

Workplace Violence Prevention Procedure

RATIONALE:

Hamilton Wentworth District School Board believes in the prevention of workplace violence and promotes a violence-free workplace in which all people respect one another and work together to achieve common goals. Any act of workplace violence, is unacceptable conduct.

HWDSB is committed to developing and maintaining a safe, respectful and caring school and work environment. Those subjected to acts of workplace violence are encouraged to immediately notify their supervisor and access any assistance they may require. A positive climate exists when all members of the community feel safe, comfortable, and accepted.

This procedure will provide a framework for the various policies and processes related to workplace violence and outline measures and procedures to:

- Control risks identified under the Board's workplace violence risk assessments
- Summon immediate assistance when workplace violence occurs or is likely to occur
- Report incidents of workplace violence to the employer or supervisor and;
- Set out how the employer will investigate and deal with incidents or complaints of workplace violence

TERMINOLOGY:

Bad Faith: Insincerity, especially as evidenced by actions that do not accord with somebody's stated intentions.

History of Violence: includes but is not limited to: fascination with incidents of workplace violence; an extreme interest in, or obsession with, weapons; demonstration of violence towards inanimate objects; or evidence of prior violent behavior.

Supervisor: a person who has charge of a workplace or authority over a worker.

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

Workplace Violence means:

- (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 the worker.

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

Note: *Domestic Violence* is also considered 'workplace violence' when a person in a personal relationship with an employee (such as a spouse or former spouse, current or former intimate partner or a family member) physically harms, attempts to physically harm, or threatens to physically harm that employee at work.

PROCEDURES:

1.0 Legislation

1.1 The Occupational Health and Safety Act has established provisions to address workplace violence. In addition to the Occupational Health and Safety Act, the following legislation also impacts on (and in some cases is the primary legislation) for violence in the workplace.

- Education Act
- Safe Schools Act
- Criminal Code of Canada
- Human Rights Code

Complaints regarding (employee) harassment, bullying and discrimination on prohibited grounds may be addressed by the board's procedure on Workplace Harassment Prevention.

Refer to the Board's Workplace Harassment Prevention Procedure at <http://www.hwdsb.on.ca/about/policies/>

Some acts of workplace violence may be criminal matters to be dealt with by the police under Canada's Criminal Code. Please refer to the Hamilton Police/School Board Protocol for additional information for incidents involving students. A copy of this protocol can be obtained online from the Board's website <http://www.hwdsb.on.ca/about/policies/>

2.0 Scope

2.1 This procedure applies to all employees of the Hamilton-Wentworth District School Board. Given the nature of our facilities this procedure also applies to students, parents, contractors, volunteers, and community groups that have arranged to use our facilities. The protocol utilized for dealing with an incident of workplace violence regardless of the source (worker to worker, visitor to worker, or parent to worker) shall be as set forth.

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3.0 Responsibilities

3.1 Employer Duties

- Prepare a policy with respect to workplace violence and harassment and review the policies as often as necessary, but at least annually.
- Post workplace violence and harassment prevention policy in a conspicuous place in the workplace.
- Develop and maintain the workplace violence procedure.
- Assess and reassess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work as often as necessary to ensure workplace violence policy and procedure continue to protect workers from workplace violence. Advise the Joint Health and Safety Committee of the results of any workplace violence risk assessments, and provide a copy if the assessment is in writing.
- When aware or ought to be reasonably aware that domestic violence would likely expose a worker to physical injury in the workplace, take every precaution reasonable for the protection of the worker.
- Provide workers with information and instruction on the contents of the workplace violence policy and procedure.
- Provide information and instruction to workers including personal information related to a risk of workplace violence from a person with a history of violent behavior when both of the following provisions are satisfied:
 - A. The worker can be expected to encounter that person in the course of their work; AND
 - B. The risk of workplace violence is likely to expose the worker to physical injury

Note: The Superintendent of Education, shall advise all supervisory staff on matters pertaining to the release of personal information in relation to workplace violence concerns.

