



ADMINISTRATIVE PROCEDURE	
<i>Approval Date</i> 2019	<i>Replacing</i> All previous procedures
<i>Review Date</i> ANNUAL-2020	<i>Page</i> 1 of 29
<i>Contact Person/Department</i> Superintendent of Employee Services	<i>Identification</i> HR-4522

ONTARIO'S OCCUPATIONAL HEALTH AND SAFETY ACT: PREVENTION AND RESOLUTION OF VIOLENCE IN THE WORKPLACE

1.0 PURPOSE

Trillium Lakelands District School Board is committed to 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. Workplace violence in any form erodes the mutual trust and confidence that are essential to the well-being of our staff.

Trillium Lakelands DSB is committed to maintaining a program with respect to workplace violence, and to meeting the requirements of the *Occupational Health and Safety Act*.

2.0 REFERENCES AND RELATED DOCUMENTS

2.1 Relevant sections of Education and Employment Statutes and Regulations of Ontario include:

- a) *Occupational Health and Safety Act*
- b) *Occupational Health and Safety Amendment Act* (Violence and Harassment in the Workplace), 2009
- c) *Sexual Violence and Harassment Action Plan Act* (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016
- d) Ontario Human Rights Code
- e) *Education Act*: Section 301: Provincial code of conduct; Section 283: Chief executive officer; Section 264: Duties of a teacher; Section 265: Duties of a principal; Section 286 – Duties of supervisory officers
- f) *Safe Schools Act*, 2000
- g) Ontario Schools Code of Conduct (Ministry of Education Policy/Program Memorandum No. 128)
- h) Workplace Violence in School Boards – A Guide to the Law
- i) *Municipal Freedom of Information and Protection of Privacy Act*
- j) Other Professional Colleges - Acts and Regulations

2.2 Related Board Policies and Procedures are:

- a) OP-6020 / 6021 Code of Conduct Policy and Procedure
- b) HR-4010 / 4011 Ontario Human Rights Code: Prevention and Resolution of Employee Discrimination and Harassment Policy and Procedure
- c) HR-4534 / 4535 Progressive Discipline Policy and Procedure
- d) BU-3035 / 3036 Appropriate Use of Digital Technology, Content and Services Policy and Procedure
- e) ES-5000 / 5001 Volunteers in Trillium Lakelands District School Board Policy Procedure
- f) HR-4030 / 4031 Ontario's *Occupational Health and Safety Act*: Prevention and Resolution of Workplace Harassment Policy and Procedure
- g) OP-6015 / 6016 School Councils Policy and Procedure (see also School Councils: A Guide for Members)
- h) OP-6550 / 6551 Physical Intervention Guidelines for Responding to Injurious and Self-Injurious Behaviour of Students Policy and Procedure
- i) HR-4519 / 4520 Responding to Student Violence Towards Staff Policy and Procedure
- j) OP-6530 / 6531 Threat and Risk Assessment Response Policy and Procedure
- k) BD-2070 / 2071 Emergency Response Plan - District Policy and Procedure
- l) OP-6519 / 6520 Emergency Response Plan – Schools and Worksite Policy and Procedure
- m) HR-4005 / 4006 Employee Assistance Program Policy and Procedure
- n) HR-4200 Health and Safety Policy
- o) OP-6025 / 6026 Video Surveillance Policy and Procedure
- p) HR-4208 Incident/Accident/Injury Reporting and Investigation Procedure

2.3 Union/Federation Collective Agreements, Employee Terms and Conditions of Employment and Personal Services Contracts.

2.4 Other deemed appropriate documents may also be pertinent.

3.0 TERMS AND DEFINITIONS

3.1 WORKPLACE VIOLENCE

As defined by the Occupational Health and Safety Act, workplace violence is:

- a) the exercise of physical force by a person against the 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 it is reasonable for the worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

3.2 WORKPLACE

As defined by the Occupational Health and Safety the workplace is any land, premises, location or thing at, upon in or near which a worker works.

3.3 DOMESTIC VIOLENCE

When 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 may physically harm, or attempt or threaten to physically harm, a worker at work. In these situations, domestic violence is considered workplace violence.

3.4 RIGHT TO REFUSE

The right and requirements of employees to refuse to work when they have reason to believe their health and safety is in danger in accordance with the criteria defined by Section 43(3) of the *Occupational Health and Safety Act*.

3.5 THRESHOLD ASSESSMENT

A threshold assessment is an initial evaluation conducted by the Superintendent of Employee Services (or designate) which is used to determine whether a complaint is covered by this policy/procedure and, if so, whether it is sufficient to warrant formal investigation.

4.0 ADMINISTRATIVE PROCEDURE

4.1 APPLICATION

This procedure applies to all members of the Board community, including but not limited to, trustees, employees, students, visitors such as parents and community members, volunteers, permit holders, contractors and employees of other organizations wherever a work-related function is being performed.

4.2 WORKPLACE VIOLENCE PROGRAM

4.2.1 Under the *Occupational Health and Safety Act* a workplace violence program must include:

- a) measures and procedures to control the risks identified in the assessment as likely to expose a worker to physical injury;

- b) measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;
- c) measures and procedures for workers to report incidents of workplace violence to the employer or supervisor;
- d) how the employer will investigate and deal with incidents or complaints of workplace violence; and
- e) any other elements prescribed in regulation.

