

SUPERIOR-GREENSTONE DISTRICT SCHOOL BOARD

Section	PERSONNEL	
Management Guideline	WORKPLACE VIOLENCE AND HARASSMENT	
Applicable Policy	WORKPLACE HARASSMENT	717
	WORKPLACE VIOLENCE	720

Board Approved: December 5, 2011 Reviewed: September 26, 2011 Review by: December 2016

GENERAL

In accordance with our Superior Greenstone District School Board Policy 717 Workplace Harassment and Policy 720 Workplace Violence, this Management Guideline provides a mechanism for dealing with violence and harassment occurring in the working and learning environment.

The Superior Greenstone DSB is committed to the prevention of workplace violence and harassment and promotion of violence/harassment free workplaces in which all people respect one another and work together to achieve common goals. Workplace violence/harassment in any form erodes the mutual trust and confidence that are essential to the well-being of staff and is considered unacceptable.

DEFINITIONS

“**workplace violence**” is defined in the *Occupational Health and Safety Act (OHSA)* as:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.
- An attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker, and a
- A statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

“**domestic violence**” is a pattern of behaviour used by one person to gain power/control over another with whom he/she has or has had an intimate relationship. It may include physical violence, sexual, emotional or psychological intimidation, verbal abuse, stalking and/or the use of electronic devices to harass and control.

“**workplace harassment**” is engaging in a course of vexatious comment or conduct against a worker in the workplace that is known or ought reasonably to be known or to be unwelcome.

“**worker**” is defined in the *Occupational Health and Safety Act* as a person who performs work or supplies service for monetary compensation.

“**workplace**” is defined in the *Occupational Health and Safety Act* as any land, premises, location or thing at, upon, in or near which a worker works.

1.0 Risk Assessment

1.1 General

The risk of violence or harassment occurring in the workplace is linked to a number of factors, including the nature of the workplace, the type of work, or conditions of the work.

Examples include, but are not limited to:

- Location of the workplace
- Parking
- Access to workplace
- Handling cash
- Working alone

1.2 Responsibilities/Duties of the Board, Principals and Worker

SGDSB staff shall identify the risks of workplace violence or harassment occurring on Board premises, or while engaging in workplace activities. An assessment of the risk should include a rating of the risk of workplace violence or harassment taking place in a given workplace. A suggested rating scale follows in *Appendix A*.

1.2.1 Duties of the Employer

- to provide information and instruction to the worker in regards to workplace violence and harassment
- create policies and procedures to be followed by all staff
- to provide training on policies and procedures to all staff
- to take every precaution reasonable to protect the worker from violence and harassment
- to conduct a workplace violence risk assessment

1.2.2 Duties of the Principal

- to advise the staff of the existence of any potential or actual threat or occurrence of violence to the worker
- provide the worker with written instructions as to the measures that need to be taken for their protection
- take every precaution reasonable in the circumstance for the protection of the worker
- to review and assess risk factors as they arise

1.2.3 Duties of the Worker

- work in compliance with the provisions of the Occupational Health and Safety Act and the Regulations
- report to his/her principal any threats/or possible threats of violence / harassment to himself/herself or any other worker
- to complete the workplace violence risk assessment survey

Schools/site employees must be surveyed to determine the extent to which they feel their workplace is safe (*Appendix B – Survey*). The aggregate results of these surveys will be used to identify issues related to workplace violence. Following the initial survey used for the implementation of this procedure, follow-up surveys will be conducted annually and/or as deemed necessary.

1.3 Minimizing Risks

Workplaces need to be appraised for the following characteristics:

1.3.1 Workplace Location

- risk of workplace violence occurring due to the nature of the community in which the workplace is located
- working in the community in which the workplace is located, working in the community (off site locations),
- working alone or in isolation, physical attributes of the workplace,

- areas on the periphery of the workplace (parking lots, portable in playing fields),
- controls on entry to the workplace, use of the workplace by non-employees (community groups).

1.3.2 General Workplace

- risk of workplace violence occurring due to the characteristics of the general workplace population, including staff, students, parents and the general public.

1.3.3 Specific Workplace

- risk of workplace violence occurring due to individual students, clients, or employees who create specific risk of workplace violence (students, clients, or employees with a history of violence).

2.0 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 Human Resources Department.

The Superior-Greenstone DSB 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 Privacy Act*.

3.0 Reporting Workplace Violence

Individuals, who believe that they have been subjected to or have witnessed workplace violence, including domestic violence, must file a report and provide a copy to their immediate supervisor. Where the immediate supervisor is at issue, the report should be directed to the appropriate Supervisory Officer.

