



York Catholic District School Board

PROCEDURE: WORKPLACE VIOLENCE

Addendum to Policy 427: Workplace Violence

Effective: March 30, 2022

PURPOSE

The York Catholic District School Board is committed to establishing policies and procedures to minimize and/or prevent violence in the workplace in order to foster the safety and security of employees.

This procedure is designed in conjunction with Policy 427: Workplace Violence and outlines the process for workplace violence risk assessment, summoning immediate assistance from available staff, reporting and investigating incidents of workplace violence, risk of domestic violence, training and education, and providing information on persons with a history of violence where reasonable under the circumstances.

1. Workplace Violence Risk Assessment/Reassessment

- 1.1 The risk of workplace violence shall be re-assessed annually and/or as often as necessary to ensure the policy and related administrative procedures continue to protect workers from workplace violence.
- 1.2 Once the results have been analyzed by the Principal/Supervisor/Manager, recommendations, as well as actions, may be taken to control or remove as many risks as can be reasonably removed under the circumstances, and to instruct employees how to recognize any remaining risk.
- 1.3 Specific written measures and protocols will be developed to respond to all identified risks.
- 1.4 Under specific circumstances, a school may be required to conduct a workplace violence risk reassessment, for example when there has been:
 - 1.4.1 An increase in the number, frequency or severity of workplace violence incidents for that specific workplace (e.g. school, classroom, etc.).
 - 1.4.2 A significant change in the physical environment of the workplace (e.g. the addition/removal of portables or security controls).
 - 1.4.3 A significant change in the student population of a school (e.g. at the beginning of a school year or when there is a significant change in the numbers or behaviour related or special education needs of the student population mid-year).
 - 1.4.4 A significant change to the learning environment of students that could possibly trigger potentially violent behaviours and that may require a transition plan and explicit teaching and support from the school and Multidisciplinary Special Education teams as identified in the Safety Plan or IEP (e.g. curriculum, noise, scheduling, new staff).
- 1.5 Principal/Supervisor/Manager shall conduct a workplace violence risk reassessment and revise measures and procedures, including but not limited to, creating/updating safety plans, in an effort to prevent further workplace injury or the occurrence of a domestic violence injury.
- 1.6 The results of a workplace violence risk assessment and reassessment will be provided to the Joint Health & Safety Committee.

2. Summoning Immediate Assistance

- 2.1 The School Board shall ensure that each site has a set procedure in determining how employees will summon immediate assistance.
- 2.2 Each site shall have methods of summoning immediate assistance and include this information in their Emergency Response Plan. Types of communication devices can include, but are not limited to: the PA system, walkie talkies, phone/cell phone, etc.
- 2.3 Workers responding must be aware of their roles and responsibilities and must have received information to respond safely.

3. Reporting

- 3.1 Employees must report incidents of workplace violence immediately through the online incident reporting tool, and to the School Administrator/Department Manager/Supervisor.
- 3.2 If the situation presents an emergency, the School Administrator/ Department Manager/ Supervisor will immediately contact York Region Emergency Services (911) and the Superintendent of the School, who will then inform the Health and Safety Officer (See Appendix A).
- 3.3 The Health & Safety Officer will notify the Joint Health & Safety Committee Certified Worker Member and affiliated unions of all workplace violence incidents.
- 3.4 The Ministry of Labour shall be contacted by the Health & Safety Officer under any of the following circumstances:
 - 3.4.1 In the event of a critical injury or death related to workplace violence. Within 48 hours, a written report will be provided to the MOL describing the circumstances of the critical injury or death.
 - 3.4.2 In the event of a work refusal related to workplace violence when the refusal continues to be an issue after a Stage One investigation by a Certified Worker Member, the School Administrator/Department Manager/Supervisor, and Health & Safety Officer.
- 3.5 The Joint Health & Safety Committee and associated union, if applicable, shall receive reports of all incidents of workplace violence that result in the person being disabled from performing their usual work or requiring medical attention, within four (4) working days of the incident. This timeline may be extended under exceptional circumstances.

4. Investigation

- 4.1 The School Administrator shall immediately begin the investigation process for student related incidents of workplace violence.
- 4.2 The School Administrator/Department Manager/Supervisor, shall immediately begin the investigation process for non-student related incidents of workplace violence. The Health and Safety Officer and Certified Worker Member may be resourced to inform the investigation.

Where there is a critical injury or fatality, the Health and Safety Officer and Certified Worker Member are to be contacted and involved in the investigation.
- 4.3 The School Administrator/Department Manager/Supervisor shall immediately make the appropriate inquiries of the victim and/or witnesses.
- 4.4 All investigations will have associated action plans, timelines for completion and assigned responsibilities to specific workplace parties.
- 4.5 Once the investigation has been completed, and with consideration to confidentiality and privacy obligations of the Board, feedback will be provided to the affected employee, as well as the Joint Health & Safety Committee, on any identified corrective actions.
- 4.6 Investigations of all workplace violence incidents will be kept confidential and the individual's right to privacy will be respected, as per 4.5 above.
- 4.7 If an employee of YCDSB is the assailant, the Superintendent of Human Resources shall take appropriate disciplinary measures based on the facts of the incident and the outcome of the investigation.
 - 4.7.1 If a student of YCDSB is the assailant, the YCDSB will follow the Progressive Discipline process in accordance with the *Education Act*, regulations and policies, and/or appropriate special education processes.
- 4.8 Employees affected by workplace violence will be offered Employee and Family Assistance Program (EFAP) resources to ensure access to mental wellness and other support services as required.

