMINOLOGY:

*Staff:* All individuals who agree to work on a full-time or part-time basis for HWDSB for a specified or indeterminate period of time. Salary or wages are paid to this individual and from this payment deductions are taken for Canada Pension Plan, Income Taxes and Employment Insurance.

*Accommodation:* Accommodation is an adaptation or adjustment to enable the employee with a disability to perform the essential duties (see Policy Procedure for definition of “essential duties”) of the job. The steps in the accommodation process are to determine:

1. the essential duties of the affected employees' position. The period of accommodation may be temporary or permanent, depending on the particular circumstances;
2. the anticipated timeline of the accommodation;
3. where the accommodation is needed, i.e. location;
4. possible solution(s) to enable a safe and early return to work;
5. an implementation plan that supports medically identified restrictions and limitations;
6. how to reassess accommodation needs on an ongoing basis to determine success of the accommodation.

## ACTION REQUIRED:

Take necessary steps to fulfil legislative requirements relevant to the accommodation. During the accommodation process, provide employees with disabilities an adaptation or adjustment to enable them to safely perform the essential duties of their job.

## PROGRESS INDICATORS:

Intended Outcome	Assessment
Engage staff in a collaborative and inclusive process	Plans are agreed to during <del>regular</del> return to work meetings with employees, their immediate supervisor and employee group representative <b>were requested by the employee in attendance</b> Number of grievances received related <b>specifically to return to work plans</b>
<del>Provide staff with meaningful work that allows them to be successful</del> Provide staff with <b>reasonable accommodations and support safe and early return to work</b>	<b>Reasonable accommodation has been provided to staff.</b> Self-reporting by employees and feedback from immediate supervisor that the <b>work provided during the accommodation process is achievable and supports the board's strategic directions</b>



# Accommodation of Staff in Employment

Policy No. 4.1

Date Approved: 2013

Projected Review Date: 2017

Page 3 of 3

Support staff in safe and early return to work.	Number and duration of employee absences from work using data from WSIB, SBCI and our internal HR Information System statistics, External Provider Statistics
---	---

## REFERENCES:

### Government Documents

Ontario Human Rights Code

Workplace Safety and Insurance Act

**Occupational Health and Safety Act****Accessibility for Ontarians with Disabilities Act****Canadian Charter of Rights and Freedoms**

Collective agreements, where applicable

### HWDSB Policies

Employee Attendance Support



# Occupational Health and Safety

Date Approved: 2017

Projected Review Date: 2018

Page 1 of 3

## PURPOSE:

Hamilton-Wentworth District School Board (HWDSB), is committed to providing and maintaining a safe and healthy work environment for all employees, students and other authorized occupants of HWDSB sites.

## GUIDING PRINCIPLES:

- Promote and encourage a safe and healthy work environment, in accordance with industry standards and in compliance with legislative requirements.
- Endeavour to eliminate any foreseeable hazards that may result in personal injury/illness, property damage and incidents.
- Value employees by respecting their concerns and responding to their needs.

## INTENDED OUTCOMES:

- Establish incident reduction goals.
- Identify targets and implement strategies to reduce workplace injuries.
- Raise awareness of all employees' direct responsibility for health and safety as an essential part of his or her job through the Internal Responsibility System.

## RESPONSIBILITY:

*The Board, as an employer, is ultimately responsible for worker health and safety and compliance with the Occupational Health and Safety Act and Regulations. Commitment to health and safety is an integral part of the Board's operation and requires continued co-operation from all workplace parties in exercising their responsibilities.*

*Every worker must protect his or her own health and safety by working in compliance with the law and with safe work practices and procedures established by the employer. Workers will receive information, training and competent supervision in their specific work tasks to protect their health and safety.*

*These is supported by the efforts of the Central Joint Health and Safety Committee to enhance the health and safety in our workplace.*

Director of Education- Annual review- per the Occupational Health & Safety Act, S. 25(2)(j)  
 Members of Executive Council  
 Central Joint Health and Safety Committee (annual review)



# Occupational Health and Safety

Date Approved: 2017

Projected Review Date: 2018

Page 2 of 3

## TERMINOLOGY:

*Central Joint Health and Safety Committee:* ~~A forum for employers and employees to work together to improve workplace health and safety.~~ **A single Joint Health and Safety Committee established to cover multiple workplaces where the committees' structure has received approval by order of the Minister.**

*Internal Responsibility System:* Refers to the underlying philosophy of occupational health and safety, based on the foundation that everyone in the workplace, including the employer, supervisors and employees are collectively responsible for creating and maintaining a safe and healthy workplace.