4.2.2 It is the responsibility of the Board to maintain the program, and to provide support to Principals and Supervisors.

4.3 ROLES AND RESPONSIBILITIES

4.3.1 The Occupational Health and Safety Act sets out the general duties for an:

- a) Employer under Section 25;
- b) Supervisor under Section 27; and
- c) Worker under Section 28.

These general duties also apply to workplace violence.

4.3.2 The Employer shall:

- a) provide appropriate information and instruction to workers on the contents of the workplace violence policy, procedure and program;
- b) provide appropriate information, instruction and supervision to protect a worker;
- c) assess the risk of workplace violence that may arise from the nature of the workplace, type of work or conditions of work;
- d) take into account the circumstances of the workplace and circumstances common to similar workplaces, as well as any other elements prescribed in regulation;
- e) develop measures and procedures to control identified risks that are likely to expose a worker to physical injury. These measures and procedures must be part of the workplace violence program;
- f) ensure that all incidents of workplace violence are documented and reported as required.

4.3.4 The Superintendent of Employee Services (or designate) shall:

- a) conduct, as necessary, a survey of employees to determine the extent of which employees feel their workplace is safe;
- b) review at least annually the effectiveness of the measures and procedures in the workplace violence program;

- c) provide advice and assistance to Principals / Supervisors regarding the risk assessment / reassessment in consultation with the Area Superintendent;
- d) conduct investigations of formal complaints filed in accordance with this procedure.

4.3.5 The Principal / Supervisor shall :

- a) assess the risks of workplace violence at their school or worksite using the Assessment Checklist attached (Appendix 5.1);
- b) review, as necessary, the results of school climate surveys as part of a risk assessment;
- c) review the assessment, with staff at their worksite location and request staff input and feedback, at least annually during the first two months of the school year;
- d) provide a completed Assessment Checklist to the site-based Joint Health and Safety Committee;
- e) advise the site-based Joint Health and Safety Committee of the risk assessment or reassessment results;
- f) reassess risks as necessary to protect workers from workplace violence;
- g) develop measures and procedures to control the risks identified in the assessment as likely to expose a worker to physical injury (see Appendix 5.1);
- h) develop measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur (Appendix 5.3 for Sample Measures and Procedures);
- i) Advise workers of any actual or potential occupational health and safety dangers of which the Principal/Supervisor is aware;
- j) Disclose as much information about a person with a history of violent behaviour as needed to protect workers from physical injury while respecting privacy as much as possible.

4.3.6 All employees shall:

- a) provide input and/or feedback to their Principal/Supervisor regarding the annual risk assessment review for their school/worksite
- b) report an incident or complaint of workplace violence immediately to their Principal/Supervisor;
- c) follow the HR-4208 Incident/Accident/Injury Reporting and Investigating Procedure;
- d) immediately report to their Principal/Supervisor a statement or behaviour that could reasonably be interpreted as a threat to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker;

- e) report to their Principal/Supervisor if they have information that they, or a fellow worker is subject to domestic violence that may expose them or their fellow workers to physical injury in the workplace.

4.4 ASSESSING THE RISKS OF WORKPLACE VIOLENCE

- 4.4.1 Risk assessments will be conducted for each school/worksite annually during the first two months of the school year. Principals/Supervisors will review the previous years' document and solicit input and feedback from their staff.
- 4.4.2 Once the risk assessment has been reviewed and updated as necessary, the Principal/Supervisor will provide a copy of the completed risk assessment to the site-based Joint Health and Safety Committee.
- 4.4.3 The assessment of the risks of workplace violence will include the nature of the workplace, type of work or conditions of work and taking into consideration the circumstance of the workplace, circumstances common to similar workplaces, and other elements prescribed in regulation.

Nature of the workplace refers to the physical aspects of the workplace that could be used to hurt workers.

Type of work refers to the activities workers perform and people with whom workers interact.

Conditions of work refers to other aspects such as hours worked, the surrounding neighbourhood and whether workers move from location to location, work alone or in isolation.

Circumstances specific to the workplace refers to unique risks of workplace violence in addition to the common risks.

- 4.4.4 Reassessment of risks will take place as required during the school year. Changes or events that may warrant reassessment include:
 - a) an increase in the number, frequency or severity of workplace violence incidents for that specific workplace (i.e. school, classroom, board office);
 - b) a change in the physical environment of the workplace (i.e. the addition/removal of portables or security controls);
 - c) a change in the student population of a school (i.e. at the beginning of a school year or when there is a significant change in the numbers or make-up of the student population mid-year);

- d) a change in curriculum or scheduling, or a change in environment (i.e. noisy construction at a school) to determine if such change could provoke violent behaviours.

4.4.5 Risks identified through an assessment will be rated on a scale to identify the likelihood of violence in the workplace, and to assist in deciding the nature of the controls to be put in place. The scale will rate the risk of workplace violence as low, moderate, or high, according to the following descriptions, which rely on a combination of frequency and severity:

Low: One or more potential risks which rarely place a worker at risk of workplace violence, and/or the risk of workplace violence is minimal. The risk of workplace violence is not related to a normal part of the work routine, and/or there is minimal potential for intervention or first aid to be required.

Moderate: One or more potential risks of workplace violence which may occasionally place a worker at risk of workplace violence, and/or the risk of workplace violence is possible. The risk of workplace violence may be related to a normal part of the work routine on an infrequent basis, and/or there is moderate potential for intervention, or first aid or medical aid to be required.

