



Policy: Workplace Violence Prevention

		Policy Number:	300.20
Adopted:	June 22, 2010	Former Policy Number:	n/a
Revised:	June 28, 2016 June 27, 2017	Policy Category:	Human Resources
Subsequent Review Dates:	Annually	Pages:	2

Belief Statement:

The Brant Haldimand Norfolk Catholic District School Board (the Board) recognizes that the inherent right of all individuals to be treated with dignity and respect is central to Catholic values and beliefs and supports a safe and nurturing environment for all staff and students. As a Catholic Learning Community, we believe in the prevention of workplace violence and promoting a workplace in which all people including employees, supervisors, and members of the public respect one another and work together to achieve common goals.

The Board is committed to protecting employees from workplace violence from all sources. Violent behaviour in the workplace is unacceptable conduct and erodes the mutual trust and confidence that is essential to the well-being of our staff.

Policy Statement:

It is the policy of the Board that:

- every precaution reasonable in the circumstances are taken to protect employees from all sources of workplace violence; this includes protecting employees from the hazard of workplace violence [Section 25(2)(h) Occupational Health & Safety Act];
- there is an administrative procedure that implements this policy, which will outline responsibilities of all parties and include measures and procedures to protect employees from workplace violence, a means of summoning immediate assistance and a process for employees to report incidents, or raise concerns;
- information and instruction on the contents of this policy and the accompanying administrative procedure are provided to the employee to protect the health and safety of the employee [Section 25(2)(a)];
- equipment, materials and protective devices provided by the Board are maintained and in good condition [Section 25(1)(b)];
- the Board's responsibilities relative to workplace violence are identified in terms of awareness, prevention and response;
- assessment(s) reviewing the risks of violence in the workplace are conducted as often as necessary in accordance with the provisions of the Occupational Health and Safety Act to ensure protection of employees from workplace violence;
- assistance and cooperation are provided to the Joint Health and Safety Committee; and
- the person reporting a violent incident or any person who is negatively impacted by a violent act in the workplace will not be criticized or reprimanded for having made the report.



Workplace Violence Prevention AP 300.20

Procedure for:	All Staff	Adopted:	June 22, 2010
Submitted by:	Superintendent of Business	Revised:	November 23, 2010, November 24, 2015, June 28, 2016, June 27, 2017
Category:	Human Resources		

Purpose

The Board has a legal, ethical and moral responsibility to investigate threats and acts of violence against any employee. This Administrative Procedure was developed to support and implement Policy 300.20; to clarify roles and responsibilities, and to assist employees and their supervisors in preventing, responding to, reporting and managing workplace violence.

This policy applies to all Board employees, trustees and other users of the Board's facilities, such as members of consultative committees, parents, volunteers, contractors and employees of other organizations not related to the Board, but who work on or are invited onto Board premises. This policy also covers workplace violence by such persons which are proven to have repercussions that adversely affect the Board's learning and working environment.

This policy addresses workplace violence under the Ontario Occupational Health & Safety Act and applies to all employees. The policy addresses workplace violence from all sources which may include: employees, supervisors, trustees, students, parents, suppliers and members of the public.

The rights of students to a respectful working and learning environment, free from violence, are dealt with separately under applicable policies, legislation or regulations including, but not limited to, the Education Act, Ontario Schools Code of Conduct and codes of behaviour.

Responsibilities

Shared Responsibility:

Every Person involved with or working for the Board must:

- treat co-workers, students and the public with respect and dignity;
- reduce incidents of workplace violence, domestic violence and workplace sexual violence by practicing principles of prevention;
- understand and comply with the Workplace Violence Prevention Policy, 300.20 and all related procedures; and
- maintain confidentiality.