The Report to be completed is the INJURY / ILLNESS / HARASSMENT / VIOLENT /AGGRESSIVE INCIDENT INVESTIGATION FORM. (See Appendix C)

4.0 Misuse of the Reporting Procedures

It is expected that all reports submitted under the above referenced Policies will be filed in good faith. Where it is determined as a result of an investigation into the report that it was issued in bad faith, disciplinary action may occur.

4.1 Reprisals

Where a report is filed by an employee in good faith, the worker who filed the report shall not be subject to any reprisals by anyone in the employ of the SGDSB or not in the employ of the SGDSB if said individual is a student, parent, guardian, community members or other.

Should a worker who filed a report in good faith be the subject of a reprisal, then an investigation into the alleged reprisal shall be initiated immediately following its reporting to the appropriate authority.

Should the individual who commits a reprisal against an employee who filed a report in good faith also be an employee of the SGDSB and the reprisal's authenticity is proven as a result of an investigation, then said individual may be

subject to disciplinary action in accordance with the appropriate Collective Agreement and the SGDSB policies governing such matters.

Should the individual who commits a reprisal against an employee who filed a report in good faith be someone other than an employee of the SGDSB and the reprisal's authenticity is proven as a result of an investigation, then said individual may be subject to some form of sanction issued in accordance with the Policies and Procedures of the SGDSB and school whereat the employee who was subject to the proven reprisal works.

5.0 Investigation and Resolution

Reports require an investigation of the allegations. Investigations will most often be done by the supervisory staff of the person who reports. Supervisors have the right to assistance (SGDSB representation) and support from Human Resources at any stage of the investigation process. Supervisory personnel who conduct the investigation shall ensure that the following steps are taken as soon as possible:

- a) Take appropriate measures to ensure the safety of the worker;
- b) Notify the worker(s), the accused, and witness(es) that they are entitled to support and assistance (SGDSB representation/Federation) throughout this process;
- c) Ensure that the accused have a copy of the report;
- d) Interview the worker(s) separately;
- e) Inform the accused of the allegation and provide an opportunity for response;
- f) Interview the accused separately;
- g) Interview the witness(es) separately;
- h) Determine whether the alleged workplace violence/harassment did or did not occur based on the results of the investigation;
- i) Provide a written summary of the finding and conclusions to the worker and to the accused and give them an opportunity to respond to same; and
- j) Take appropriate actions to resolve the situation.

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

5.1 Outcome of Investigation

In the event a complaint is not substantiated, no further action will be taken but will be kept on file as per the section on records (*B. RECORDS*). However, there may be a need to restore a positive learning/working environment; steps may be taken to meet such needs.

Follow-up possibilities:

- Voluntary Counselling for the parties;
- Application of strategies to restore a positive learning/working environment;
- Specific information and instruction for the worker and/or accused;
- Workshops for the staff and/or others in the school/site regarding responsibilities
- Permanent separation of accused and worker from each other;
- Restorative measures

5.2 Appeal of Decision

The grounds for appeal are:

- The person conducting the investigation failed to comply with this procedure;
- New evidence becomes known after the final decision but before the expiry of the twenty school days limitation period for requesting an appeal.

In the event a worker or accused has one or both of the specific concerns listed above, a request, in writing within twenty school days of the receipt of the decision of the person conducting the investigation, may be made to the Director or designate to convene an appeal.

The Director or designate will affirm or amend the final decision, or require that a new investigation be undertaken.

5.3 Mediated Resolution

Mediation involves an unbiased third party acting as a facilitator in direct communication between the parties who voluntarily agree to enter into this process. It is an opportunity to resolve disputes in a respectful manner. It provides the opportunity to generate a variety of options for resolution and contributes to restoring the working relationship between parties.

Mediation is appropriate when all parties agree that a mutually agreeable solution is achievable and desirable. Mediation is voluntary and the worker and accused may choose to withdraw at any time. The person conducting the investigation will request approval from the Superintendent of Education and/or Coordinator of Human Resources. Human Resources may act as a mediator or assign a trained individual.

Meetings required for mediation sessions shall be schedule as soon as possible. When matters are resolved through mediation, the worker, accused and a SGDSB representative will sign a memorandum of agreement outlining the terms to which they have agreed. If mediation is unsuccessful the investigation process will continue.

6.0 ***Disciplinary Actions***

In the event a complaint is substantiated, the appropriate supervisor may impose discipline as appropriate and consistent with the circumstances.

Canada's Criminal Code deals with matters such as violent acts, threats and behaviours. The police may be contacted when an act of violence or criminal harassment has occurred in the workplace or when someone in the workplace is threatened with violence.

