

Bluewater District School Board

ADMINISTRATIVE PROCEDURE

Human Resources

AP 7523-D

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Procedure Title	Workplace Violence		
Date of Issue	June 15, 2010	Related Policy	BP 7523-D
Revision Dates	October 19, 2011; April 23, 2013; February 15, 2017; March 28, 2019; November 25, 2020; March 31, 2021; June 15, 2022; September 6, 2023	Related Forms	Online Incident Reporting Tool (formerly AF 7520); AF 7523; AF 7525; AF 7526; AF 7527
Review Date	Annual	Originator	Administrative Council
References			
Education Act, Charter of Human Rights and Freedoms, Human Rights Code, Criminal Code of Code BP 7520-D "Human Rights", Occupational Health and Safety Act, Municipal Freedom of Information and Protection of Privacy Act; BP 6820-D "Safe and Accepting Schools"; AP 3801-D "Occupational Health and Safety Program"; AP 7525-D "Work Refusal"; BP/AP 2101-D "Access to Board Premises" AP 3830-D "Personal Protective Footwear"			

1.0 RATIONALE

- 1.1 Bluewater District School Board believes in the prevention of workplace violence and promotes a violence-free workplace in which all people respect one another and work together to achieve common goals. Any act of workplace violence is unacceptable conduct. Workplace violence in any form erodes the mutual trust and confidence that are essential to the well-being of our workers.
- 1.2 Bluewater District School Board acknowledges the following three rights of workers under the Occupational Health and Safety Act (OHSA):
 - (a) Workers have the right to know about hazards in their workplace and to receive information, instruction, and supervision to protect their health and safety on the job. In addition to the board's responsibility to inform, it is also the employee's responsibility to actively seek out such information (see section 3.5.2).
 - (b) Workers have the right to participate in identifying and solving workplace health and safety problems, following the procedure outlined in Appendix A of AP 3801-D "Occupational Health and Safety Program"
 - (c) Workers have the right to refuse work in situations they believe would be dangerous to their health and safety or to that of any other employee in the workplace, as per AP 7525-D "Work Refusal".
- 1.3 This procedure applies to all work activities or workplace social events that occur while on, or off, board premises.
- 1.4 This procedure applies to all members of the board community, including but not limited to, trustees, students, workers, visitors such as parents and community members, volunteers, permit holders, contractors, and workers of other organizations who work on, or are invited onto, board property. Threatening, violent or harassing student misconduct is dealt with by the Safe and Accepting Schools provisions of the Education Act and board policy BP 6820-D "Safe and Accepting Schools", or the OHSA, depending upon the circumstance. This procedure, therefore, applies in appropriate circumstances.

2.0 DEFINITION

Workplace violence, as defined by the OHSA is:

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

3.0 PROCEDURE**3.1 DUTIES AND RESPONSIBILITIES**

3.1.1 The employer shall:

- i. provide workers with information and instruction that is appropriate for the workers on the content of workplace violence board policy BP 7523-D "Workplace Violence" and this procedure, and that both policy and procedure are posted on the site health and safety bulletin board;
- ii. advise workers of the existence of any potential or actual danger to the health or safety of the workers of which the employer is aware;
- iii. ensure all equipment, materials and protective equipment are maintained in good condition;
- iv. take every precaution reasonable in the circumstances for the protection of the workers;
- v. ensure all incidents of workplace violence are documented;
- vi. ensure the risks of workplace violence that may arise from the nature of the place, the type of work and the conditions of work are assessed;
- vii. ensure that the Joint Health and Safety Committee (JHSC) is advised of the results of the assessment and provided with a written copy;
- viii. reassess the risks of workplace violence as often as is necessary to ensure that the related policy and procedure continue to protect workers from workplace violence.