3.2 Principal/Supervisor Duties

Principals/Supervisors shall:

- Adhere to established board policies and procedures for dealing with violent incidents.
- Investigate reports of workplace violence and implement prevention and mitigation practices to prevent incident recurrence where appropriate.
- Share the results of the investigation with the person who reported the incident.
- Complete investigations using the board's online incident reporting forms.
- Contact the Occupational Health and Safety Department immediately for all critical injuries.
- Escalate concerns to their manager/superintendent when resources or authority limit taking appropriate action.

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- Take all steps reasonable in the circumstance for the protection of workers.
- Post the Workplace Violence and Harassment Prevention Policy and Workplace Violence Prevention Procedure on the Health and Safety Bulletin Board.
- Post Trespass notices and other information as directed by Supervisory Officials. Ensure this information is sent to all staff when directed.

3.3 Staff Duties and Reporting

Employees shall:

- Adhere to established board policies and procedures for dealing with violent incidents.
- Report workplace violence for incidents that meet the Ministry of Labour's or Ministry of Education's violent incident reporting criteria.
- Report domestic violence concerns likely to expose the worker and/or the workplace to their principal/supervisor immediately.
- Notify their supervisor of any order of protection they have obtained.
- Participate in learning programs.
- Cooperate with investigating authorities.
- Implement strategies in the classroom to mitigate incidents of workplace violence.
- Verbally report to the principal when they become aware that a pupil may have engaged in any activity described in section 306 (1) or 310 (1) of the Education Act and submit an online report to the principal within 24 hours of the incident.

Section 306 (1)

1. Uttering a threat to inflict serious bodily harm on another person.
2. Possessing alcohol or illegal drugs, or, unless the pupil is a medical cannabis user, cannabis.
3. Being under the influence of alcohol or, unless the pupil is a medical cannabis user, cannabis.
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, c. 14, s. 4.

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Section 310 (1)

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 or cannabis to a minor.
8. Bullying, if,
 - I. The pupil has previously been suspended for engaging in bullying, and
 - II. The pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.
9. Any activity listed under subsection 306 (1) that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor.
10. Any other activity that, under a policy of a board, is an activity for which a principal must suspend a pupil and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the board that the pupil be expelled. 2007, c. 14, s. 4; 2012, c. 5, s.14.

4.0 Process

4.1 Awareness and Education

Principals must take the following measures to create awareness and educate stakeholders to mitigate violent incidents at their school/facility.

- Conduct an assembly for students at the beginning of each school year which focuses on expected student behaviour/conduct. (Ministry of Education Code of Conduct).
- Discuss during a parent council meeting at the beginning of each school year expected parent/visitor behaviour/conduct and review policies, administrative memos, programs and procedures as per section 13.0
- Create awareness of and highlight behavioural expectations of students through regular school communication to create a positive school climate.
- Provide school information sessions utilizing the Hamilton Regional Police Community Liaison Officer where appropriate.

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4.2 Prevention and Mitigation Measures

Board programs, procedures, and policies require Principals/Supervisors to implement the following prevention and mitigation measures. (This list is not exhaustive) Principals/Supervisor must consult the documentation detailed in section 13.0 for complete responsibilities.

- Conduct a safe schools survey when directed by Supervisory Officials. Individual school survey results are to be utilized to implement administrative measures to prevent workplace violence, for example, making informed planning decisions about programs to help prevent bullying and promote safe and inclusive schools. All schools are required to conduct the safe school survey for grades 4-12 every other year.
- Practice the site specific lockdown procedures at least twice per year.
- Conduct a site specific risk assessment with respect to workplace violence and share the results of the assessment with the site JHSC. Work to implement corrective actions based on identified risks from the assessment.