High: One or more potential risks of workplace violence which may regularly place a worker at risk of workplace violence, and/or the risk of workplace violence is related to a normal part of the work routine on a regular basis, and/or there is a high potential for intervention(s), or medical aid to be required.

4.4.6 A review or revision of the workplace violence program should be undertaken if:

- a) A reassessment of risks indicates revisions are needed;
- b) Workers, or the site-based Joint Health and Safety Committee, indicate measures or procedures are not adequate or are not used;
- c) A violent incident shows that measures or procedures are not adequate; and/or
- d) The workplace response to a violent incident or complaint shows the reporting or investigation procedures need to be revised.

4.5 REPORTING INCIDENTS OF WORKPLACE VIOLENCE

4.5.1 All employees must report all incidents of workplace violence immediately to their Principal/Supervisor (or designate) either in writing or verbally.

- 4.5.2 The employee and the Principal/Supervisor (or designate) shall follow the reporting requirements in the HR-4208 Incident/Accident/Injury Reporting and Investigation Procedure.
- 4.5.3 In the case of the exercise or attempt to exercise physical force against a worker, in a workplace, that causes or could cause physical injury to the worker, employees shall complete and submit the Employee Workplace Incident/Accident/Illness Reporting Form.
- 4.5.4 In the event that the incident of workplace violence was committed by the employee's Principal/Supervisor, the employee should contact the Superintendent of Employee Services directly. In such a case, any follow-up or investigation will be conducted by the Superintendent of Employee Services (or designate).

4.6 REPORTING COMPLAINTS OF WORKPLACE VIOLENCE

- 4.6.1 All employees shall notify their Principal/Supervisor immediately, in writing or verbally, of a statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against a worker, in a workplace, that could cause physical injury to a worker.
- 4.6.2 The Principal/Supervisor shall immediately take steps to protect the safety of the complainant and/or potential worker victim and follow, as appropriate, the steps as outlined in Section 4.7 – Investigation Complaints of the Threat of Workplace Violence.
- 4.6.3 An employee may choose to submit a formal complaint under Section 4.8.8 of this procedure to the Superintendent of Employee Services in the case of a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against a worker, in a workplace, that could cause physical injury to a worker (Appendix 5.5).
- 4.6.4 In the event that the employee's Principal/Supervisor is alleged to have engaged in a threat of workplace violence, the employee should contact the Superintendent of Employee Services directly. In such a case, any follow-up or investigation will be conducted by the Superintendent of Employee Services (or designate).

4.7 INVESTIGATING REPORTS OF INCIDENTS OF WORKPLACE VIOLENCE

- 4.7.1 The Principal/Supervisor shall follow the investigation requirements in the HR-4208 Incident/Accident/Injury Reporting and Investigation Procedure in the case of the exercise or attempt to exercise physical force against a worker, in a workplace, that causes or could cause physical injury to the worker.

4.7.2 Principals/Supervisors shall complete and submit the Workplace Incident Supervisor's Investigation Report.

4.7.3 It is the responsibility of all those involved in the investigation process to maintain confidentiality.

Once the investigation is completed, a summary of the findings and any action taken must be provided to the Superintendent of Employee Services (or designate). In addition, the Principal/Supervisor will share the report with their site-based Joint Health and Safety Committee. The report **should not** include any personal or identifying information relevant to the victim and/or the perpetrator.

4.8 INVESTIGATING COMPLAINTS OF THE THREAT OF WORKPLACE VIOLENCE

4.8.1 Avenues for Resolving Disputes

This procedure provides a mechanism for dealing with complaints of the threat of workplace violence occurring in the working and learning environment. Nothing in the procedure denies or limits access to other avenues of redress available under the law or through the filing of a grievance or through progressive discipline. In such a case, this process may cease until the parties and their respective representatives have met with the Superintendent of Employee Services (or designate) to determine which dispute resolution process will proceed and which one(s) will be stayed pending completion of the chosen process.

4.8.2 Who May Initiate a Complaint

All employees have access to the complaint procedure. Employees who believe that they have been subjected to a threat of workplace violence may report the threat to their Principal/Supervisor (see also 4.6.4). Anonymous reports will not be entertained for dispute resolution under this procedure.

4.8.3 Confidentiality

It is the duty of supervisory and managerial personnel to maintain confidentiality in the complaint process. All complainants, respondents and other persons involved with the complaint process under this procedure will ensure that all matters remain confidential. Witnesses should be informed that supervisory and managerial personnel, in obtaining statements, will maintain such statements in confidence, subject to their ability to conduct a full and thorough investigation.

Notwithstanding the above, procedural fairness requires that the respondent to a complaint be apprised of the nature of the complaint and by whom it has been made so that they have an opportunity to speak to the allegations. This may require the disclosure of witness names and statements to the parties.

The Board may be required to provide information obtained during an investigation to an outside agency that has the right to require information otherwise protected by the *Municipal Freedom of Information and Protection of Privacy Act*.

4.8.4 Records

All correspondence and other documents generated under this procedure must, subject to the *Municipal Freedom of Information and Protection of Privacy Act*, be marked “**PRIVATE AND CONFIDENTIAL**” and be stored in a locked and secure file in the Employee Services Department. Access to the files is limited to the Superintendent of Employee Services (or designate).

