

**MOOSE FACTORY ISLAND
DISTRICT SCHOOL AREA BOARD**

ADMINISTRATIVE PROCEDURE NO. 494	
Effective	
Revision Date	

VIOLENCE IN THE WORKPLACE

PURPOSE

This administrative procedure has been developed to support the provision of a violence-free workplace.

DEFINITION

Violence: Violence is any act that includes the use of physical force to cause injury to a worker, or any act that could be reasonably interpreted as a threat to cause injury to a worker.

1. PROCEDURE

- 1.1. This administrative procedure applies to all work activities that occur on board business and workplace social events.
- 1.2. The Moose Factory Island District School Area Board is committed to providing a violence-free workplace where all employees may work together to achieve common goals.

2. APPLICATION

This administrative procedure applies to all members of the board and the community, including but not limited to employees, trustees, students, visitors including parents and community members, volunteers, contractors, and employees of other organizations who work at or are invited onto board property.

3. RISK ASSESSMENT

- 3.1. The risk of violence in the workplace is often linked to a number of factors including the nature of the clients or students, access to the workplace, working alone, or handling cash.
- 3.2. The principal/supervisor will work to identify the risks of workplace violence occurring and identify measures already in place and additional measures needed to reduce these risks. In providing risk assessments the principal/supervisor will alert employees to the risk of workplace violence from any individuals who have a history of violent behaviour. In such cases, reasonable steps will be taken to reduce the risks that may be presented by certain individuals, and in general a plan will be

developed to ensure that the risks identified may be addressed in a way that will ensure the protection of the employee(s) involved in the situation.

4. DOMESTIC VIOLENCE

This administrative procedure also applies to situations where domestic violence may spill over into the workplace, and steps will be taken to ensure the security of employees who may be at risk due to domestic violence.

5. REQUIRED ACTIONS

- 5.1. Upon receiving a report of a threat or a violent incident, the principal/supervisor will take steps to ensure the safety and security of the victim. Such steps may include, but are not limited to warnings, providing a safe haven, employee transfers, no trespassing orders, police involvement, and restraining orders.
- 5.2. As soon as information is received, assistance will be summoned by the principal/supervisor from within the organization or from emergency services.

6. REPORTING REQUIREMENTS FOR WORKERS

- 6.1. All employees are required to report all hazards to their supervisor. Section 28 (1) d of the *Occupational Health and Safety Act* requires that all workers report any safety hazards that they may encounter in the workplace and this includes the threat of violence.
- 6.2. Workers then have the right to refuse work until such time as the hazard is dealt with.
- 6.3. The supervisor needs to take immediate steps to ensure the safety of the employee, and then report the work refusal to the business administrator who will review the matter to determine if the work refusal meets the criteria defined in section 43(3) of the *Occupational Health and Safety Act*. These criteria include:
 - a) any equipment, machine, device or thing the worker is to use or operate that is likely to endanger himself, herself, or another worker;
 - b) the physical condition of the workplace or part thereof in which he or she works or is to work that is likely to endanger himself or herself;
 - c) workplace violence that is likely to endanger himself or herself;
 - d) any equipment, machine, device or thing the worker is to use or operate or the physical condition of the workplace that is in contravention of the *OHS Act* or the applicable regulations and as such the contravention is likely to endanger himself, herself, or another worker.

7. INVESTIGATIONS

- 7.1. If the nature of the work refusal meets the requirements set out above, the business administrator will inform the union representative who will investigate the situation along with the business administrator and principal/supervisor.

- 7.2. The work refusal will be documented including the complaint, time, date, other relevant information and the outcome of the work refusal. If another worker is asked to work in the worker/complainant's place, the worker will be informed of the work refusal. While the above steps are being completed, the worker (complainant) will stay in a safe place and be available to the investigators. The worker may be assigned to other work while the investigation is being completed.
- 7.3. If the complaint does not meet the requirements for a work refusal under this administrative procedure and under the relevant legislation the worker will be informed that this is not a legitimate work refusal and will be instructed to return to work.
- 7.4. Where the work refusal meets the requirement of the legislation and this administrative procedure, steps will be taken to rectify the situation so that it is deemed safe to return to work and the worker will be directed to return to work. If the worker continues to refuse to work, the Ministry of Labour must be contacted by any one of the union, the employer (business administrator), or the worker.

8. INVESTIGATION GUIDELINES

- 8.1. An internal investigation must be conducted with sensitivity to respect the rights of the accuser and the accused. In a school setting, the accused could be a student, visitor, parent, outside community member, or another employee.
- 8.2. Investigations can cross many legal boundaries including Safe Schools, Human Resources, Special Education, or the *Criminal Code*. All investigations must begin with written notification submitted by the employee.
- 8.3. Once the investigation is complete, a summary of the findings will be shared with the Joint Occupational Health and Safety Committee. This summary will not include any personal or identifying information relevant to the victim or perpetrator. The purpose of providing this summary is to review procedures.

9. INFORMATION AND INSTRUCTION

This administrative procedure will be shared with the ETFO and OSSTF and with the non-union staff. The principal/supervisor will ensure that all employees in the workplace are informed of this administrative procedure.

Legal References:

Criminal Code (Canada)

Ontario Human Rights Code

Ontario Labour Relations Act

Occupational Health and Safety Act

Municipal Freedom of Information and Protection of Privacy Act

Ontario Regulation 437/97 Professional Misconduct under the *Ontario College of Teachers Act*

Policy/Program Memorandum No. 128 The Provincial Code of Conduct and School Board Codes of Conduct

Board References:

Board Policy GOV-01 Mission, Vision, and Values

Board Policy GOV-07 Learning and Working Environment: Equity and Inclusion

Board Policy GOV-09 Safe Schools: Code of Conduct

Administrative Procedure 493 Workplace Conflict and Harassment