3.1.2 The administrator/supervisor shall:

- i. provide workers with information and instruction that is appropriate for the workers on the content of workplace violence board policy BP 7523-D "Workplace Violence" and this procedure, and that both policy and procedure are posted on the site health and safety bulletin board;
- ii. advise workers of the existence of any potential or actual danger to the health or safety of the workers of which the supervisor is aware;
- iii. take every precaution reasonable in the circumstances for the protection of the workers;
- iv. ensure all incidents of workplace violence are documented (refer to section 3.3);
- v. identify the risks of workplace violence occurring on board premises, or while engaging in workplace activities or workplace social events using AF 7523 "Workplace Violence Risk Assessment";
- vi. advise the JHSC of the results of the assessment and provide them with a written copy;
- vii. reassess the risks of workplace violence as often as is necessary to ensure that the related policy and procedure continue to protect workers from workplace violence (this can be prompted by an online incident report);
- viii. ensure that appropriate measures and procedures are in place for summoning immediate assistance when workplace violence occurs or is likely to occur;
- ix. be responsible for determining the appropriate response and immediate course of action, including an investigation, when an employee has reported an incident of workplace violence. (refer to section 3.3);
- x. ensure all the workers who work on a regular basis in positions where risk exists have the qualifications, experience, and training necessary to minimize the risk of workplace violence;

- xi. ensure workers have received training in the nature and recognition of the risks specific to their assignment;
- xii. ensure all workers have received training in procedures/safety measures that minimize the risks specific to their assignment;
- xiii. ensure all workers have and use any personal protective equipment (PPE) deemed reasonable and necessary in the circumstances;
- xiv. ensure all workers wear the appropriate footwear for the assignment;
- xv. follow up on all employee concerns regarding physical limitations in relation to workplace safety;
- xvi. ensure the affected and necessary workers are involved in the development of the safety plan, using AF 7526 (if incident/risk is in relation to a student, a Positive Behaviour Safety Plan will be required in addition to AF 7526);
- xvii. ensure training is updated and/or refreshed as often as necessary;
- xviii. ensure any replacement workers (short or long-term) are aware of the risks, and either have the training requirements noted above, or are supported by additional workers who have the training requirement.

3.1.3 Workers shall:

- i. be familiar with the workplace violence board policy BP 7523-D "Workplace Violence" and this procedure;
- ii. report any workplace violent incident to the (immediate) principal/supervisor or designate (if their principal/supervisor is the accused, the workers will report the incident to their principal/supervisor's supervisor) (refer to section 3.3);
- iii. partake in all safety training and drills as required;
- iv. use or wear equipment, protective devices, or clothing that the employer requires to be used or worn;
- v. ensure the PPE provided fits properly and is worn as intended;
- vi. remove any non-essential jewelry or personal belongings when working in a position where the worker is at risk of injury;
- vii. report any absence of or defect in any equipment or protective devices or which the worker is aware and which may endanger themselves or others;
- viii. use AF 3854 "Request for Personal Protective Equipment" to request extra PPE if needed;
- ix. wear appropriate footwear for the assignment (see AP 3830-D Personal Protective Footwear, Appendix B);
- x. report any malfunctions of communication equipment to the supervisor immediately.

3.2 RISK ASSESSMENTS

- 3.2.1** The risks of workplace violence occurring on board premises, or while engaging in workplace activities or workplace social events shall be identified using AF 7523 "Workplace Violence Risk Assessment".
- 3.2.2** The presence of specific programs in a school community (in addition to regular programs) must be considered when reviewing a school community, e.g., presence of night school programs, programs for students with significant needs, suspension/expulsion programs, school used for community programs, etc. Risk assessments will be done as often as necessary, usually prompted by the identification of a new risk, but at a minimum, annually.
- 3.2.3** The risk of violence occurring in the workplace is linked to several factors, including the nature of the workplace, the type of work, or conditions of the work. Examples include, but are not limited to:
- i) location of the workplace, e.g., schools located in high crime areas, isolated areas
 - ii) travelling in community to and from workplace, visiting families, teaching in sites other than schools
 - iii) parking
 - iv) access to workplace (entry)
 - v) working with unstable or volatile students/workers/community members/parents, e.g., students with significant needs, workplace population including members of youth gangs and hostile members of the community
 - vi) handling cash, e.g., fundraising activities, registration fees for adult programs

- vii) working alone or in small numbers, e.g., working late, meeting parents after school hours, driving a courier vehicle
 - viii) other workers/members of the community
- 3.2.4 Assessments should include the identification of existing controls, measures/procedures already in place and additional controls, and measures/procedures required to minimize risks of workplace violence. While usually conducted for other purposes, the results of Safe and Accepting School surveys, or other student surveys, may be reviewed as part of a risk assessment.