Where an investigation is completed and the determination made that a threat of workplace violence did not occur, the materials collected will be kept for a period of two years. In all other circumstances, all correspondence relating to the matter will remain with the Employee Services Department indefinitely.

4.8.5 Misuse of the Complaint Procedures

If there is a determination that, on a balance of probabilities, a complaint has been filed in bad faith, the complaint process may discontinue and disciplinary action may occur.

4.8.6 Reprisals

Alleged reprisals shall be investigated as formal complaints and, if substantiated, are subject to the same consequences as complaints.

4.8.7 Resolution Mechanisms

A speedy resolution of a complaint can prevent escalation and further negative consequences while promoting restoration of a healthy learning and working environment.

Supervisory or managerial personnel, as well as union/federation representatives may attempt to facilitate a resolution by:

- a) Informing the individual of the complainant’s concern regarding the alleged threat of workplace violence and the Board’s expectation for appropriate behaviour;

- b) Providing a copy of the Board's Workplace Violence Prevention and Resolution Policy and Procedure and/or other relevant Board policies to the individual alleged to have engaged in a threat of workplace violence;
- c) Obtaining a commitment that the behaviour will stop; and
- d) Following up with the complainant to ensure that the behaviour has stopped.

In cases where a plan of action is implemented, supervisory and managerial personnel shall follow up by monitoring the situation, holding, if necessary, subsequent meetings with the parties and taking further steps to ensure the behaviour has stopped and the employee is safe.

For complaints, where the parties are members of a union, federation, middle and senior management groups, or principal's council, a resolution facilitated by the appropriate representative(s) will be acceptable to the Board, if acceptable to the parties.

At any time during the process, the complainant and respondent may mutually agree to drop the complaint.

4.8.8 Formal Complaints

Employee complainants shall contact their appropriate Principal/Supervisor immediately. The Principal/Supervisor will contact the Superintendent of Employee Services. Employee complainants should also consider contacting a colleague, their union, federation, professional association representative, or middle/senior management representative for support. If an employee requires assistance in completing the Threat of Workplace Violence Formal Complaint Form (Appendix 5.5), another individual such as a colleague, union, federation, or professional association representative, or middle/senior management representative may assist the complainant in completing the form.

Employee complainants may request assistance and representation throughout the complaint process.

The employee will scan and email the completed Threat of Workplace Violence Formal Complaint Form directly to the Superintendent of Employee Services.

4.8.9 Respondents to a Complaint

Individuals who are named as respondents in a formal complaint have a right to a copy of the Threat of Workplace Violence Formal Complaint Form (Appendix 5.5). In particular, a respondent has a right to know the specifics of an allegation, including times, dates and alleged conduct.

Respondents who choose to respond to the allegations must complete and return their response within five working days of receipt of the written copy of the Formal Complaint to the Superintendent of Employee Services (or designate).

Employee respondents may wish to contact the appropriate supervisor, a colleague, union, federation, or professional association representative, or middle/senior management representative. Employee respondents may request assistance and representation throughout the complaint process.

4.8.10 Threshold Assessment

All formal reports filed under this procedure shall be subject to a threshold assessment within five working days of receipt of the Formal Complaint by the Superintendent of Employee Services (or designate) to determine whether the alleged conduct would, if proven, meet the definition of a threat of workplace violence.

If the Superintendent of Employee Services (or designate), following this threshold assessment, determines that the report filed:

- would not, if true, meet the definition of a threat of workplace violence;
- does not provide sufficient details of the alleged threat, provided the complainant is given notice that insufficient details have been provided and is given reasonable time to provide sufficient details;
- is vexatious, frivolous or trivial, has not been made in good faith or would, if investigated, constitute an abuse of the procedure; or
- will be dealt with under another procedure,

the complainant and respondent shall be so advised. The complainant or respondent still may pursue other avenues for resolution.

In all cases where the Superintendent of Employee Services (or designate) has conducted a threshold assessment to determine that a formal complaint should proceed, the Superintendent of Employee Services (or designate) shall direct the appropriate supervisory and managerial personnel to take appropriate measures to ensure the safety of the complainant.

4.8.11 Formal Investigation and Resolution

Formal complaints require an investigation of the complaint allegations. The Standard of Proof to be applied is the balance of probabilities. Investigators will be chosen by the Superintendent of Employee Services (or designate).

In a formal investigation, the Superintendent of Employee Services (or designate) shall ensure that the following steps are taken as soon as possible:

- a) take appropriate measures to ensure the safety of the complainant;
- b) notify the complainant, the respondent and witness(es);
- c) ensure that the respondent has a copy of the complaint;
- d) provide an opportunity for the respondent to complete and return their response within five working days of receipt to the Superintendent of Employee Services (or designate);
- e) interview the complainant and/or the third party reporting the complaint;
- f) interview the respondent;
- g) interview witness(es);
- h) come to conclusions about whether a specific incident did or did not occur based on a balance of probabilities;
- i) provide a written summary of the findings and conclusions to the complainant and to the respondent and give them an opportunity to respond to same; and
- j) take appropriate action(s) to resolve the situation.

If the respondent declines to participate in the formal investigative process, the investigation shall proceed. The respondent should be encouraged to participate in the interest of a balanced and fair process.

The formal investigation shall cease and the matter shall be declared resolved at any time during the investigation, if the complainant and respondent can reach a mutually agreed upon resolution supported by the investigator.