Actions must be determined, as appropriate, for the individual situation and may include such responses as a letter of disapproval and warning, a revoking of permits or contracts, an issuing of a trespass notice, or other remedies as provided by the common law and /or the appropriate legislation. The involvement of the appropriate Superintendent is recommended in these cases.

7.0 ***Work Refusal***

All employees have the right to refuse to work when they have reason to believe their Health or Safety is in danger. The limited right of teachers to refuse work remains. A teacher cannot refuse to work as per Occupational Health & Safety Act Regulation 857, if the circumstances are such that the life, health or safety of a pupil is in imminent danger.

The *Occupational Health and Safety Act* is specific about the requirements to be followed when a worker indicates he/she is refusing to work. A worker must notify his/her supervisor if he or she is refusing to do work. If a worker indicates he/she is refusing to

work, the Principal/Supervisor needs to determine if the work refusal meets the criteria defined by Section 43(3) of the Occupational Health & Safety Act.

A worker may refuse to work or do particular work with respect to workplace violence if he or she has reason to believe that:

- Workplace violence is likely to endanger himself or herself

7.1 Steps to Follow - (see Appendix D- Flow Chart)

If the nature of the work refusal meets these requirements, the Principal/Supervisor must:

- a) Immediately contact the site specific Occupational Health & Safety worker representative or member and indicate you are dealing with a work refusal. [O.H.S.A. – Section 43(4)]
- b) Document the work refusal including, but not limited to, the workers complaint, time, date, relevant information, and any outcome of the refusal.
- c) Notify your Superintendent of Education/Immediate Supervisor.
- d) Take the necessary steps to ensure the safety of workers.
- e) Pending the investigation the worker must stay in a safe place and be available to the investigator. The worker may be assigned other work while the work refusal is being investigated. If another worker is asked to work in the worker's place, that worker should be informed of work refusal.

Upon conclusion of the investigation of the work refusal, if the nature of the work refusal does NOT meet the requirement therefore this incident does not constitute a legitimate work refusal situation, in which case, the worker should be informed as such and be instructed to return to work.

If the worker engaged in a workplace work refusal that meets the requirements that the workplace violence is likely to endanger him or herself, then steps should be taken to rectify the situation so that it is deemed safe to return to work. Once the steps are taken, the worker (complainant) should be informed of the steps taken and directed to return to the work area. If the worker continues to refuse to work, the SGDSB appropriate Union/Association representative from the Joint Occupational Health and Safety Committee, or the worker should contact the Ministry of Labour.

8.0 ***Disclosing People with a Violent History***

SGDSB is required to provide information, including personal information, to workers about a person with a history of violent behaviour if the worker 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 worker to physical injury. The employer is only permitted to disclose the amount of personal information reasonably necessary to protect workers from physical injury.

8.1 Domestic Violence

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

If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker. (OHS, 32.0.4)

8.2 Notification

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 shall inform their supervisor. Where the supervisor may be party to the domestic violence, the worker shall inform the Superintendent of Education and/or Coordinator of Human Resources.

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

8.3 Fact Finding

Supervisors who are informed there is a worker who may be subject to domestic violence in the workplace must make a determination as to the extent of the threat to workplace safety as he or she would in any other case involving a threat to workplace safety. In making this determination, the supervisor may need 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 Education and/or Coordinator of Human Resources or designate. It is the responsibility of the supervisor to make this contact.

The supervisor may request reasonable documentation from the worker in such 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 employer will make available 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, supervisors will remind potential victims of domestic violence in the workplace of these resources.

In all circumstances, a supervisor must 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.

8.4 Actions

If the threat of domestic violence is from a co-worker or from someone outside of the workplace, the supervisor, under advice from Human Resources, must take steps to ensure the victim and other workers are protected. Such steps may include, but are not limited to, warnings, employee transfers, informing police and requesting restraining orders.

9.0 *Role of the Joint Occupational Health And Safety Committee*

Joint health and safety committees and health and safety representatives have the same powers and responsibilities for workplace violence hazards as they do for other occupational health and safety hazards under the Occupational Health and Safety Act.

For example, their role during a work refusal [Section 43] is the same for workplace violence as it is for any other workplace hazard. These committees and health and safety representatives should also be able to recognize risks of workplace violence in the course of carrying out their regular functions such as inspecting workplaces.

An employer may wish to consult with his or her workplace's joint health and safety committee or health and safety representative when developing workplace violence and workplace harassment policies and programs.

Employers must advise the joint health and safety committee or health and safety representative of the results of an assessment of workplace violence risks [Section 32.0.3(3)(a)] or the results of a reassessment [Section 32.0.3(5)]. For more information, see Section 2.3 - Assessing the Risks of Workplace Violence.