*Workplace:* Any land, premises, location or thing at, upon, in or near which a worker works.

*Supervisor:* ~~The person designated by title and practice as the individual having organizational authority to direct the work of employees in a particular area. In the case of school sites, the supervisor shall be the principal or, in the principal's absence, the vice-principal or another designate.~~ **The person who has charge of a workplace or authority over a worker. In the case of school sites, the supervisor shall be the principal or, in the principal's absence, the vice-principal or another designate.**

*Worker:* Any of the following:

- 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.
- **A person who receives training from HWDSB, but who, under the *Ontario Employment Standards Act, 2000*, is not an employee for the purposes of that Act because the conditions set out in subsection 1 (2) of that Act have been met.**
- ~~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.~~
- **Such other persons as may be defined as a worker by the *Ontario Occupational Health and Safety Act*.**

## ACTION REQUIRED:

~~The Central Joint Health and Safety Committee shall assist in identifying situations that may be a source of danger or hazard to workers and make recommendations to the board on matters of~~





# Occupational Health and Safety

Date Approved: 2017

Projected Review Date: 2018

Page 3 of 3

~~occupational health and safety.~~

**The Central Joint Health and Safety Committee shall assist in the development, implementation and review of a Board-wide health and safety program, which includes:**

- a framework for setting and reviewing health and safety objectives and targets
- health and safety awareness and training programs
- ~~Supporting Site Joint Committees~~ the development of In-School/Facility Joint Committees to assist with monthly inspections and support the functions of the Central Joint Health and Safety Committee
- hazard identification to eliminate any foreseeable hazards that may result in personal injury/illness, property damage and incidents.

## PROGRESS INDICATORS:

Intended Outcome	Assessment
Establish incident reduction goals	A review of injury, illness and claim statistics as well as a review of Ministry of Labour compliance orders and fines from the Workplace Safety and Insurance Board.
Implement strategies to reduce workplace injuries.	Strategies will be evaluated by reviewing and comparing, year over year, incident reports in the identified categories.
Raise awareness of all employees' direct responsibility for health and safety as an essential part of his or her job through the Internal Responsibility System.	Measured through the employee survey.

## REFERENCES:

### Government Documents

Education Act  
Occupational Health and Safety Act

### HWDSB Policies

Accommodation of Staff  
Inclement Weather and Board Cancellations  
Medical Health Supports  
Recruitment and Selection  
Use of Board Facilities  
Workplace Violence and Harassment Prevention



# Recruitment and Selection

Date Approved: 2014

Projected Review Date: 2018

Page 1 of 3

## PURPOSE:

Hamilton-Wentworth District School Board (HWDSB) strives to attract qualified individuals to support the achievement of its strategic directions. The board is committed to creating and sustaining an inclusive and safe work environment through recruitment and selection practices that are consistent, transparent and equitable.

## GUIDING PRINCIPLES:

HWDSB believes in:

- Establishing and maintaining discrimination free environments.
- Maintaining the highest level of ethical and professional standards.
- Recruiting and hiring skilled and qualified employees to support student achievement.
- Developing a workforce that is representative of the diversity of the student body in the Hamilton-Wentworth region.
- Exercising due diligence throughout the hiring process to align with legislated mandates.
- Equitable treatment of potential employees throughout the hiring process.
- Providing support and training to staff who are involved in the hiring process.

## INTENDED OUTCOMES:

When hiring potential employees, HWDSB will:

- Hire the best candidates to meet HWDSB's strategic directions and student needs.
- Meet mandated legislative requirements.
- Provide and maintain a safe and secure working and learning environment to protect all students and staff from exposure to harmful risk.
- Provide a consistent, equitable process for screening, interviewing and selecting potential employees.