4.8.12 Outcomes in Formal Investigations

In the event a complaint is not substantiated, no further action will be taken, subject to the section on maintaining records, unless the complaint is found to be trivial, vexatious or an abuse of power. However, if there is a need to restore a positive learning or working environment, appropriate steps shall be taken by the Superintendent of Employee Services (or designate) which might include:

- counselling for the parties;
- application of strategies to restore a positive learning/working environment;

- mediation;
- specific training for the complainant and/or respondent of an employee;
- workshops for the staff in the school/workplace regarding their rights and responsibilities
- permanent separation of respondent and complainant from each other;
- restorative measures;
- legal action.

The appropriate supervisor or manager may impose discipline as appropriate and consistent with the circumstances.

The principles of progressive discipline will be applied in dealing with disciplinary actions under this procedure. These would include the following possibilities:

- verbal warning;
- written reprimand;
- suspension;
- demotion and/or transfer;
- dismissal from employment with the Board.

4.8.12 Review

In the event a complainant or respondent to a formal complaint has one or both of the specific concerns listed below, a request may be made to the Director (or designate) within ten working days of the final decision to convene a review. The Director (or designate) will appoint an individual to conduct the review of the complaint.

The grounds for review are:

- a) the investigator(s) failed to comply with this procedure;
- b) new evidence becomes known after the final decision but before the expiry of the ten working days limitation period for requesting a review.

No review of the final decision will be undertaken with regard to the claim that the conclusions drawn by the investigator(s) based on findings of fact were incorrect.

The individual conducting the review will report his/her findings to the Director (or designate), who will affirm or amend the final decision, or require that a new investigation be undertaken. The complainant and the respondent will each receive a copy of the written report.

4.9 DOMESTIC VIOLENCE

Domestic violence occurring in the workplace is recognized by the *Occupational Health and Safety Act* as workplace violence.

Trillium Lakelands District School Board is committed to educating workers regarding domestic violence, and to take every reasonable precaution to protect workers from domestic violence that is likely to expose workers to physical injury in the workplace.

4.9.1 Education

Board employees shall be made aware through posters and literature what domestic violence is, the seriousness of domestic violence, and their responsibilities in informing the appropriate staff when they are reasonably aware that domestic violence may occur in the workplace.

4.9.2 Responsibility

The responsibility for creating and maintaining a workplace environment in which workers are protected from domestic violence that may expose workers to physical injury in the workplace rests with all workers sharing the workplace.

4.9.3 Informing

Workers have a duty to report hazards to their Principal/Supervisor. Section 28(1)d of the *Occupational Health and Safety Act* reads that, "A worker shall report to his or her employer or supervisor...the existence of any hazard of which he or she knows." Workers who have information that they, or a fellow worker is subject to domestic violence that may expose them or their fellow workers to physical injury in the workplace have a responsibility to inform their Principal/Supervisor, except where the Principal/Supervisor may be party to the domestic violence, in which case the worker shall inform the Superintendent of Employee Services..

The Principal/Supervisor will treat all such reports in confidence, and only disclose to Employee Services or others who need to know, information that is necessary for the protection of workers in the workplace.

4.10.4 Fact Finding

Principals/Supervisors who are informed that there is a worker who may be subject to domestic violence in the workplace must gauge the nature and extent of the threat. This may require the Principal/Supervisor to interview both the source of the information about the threat, and the worker(s) who may be subject to the risk of domestic violence in the workplace.

It may also require more detailed investigations conducted by the Superintendent of Employee Services (or designate). It is the responsibility of the Principal/Supervisor to make this contact.

The Principal/Supervisor may request from the worker reasonable documentation in the circumstances to assess the risks and to put in place precautions to protect the worker. Such documentation may include a copy of a court order, police report or photograph of the alleged perpetrator.

The Board will make available to all workers information about supports available for victims of domestic violence. Such supports may include the Employee Assistance Program, community counselling, support groups, shelters, and the police. When possible, Principals/Supervisors will remind potential victims of domestic violence in the workplace of these resources.

In all circumstances, a Principal/Supervisor shall tell the victim that if they feel at risk of physical harm whether inside or outside the workplace or at home, the worker should contact the police.

4.10.5 Actions

If there is a threat of domestic violence, the Principal/Supervisor, under advice from Employee Services, will take steps to ensure the victim and other workers are protected. Such steps may include, but are not limited to, development of a safety plan, warnings, employee transfers, informing police, and requesting restraining orders (see Appendix 5.7).

4.11 WORK REFUSALS

The *Occupational Health and Safety Act* outlines:

- a) Employee rights to refuse work;
- b) Limitations on some employees right to refuse work;
- c) The requirements to be followed when a worker indicates he/she is refusing to work; and
- d) Reporting, investigation, documentation and notification responsibilities of the Parties.

Specific steps to follow are found in BU-3580 Protocol for Refusal to Work Procedure.