This procedure requires that staff follow preventative measures aimed at reducing the risk of workplace violence. Such measures may include but are not limited to:

- Completing training such as HWDSB's Workplace Violence Learning Modules.
- Complying with prescribed school/workplace security measures such as the Safe Welcome Protocol for Elementary Schools, visitor sign-in and identification.
- Reporting all workplace violence to your Principal/Supervisor.
- Implementing strategies to reduce the potential for violent and aggressive student behavior. This may include following/reviewing/helping to revise contents of a student's behavioural support plan or safe intervention plan. For more information on the development, review, and updating of these plans, please refer to the Board's Promoting Staff Safety Through Behaviour Support Plans and Safe Intervention Plans Procedure which is posted on the board's public webpage.

Other Considerations

- All teaching staff should review classroom layout and student placement to minimize the risk of workplace violence.
- Employees must report immediately any concerns with respect to physical plant (building) items which may contribute to the risk of workplace violence. For example, outside doors not latching/closing properly, lightening outages, or holes in fencing to their supervisor.
- Employees should regularly inspect their workplace and look for signs of violence such as broken/vandalized windows or items and report to their supervisor.

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4.3 Violent Incident Response

If an employee experiences a workplace violence (as defined in section under Terminology) they must immediately take the following actions in the order appropriate for the circumstance:

- Remove themselves to a safe place. Teachers who are seriously threatened or put at personal risk by a student must ensure a “Duty of Care” to student(s) in their charge. This means a teacher may not have a right to refuse where the life, health or safety of a pupil is in imminent jeopardy.
- Notify Principal/Supervisor immediately and complete an online incident report. If the Principal/Supervisor is a party to the violent incident, the employee shall inform the Senior Manager of Human Resources.
- Seek first aid/medical attention if required.
- Follow site specific lockdown procedure if required.
- Contact police by dialing 9-1-1 in an emergency situation where other safety plans and measures have been exhausted.
- Actively participate and cooperate in the investigation with the Supervisor/authorities.

There is no single prescribed generic response to a violent incident. All employees must work collaboratively to provide a response suitable to the circumstances. When a violent incident is reported, the Supervisor shall take all appropriate action in the circumstance to protect the employees’ health and safety. These actions may include:

- Provide a safe place (within the school/facility) for employees subjected to workplace violence.
- Provide first aid or transportation to medical care.
- Notify Police, if required. Refer to Hamilton Police/Board Protocol for circumstances requiring mandatory notification.
- Initiate site specific lockdown procedure if required.
- Provide an employee with information regarding the Board’s Employee Assistance Program.
- Investigate the incident to determine the cause and implement control strategies to reduce the risk of recurrence.
- Report incident to their Manager/Superintendent if authority limits taking appropriate action.
- Apply Student Behaviour and Discipline Policy 5.7 where required.
- In the case of a critical injury, immediately report the incident to the Occupational Health and Safety Manager/Specialist.

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All violent incidents at HWDSB must:

- Be reported immediately to Supervisors
- Documented following the board's reporting process
- Be investigated by Supervisors
- Have measures/controls instituted to prevent recurrence

4.4 Reporting Violent and Safe Schools Incidents Online

Violent incidents are to be reported online by employees and submitted to their supervisor for investigation and follow-up. To complete a violent incident report, employees are to log onto eBase using their Board credentials to access the incident reporting module. There are two forms available for employees including:

1. *HWDSB Employee Incident Report- to be used to report an incident/injury including a violent incident to your supervisor.*
2. *HWDSB Safe Schools Incident Reporting Form- to be used to report a safe schools incident (incident for which a student must be considered for suspension or expulsion) to your supervisor.*

For more information on accessing and completing an incident report or safe schools reports, employees can review HWDSB's online incident reporting guide or ask their supervisor. The guide is posted on the Occupational Health and Safety Department webpage.

4.5 Misuse of the Reporting Procedures

If a report of violence is determined to be made in bad faith, the investigation process may be discontinued and disciplinary action taken.