Employers must also inform the committee or health and safety representative if a person is killed, critically injured, disabled from performing their usual work, or requires medical attention due to workplace violence [Sections 51(1) and 52(1)]. For more information, see Section 2.9 - Notices.

10.0 Information And Instruction

10.1 General Information for all Staff

An employer shall provide a worker with information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace violence/harassment and any other prescribed information or instruction. (OHSA 2009, 32.0.5 (2))

10.2 Workplace Violence and Harassment Procedure Posting

The Workplace Violence & Harassment Management Guideline shall be in written form and shall be posted on all workplace Occupational Health & Safety bulletin boards.

11.0 Workplace Violence/Harassment Prevention Procedure Reassessment and Review

Re-assessment of workplace violence and harassment prevention is an on-going process that includes:

- Review and monitor effectiveness of controls, procedures and measures in place
- Review of all incidents of workplace violence and harassment that are reported

The Workplace Violence & Harassment Management Guideline must be reviewed annually.

RATING SCALE

A rating scale is provided to determine the likelihood of violence in the workplace, and to assist in deciding the nature of the controls to be put in place. The rating scale rates the risk of workplace violence as low, moderate, or high, according to the following definitions, 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 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.

SURVEY

Superior-Greenstone District School Board



EMPLOYEE SURVEY – WORKPLACE VIOLENCE PROGRAM

The School Board 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 School Board asks that all employees complete the following survey.

The School Board assures all employees that information provided in this survey 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, 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"/>

1. You and Your Workplace

QUESTIONS	YES	NO	COMMENTS (if NOT, explain)
1. Generally, do you feel safe where you work?			
2. Is workplace violence a concern?			
3. In general, do you work alone? (example: night janitor)			
4. In your opinion are there adequate measures in place to protect you? If not, please indicate what areas require improvement:			

QUESTIONS	YES	NO	COMMENTS (if NOT, explain)
<ul style="list-style-type: none"> Lighting 			
<ul style="list-style-type: none"> Security checks and protocols (identification checks, sign in sheets, etc.) 			
<ul style="list-style-type: none"> Restrictions on public access to work areas (classrooms, staff rooms, secured elevators, stairwells, etc.) 			
<ul style="list-style-type: none"> Security of parking lots 			
<ul style="list-style-type: none"> Communication procedures (for example when and how to call for help) 			
<ul style="list-style-type: none"> Layout of work area (visual obstructions, unsecured objects and furniture, unable to view unlocked entrance) 			
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			
6. Do you have access to your workplace after work hours?			
7. Do you sometimes go in to work on weekends?			
If yes, is your supervisor aware of this?			
8. Do you take any particular measures to ensure your personal safety?			Specify:

9. Since you have been an employee of the School Board

QUESTIONS	YES	NO	COMMENTS
9. Have you ever been the victim or target of a violent incident in your workplace?			

ATTENTION: *If you answered 'yes' to the above question, please complete section 3. Otherwise, go directly to section 4 (Preventive Measures).*

10. Victim of a violent incident

10. 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		
a) Physical <i>Explanation: Physical force. For example: Hitting or pushing someone violently</i>	A student				
	A parent				
	A colleague				
	A stranger				
	Other				
b) Threats <i>Statement/behavior interpreted as a threat to exercise physical violence. For example: intimidation, anticipating a danger of physical injury.</i>	A student				
	A parent				
	A colleague				
	A stranger				
	Other				
c) Verbal <i>Aggressive statement expressed by insults in a loud and offensive tone of voice.</i>	A student				
	A parent				
	A colleague				
	A stranger				
	Other				

QUESTIONS	YES	NO	COMMENTS
11. Following the violent incident, did you inform your supervisor or the police of the incident?			
12. Were you satisfied with the measures taken by your employer following this incident?			

11. Preventative measures

QUESTIONS	YES	NO	COMMENTS
13. Does the employer have a written workplace violence policy and program for your workplace?			
14. Have procedures for violence prevention been put in place to ensure the safety of employees?			
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?			
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?			