3.3 REPORTING WORKPLACE VIOLENCE

- 3.3.1 Workers who experience workplace violence (or believes that they have) will immediately report the incident to their (immediate) principal/supervisor or designate (if their principal/supervisor is the accused, the workers will report the incident to their principal/supervisor's supervisor). The principal/supervisor will be responsible for determining the appropriate response and immediate course of action.
- 3.3.2 At the first available and safe opportunity following the report of a violent incident, the principal/supervisor will:
- i. ensure that the workers have sought medical attention, where required, and is aware of the availability of the board's Employee and Family Assistance Program (EFAP), and other available supports, as applicable;

NOTE: In cases where the workers has been injured, the principal/supervisor will also ensure that AF 7850 "Injury/Illness/Incident Investigation Report" is completed.
 - ii. ensure that the Online Incident Reporting Tool has been completed (emergency staff will complete paper version of AF 7520 "Workplace Incident Report", available for principals/supervisors to print from the Administrators' Handbook and provide in emergency staff folders) - (please see Appendix B: Safe Schools Incident Reporting / Workplace Violence Incident Quick Reference Chart);
 - iii. subject to the nature and seriousness of the incident, contact the police. Incidents involving physical assaults causing bodily injury requiring medical attention must be reported to police. In other cases, the principal/supervisor will exercise their discretion whether to contact police based on the nature of the incident and extenuating circumstances;
 - iv. subject to the nature and seriousness of the incident, and the identity of the aggressor (e.g., student, co-workers, visitor, etc.) consult and/or seek assistance from other appropriate board staff, which may include their area superintendent of education, superintendent of education responsible for human resource services, superintendent of education responsible for learning services – student support;
 - v. conduct an investigation into the incident (see section 3.4); and
 - vi. assess / reassess the risks of a reoccurrence and determine the appropriate course of action (controls) to prevent a recurrence (refer to section 3.5 if applicable).

3.4 EMPLOYER INVESTIGATIONS

- 3.4.1 Conducting an internal investigation of a complaint or incident must be done with a high degree of sensitivity and will take into account the rights and privacy of not only the accuser, but also the accused. In a school board setting, the accused could be a student, employer, visitor, parent, or outside community member. A comprehensive investigation needs to be performed to ensure compliance with

applicable legislation, and to withstand scrutiny of the courts, arbitrators, and/or other administrative tribunals. The investigation needs to be fair and unbiased. Investigators will contact the health and safety officer and/or the superintendent of education responsible for human resources services for guidance on board practice.

- 3.4.2 All investigations should be performed based upon knowledge of complaint or notification submitted by the employee.
- 3.4.3 All investigators shall be impartial and non-biased.
- 3.4.4 Once the investigation is completed, a summary of the findings and any action taken will be provided to the health and safety officer and/or the superintendent of education responsible for human resources services for sharing with the applicable Joint Health and Safety Committee. The report should **NOT** include any personal or identifying information relevant to the victim and/or the perpetrator.
- 3.4.5 The superintendent of education responsible for human resources services may provide victim support, as well as appropriate management of the offender.

3.5 DISCLOSURE OF INFORMATION RELATED TO A PERSON WITH A HISTORY OF VIOLENT BEHAVIOUR

- 3.5.1 When it has been determined that there is a likelihood of reoccurrence, or the principal/supervisor is aware of has reason to believe that workers may be exposed to a risk of workplace violence from a person with a history of violent behaviour, the principal/supervisor has an obligation to provide information to workers at the site using a 'Safety Alert – Notification of Potential Risk of Injury' (AF 7526), if:
 - i. the workers can be expected to encounter the person with a violent history in the course of their work; and
 - ii. the risk of workplace violence is likely to expose the workers to physical injury.

The information provided to workers who may be at risk can include personal information **but should not include any more than is reasonably necessary to protect the workers from physical injury and in keeping with the Municipal Freedom of Information and Protection of Privacy Act and the protections afforded confidential student information under the Education Act.**

- 3.5.2 Completed AF 7526 'Safety Alert – Notification of Potential Risk of Injury' forms will be stored in a confidential manner by the worksite principal/supervisor. Each workers member meeting the criteria as set out in 3.5.1 a-b must review the form(s) at a minimum annually (new workers must review applicable safety alerts upon hiring), or as updates are made. Workers must acknowledge that they are aware of the information identified on the form(s) by completing AF 7527 "Acknowledgement of Safety Alert (Bill 168) - Notification of Potential Risk of Injury" along with their administrator/supervisor. This includes occasional and supply workers as well as support services, and plant services workers who may be expected to encounter the violent person while on school premises.
 - i. The principal/supervisor has a responsibility to ensure this disclosure is made to appropriate workers.
 - ii. All workers (including non-school workers) must follow standard site access procedures, as per BP/AP 2101-D "Access to Board Premises", ensuring that they connect with the site administrator/supervisor, or designate, and sign-in (AP 2101-D) prior to starting any work within the building. This process ensures that the site administrator/supervisor, or designate, can fulfil their duty to inform.