5. Domestic Violence

- 5.1. The Board shall take every reasonable precaution in the circumstances to protect employees if it becomes aware or ought to reasonably be aware that domestic violence may occur in the workplace and that it would likely expose a worker to physical injury.
- 5.2. Employees have a duty to inform their School Administrator/Department Manager/Supervisor if they or their fellow co-workers are subject to domestic violence that may create a risk to themselves or others in the workplace.
- 5.3. When an Administrator/Supervisor is informed of an employee experiencing domestic violence they will take actions to protect employees and students, under the advice of their Superintendent and Human Resources, regardless of whether the threat of domestic violence is from a co-worker or from someone outside of the workplace. Actions may include, but are not limited to communications to appropriate employees, warnings, employee reassignment or transfer, informing Police, and requesting restraining orders.

6. Work Refusals

- 6.1 Under the *Occupational Health & Safety Act*, a worker has the right to refuse work if they have reason to believe they may be endangered by workplace violence. Under *Ontario Regulation 857*, teachers cannot refuse work where the circumstances are such that the life, health or safety of a student is in imminent jeopardy.
- 6.2 An employee shall report the circumstances of the work refusal to their School Administrator/Department Manager/Supervisor.
- 6.3 The School Administrator/Department Manager/Supervisor will direct the worker to wait in a safe location near the work area. The School Administrator/Department Manager/Supervisor may ask another employee to perform the work being investigated, but that worker must be advised of the work refusal and its reasons in the presence of a Certified Worker Member. The School Administrator/Department Manager/Supervisor may assign reasonable alternative work to the worker.
- 6.4 The School Administrator/Department Manager/Supervisor will contact the Health and Safety Officer, who in turn will notify the Certified Worker Member and associated union, if applicable, prior to conducting the investigation. A Certified Worker Member of the Joint Health and Safety Committee must be present during the initial investigation. The employee may contact the Certified Worker Member and/or the employee's union (if applicable).
- 6.5 The School Administrator/Department Manager/Supervisor will commence the investigation when all required persons are present; refuser(s), supervisor, and Certified Worker Member. The principal or supervisor is in charge of the investigation in consultation with the Health and Safety Officer.
- 6.6 At the conclusion of the investigation, the School Administrator/Department Manager/Supervisor will inform the worker(s) of the findings of the investigation and will propose recommendations to the worker(s).
- 6.7 If the worker(s) accepts the recommendations, these recommendations are to be implemented as soon as possible. The investigation is closed, and the Health & Safety Officer issues a report to all participants and the Joint Health & Safety Committee.
- 6.8 If the worker does not accept the recommendations resulting from the investigation, the Health and Safety Officer and the Certified Worker Member will notify the Ministry of Labour. The Work Refusal has moved to Stage 2. If the Ministry of Labour inspector decides not to come to the workplace, the inspector will give a decision over the telephone.
- 6.9 If the Ministry of Labour inspector decides to come to the workplace, the School Administrator/Department Manager/Supervisor may ask another employee to perform the work being investigated, but that worker must be advised of the work refusal and its reasons in the presence of a Certified Worker Member.
- 6.10 If the Ministry of Labour inspector decides to come to the workplace, the School Administrator/Department Manager/Supervisor may assign

reasonable alternative work to the worker. The alternate work is not to be reprisal for initiating a work refusal.

- 6.11 Upon the arrival of the Ministry of Labour Inspector, the participants of the initial investigation is to be readily available to participate in the Inspector's investigation.
- 6.12 The Inspector makes a decision based upon the investigation and issues a report, which the Health and Safety Officer distributes to all of the participants.
- 6.13 If the Inspector deems the situation to be "not likely to endanger", the Inspector will direct the worker to return to work and issue a report for distribution to all parties.
- 6.14 If the Inspector deems the situation to be "likely to endanger", the Inspector may issue orders and a report for distribution to all parties.
- 6.15 Upon completion of any order(s), the supervisor will notify the Certified Worker Member and the Health and Safety Officer for verification and will send the completed verification notice to the Inspector, along with a communication that the report indicated either a "likely to endanger" or "not likely to endanger" determination.
- 6.16 The worker is notified of the completion of the orders and either returns to work without incident or further refusal or is provided a workplace accommodation to ensure safety.

7. Training and Education

- 7.1 All employees are required to be trained on the contents of the workplace violence policy and procedure.
- 7.2 Employee training shall include:
 - 7.2.1 The means to recognize potentially violent situations;
 - 7.2.2 Procedures, practices, administrative arrangements and controls that have been developed to minimize or eliminate the risk to workers;
 - 7.2.3 The appropriate responses of workers to incidents of violence, including how to obtain assistance; and
 - 7.2.4 Procedures for reporting violent incidents.
- 7.3 Where circumstances dictate, additional training may be provided to employees such as:
 - 7.3.1 Behaviour Management Systems Training (BMS);
 - 7.3.2 Procedures and safety measures specific to the employee's assignment (e.g., safety plans); and,
 - 7.3.3 Need for and use of personal protective equipment.

8. Information about a Person with a History of Violent Behaviour

- 8.1 The School Administrator/Department Manager/Supervisor, in consultation with the appropriate Superintendent and Human Resources Department, may provide information, including personal information, to employees about a person with a history of violence if:
 - 8.1.1 The employee can be expected to encounter that person in the course of his or her work; and
 - 8.1.2 The risk of workplace violence is likely to expose the worker to physical injury.
 - 8.1.3 No School Administrator/Department Manager/Supervisor shall disclose more personal information in the circumstances than is reasonably necessary to protect the worker from physical injury.

9. Related Documents

Safe and Caring Schools

Workplace Violence Risk Assessment

Workplace Violence Risk Reassessment

YCDSB Policy 425 [Workplace Harassment](#)

YCDSB Policy 427 [Workplace Violence](#)

Workplace Violence – Incident Reporting Flow Chart

