

## Workplace Violence Prevention Procedure

Page 1 of 10

### RATIONALE:

Hamilton Wentworth District School Board (the “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. Interference and condonations are violations of this procedure.

Those subjected to acts of workplace violence are encouraged to immediately notify their supervisor. 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.

*Domestic Violence* is also considered ‘workplace violence’ when a person in a personal relationship with a worker (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 worker while at work.

*JHSC:* Joint Health and Safety Committee.

*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.

Examples of workplace violence may include:

- Hitting, kicking, and biting a worker that causes or could cause physical injury.
- An attempt to exercise hit or bite a worker.
- Threatening note or threatening an act of violence against a worker.

## Workplace Violence Prevention Procedure

### 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
  - Criminal Code of Canada
  - Human Rights Code
- 1.2 Complaints from workers about harassment and discrimination may be addressed by the Board's Workplace Harassment Prevention Procedure or Human Rights Complaint Procedure.
- 1.3 Refer to the Board's [Policies and Procedures](#)
- 1.4 Some acts of workplace violence may be criminal matters to be dealt with under the Criminal Code of Canada. Please refer to the [Hamilton Police/School Board Protocol](#) for additional information for incidents involving students.

#### 2.0 Scope

- 2.1 This procedure applies to all workers of the Hamilton-Wentworth District School Board. 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.

#### 3.0 Responsibilities

##### 3.1 Employer Duties

- 3.1.1 Develop and maintain a workplace violence policy and program and provide workers with information, instruction and supervision on the contents of the workplace violence policy and procedure. The policy shall be reviewed annually shall be posted in a conspicuous place in the workplace.
- 3.1.2 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 but at least annually to ensure the policy and procedure continue to protect workers from workplace violence. Advise the CJHSC of the results of any workplace violence risk assessments and provide a copy if the assessment is in writing.

## Workplace Violence Prevention Procedure

- 3.1.3 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.
- 3.1.4 Provide workers with information and instruction 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:
  - 3.1.4.1 The worker can be expected to encounter that person in the course of their work; AND
  - 3.1.4.2 The risk of workplace violence is likely to expose the worker to physical injury

### 3.2 Principal/Supervisor Duties

- 3.2.1 Adhere to established board policies and procedures for dealing with violent incidents.
- 3.2.2 Investigate reports of workplace violence within 48 hours (two working days) and implement prevention and mitigation practices to prevent incident recurrence where appropriate. Results of the investigation are to be shared with the employee reporting the incident.
- 3.2.3 Take all steps reasonable in the circumstance for the protection of workers.

### 3.3 Staff Duties

- 3.3.1 Adhere to established board policies and procedures for dealing with workplace violence or security measures such as visitor sign-in and the Safe Welcome Protocol for Elementary Schools.
- 3.3.2 Report the existence of any hazard of which he or she knows, including workplace violence to their supervisor or employer.
- 3.3.3 Work in the manner and with protective devices, measures and procedures required to be taken for the protection of workers. For this procedure, this includes following instruction and or training including reporting workplace hazards, injuries and incidents.
- 3.3.4 Cooperate with investigating authorities.
- 3.3.5 Participate in required training.

## 4.0 Process

### 4.1 Information and Instruction

- 4.1.1 Principals must take the following measures to create awareness and educate the school community to mitigate violent incidents at their school/facility through enforcement of the expectations set out in the Code of Conduct Procedure and communication of expectations to the school community.

## Workplace Violence Prevention Procedure

Page 4 of 10

- 4.1.1.1 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).
- 4.1.1.2 Discuss during a parent council meeting at the beginning of each school year expected parent/visitor behaviour/conduct and review policies.
- 4.1.1.3 Create awareness of and highlight behavioural expectations of students through regular school communication to create a positive school climate.
- 4.1.1.4 Provide school information sessions where appropriate.

### 4.2 Prevention and Mitigation Measures

- 4.2.1 Board programs, procedures, and policies require principals/supervisors to implement the following prevention and mitigation measures (this list is not exhaustive).
  - 4.2.1.1 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.
  - 4.2.1.2 Conduct the required drills as specified in the Secure Schools Protocol.
  - 4.2.1.3 Conduct a workplace violence risk assessment and share the results of the assessment with the site JHSC. Work to implement corrective actions based on identified risks from the assessment.
- 4.2.2 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
  - Complying with prescribed school/workplace security measures such as the Safe Welcome Protocol for Elementary Schools, visitor sign-in and identification.
  - Reporting hazards in the workplace to your Principal/Supervisor.
  - Implementing strategies to reduce the potential for violent and aggressive student behaviour. This may include following/reviewing/helping to revise contents of a student's Safe Intervention Plan (SIP). For more information on the development, review, and updating of these plans, please refer to the Board's Promoting Safety Through Student Behaviour Management Procedure which is posted on the board's public webpage.

## Workplace Violence Prevention Procedure

### 4.2.3 Other Considerations

- All teaching staff should review classroom layout and student placement to minimize the risk of workplace violence. Supervisors should consider the incidents reported in the space.
- Employees must report immediately any concerns with respect to physical conditions of the workplace (building) which may contribute to the risk of workplace violence. For example, exterior doors not latching/closing properly, lightening outages, or holes in fencing, to their supervisor.

