

WORKPLACE VIOLENCE PREVENTION PROCEDURE

RATIONALE:

Hamilton-Wentworth District School Board (HWDSB or the “Board”) believes in the prevention of workplace violence and promotes a violence-free workplace in which all people work with respect in order 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 as defined by the OHSA are encouraged to immediately notify their supervisor. A positive climate exists when all members of the community feel safe, comfortable, and accepted.

The following content illustrates HWDSB’s workplace violence program and provides 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 (WPVRAs)
- Summon immediate assistance when workplace violence occurs or is likely to occur
- Report incidents of workplace violence to the employer or supervisor
- 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: a form of workplace violence when a person experiences a pattern of behaviour of abuse by a current or previous intimate partner or a family member to gain power and/or control to physically harm that worker while in the workplace.

Reprisals: No employer or person acting on behalf of the employer shall dismiss or threaten to dismiss a worker, discipline or suspend or threaten to discipline or suspend a worker, impose any penalty upon a worker, or intimidate or coerce a worker because the worker has acted in compliance with the OHSA or the regulations or an order made thereunder, has sought the enforcement of the Act or the regulations or has given evidence in a proceeding in respect of the enforcement of this Act or the regulations or in an inquest under the Coroners Act.

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A Joint Health and Safety Committee (JHSC) is composed of worker and employer representatives. Together, they should be mutually committed to improving health and safety conditions in the workplace. Committees identify potential health and safety issues and bring them to the employer's attention and must be kept informed of health and safety developments in the workplace by the employer. As well, a designated worker member of the committee inspects the workplace at least once a month.

Site JHSC: Joint Health and Safety Committee for the specific location.

Central Joint Health and Safety Committee (CJHSC): A single Joint Health and Safety Committee established to cover multiple workplaces where the committee structure has received approval by order of the Ministry of Labour.

Workplace Violence: The Occupational Health and Safety Act, defines workplace violence 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 the worker.
- c) A statement or behaviour that 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.

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.

PROCEDURES:

1.0 Legislation

- 1.1 The Occupational Health and Safety Act (OHSA) has established provisions to address workplace violence. In addition to the OHSA, the following legislation also impacts (and in some cases is the primary legislation) for violence in the workplace.
 - i. Education Act
 - ii. Criminal Code of Canada
 - iii. Human Rights Code

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- 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 Some acts of workplace violence may be criminal matters and are 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 Board. The protocol utilized for dealing with an incident of workplace violence, regardless of the source (student to worker, worker to worker, visitor/parent to worker, etc.), shall be as set forth.

3.0 Responsibilities

3.1 Employer

- 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.
- 3.1.2 Advise the CJHSC of the results of any WPVRA.

3.2 Principal/Supervisor

- 3.2.1 Adhere to established board policies and procedures for managing workplace 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.
- 3.2.4 Using the WPVRA tool, assess and reassess the risks of workplace violence that may arise from the nature of the workplace, the type of work and the conditions of work as often as necessary. Reassess as often as necessary, but at least annually to ensure the policy and procedure continue to protect workers from workplace violence.

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3.2.5 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.

3.2.6 Provide workers with information and instruction including personal information related to a risk of workplace violence from a person with a history of violent behaviour when both of the following provisions are satisfied:

3.2.6.1 The worker can be expected to encounter that person in the course of their work.

3.2.6.2 The risk of workplace violence is likely to expose the worker to physical injury.

3.2.7 Share results of the WPVRA and/or reassessment with the site JHSC.

3.3 Staff/Worker

3.3.1 Adhere to established board policies and procedures for managing workplace violence and control measures.

3.3.2 Report hazards including workplace violence to their supervisor.

3.3.3 Work in the manner and with protective devices, measures and procedures required for the protection of workers.

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.

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).

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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, Mitigation, and Control Measures

4.2.1 Board policies, programs, and procedures, require Principals/Supervisors to implement the following prevention, mitigation, and control 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 WPVRA as often as necessary, but at least annually and share the results of the assessment with the site JHSC. The Occupational Health and Safety Department will share the results with the CJHSC. 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:

4.2.2.1 Completing the information and instruction provided by the employer.

4.2.2.2 Complying with prescribed school/workplace control measures such as the Safe Welcome Protocol for Elementary Schools, visitor sign-in and identification.

4.2.2.3 Reporting hazards in the workplace to your Principal/Supervisor.

4.2.2.4 Implementing strategies to reduce the potential for violent and aggressive student behaviour. This may include following/reviewing/updating contents of a student's Safe Intervention Plan (SIP). For more information on the development, review, and

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updating SIPs, and worker safety plans please refer to the Board's Promoting Safety Through Student Behaviour Management Procedure.

4.2.3 Other Considerations

4.2.3.1 All classroom educators should review classroom layout and student placement to minimize the risk of workplace violence. Supervisors should consider the incidents reported in the area.

4.2.3.2 Preventative measures with respect to the physical environment must be considered. For example, but not limited to:

4.2.3.2.1 Ensuring exterior doors are latching/closing properly.

4.2.3.2.2 Reviewing and reporting malfunctioning lighting in the workplace.

4.2.3.2.3 Egress and ingress routes are clear.

4.2.3.2.4 Reporting hateful or discriminating graffiti/vandalism.

4.2.3.2.5 Ensuring communication systems (i.e. summoning assistance plan) are in working order and any deficiencies reported.

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 circumstances:

4.3.1.1 Follow student SIPs or worker safety plan, if applicable.

4.3.1.2 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.

4.3.1.3 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.