Management Responsibilities:

The Principal/Supervisor will:

- ensure an employee works in a manner and with the protective devices, measures and procedures required by the Ontario Occupational Health and Safety Act (OH&SA) and its regulations [Section 27(1)(a)];
- ensure an employee uses or wears the equipment, protective devices or clothing that the employer requires to be used or worn [Section 27(1)(b)];
- identify and manage risks, and develop and implement prevention strategies that eliminate or reduce the risk;
- create safe work plans;
- advise an employee of the existence of any actual or potential danger to the health or safety of the employee of which the supervisor is aware [Section 27(2)(a)];
- take every precaution reasonable in the circumstances to protect employees [Section 27(2) (c)];
- investigate all cases of alleged violence reported by employees in a fair and timely manner; and



- promote codes of conduct during each school year and provide employees with appropriate training related to the tasks they perform, in order to assist with recognizing the potential for violent acts and understanding how to deal with violent acts in the workplace.

Principals and Supervisors are reminded to inform their staff about:

- policies and guidelines related to workplace violence and harassment
- how to access or summon immediate assistance.
- potential violent situations.
- individuals with a violent past in circumstances where the employee can be expected to encounter the violent person in the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury.
- safe work plans.
- Workplace violence and harassment reporting procedures as outlined in the Workplace Violence Prevention Policy and Administrative Procedure and Workplace Harassment Policy and Procedure.
- Workplace violence and harassment investigation procedures as outlined in the Workplace Violence Prevention Policy and Administrative Procedure and Workplace Harassment Policy and Procedure.

Employee Responsibilities:

The Employee will:

- work in compliance with the Ontario Occupational Health and Safety Act and its regulations [Section 28(1)(a)];
- use or wear equipment, protective devices or clothing required by the employer [Section 28(1)(b)];
- report the absence of, or defect in, any equipment or protective device of which the employee is aware [Section 28(1)(c)];
- report any contravention of the Ontario Occupational Health and Safety Act or its regulations, or the existence of any hazard the employee knows of, to the employer or Supervisor [Section 28(1)(d)]; and
- not engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct [Section 28(2) (c)]. While this type of behaviour may not constitute workplace violence, it must not be allowed. If allowed to continue, this behaviour may escalate into workplace violence.
- complete the mandatory *Violence and Harassment in the Workplace* online training module within one month of date of hire.

and should:

- know how to summon immediate assistance;
- know how to report incidents of workplace violence to the Board or Supervisor;
- know that the employer will investigate and deal with incidents, threats or complaints;
- know, understand and be able to carry out the measures and procedures that are in place to protect them from workplace violence; and
- be able to carry out any other procedures that are part of this administrative procedure.

Responsibilities Related to Domestic Violence:

Employees must be informed that they can report their concerns to the Principal/Supervisor if they fear domestic violence may enter the workplace. If this occurs, Principals/Supervisors are responsible for creating an individual safety plan for the employee while they are at work. The safety plan should be developed in consultation with the employee.

An employer can become aware of domestic violence when an incident takes place at work or when a concern is raised by the employee, co-worker or someone else. Other indications could be threatening emails or phone calls at work or unwanted visits to the workplace by the aggressor. An employee must advise their Principal/Supervisor if they have applied for or obtained a restraining order that lists a work location as a protected area or requires a person to remain a certain distance from the employee at all times.

The Ministry of Labour states that even if the employee does not want any steps taken, the employer may still be required to take some action to protect the employee, depending on the circumstances. Principals and supervisors should work



closely with a targeted employee to develop reasonable precautions to address the situation while attempting to respect the employee's privacy and sensitivity of the issue.

Information

Legislative Requirements:

The Ontario Occupational Health and Safety Act includes workplace violence and workplace sexual violence as a hazard for which employers must develop prevention and response strategies. These procedures support this legislated requirement and the Board's commitment to providing a safe working environment.

Under the Ontario Occupational Health and Safety Act, an employer must take every precaution reasonable under the circumstances for the protection of workers, when they are aware, or ought reasonably to be aware, that domestic violence may occur in the workplace and that it would likely expose a worker to physical injury.