5.0 APPENDICES

- 5.1 Risk Assessment Checklists
- 5.2 Sample Worker Survey
- 5.3 Types of Communication Devices
- 5.4 Formal Complaint Form
- 5.5 Checklist for Domestic Violence in the Workplace

Risk Assessment Checklists

Workplace Location and Conditions of Work

Assessed Risk	Risk Level			Example of Possible Controls, Procedures, Measures*	Existing Controls, Procedures, Measures	Required Controls, Procedures, Measures
	H	M	L			
Location of the Workplace, including working in the community (conditions of work)						
<ul style="list-style-type: none"> ➤ Level of crime in the community (assault, theft, vandalism etc.) ➤ Risk of workplace violence while undertaking work activities in the community ➤ Risk of workplace violence associated with isolation of the workplace ➤ Risk of workplace violence occurring in workplace periphery, such as parking lots and playgrounds ➤ Risk of workplace violence occurring due to controls on entry to the workplace ➤ Risk of workplace violence occurring during after –hours use of workplace site 				<ul style="list-style-type: none"> ▪ Security tours ▪ Safe travel routes including public transportation ▪ Staff training in community risks & safety routines ▪ Staff training in questioning strangers and intruders about the appropriateness of their presence in a non-confrontational manner and when to call for assistance or go to a safe area. ▪ Meeting in public places ▪ Police/security presence ▪ Means of communication ▪ CCTV ▪ Clear sightlines ▪ Good lighting ▪ Parking procedures (leaving & returning to vehicle) ▪ Signage for visitors (at <u>all</u> entry & exit points) • Secure public waiting areas ▪ Procedures for escorting visitors ▪ Access restricted areas ▪ Staff / student ID and visitor badges 		

Assessed Risk	Risk Level			Example of Possible Controls, Procedures, Measures*	Existing Controls, Procedures, Measures	Required Controls, Procedures, Measures
	H	M	L			
				<ul style="list-style-type: none"> ▪ Procedures to report concerns ▪ Procedures to report incidents ▪ Documentation ▪ Method of summoning immediate assistance ▪ All recipients of off-site programs sign a behavioral contract that signifies acceptance of rules of behavior during the program including the prohibition on violent behavior. ▪ Train workers on implementation of safe-visit plans for high-risk situations ▪ Training for staff on characteristics of aggressive or violent people, signs of escalation of behavior, recognition of potentially violent situations, recommended actions and reactions including when to leave or escape , appropriate responses to incidents, including defusing hostile or aggressive behaviors. 		

Type of Work

Assessed Risk	Risk Level			Example of Controls, Procedures, Measures*	Existing Controls, Procedures, Measures	Required Controls, Procedures, Measures
	H	M	L			
Type of Work						
<ul style="list-style-type: none"> ➤ Risk of Workplace Violence occurring due to the characteristics of the general workplace population, including staff, students, parents, and the general public ➤ The risk of workplace violence occurring may vary by area within 				<ul style="list-style-type: none"> ▪ Notification of any known risks (people and situations) ▪ Training in recognizing and responding to potentially violent people and high risk situations ▪ Training in measures to take including de-escalation, personal safety, when to 		

Assessed Risk	Risk Level H M L			Example of Controls, Procedures, Measures*	Existing Controls, Procedures, Measures	Required Controls, Procedures, Measures
<p>workplaces – for example, the risk in a school may be higher in parts of the school if there is a greater density of students with violent characteristics</p> <p>➤ School fund-raising activities e.g., selling material items, school photos, school trips, charitable donations</p> <p>➤ Staff funds, e.g., coffee fund, special occasions</p>				<p>leave or escape</p> <ul style="list-style-type: none"> ▪ Training in how to respond to strangers or intruders ▪ Training in when and how to call for immediate assistance ▪ Meetings held with more than one staff member present ▪ Personal communication devices ▪ Procedures to report concerns ▪ Procedures to report incidents ▪ Documentation ▪ Training for staff on characteristics of aggressive or violent people, signs of escalation of behavior, recognition of potentially violent situations, recommended actions and reactions including when to leave or escape , appropriate responses to incidents, including defusing hostile or aggressive behaviors. ▪ Training in safety routines for parking, leaving and returning to vehicles. ▪ Training of community-based staff on expectations of school board staff when using their facility (recreation center, library). ▪ * not all are applicable to all situations ▪ Written procedures for classroom collection of monies and provisions of receipts (daily written record, transfer to office) ▪ Procedures for daily storage and transfer to bank ▪ Maximum amount to be kept in school overnight (never over a weekend) 		

Assessed Risk	Risk Level			Example of Controls, Procedures, Measures*	Existing Controls, Procedures, Measures	Required Controls, Procedures, Measures
	H	M	L			
<ul style="list-style-type: none"> ➤ School fees, e.g., locks, equipment, supplies, uniforms, etc. ➤ Registration fees, e.g., night school 				<ul style="list-style-type: none"> ▪ Procedures for refunds communicated in writing to parents ▪ Written procedures for school-wide collections ▪ Specific times and site ▪ Staff member present when students are collecting ▪ Communication ▪ Written record for each time period ▪ Transfer procedures as above 		

Circumstances Specific to the Workplace

Assessed Risk	Risk Level			Example of Controls, Procedures, Measures*	Existing Controls, Procedures, Measures	Required Controls, Procedures, Measures
	H	M	L			
Circumstances specific to the workplace						
				<p>For all staff who work with the student(s) on a regular basis:</p> <ul style="list-style-type: none"> ▪ <u>Ongoing</u> risk assessment ▪ Consultation with parents / guardian, board and agency professionals ▪ Notification of safety risks and procedures, interventions ▪ Training in the characteristics of the special education exceptionality ▪ Training in the needs specific to the student(s) ▪ Where the student(s) has a current history or risk-of-injury to self or others: 		