## RESPONSIBILITY:

Director of Education  
 Members of Executive Council  
**Human Resources**



# Recruitment and Selection

Date Approved: 2014

Projected Review Date: 2018

Page 2 of 3

## TERMINOLOGY:

*Employee:* An employee is an individual who agrees to work in a contract for services, on a full-time or part-time basis, for HWDSB for a specified or indeterminate period. Salary or wages are paid to this individual and from this payment; deductions are taken for Canada Pension Plan, Income Taxes and Employment Insurance.

## ACTION REQUIRED:

Recruit for prospective employees who are qualified and meet the specific qualifications for each position using consistent, inclusive and equitable recruitment practices. Assist qualified candidates from diverse backgrounds to acquire relevant employment experiences by providing appropriate learning opportunities when possible (e.g. job coaching).

## PROGRESS INDICATORS:

Intended Outcome	Assessment
Hire the best candidates to meet HWDSB's strategic directions and student needs.	<p>Conduct ongoing research regarding HWDSB demographics to better inform recruiting and hiring practices.</p> <p>Community outreach to inform members from our diverse community about career opportunities in education to address current and emerging staffing needs and attract applicants that represent our student population.</p> <p>All candidates selected for interview meet the educational, skill and experience qualifications required for the advertised position.</p>
Meet mandated legislative requirements.	All documentation required on the pre-screening form is received and meets legislative and job requirements for every new hire.
Provide and maintain a safe and secure working and learning environment to protect all students and staff from exposure to harmful risk.	All criminal background checks and vulnerable sector screenings are reviewed and meet HWDSB requirements.



# Recruitment and Selection

Date Approved: 2014

Projected Review Date: 2018

Page 3 of 3

Intended Outcome	Assessment
Provide a consistent, equitable process for screening, interviewing and selecting potential employees.	<p>All candidates receive and complete the same required documentation.</p> <p>The recruitment process is applied consistently to all potential candidates.</p> <p>Hiring supervisors receive appropriate training and tools for leading a fair and equitable hiring process.</p> <p>Staff who participate on interviewing panels receive appropriate training and tools for participating in the hiring process.</p>

## REFERENCES:

### Government Documents

Canadian Charter of Rights and Freedoms  
 Child and Family Services Act  
 Criminal Code of Canada  
 Education Act  
 Municipal Freedom of Information and Protection of Privacy Act  
 Occupational Health & Safety Act  
 Ontario Human Rights Code  
 Police Services Act  
~~Young Offenders Act~~ Youth Criminal Justice Act  
 Accessibility for Ontarians with Disabilities Act

### HWDSB Policies

Occupational Health and Safety  
 Respectful Working and Learning Environments Procedure  
 Accessibility Standards for Customer Service  
 Integrated Accessibility Standards



# Staff Progressive Discipline

Date Approved: 2013

Projected Review Date: 2017

Page 1 of 2

## PURPOSE:

Hamilton-Wentworth District School Board (HWDSB) believes in using progressive discipline as a corrective measure, **if dismissal is not appropriate**, to ensure that employees maintain appropriate behavior and carry out their duties responsibly, effectively, and diligently.

## GUIDING PRINCIPLES:

HWDSB is obligated to provide the highest quality of education possible to our students. In this respect, it is essential that all Board employees:

- carry out their responsibilities in a co-operative and professional manner; and
- be in compliance with Board policy and procedures, the Education Act, and other related legislation.

## INTENDED OUTCOMES:

To correct inappropriate behavior through the provision of imposed sanctions on an employee.

To create a professional atmosphere where employees, parents, students and community members know they will be treated with courtesy and respect.

## RESPONSIBILITY:

Director of Education  
 Members of Executive Council  
**Human Resources**

## TERMINOLOGY:

*Progressive Discipline:* A process of increasingly formal steps for dealing with job related behavior that does not meet expected and communicated performance standards. The primary purpose of progressive discipline is to improve performance through the provision of feedback to the employee to help correct the problem.