Work Refusal:

Under the Ontario Occupational Health and Safety Act, an employee can refuse to work if he or she has reason to believe he or she may be endangered by workplace violence [Section 43(3) (b.1)].

The Act sets out a specific procedure that must be followed in a work refusal. It is important for all employees, supervisors and Joint Health and Safety Committees representatives to understand and follow this procedure. Teachers, however, cannot refuse work when a pupil's life, health or safety is in imminent jeopardy [Section 3(3) of [Regulation 857 \(Teachers\)](#)]. For more information regarding Work Refusal, please refer to the Board's [Work Refusal Administrative Procedure 300.21](#).

Personal Information Limits:

The Ontario [Occupational Health and Safety Act](#) clarifies that employers and supervisors must provide employees with information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour [Section 32.0.5(3)]. However, this duty is limited and applies only when the:

- employee can be expected to encounter the violent person in the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury; and
- employers and supervisors must not disclose more information than is reasonably necessary for the protection of an employee from physical injury.

Procedures

1.0 Summoning Immediate Assistance

- 1.1 An employee who is the victim of or a witness to a violent incident in the workplace should, as soon as safely possible, call 911.
- 1.2 Once the immediate response is underway, the employee should call his/her immediate supervisor and advise him/her of the situation.

2.0 Responding to an Act of Violence that Requires Immediate Assistance

The following immediate action needs to be taken when an Act of Violence occurs that poses an immediate risk of physical injury:

- 2.1 Control workplace access.
- 2.2 In the case of a critical injury, immediately report the incident to the Human Resources Department in accordance with the Incident/Accident Reporting procedures. The incident scene is to be preserved



until an Inspector from the Ministry of Labour has had an opportunity to view it or to instruct you otherwise. A Joint Health and Safety representative may inspect the place where the injury occurred as indicated in the Ontario Occupational Health and Safety Act [Section 8(14)].

- 2.3 Call the police when an act of violence has occurred or when someone is threatened with violence in the workplace.
- 2.4 All incidents of violence/threat must be reported to the school's Supervisory Officer.
- 2.5 All incidents need to be documented (Report found in Resources).
- 2.6 Consideration must be given as to who needs to be immediately informed (i.e., family members).
- 2.7 A list of potential witnesses needs to be developed.
- 2.8 In consultation with the Supervisory Officer, or with Senior Management, an initial analysis ought to be conducted which will include a plan for the incident investigation.

3.0 Reporting Workplace Violence – Non-Immediate Assistance

Employees with concerns regarding workplace violence (actual violence, attempted violence, threatened violence) that do not require an immediate response (including concerns about domestic violence that may flow into the workplace) should follow the procedure below.

- 3.1 A person (Complainant) who considers that he/she has been subjected to or witnessed workplace violence, domestic violence, or sexual violence in the workplace, is required and encouraged to report an act of violence and should report the incident to their direct Supervisor immediately and seek any medical or emergency attention if required.
- 3.2 Where a person (Complainant) does not feel comfortable in reporting the matter to their direct supervisor, or in the case where the direct supervisor is alleged to have perpetrated the violent act, the Complainant should report the violence to the next higher level of management, who is in a position to provide guidance and assistance with the complaint, i.e. Supervisor, Principal, Manager, Superintendent, Director, Ministry of Labour.

The Resource Person will advise the Complainant of the following:

- 3.2.1 the option of requesting the assistance of his/her principal, supervisor, in resolving the complaint. If the principal/supervisor is the person named by the Complainant, the Complainant should request assistance from the next higher level of management.
- 3.2.2 the option of other avenues of recourse such as the right to utilize any applicable provisions of the Collective Agreement, file a complaint with the Ministry of Labour, to file a complaint with the Ontario Human Rights Commission, take civil action, or where appropriate, the right to file charges under the Criminal Code.
- 3.2.3 the availability of counseling and other support services provided by the Board;
- 3.2.4 the right to file a formal written complaint under the Workplace Violence Prevention Policy 300.01 when the alleged perpetrator is an employee of the Board;
- 3.2.5 the right to be represented or assisted by a union representative (as outlined in the applicable Collective Agreement) throughout the process;



3.2.6 the right to withdraw from any further action in connection with the complaint, at any stage (even though the Board may need to continue to investigate the complaint);

3.3 All incidents or complaints of workplace violence will be kept confidential except to the extent necessary to protect employees, to investigate the complaint, to take corrective action or as otherwise required by law.