Assessed Risk	Risk Level			Example of Controls, Procedures, Measures*	Existing Controls, Procedures, Measures	Required Controls, Procedures, Measures
	H	M	L			
				<ul style="list-style-type: none"> ▪ Training for all staff who work with the student on a regular basis in BMS, NVCI, etc. ▪ Development of a Safety Plan ▪ Personal communication ▪ Protective equipment ▪ Procedures to report concerns ▪ Procedures to report incidents ▪ Documentation required ▪ Decisions regarding the OHSA overriding privacy concerns and legislation ▪ Sharing of information 		

Handling Money

SAMPLE

Assessed Risk	Risk Level			Example of Controls, Procedures, Measures*	Existing Controls, Procedures, Measures	Required Controls, Procedures, Measures
	H	M	L			
Handling Money						
<ul style="list-style-type: none"> ➤ School fund-raising activities: <ul style="list-style-type: none"> ○ Selling material items ○ School photos ○ School trips ○ Charitable donations ➤ Staff funds, e.g., coffee fund, special occasions 				<ul style="list-style-type: none"> ▪ Written procedures for classroom collection of monies and provisions of receipts <ul style="list-style-type: none"> ○ Daily written record ○ Transfer to office ▪ Procedures for daily storage and transfer to bank ▪ Maximum amount to be kept in school overnight (never over a weekend) 		

Assessed Risk	Risk Level			Example of Controls, Procedures, Measures*	Existing Controls, Procedures, Measures	Required Controls, Procedures, Measures
	H	M	L			
<ul style="list-style-type: none"> ➤ School fees, e.g., locks, equipment, supplies, uniforms, etc. ➤ Registration fees, e.g., night school 				<ul style="list-style-type: none"> ▪ Procedures for refunds communicated in writing to parents ▪ Written procedures for school-wide collections: ▪ Specific times & site ▪ Staff member present when students are collecting ▪ Communication ▪ Written record for each time period ▪ Transfer procedures as above 		



EMPLOYEE SURVEY: WORKPLACE VIOLENCE

Trillium Lakelands DSB recognizes that workplace violence represents a real risk. The Board also recognizes that the risk can be minimized or avoided by assessing the risks, putting preventive measures in place to control them, as well as by implementing processes to obtain immediate assistance in case of violence or to report incidences of violence and by keeping staff abreast of potential dangers in the workplace.

In order to identify these risks, the Board asks that all employees complete the following survey, and assures all employees that information provided will be kept strictly confidential. Furthermore, it is left to the discretion of the employee to provide his or her name. However, the location (school/worksite, administrative office or satellite office) must be provided, in order to be able to identify developing trends or if an issue is directly related to that place of employment.

Location:		Job title:		
Name of employee (optional):				
Sex: Male <input type="checkbox"/>		Female <input type="checkbox"/>		
QUESTIONS	YES	NO	COMMENTS	
1) Generally, do you feel safe where you work?			If not, explain?	
2) Is workplace violence a concern?				
3) In general, do you work alone? (Example, night janitor)				
4) Indicate if you feel safe in the following places: <i>(if the answer is no, please give the reason)</i>				
• School parking lot			If not, explain?	
• School grounds			If not, explain?	
• School entrances			If not, explain?	
• Halls and corridors			If not, explain?	
• Office			If not, explain?	
• Classroom			If not, explain?	
• Stairwells, if applicable			If not, explain?	
• Elevator, if applicable			If not, explain?	
• Gymnasium			If not, explain?	
• Change rooms			If not, explain?	
• Staff lounge			If not, explain?	
5) Have you ever witnessed a violent incident in your workplace, between:			If yes, explain:	
a) Students				
b) Student and staff				
c) Staff				
d) Others			If yes, please define	
6) Do you have access to your workplace after work hours?				
7) Do you sometimes go in to work on weekends?				

8) If yes, is your supervisor aware of this?					
9) Do you take any particular measures to ensure your personal safety?			Specify:		
10) Have you ever been the victim or target of a violent incident in your workplace?					
			Indicate the frequency		
11) What kind of violent incident were you subjected to?	Who was the aggressor?	Please check √	Many times (more than five)	Sometimes	Once
			Indicate the frequency		
11.a) Physical Explanation : (Physical force. For example: Hitting or pushing someone violently)	A student				
	A parent				
	A colleague				
	A stranger				
	Other				
11.b) Threats (Statement/behaviour interpreted as a threat to exercise physical violence (For example: intimidation, anticipating a danger of physical injury)	A student				
	A parent				
	A colleague				
	A stranger				
	Other				
			Indicate the frequency		
	Who was the aggressor?	Please check √	Many times (more than five)	Sometimes	Once
			Indicate the frequency		
11.c) Verbal (Aggressive statement expressed by insults in a loud and offensive tone of voice)	A student				
	A parent				
	A colleague				
	A stranger				
	Other				

QUESTIONS	YES	NO	COMMENTS
12) Following the violent incident, did you inform your supervisor or the police of the incident?			If not, explain?
13) Were you satisfied with the measures taken by your employer following this incident?			
14) Does the employer have procedures in place to ensure the safety of employees? (For example, outdoors locked in daytime)			
15) Do you know where to find these procedures?			
16) Are you aware of the procedure for reporting a violent incident?			