4.3.1.4 Complete a Ministry of Education Safe Schools Report.

4.3.1.5 Seek first aid/medical attention, if required.

4.3.1.6 Follow site-specific lockdown procedure, if required.

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- 4.3.2 Contact police by dialing 9-1-1 in an emergency situation where current safety plans and controls measures have been exhausted resulting in the immediate risk to people's safety.
- 4.3.3 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 circumstances to protect the worker's health and safety. These actions may include but not limited to:
 - 4.3.3.1 Provide a safe place (within the school/facility) for the worker subjected to workplace violence.
 - 4.3.3.2 Provide first aid or transportation to medical care facility.
 - 4.3.3.3 Refer to Hamilton Police/Board Protocol for circumstances requiring mandatory and discretionary notification to police.
 - 4.3.3.4 Initiate site-specific lockdown procedure, if required.
 - 4.3.3.5 Provide an employee with information regarding the Board's Employee and Family Assistance Program.
 - 4.3.3.6 Where appropriate, investigate the incident to determine the cause and implement control strategies to reduce the risk of recurrence.
 - 4.3.3.7 Apply Student Behaviour and Discipline Policy where required.
 - 4.3.3.8 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 School Incidents
 - 4.4.1 Workplace violence is to be reported to a worker's Principal/Supervisor for investigation and follow-up. To report workplace violence, reports are submitted through TOPdesk 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 Principal/Supervisor.
 - 4.4.1.2 Ministry of Education 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/Supervisor.
- 4.5 Misuse of the Reporting Procedures
 - 4.5.1 If a report of violence is determined to be made in bad faith, the investigation process may be discontinued, and disciplinary action may be taken.

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4.6 Reprisals

- 4.6.1 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.
- 4.6.2 Should a worker feel they have faced a reprisal, they should report the reprisal to their Principal/Supervisor. Should the Principal/Supervisor be accused of a reprisal, their Supervisor should receive the complaint.

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 Student Safe Intervention Plan(s).
 - 4.7.1.3 Other emergency plans to address serious concerns of harm due to a threat or previous serious incident. This could include domestic or intimate partner 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 to contact the office or school emergency response team is the most expedient method of communication.
 - 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.

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4.8 Serious Incident Support

- 4.8.1 In the event of a serious incident of workplace violence, the Critical Incident Response Team (CIRT) will be deployed to the site. More information on this process can be found in the CIRT Handbook, available through the Social Work Services department. In addition, Board employees are 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 Students with Exceptional Needs

- 4.9.1 Many of the incidents involving students with special education 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.
- 4.9.2 Some 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.
- 4.9.3 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 External and Domestic Violence

- 5.1 Employees with information about themselves or suspect a fellow employee is experiencing violence from a domestic partner or external source that may expose them or others to physical injury at the workplace have a duty to notify their Principal/Supervisor. In turn, their Principal/Supervisor must:
- 5.1.1 Maintain confidentiality and only disclose information to workers that is necessary for the safety of the workplace.
- 5.1.2 Assess the need for an individualized worker safety plan in consultation with the Occupational Health and Safety Department and where necessary, create an individualized worker safety plan for employees experiencing workplace violence from external sources.
- 5.1.3 If the source of violence is a student, follow Student Behaviour and Discipline Policy and SIP.

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- 5.1.4 For events that meets the definition of harassment, follow Workplace Harassment Prevention Procedure.
- 5.1.5 An individualized worker safety plan will expire 1 year following its creation or as indicated by the plan. For the safety plan to remain in effect, the worker will need to indicate a threat of violence at the workplace. The safety plan may also be ended earlier if the worker believes the threats of workplace violence no longer exists.

6.0 Workplace Violence Risk Assessment

- 6.1 The Board will assess the risks of workplace violence that may arise from the nature of the workplace, the type of work and the conditions of work. This WPVRA shall take into consideration:
 - 6.1.1 The circumstances that would be common to similar workplaces.
 - 6.1.2 The circumstances specific to the workplace.
 - 6.1.3 Any other prescribed elements.
- 6.2 A Principal/Supervisor of the workplace is to complete a WPVRA for their site through TOPdesk.
- 6.3 Workplace Violence Risk Reassessment:
 - 6.3.1 The Board will review the risks of workplace violence as often as necessary to ensure that the Workplace Violence and Harassment Prevention Policy and the Workplace Violence Prevention Procedure continue to protect workers from workplace violence.
 - 6.3.2 Principals/Supervisors are to reassess their WPVRAs at least annually. Examples of changes or events within a school board workplace that may warrant a reassessment prior to an annual review may include:
 - 6.3.2.1 A significant increase in the number, frequency or severity of workplace violence incidents for that specific workplace (e.g., lockdown).
 - 6.3.2.2 A change in the physical environment of the workplace (e.g., the addition/removal of portables or security controls).
 - 6.3.2.3 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).
 - 6.3.3 A copy of each site's workplace violence reassessment will be collected centrally, and the results will be provided by the Occupational Health and Safety Department to the CJHSC.

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- 6.3.4 The Principal/Supervisor will share the results of a reassessment with the site JHSC during the next applicable quarterly meeting.

7.0 Work Refusal

- 7.1 A worker may refuse to work or do particular work where they have reason to believe that workplace violence is likely to endanger themselves.
- 7.2 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.
- 7.3 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.
- 7.4 For detailed information on the work refusal process, please refer to OHS-1 (Hazard Reporting) through the Occupational Health and Safety Department.

8.0 Communication

- 8.1 Information and instruction of the Workplace Violence Prevention Procedure will be accomplished through training, onboarding, direct communication and through Principals/Supervisors.
- 8.1.1 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.

9.0 Evaluation

- 9.1 The Workplace Violence Prevention Procedure will be evaluated by the CJHSC reviewing the incident data, WPVRAs 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.