## ACTION REQUIRED:



# Staff Progressive Discipline

Date Approved: 2013

Projected Review Date: 2017

Page 2 of 2

Note: it is not necessary to use the discipline steps sequentially. The actual starting point of disciplinary procedures will depend entirely upon the severity of the misconduct or infraction.

The steps in progressive discipline may include:

- ~~Recorded verbal warning~~
- Written warning
- Suspension
- Dismissal

Supervisors shall contact **Human Resources and** the appropriate superintendent before invoking a progressive discipline. ~~procedure.~~

## PROGRESS INDICATORS:

Intended Outcome	Assessment
To correct inappropriate behavior, whether the behavior is a single offence, repeated offences of a similar nature, or multiple offences	A reduction in the amount of times progressive discipline steps are <del>taken</del> <b>required</b> .
To create a professional atmosphere where employees, parents, students and community members <del>know they will be</del> <b>are</b> treated with courtesy and respect.	Acknowledged through various feedback mechanisms

## REFERENCES:

### Government Documents

Education Act

Employment Standards Act

**Occupational Health and Safety Act**

Collective Agreements, where applicable

Human Rights Code



# Workplace Violence and Harassment Prevention

Policy No. 4.9

Date Approved: 2017

Projected Review Date: 2018

Page 1 of 4

## PURPOSE:

Hamilton-Wentworth District School Board (HWDSB) believes in the prevention of workplace violence and harassment while promoting a safe workplace in which all people respect one another and work together to achieve common goals. **The Board is committed to fulfilling its obligation to the prevention of workplace violence and harassment under the Occupational Health and Safety Act, Employment Standards Act and Ontario Human Rights Code.**

## GUIDING PRINCIPLES:

- ~~Promote and encourage a safe and healthy work environment, in accordance with the *Occupational Health and Safety Act* and *Ontario Human Rights Code*~~
- **Promote and encourage a positive culture and support the well-being of our staff, in accordance with the *Occupational Health and Safety Act* and *Ontario Human Rights Code***
- Value employees by respecting their concerns and responding to their needs.
- Foster the development of trustful and respectful relationships in an environment free from discrimination, harassment and workplace violence.

## INTENDED OUTCOMES:

- Establish incident reduction goals.
- Identify targets and implement strategies to reduce workplace violence and harassment.
- Raise awareness of all employees' direct responsibility to ensure a violence and harassment free working and learning environment.

## RESPONSIBILITY:

Director of Education – Annual review – per the *Occupational Health and Safety Act, S.32*  
 Members of Executive Council  
**Human Resources**

## TERMINOLOGY:

*Worker:* Any of the following:

- 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.



HAMILTON-  
WENTWORTH  
DISTRICT  
SCHOOL  
BOARD

# Workplace Violence and Harassment Prevention

Policy No. 4.9

Date Approved: 2017

Projected Review Date: 2018

Page 2 of 4

- 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 or other post-secondary institution.
- ~~A person who receives training from HWDSB, but who, under the *Ontario Employment Standards Act, 2000*, is not an employee for the purposes of that Act because the conditions set out in subsection 1(2) of that Act have been met.~~
- ~~Such other persons as may be defined by the *Ontario Occupational Health and Safety Act*.~~
- **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.**

*Workplace:* Any land, premises, location or thing at, upon, in or near which a worker works.

*Workplace Violence:* As per the *Occupational Health and Safety Act*, workplace violence is defined as:

- a) The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.
- b) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to a worker.
- c) 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.

~~*Workplace Harassment:* As per the *Occupational Health and Safety Act*, workplace harassment is defined as engaging in a course of upsetting comments or conduct against a worker in a workplace that is known, or ought reasonably to be known, to be unwelcome. Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.~~

***Workplace Harassment:* Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment.**

The Ontario Human Rights Code also protects workers from harassment in employment by the employer, agent of the employer or by another employee because of the following prohibited grounds: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability

**Workplace Sexual Harassment:** Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the





# Workplace Violence and Harassment Prevention

Policy No. 4.9

Date Approved: 2017

Projected Review Date: 2018

Page 3 of 4

person knows or ought reasonably to know that the solicitation or advance is unwelcome.