3.5.3 In determining whether there is an obligation to provide information, the principal/supervisor must consider which workers are likely to encounter the person in the course of their work and whether the person presents a risk to those workers. Factors to consider include:

- i. whether the history of violence was associated with school or the workplace;
- ii. whether the history of violence was directed at a specific person, including workers in general, or at others;
- iii. length of time since the most recent incident(s);
- iv. measures and procedures already in place to protect workers; and
- v. any other extenuating or mitigating factors that impact on the risk of violent incidents recurring.

3.6 Role of the Joint Health and Safety Committees (JHSC)

- 3.6.1 The Occupational Health and Safety Act outlines the legal requirements for the establishment of JHSCs and the powers of the committees.
- 3.6.2 While adhering to all required privacy and confidentiality requirements, the applicable JHSC must be notified within four (4) days when a worker is injured due to workplace violence and, as result of the incident, the workers is disabled from performing their usual work or the workers requires medical attention. However, consideration should also be given to providing findings of investigations of workplace violence related issues.

APPENDIX A
Types of Communication Devices

Device	Strengths	Limitations
School-wide P.A. System	<ul style="list-style-type: none"> ▪ Immediate school-wide communication 	<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 workers 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 9-1-1 	<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 9-1-1 component ▪ Must be inspected on a regular basis to ensure that they are charged.
GPS Tracking System	<ul style="list-style-type: none"> ▪ Continuous or signaled tracking 	<ul style="list-style-type: none"> ▪ Requires continuous monitoring of all signals (additional staffing) ▪ Most expensive communication system ▪ No 9-1-1 component

APPENDIX B: SAFE SCHOOLS INCIDENT REPORTING / WORKPLACE VIOLENCE INCIDENT QUICK REFERENCE CHART

What type of incident is this?		<u>Online Incident Reporting Tool</u> Safe Schools Incident ¹	<u>Online Incident Reporting Tool</u> Workplace Violence Incident ²	Reporting form for workers injury: <u>AF 7850 "WSIB Injury/Disease and Investigation Principal/Manager/Supervisor Report"</u>	BWDSB workplace injury report to WSIB (completed by HR Services)
1	<ul style="list-style-type: none"> serious student incident workplace violence incident no workers injury 	✓	✓		
2	<ul style="list-style-type: none"> serious student incident workplace violence incident workers injury <ul style="list-style-type: none"> criteria for injury report to WSIB not met 	✓	✓	✓	
3	<ul style="list-style-type: none"> serious student incident workplace violence incident workers injury <ul style="list-style-type: none"> criteria for injury report to WSIB are met 	✓	✓	✓	✓
4	<ul style="list-style-type: none"> aggressor is not a student workplace violence incident no workers injury 		✓		
5	<ul style="list-style-type: none"> aggressor is not a student workplace violence incident workers injury <ul style="list-style-type: none"> criteria for injury report to WSIB not met 		✓	✓	
6	<ul style="list-style-type: none"> aggressor is not a student workplace violence incident workers injury <ul style="list-style-type: none"> criteria for injury report to WSIB are met 		✓	✓	✓

IMPORTANT NOTE: If a person (workers, student, or visitor) is critically injured due to a workplace violent incident, the administrator must report it to their area superintendent and the health and safety officer immediately so that it can be reported to the Ministry of Labour, Trades and Skills Development.

Developed from: http://www.edu.gov.on.ca/eng/policyfunding/workplace/violence.html#_AppendixOne

¹ emergency workers do not have access to the Online Incident Reporting Tool and will complete a paper copy of the SSIR-I instead (provided to them by their administrator/manager) in accordance with AP 6819-D

² emergency workers do not have access to the Online Incident Reporting Tool and will complete a paper copy of workplace violence incident form (AF 7520) instead (provided to them by their administrator/manager) in accordance with AP 7523-D