

POLICY – PO324

Workplace Violence

Area:	Human Resource Services
Source:	Superintendent of Human Resource Services
Approved:	Jan. 24, 2011
Revised:	Nov. 12, 2012; May 6, 2019
Review Cycle:	Annually

1. Introduction

The Durham Catholic District School Board is committed to the promotion of the values of respect, dignity and fairness for all. The Board believes that in adhering to these values there can be no tolerance of violence in the work or learning environment. The Durham Catholic District School Board recognizes that violence and threat of violence are a serious hazard to its employees and is committed to protecting workers from workplace violence from all sources, preventing and controlling such risks in its workplace.

2. Definitions

Incident – (as defined by the *Occupational Health and Safety Act*) any event in which an act of workplace violence occurs on Durham Catholic District School Board property or at a Durham Catholic District School Board sanctioned event, or approved attendance at a professional development event (e.g., conference, workshop), associated with a Durham Catholic District School Board employee.

Joint Health and Safety Committee (JHSC) – a committee, composed of employees who represent the workers from various employee groups and the Board committed to improving health and safety conditions in the workplace. The Committee's role is to identify system-wide health and safety issues and brings these matters to the employer's attention. Members of the Committee must be kept informed of health and safety developments in the workplace. The Committee does not deal with school-based or labour relations issues.

Occupational Health and Safety Act (OHSA) – sets out the rights and duties of all parties in the workplace, as well as procedures for dealing with workplace hazards and for enforcement as needed.

Reprisal – any act of retaliation, either direct or indirect.

Safety Plan – a plan developed for students whose behaviour is known to pose an ongoing risk to themselves, other students, workers or other people in general. It can serve as a crisis-response plan that outlines the roles and responsibilities of the workers in dealing with specific problem behaviours. Safety plans are confidential student information and are not to be shared without the principal's knowledge and agreement.

Supervisor – (as defined in the Ontario *Occupational Health and Safety Act*), a person who has charge of a workplace or authority over a worker. This may include a principal or designate.

Threats – any statements, acts, or communication intended or apparently intended to intimidate or threaten a person, in circumstances where the person threatened believes, or has reasonable grounds to believe, the threat may be carried out.

Workplace – any land, premises, location or thing upon which an employee performs work or work-related duties or functions. Schools and school related activities, including but not limited to such as extracurricular activities and excursions, comprise the workplace, as do Board offices and facilities. Conferences and training sessions fall within the direction of this policy.

Workplace Harassment - (as defined in the Ontario *Occupational Health and Safety Act*) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or workplace sexual harassment.

Workplace Violence – (as defined in the Ontario *Occupational Health and Safety Act*) the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker;

- a) an attempt to exercise physical force against a worker, in a workplace that causes or could cause physical injury to the worker;
- b) 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 Risk Assessment – (as defined in the Ontario *Occupational Health and Safety Act*), an assessment of the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. A risk assessment under OHSA is not an assessment of an individual or student.

3. Purpose

The purpose of this policy is to support a safe working environment through implementation of effective measures to prevent and address violence in the workplace.

4. Application / Scope

- 4.1 This policy applies to all Board employees and trustees, as well as other individuals including clients of the Board, parents/guardians, volunteers, permit holders, contractors and employees of other organizations not related to the Board but who work on or are invited onto Board premises. The provisions of this policy also apply to workplace violence by such persons, which is proven to have repercussions that adversely affect the Board's working and learning environment.
- 4.2 This policy is to be interpreted and applied in conjunction with all other applicable Board policies and practices having to do with employee conduct, including, but not limited to, workplace harassment, workplace sexual harassment, and school safety.
- 4.3 The rights of students to a respectful working and learning environment, free from violence, are addressed under other appropriate policy, legislation or regulations including, but not limited to, the *Education Act*, Ontario Schools Code of Conduct as well as Board and School Codes of Behaviour. The *Occupational Health and Safety Act* (OHSA), Section 32.0.1, covers harassment and risks of workplace violence that may arise because of student and/or staff behaviours. This policy, therefore, applies in appropriate circumstances.

5. Principles

- 5.1 The Board recognizes:
 - a) that behaviour within our school communities should be in accordance with the Gospel values of Jesus Christ, the Board's Mission Statement, and the requirements set forth by the *Occupational Health and Safety Act* and the applicable regulations.
 - b) that all forms of violence, harassment or discrimination are unacceptable behaviours.
 - c) the provision of working and learning environments that are free of any form of violence and that are safe, secure, harmonious and sensitive to the needs and well-being of all employees, students, volunteers and visitors.

- 5.2 The Board acknowledges that victims of violence will be supported by the provisions of enacted legislation and the requirements of Board policy and administrative procedures.
- 5.3 The Board recognizes that workplace violence adversely affects healthy relationships, the school climate, and other working environments.
- 5.4 The Board recognizes that workplace violence will not be accepted on school property, at school-related activities in schools with locations related to Board business sponsored programs or events, on school buses, or in any other circumstances where engaging in violence will have a negative impact on the working and learning environment.
- 5.5 The Board will comply with Privacy and Access legislation in protecting confidentiality of the Workplace Violence process and of all parties involved to the extent possible.