### 4.3 Violent Incident Response

#### 4.3.1 If an employee experiences workplace violence they must take the following actions in the order appropriate for the circumstance:

- 4.3.1.1 Remove themselves to a safe place. Teachers and principals who are threatened or put at physical risk of injury 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.
- 4.3.1.2 Notify Principal/Supervisor immediately and complete an employee incident report. If the Principal/Supervisor is a party to the violent incident, the employee shall inform the Superintendent of Student Achievement or the supervisor's direct supervisor as appropriate.
- 4.3.1.3 Seek first aid/medical attention if required.
- 4.3.1.4 Follow site specific lockdown procedure if required.
- 4.3.1.5 Contact police by dialing 9-1-1 in an emergency situation where other safety plans and measures have been exhausted and there is an immediate risk of harm to the school, to self or others.
- 4.3.1.6 Actively participate and cooperate in the investigation with the supervisor/authorities.

#### 4.3.2 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 workers health and safety. These actions may include:

- Provide a safe place (within the school/facility) for worker subjected to workplace violence.
- Provide first aid or transportation to medical care.
- Refer to Hamilton Police/Board Protocol for circumstances requiring mandatory and discretionary notification to police.
- Initiate site-specific lockdown procedure if required.

## Workplace Violence Prevention Procedure

Page 6 of 10

- Provide an employee with information regarding the Board's Employee and Family Assistance Program.
- Investigate the incident to determine the cause and implement control strategies to reduce the risk of recurrence.
- 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 Department.

### 4.4 Reporting Workplace Violence and Safe Schools Incidents

4.4.1 Workplace violence is to be reported to their supervisor for investigation and follow-up. To report workplace violence, reports are submitted through eBase by the worker using their Board credentials to access the incident reporting module. There are two forms available:

4.4.1.1 Employee Incident Report- to be used to report an incident/injury including workplace violence to your supervisor.

4.4.1.2 Ministry Safe Schools Incident Report- to be used to report a safe schools incident (incident for which a student must be considered for suspension or expulsion) to the school principal.

4.4.2 For more information on accessing and completing an Employee Incident Report or Ministry Safe Schools Incident Report, employees can review HWDSB's online incident reporting guide or ask their supervisor.

### 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)

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

4.7.1.1 Site specific secure school protocols as per the Hamilton Police/School Board Protocol.

4.7.1.2 Response plans for incidents involving students with Safe Intervention Plans. Other emergency plans to address serious concerns of harm due to a threat or previous serious incident. This could include domestic or

## Workplace Violence Prevention Procedure

personal violence, in response to outside threats or after a serious school incident.

### 4.7.2 Summoning Immediate Assistance

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

- 4.7.2.1.1 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 contact the office or school emergency response team is the most expedient method of communication in the circumstance.
- 4.7.2.1.2 Calling the police by dialing 9-1-1 in an emergency where other safety plans and measures have been exhausted and there is an immediate risk of harm to the school, to self or others.
- 4.7.2.1.3 A tool has been created to help organize plans for summoning assistance in classrooms.

### 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 and Family 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 workplace violence, 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 behaviour(s) or activities(s) that pose a threat to staff or other students will be dealt with according to the Safe Intervention Plan developed for the student.

#### 4.9.1 Providing Information and Instruction

A small number of students may have behaviours that create safety concerns within the school environment for themselves, other students and staff. The Principal in collaboration with staff working with the student and parents will determine the need for support plans as outlined in the Promoting Safety Through Student Behaviour Management Procedure.



## Workplace Violence Prevention Procedure

### 4.9.2 Training

In addition to training in the Workplace Violence Prevention Procedure, Staff who support students with Safe Intervention Plans may require specialized training as outlined in the Promoting Safety Through Student Behaviour Management Procedure.

## 5.0 Domestic Violence

5.1 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.
- Assess the need for an individualized safety plan in consultation with the Occupational Health and Safety Department and where necessary, create an individualized safety plan for employees experiencing domestic or other types of violence to minimize risk in the workplace.

## 6.0 Physical Environment

6.1 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 and radios) are in working order and any deficiencies are reported.
- Reviewing and reporting malfunctioning lighting in the workplace or other lighting issues that have arisen.
- Reviewing the need for access control or locks to areas of the workplace.

## 7.0 Workplace Violence Risk Assessment

7.1 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:

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



## Workplace Violence Prevention Procedure

A supervisor of the workplace is to complete a workplace violence risk assessment for their site through ebase. A guide to completing workplace violence risk assessments has been created to assist supervisors in completing this form.

### 7.2 Workplace Violence Risk Reassessment

- 7.2.1 The Board will reassess the risks of workplace violence as often as is necessary to ensure that the Workplace Violence and Harassment Prevention Policy and the Workplace Violence Prevention Procedure continue to protect workers from workplace violence.
- 7.2.2 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 a reassessment is 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)
- 7.2.3 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.

### 8.0 Work Refusal

- 8.1 A worker may refuse to work or do particular work where they have reason to believe that workplace violence is likely to endanger themselves.
- 8.2 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.
- 8.3 Other workers in school boards who are not teachers (e.g., education assistants, office workers, workers, etc.) have the right to refuse work when they have reason to believe that workplace violence is likely to endanger them.
- 8.4 For detailed information on the work refusal process please refer to OHS-1 (Hazard Reporting) section 4.5 on myHWDSB in the Occupational Health and Safety Department webpage.

## Workplace Violence Prevention Procedure

Page 10 of 10

### **9.0 Communication**

9.1 Information, instruction and/or training of the Workplace Violence Prevention Procedure will be accomplished through training, onboarding, direct communication and through supervisors.

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 Services via the contract.

### **10.0 Evaluation**

10.1 The Workplace Violence Prevention Procedure will be evaluated by the CJHSC reviewing incident data, workplace violence risk assessments and reassessments on a continual basis. Recommendations brought forward from the committee on this procedure or others relating to workplace violence will be considered throughout the school year.