The Ontario Human Rights Code offers protection for workers against harassment because of sex or sexual solicitation by a person in a position to confer benefits. Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee.

Every person has a right to be free from a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

## ACTION REQUIRED:

Staff will implement and maintain procedures to operationalize this policy under the requirements prescribed in the *Ontario Human Rights Code* and *Occupational Health and Safety Act*.

Through the procedures, Staff will ensure:

- The policy is posted in all HWDSB workplaces on the Health and Safety Bulletin Board.
- All employees receive information and instruction annually about discrimination, harassment and violence in the workplace.
- Employees are not to be penalized or disciplined for **in good faith** reporting an incident or for participating in an investigation involving workplace violence or harassment
- Employees are aware of additional assistance through their respective Union/Federation, the Central **Joint Health and Safety Committee** (JHSC), the Human Rights Legal Support Centre or the board's employee assistance program.
- Management will investigate and act on all complaints or incidents of workplace harassment or violence in a fair, respectful and timely manner.

## PROGRESS INDICATORS:

Intended Outcome	Assessment
Establish incident reduction goals	A review of injury, illness and claim statistics as well as a review of Ministry of Labour compliance orders and fines from the Workplace Safety and Insurance Board.



## EXECUTIVE REPORT TO HUMAN RESOURCES COMMITTEE

**TO:** HUMAN RESOURCES COMMITTEE

**FROM:** Manny Figueiredo, Director of Education

**DATE:** March 5, 2018

**PREPARED BY:** Jamie Nunn, Superintendent Human Resources  
Gytis Grabauskas, Senior Manager of Human Resources  
Matthew Kwan, Manager of Health & Safety

**RE:** Employee Incident Reporting

Action       Monitoring

### Background

The Board's Workplace Violence and Harassment Policy supports our efforts to prevent workplace violence and promote a safe workplace. This allows the Board to meet our obligations outlined in the Occupational Health and Safety Act. Recently, data the board collects to meet our obligations on workplace violence was shared with the local media. The summary was as follows:

	First Aid	Health Care	Lost Time	No Injury	TOTAL
<b>2014/2015</b>	53	34	24	1623	1734
<b>2015/2016</b>	32	33	28	1789	1882
<b>2016/2017</b>	33	43	27	2788	2891

The total number of violent incident reports received in 2017/2018 as of January 31, 2018 are in line with those from 2016/2017 up to the same time of the year.

### Context on Data

A flow chart of our complete incident reporting process is attached for your reference. This process is currently under review. When it comes to workplace violence, employers are required to have a mechanism for workers to report incidents they believe meet the definition of workplace violence. In our schools, the principals receive these reports and record them on Incident Investigation Forms.

This information in turn is shared with our Central Joint Health and Safety Committee on a monthly basis and gives our worker members of the Committee an opportunity to make informed recommendations to improve the health and safety of our employees.

As a board, most of our incidents are received and recorded without trying to distinguish if the threshold for workplace violence has been met. This goes beyond the requirements of the Occupational Health and Safety Act. Thus, the reported numbers do not reflect whether an incident is actually workplace violence or if it is student

behaviour that we work to correct. The definition of violence is as follows:

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

Other school boards will often only report “Health Care” and “Lost Time” numbers as this information is required to be collected and shared with the Joint Health and Safety Committees. HWDSB collects incident reports for any incident a worker feels is violent and most of which are logged as “No Injury” whether it is actually violence or not.

### **Next Steps**

While the “No Injury” reports don’t necessarily reflect the danger staff face from violence, they are used as an indicator of behavior that should be corrected. Starting this year, schools with a high number of incident reports are looked at during regular meetings between the Manager of Health and Safety, Manager of Intensive Support Services and the principals of Special Education. From these meetings, strategies and system supports are coordinated.

We continue to work through our partners on the Central Joint Health and Safety Committee to improve our practices. The committee is currently in the process of looking at the incident reporting process as well as the board’s Workplace Violence Program.