6. Requirements

- 6.1 The Director of Education shall issue administrative procedures to support this policy and to amend them thereafter as the need arises.
- 6.2 The Board, in consultation with the Joint Health and Safety Committee, will develop, implement, and maintain a workplace violence prevention and intervention program, which will include training and educating employees. This program will include:
 - a) a workplace violence risk assessment protocol which will identify and mitigate areas of potential risk of workplace violence;
 - b) procedures to follow in order to control risks of workplace violence identified through the risk assessment, as likely to expose an employee to physical or other form of injury;
 - c) procedures to summon immediate assistance when workplace violence occurs or is likely to occur;
 - d) measures that employees must take to report incidents of workplace violence to the Board or their supervisor;
 - e) the Board process for investigating and responding to incidents or complaints of workplace violence.
- 6.3 The Board, in consultation with the Joint Health and Safety Committee, will assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work in accordance with the provisions of the *Occupational Health and Safety Act*. The risks of workplace

violence will be reassessed as often as necessary to ensure that this policy and the related program continue to protect employees from workplace violence.

- 6.4 The Board will consult with and advise the Joint Health and Safety Committee of the results of the assessment and reassessment, and provide a copy, if the assessment or reassessment is in writing.
- 6.5 The Board will clearly define roles and responsibilities of stakeholders, including Board/school administrators, principals/vice principals, managers, supervisors and employees in preventing, reporting and responding to workplace violence.
- 6.6 The Board will provide an employee with information and instruction that is appropriate for the employee on the contents of the policy and program with respect to workplace violence and any other prescribed information or instruction.
- 6.7 The Board will not disclose more personal information than is reasonably necessary to protect employees' safety and security. The information provided to an employee may include personal information related to a risk of workplace violence from a person with a history of violent behaviour if the employee can be expected to encounter that person in the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury.
- 6.8 The Board will take every reasonable precaution to protect the employee if the Board becomes aware or ought reasonably to be aware of domestic violence that is likely to expose an employee to physical injury may occur in the workplace.
- 6.9 This policy and the *Occupational Health and Safety Act* prohibits reprisals against individuals, acting in good faith, who report incidents of workplace violence or act as witnesses. The Board will take all reasonable and practical measures to prevent reprisals, threats of reprisals, or further violence. False, malicious and vexatious accusations, however, will face corrective and remedial action, up to and including disciplinary action for just cause.
- 6.10 As part of an internal responsibility system, individuals engaging in unsafe activity will be held accountable for their actions.
- 6.11 With respect to employees, the Board's progressive discipline may be applied concerning any unsafe behaviour and particularly concerning behaviour that is described in the definition of "workplace violence" above.
- 6.12 All complaints and reports of violence will be treated seriously, will be investigated thoroughly and fairly, and will be dealt with accordingly. Every attempt will be made to maintain confidentiality and all investigations will be conducted adhering to any applicable provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

- 6.13 The policy concerning workplace violence will be posted at a conspicuous place in the workplace.
- 6.14 The Board will review the policy with respect to workplace violence as often as is necessary, but at least annually in consultation with the Joint Health and Safety Committee.
- 6.15 All employees will be required to acknowledge their review of the Workplace Violence policy and administrative procedure on an annual basis in accordance with the Policy Development and Implementation administrative procedure (AP210-1).

7. Sources

- 7.1 Ontario Human Rights Code
- 7.2 *Ontario Occupational Health and Safety Act*
- 7.3 PPM 120 School Board Policies on Violence Prevention in Schools
- 7.4 PPM 128 Provincial Code of Conduct
- 7.5 PPM 144 Bullying Prevention and Intervention
- 7.6 PPM 145 Progressive Discipline and Promoting Positive Student Behaviour
- 7.7 Ontario Ministry of Labour, Health and Safety Guidelines, *Workplace Violence and Harassment: Understanding the Law*, March 2010
- 7.8 Ontario Education Services Corporation, *Resources for Implementing Bill 168*, April 2010
- 7.9 Catholic Consortium, *Workplace Violence Policy – General*, March 26, 2010
- 7.10 Ontario Ministry of Labour: *Workplace Violence in School Boards: A Guide to the Law*, March 2017

8. Related Policies and Administrative Procedures

- 8.1 Occupational Health and Safety Policy (PO318)
- 8.2 Workplace Harassment and Workplace Sexual Harassment Policy (PO320)
- 8.3 Workplace Harassment and Workplace Sexual Harassment Administrative Procedure (AP320-1)
- 8.4 Code of Conduct Policy (PO610)
- 8.5 Code of Conduct Administrative Procedure (AP610-1)
- 8.6 Student Discipline Policy (PO611)
- 8.7 Student Discipline Administrative Procedure (AP611-1)
- 8.8 Bullying Prevention and Intervention Policy (PO612)
- 8.9 Bullying Prevention and Intervention Administrative Procedure (AP612-1)
- 8.10 Workplace Violence Prevention – General Administrative Procedure (AP324-1)
- 8.11 Workplace Violence Prevention – Students Administrative Procedure (AP324-2)