4.6 Reprisals

Reprisals against employees for exercising their rights under the OHSA, including the right to refuse unsafe work are prohibited. Any reports of reprisals will be taken seriously and investigated.

4.7 Response Plan(s)

All parties – Employers, Principals/Supervisors and Staff must be prepared to respond to violent situations in progress. All schools/workplaces must have the following plans:

- Site specific lockdown procedure as per the Hamilton Police/School Board Protocol.
- Response plans for incidents involving students with safe intervention plans.

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- An emergency response plan where a safe intervention plan is not necessary but a serious concern of harm due to a threat or previous serious incident.
- First aid/medical plan of care.
- A site plan for summoning immediate assistance when workplace violence occurs. The site plan shall include measures for receiving emergency services personnel/equipment and measures for the safe management of staff and students during the emergency services response.

4.7.1 Summoning Immediate Assistance

Depending on the nature, location and risk level, an employee may seek assistance by:

- Using various communication devices including the school PA system, a two way radio, classroom phone, work phone, or any other available telephone in the area to contact the main office and/or members of the school emergency response team. In some circumstances, asking another person to make contact with the office or school emergency response team is the most expedient method of communication in the circumstance.
- Calling the police by dialing 9-1-1 in an emergency where other safety plans and measures have been exhausted.

4.8 Serious Incident Support

In the event of a serious incident of workplace violence the Tragic Events Response Team will be deployed to the site. In addition, Board employees are also supported by the Employee Assistance Program. Any services rendered either internally or externally are to be conducted with the strictest protocols of confidentiality.

4.9 Special Needs Student(s)

Many of the incidents involving students with special needs are not intentional and the behaviour demonstrated in many cases is representative of their condition/diagnosis. With respect to violent incidents, a person does not need to have the capacity to understand that their behaviour could cause physical injury to a worker to be workplace violence. Special Needs students with behavior(s) or activities(s) that pose a threat to staff or other students will be dealt with according to the practices (Behavioral Support Plan/Safe Intervention Plan/Emergency Response Plan) developed for the student.

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4.9.1 Identification and Prevention

A small number of students with special needs may have medical/neurological/developmental disabilities that can have behaviours that are symptomatic of their disability. These behaviours may create safety concerns within the school environment for other students and the staff who support the students. The Principal in collaboration with staff working with the student and parents will determine the need for support plans to minimize and mitigate challenging/escalating behaviours that may lead to a violent incident. The plans may include (Individual Education Plans, Behavioural Support Plans, Safe Intervention Plans).

The most recent copy of the schools'/worksites' BSPs and SIPs are to be held centrally in the main office in hard copy and updated when changes are made. These are to be available to all staff at all times including occasional, itinerant staff and other board staff. Copies may be held electronically in a central database accessible to all staff in addition to physical copies.

As part of, or prior to, the development of a student's SIP, school staff must conduct a classroom and school safety audit (including outdoor areas) to identify any potential hazards that may be present specific to the known behaviours. Refer to Appendix F of the Board's Promoting Staff Safety Through Behaviour Support Plans and Safe Intervention Plans Procedure.

4.9.2 Training

Staff who support students with special needs may require specialized training to deal effectively with these students. The Student Services departments in partnership with Staff Development have and continue to offer courses reflective of the needs of staff who support students with special needs. These may include:

- Non Violent Crisis Intervention
- Tier 2 Training- Understanding and Supporting Students with Challenging Behaviour-A non-physical approach
- Safely Managing Student Behaviours

4.9.3 Personal Protective Equipment

In some situations, Safe Intervention Plans may indicate the use of PPE. Staff that are provided with PPE shall wear the equipment as instructed by their principal. The determination of whether or not to utilize PPE will be made by the Principal consultation with staff working directly with the student.

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5.0 Domestic Violence

Employees with information about themselves or suspect a fellow employee is experiencing domestic violence that may expose them or other employees to physical injury at the workplace have a duty to notify their Principal/Supervisor. In turn, their supervisor must:

- Maintain confidentiality and are only to disclose information to employees that is necessary for their protection at work.
- Create an individualized safety plan where necessary for employees experiencing domestic violence to minimize risk in the workplace.