17) Do you find that the measures in place are adequate?			If not, explain?
18) Do you know how to obtain immediate assistance in case of violence in the workplace?			
19) Does the employer keep you informed of potential risks in the workplace?			
20) Do you know if the policy with respect to workplace violence is posted?			
21) Other comments you'd like to share:			

Date: _____

TYPES OF COMMUNICATION DEVICES

Device	Strengths	Weaknesses
School-wide P.A. System	<ul style="list-style-type: none"> ▪ Immediate school-wide communication <ul style="list-style-type: none"> ○ Useful for “code” alerts 	<ul style="list-style-type: none"> ▪ May not be heard by those in noisy areas ▪ One way communication only ▪ Restricts type of information that can be communicated (confidentiality)
Classroom P.A. System	<ul style="list-style-type: none"> ▪ Direct link to the main office ▪ Simple usage 	<ul style="list-style-type: none"> ▪ Requires someone to be in the office ▪ Fixed location in the class means staff may not be able to access in an emergency ▪ Useful inside the building only
Individual Cell Phone	<ul style="list-style-type: none"> ▪ Fast direct one-to-one communication ▪ Can be used almost all locations including community ▪ Few range limitations ▪ Can be used to text messages (when speaking is not an option; use with deaf/hard of hearing) ▪ Can be used for a variety of messages including 911 	<ul style="list-style-type: none"> ▪ Requires message recipient to be available ▪ Signal strength may be poor in elevators, basements ▪ If being attacked, employee may not be able to use – not enough time to dial
2-Way Radio (Walkie-Talkie)	<ul style="list-style-type: none"> ▪ Almost instant communication ▪ One button use ▪ Can use voice or signal communication ▪ Can select specific recipient or numerous recipients ▪ Can be used for a variety of messages ▪ Few weak spots within range 	<ul style="list-style-type: none"> ▪ Requires base station to be continuously staffed or select receivers always active (also may move about) ▪ No 911 component
Personal Alarms	<ul style="list-style-type: none"> ▪ Panic type (incapacitating sound) may deter attack ▪ Sound brings assistance to general area ▪ Non-panic type (transmits emergency signal to a receiver) may include two-way communication as well as identification ▪ Immediate, one button use 	<ul style="list-style-type: none"> ▪ Use limited to extreme situations unless two-way communication included ▪ May take time to pinpoint location (if GPS not included) • No 911 component



**ONTARIO'S OCCUPATIONAL HEALTH AND SAFETY ACT:
PREVENTION AND RESOLUTION OF WORKPLACE
VIOLENCE
HR-4522 Appendix 5.4**

FORMAL COMPLAINT:

Date of alleged threat of workplace violence: DD/MM/YYYY _____

Description of alleged threat of workplace violence (use verbs to describe each bullet): use additional sheet(s) if necessary

- _____
- _____
- _____
- _____
- _____

History:

1. Has the complaint been reported previously? Yes No

2. If yes, by whom? _____

(name)

(worksite or home address)

(position)

3. To whom? _____

(name)

(worksite or home address)

(position)

4. When was it reported? _____

5. What actions were taken, if any? _____

Employees are strongly encouraged to seek advice from their union, federation, or professional association.

Complainant(s) Signature(s): _____ Date: _____

Supervisor(s) Signature(s): _____ Date: _____

The information contained in the form is confidential and reasonable steps will be taken to maintain confidentiality in accordance with the provisions of the ***Municipal Freedom of Information and Protection of Privacy Act***. This form and any attachments will be copied to the respondent(s) named above, in accordance with the Formal Complaints Process.

Checklist for Domestic Violence in the Workplace

Developed from January 2010 Draft Workplace Resource of the Occupational Health and Safety Council of Ontario, Workplace Violence Prevention Series

Risk	Example of Controls, Procedures, Measures	Existing Controls, Procedures, Measures	Required Controls, Procedures, Measures
	<ul style="list-style-type: none"> ▪ Ensuring members of the board community are aware of examples of domestic violence, e.g. <ul style="list-style-type: none"> - repeated acts of isolation - put-downs - threats of violence against the victim, the victim's children, or others, including family pets - hitting, burning, strangling, or throwing things - destroying property - sexual assault - repeated unwanted communications with the victim - stalking ▪ making members of the board community aware of who the victims of domestic violence may be, e.g. <ul style="list-style-type: none"> - current or former intimate partners - adults and adolescents - between people of all racial, economic, educational, and religious backgrounds - heterosexual and same sex partners - male or female, although women represent the overwhelming majority 		

Risk	Example of Controls, Procedures, Measures	Existing Controls, Procedures, Measures	Required Controls, Procedures, Measures
	<ul style="list-style-type: none"> ▪ training members of the board community on the need to report to the employer any reasonable suspicions that domestic violence may occur in the workplace, and on the fact that communicating on a need to know basis may outweigh an individual's expectation of privacy ▪ raising awareness regarding when domestic violence is more likely to come into the workplace, and signs of high risk, e.g. <ul style="list-style-type: none"> - when co-workers in a workplace are involved in or have been involved in an intimate relationship - when a worker has sought shelter or left a relationship due to domestic violence - when threats of violence have been made against a worker ▪ revising the board's Police Protocol to include communication with the police when the police are aware of threats or threatening behaviours which may be carried out in the workplace • Working with organizations in the community that provide services to victims to understand the scope of domestic violence in the community • Reporting procedures 		