12. Workplace Incident Reporting and Follow-up

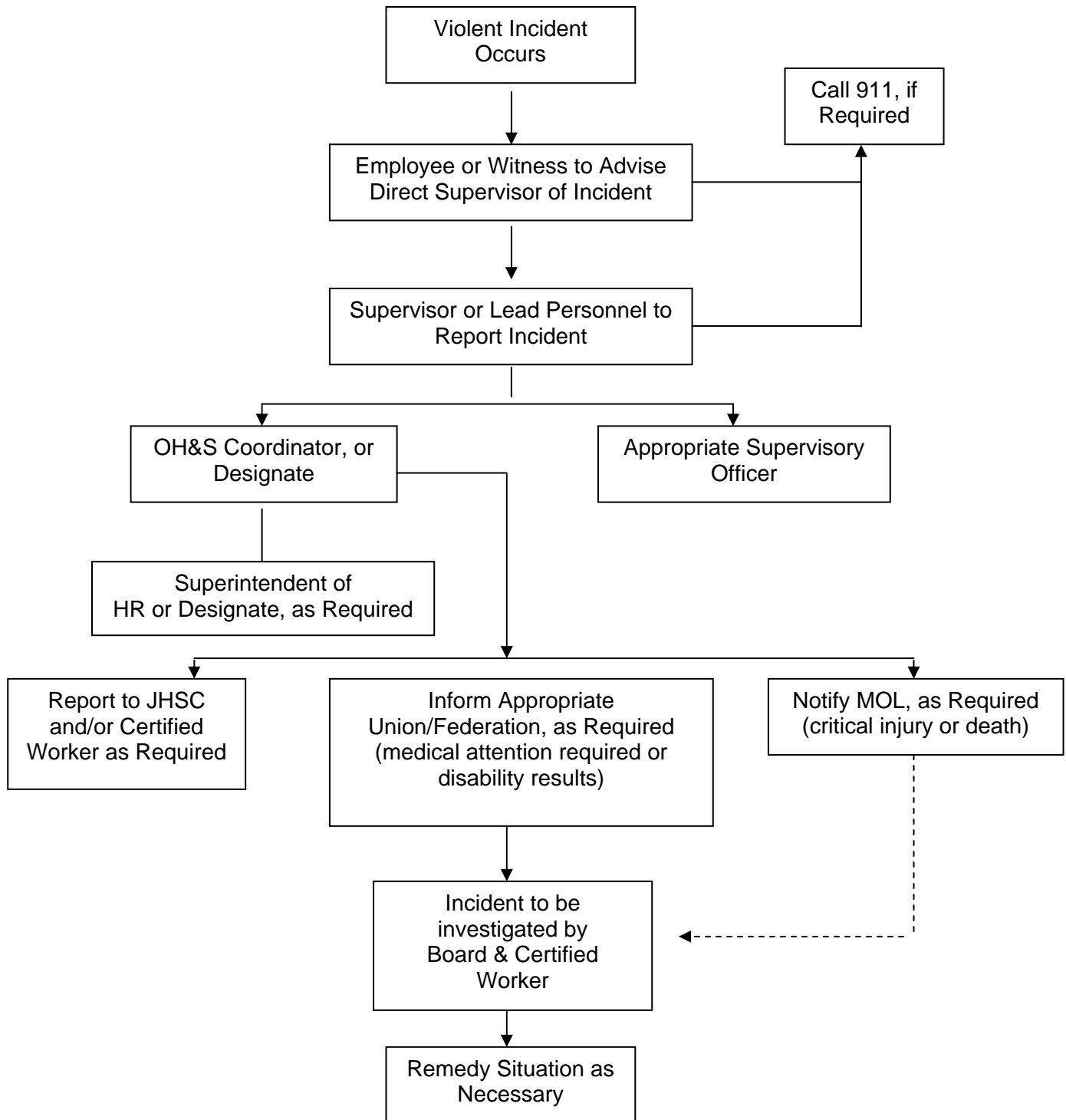
QUESTIONS	YES	NO	COMMENTS
21. Are you required to report threats and violence at your workplace? If yes, can you do so without fear of retaliation (revenge or punishment)?			
22. Is there a system for reporting threats and violence at your workplace? If yes, is it easy to understand and follow?			

QUESTIONS	YES	NO	COMMENTS
23. Are you satisfied that the incidents were investigated properly?			
24. Are you satisfied that suitable corrective action has been taken?			
25. Are police and emergency services called immediately when a criminal incident occurs?			
26. Are support programs in place to help you if you are directly or indirectly affected by workplace violence?			
27. Can you summon immediate assistance when workplace violence occurs or is likely to occur?			

13. Working in a Rural and Remote Community

QUESTIONS	YES	NO	COMMENTS
28. Do you work at times of increased vulnerability, such as late at night, early in the morning, or at very quiet times of day?			
29. Does your school site have procedures for opening, closing or securing the workplace prior to starting and at the end of work periods?			
30. Has information been provided and reviewed with you to protect you from the risks of working alone?			
31. Do you have procedures to follow when dealing with aggressive or violent students or members of the public?			

APPENDIX C



Work Refusal Process