# Supervisor Incident Reporting Steps

## ALWAYS:

- Ensure the required paperwork is complete
- Notify HR where applicable
- Submit the paperwork to all parties with 24hrs
- Investigate and take measures to prevent recurrence
- Communicate back to the reporting employee on measures taken
- Provide the employee with a copy

## Step 1

When an incident involving a worker is reported to a Board Supervisor (SOSA, Principal, Manager, Supervisor) they must:  
Please note: A worker may report an incident verbally or in the form of completing a Safe Schools or Violent Incident Report (Part 1).

Get first aid assistance to the employee if required.

Arrange for and pay for transportation to medical care if required.

**Complete a Supervisors Incident Investigation Report (SIIR)**

For each reported incident always check to determine if a Violent Incident Report (VIR) or Safe Schools Form is required.

If critical, notify the Health & Safety Dept. All evidence and the scene must be preserved. If the H&S Dept. cannot be reached immediately, call 1-877-202-0008 to report to the Ministry of Labour.

## Step 2

Determine if the incident meets either the Ministry of Labour or Ministry of Education Violent Incident criteria (category of Incident on the form).

If yes, have the employee complete Part 1 of the Violent Incident Form (VIR). The supervisor completes part 2 including what "Corrective Action" was taken.

**Please ensure all category boxes that apply to the incident are checked.**

Ensure all boxes on the VIR forms are complete and accurate. The VIR and SIIR are submitted together to Human Resources. VIR's are never submitted to the Board without a SIIR.

A copy of the VIR is to be placed in the students OSR and entered into PowerSchool if it meets the Ministry of Education violent incident criteria.

## Step 3

Determine if the incident meets the Safe Schools reporting criteria; sections 306 and 310 of the Education Act or if the Incident was part of a physical restraint.

### SAFE SCHOOLS FORM

If the incident meets the Safe Schools reporting criteria then reporting staff completes Safe Schools Report Form Part 1, Principal completes Part 2. Part 1 is submitted to the principal. Please ensure all category boxes that apply to the incident are checked. Part 2 is given to the reporting employee. Do not forward a copy to Human Resources.

### SAFE INTERVENTION PLAN REPORT

If the incident occurred during a restraint then:

- Complete the Safe Intervention Plan Report
- Do not forward a copy to Human Resources

**A critical injury means an injury of a serious nature that:**

- places life in jeopardy,
- produces unconsciousness,
- results in substantial loss of blood,
- involves the fracture of an arm or a leg but not a finger or toe,
- involves the amputation of a leg, arm, hand or foot but not a finger or toe,
- consists of burns to a major portion of the body, or;
- causes the loss of sight in an eye

### Section 310 Education Act

1. Possessing a weapon, including possessing a firearm
2. Using a weapon to cause or to threaten bodily harm to another person.
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner.
4. Committing sexual assault.
5. Trafficking in weapons or in illegal drugs.
6. Committing robbery.
7. Giving alcohol to a minor.
8. Any other activity under policy of the board which a principal may expel a pupil: Standards of Behaviour Code of Conduct, vandalism causing extreme damage, continuous pattern of behaviour injurious to learning and safety, student presents unacceptable risk.

### Section 306 Education Act

1. Uttering a threat to inflict serious bodily harm on another person.
2. Possessing alcohol or illegal drugs.
3. Being under the influence of alcohol.
4. Swearing at a teacher or at another person in a position of authority.
5. Committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school.
6. Bullying.
7. Any other activity that is an activity for which a principal may suspend a pupil under a policy of the board 2007.

Ⓜ Ensure all forms are complete and accurate with all the required information, e.g. Date, Names, Injury Class, School, etc. If the employee is unavailable then complete the form to the best of your knowledge and submit. Additional information can be added later.

Ⓜ Ensure the SIIR is forwarded within 24 hours to Human Resources and the appropriate Union/Federation.

Ⓜ Ensure the form is signed by the person and his/her supervisor. If the employee is unavailable then forward the form without their signature.