6.0 Physical Environment

Supervisors/Principals and workers must take preventative measures to minimize the risk of workplace violence. In terms of the physical environment such measures include but are not limited to the following:

- Ensuring egress/ingress routes are clear.
- Reporting graffiti/vandalism so that it can be addressed.
- Ensuring communication systems (i.e. PA systems) are in working order and any deficiencies are reported.
- Reviewing and reporting inadequate lighting in the workplace.
- Reviewing the need for controlling/restricting internal access to areas of the workplace.

7.0 Risk Assessment

The Board will assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. This risk assessment shall take into consideration:

- a. the circumstances that would be common to similar workplaces;
- b. the circumstances specific to the workplace; and
- c. any other prescribed elements

Supervisors are to complete a workplace violence risk assessment for their site online via google forms. A guide to completing workplace violence risk assessments has been created to assist supervisors in completing this form and it is available on myHWDSB.

A copy of each site workplace violence risk assessment will be collected via google forms and results will be provided by Occupational Health and Safety in writing to the CJHSC. Site assessments must also be provided by each supervisor to their site based JHSC for review.

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7.1 Risk Reassessment

The Board will reassess the risks of workplace violence as often as is necessary to ensure that the workplace violence policy and the workplace violence prevention procedure continue to protect workers from workplace violence.

Supervisors are to review their workplace violence risk assessments at least annually in consultation with their site joint health and safety committee to determine if updates to the risk assessment are warranted. Examples of changes or events within a school board workplace that may warrant a reassessment may include:

- A significant increase in the number, frequency or severity of workplace violence incidents for that specific workplace (e.g., lockdown)
- A change in the physical environment of the workplace (e.g., the addition/removal of portables or security controls)
- A change in the student population of a school (e.g., at the beginning of a school year or the addition of a special needs class to a school that has not previously had one)

Supervisors are to complete all reassessments online using the board's latest assessment tool. A copy of each site's workplace violence reassessment will be collected centrally and the results will be provided by Occupational Health and Safety in writing to the CJHSC. A copy of this reassessment must be provided by the supervisor to their site JHSC for review.

8.0 Work Refusal

A worker may refuse to work or do particular work where he or she has reason to believe that workplace violence is likely to endanger himself or herself.

Some workers have a limited right of refusal. This limited right of refusal applies to teachers and principals at HWDSB. Teachers and principals are not permitted to refuse work where the health and safety of a student would be in imminent jeopardy by the refusal.

Other workers in school boards who are not teachers (e.g., teaching assistants, education assistants, office workers, custodial workers, etc.) have the right to refuse work when they have reason to believe that workplace violence is likely to endanger them.

For detailed information on the work refusal process please referred to OHS-1 (Hazard Reporting) section 4.5 on myHWDSB in the Occupational Health and Safety Department webpage.

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9.0 Communication

Communication of the Workplace Violence Prevention Procedure to all employees is the responsibility of department managers and school administrators and will be accomplished through document review, orientation, training and other effective means.

Note: The Ontario Student Code of Conduct will be communicated to pupils by the Principal. The code of conduct for external contractors working for HWDSB will be communicated by Facilities Management via the contract and procedures manual.

10.0 Information and Instruction

Upon hiring, and annually thereafter, staff will receive information and instruction from their supervisor/principal on the contents of the workplace violence policy and this procedure. Information and instruction will include but not be limited to, how the Board will deal with workplace violence (reporting and investigation), specific training and the type of conduct which is expected from employees, visitors and students.

11.0 Evaluation

The Occupational Health & Safety Department will review the Workplace Violence Prevention Procedure with the Central Joint Health and Safety Committee on an annual basis. Recommendations will be developed and implemented to ensure continuous improvement.