3.4 Under the Workplace Violence Prevention policy 300.02, employees are required and encouraged to report an act of violence. Individuals who file a report or participate in an investigation under the Workplace Violence Prevention policy will be protected from reprisal or any negative consequences which may result from acting in accordance with this policy.

4.0 Conducting the Investigation

Following a violent event, the investigation process must be implemented immediately.

4.1 The immediate supervisor (Principal/Supervisor/Superintendent) of the employee, will conduct an investigation and may consult the Disability Management & Safety Coordinator;

4.2 Where the immediate supervisor is the subject of the complaint, the next level up of management will be responsible for conducting the investigation in consultation with the Disability Management & Safety Coordinator or;

4.3 A Ministry of Labour Health & Safety Inspector may, in writing, order an employer to cause an investigation described in clause 32.0.7(1)(a) of the Occupational Health & Safety Act to be conducted, at the expense of the employer, by an impartial person possessing such knowledge, experience or qualifications as are specified by the inspector, and to obtain, at the expense of the employer, a written report by that person.

4.4 The investigation must be fair, impartial and timely.

4.5 The principal/supervisor in consultation with Senior Management and, if applicable, the Ministry of Labour will determine whether it is reasonable to reassign employees or students (who may be victims of violent behaviour) while the investigation is in progress. Such transfers and reassignments are administrative measures and are not disciplinary in nature. These decisions may be necessary to ensure the safety of the employee in the workplace and also to ensure the integrity of the investigation.

4.6 Until the investigation is completed, the employee shall remain in a safe place as near as possible to his or her work station and, if applicable, be available to the Ministry of Labour Inspector for the purposes of the investigation.

4.7 The Board will provide medical and counseling support as deemed necessary in the circumstances, consistent with programs described in collective agreements or by Board policy applicable to non-unionized staff.

4.8 During the investigation, unionized employees will be advised of their collective agreement rights.

4.9 It is critical that all relevant information be obtained; this means that a violent incident or unusual and threatening behaviour needs to be investigated with the persons directly involved. This will include the person who reports the violence or the potentially violent circumstances, those to whom the violent behaviour was directed, other witnesses and the person or persons who are alleged to have engaged in the violent conduct.



- 4.10 The investigation results should be able to determine:
- what happened (series of events)
 - what provoked the incident
 - if the procedures in place were correctly followed
 - if the intervention measures were appropriate
 - if the existing safety procedures were adequate
 - if the lines of communication were effective
 - if other preventative measures should be implemented
 - if the situation could have been prevented
- 4.11 In conjunction with any discipline that may be imposed, the Board may reassign an employee during or after the Board's investigation, as deemed reasonable under the circumstances.

5.0 Communicating the Results of an Investigation

- 5.1 The results of the investigation will be communicated to the person who reported the circumstances and to others involved in the investigation that reasonably ought to be informed of the results.
- 5.2 The results of the investigation and any report created in the course of or for the purposes of the investigation is not considered a report relating to occupational health and safety, for the purposes of subsection 25(2) of the Ontario Occupational Health and Safety Act.

Definitions

Bullying

Aggressive and typically repeated behaviour, where:

- a) The behaviour is intended to have the effect of or ought reasonably be known that the behaviour would be likely to have the effect of:
 - i) Causing harm, fear or distress to another individual, including physical, psychological or social harm, harm to the individual's reputation or harm to the individual's property, or
 - ii) Creating a negative environment for another individual, and
- b) The behaviour occurs in the context where there is a real or perceived power imbalance based on factors such as size, strength, age, intelligence, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race or disability

Bullying behaviour includes the use of any physical, verbal, electronic, written or other means.

Complainant

A person who considers that he/she has been subjected to workplace violence related reprisal even though that individual may not lay a formal written complaint. Similarly, a person named as harasser in a complaint will be referred to as the *Respondent*.

Critical Injury

An injury of serious nature which results in a situation which places life in jeopardy, loss of consciousness, substantial loss of blood, a fracture or amputation of the leg or arm, feet or hands, loss of sight, significant burns as defined by regulation 834 under the Ontario Occupational Health and Safety Act.

Domestic Violence

A pattern of coercive behaviour that is used by one person in an intimate relationship to gain power and control over another. Domestic violence includes physical, sexual, emotional, psychological and financial abuse. Involves a person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partner or a family member - who may harm, or attempt or threaten to physically harm that worker at work. In these situations, domestic violence is considered workplace violence.



Gender Expression

The way in which a person acts to communicate gender within a given culture; for example, in terms of clothing, communication patterns and interests. A person's gender expression may or may not reflect his or her gender identity.

Gender Identity

One's sense of oneself as male, female or transgender. When one's gender identity and biological sex are not congruent, the individual may identify as transsexual or as another transgender category.

Resource Person

Principals, Managers, Supervisors, Supervisory Officers, Supervisory Officer responsible for Human Resources or the Director of Education.

Sexual Violence

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

Workplace

The Workplace is any place where employees perform work or work-related duties or functions. Schools and school-related activities such as extra-curricular activities and excursions comprise the workplace, as do the Board office and facilities. In addition, conferences and training sessions fall within the scope of the Workplace.

Workplace Violence

Workplace Violence as defined by the Occupational Health and Safety Act 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; and
- 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.

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

References

- Ontario Occupational Health and Safety Act and Regulations
- The Ontario Human Rights Code
- Education Act
- 200.09 Student Behaviour, Discipline and Safety Policy
- 200.13 Notification of Risk of Injury and Student Safety Plan Policy and Administrative Procedure
- 300.01 Workplace Harassment Policy and Administrative Procedure
- 300.16 Health and Safety Policy and Administrative Procedure
- 300.21 Work Refusal Administrative Procedure
- 400.04 Emergency Response Plan Policy
- 400.06 Security of Schools, Buildings and Grounds Policy
- 400.11 Video Security Surveillance Policy
- 400.15 Protection of Property Policy



Glossary of Key Policy Terms:

Workplace Violence

Under the Occupational Health and Safety Act, Workplace Violence is defined as:

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

Sexual Violence

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

Domestic Violence

- A pattern of coercive behaviour that is used by one person in an intimate relationship to gain power and control over another. Domestic violence includes physical, sexual, emotional, psychological and financial abuse.
- Involves a person who has a personal relationship with a worker; such as a spouse or former spouse, current or former intimate partner or a family member, who may harm, or attempt or threaten to physically harm that worker at work. In these situations, domestic violence is considered workplace violence.

References

Occupational Health & Safety Act and Regulations

Ontario Human Rights Code

Education Act

200.09 Student Behaviour, Discipline and Safety Policy

200.13 Notification of Risk of Injury and Student Safety Plan Policy and Administrative Procedure

300.01 Workplace Harassment Policy and Administrative Procedure

300.16 Health and Safety Policy and Administrative Procedure

300.21 Work Refusal Administrative Procedure

400.04 Emergency Response Plan Policy

400.06 Security of Schools, Buildings and Grounds Policy

400.11 Video Security Surveillance Policy

400.15 Protection of Property Policy

A handwritten signature in blue ink, appearing to read "Rick Petrella".

Rick Petrella, Chair of the Board

December 7, 2021

Date