



## **Policy: Workplace Violence Prevention**

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<b>Adopted:</b>	June 22, 2010	<b>Former Policy Number:</b> n/a
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### **Belief Statement:**

The Brant Haldimand Norfolk Catholic District School Board (the Board) recognizes that the inherent right of all individuals to be treated with dignity and respect is central to Catholic values and beliefs and supports a safe and nurturing environment for all staff and students. As a Catholic Learning Community, we believe in the prevention of workplace violence and promoting a workplace in which all people including employees, supervisors, and members of the public respect one another and work together to achieve common goals. The Board is committed to protecting employees from workplace violence from all sources. Violent behaviour in the workplace is unacceptable conduct and erodes the mutual trust and confidence that is essential to the well-being of our staff.

### **Policy Statement:**

The Board will ensure that:

- every precaution reasonable in the circumstances are taken to protect employees from all sources of workplace violence; this includes protecting employees from the hazard of workplace violence [Section 25(2)(h) Ontario Occupational Health & Safety Act];
- there is an administrative procedure that implements this policy, which will outline responsibilities of all parties and include measures and procedures to protect employees from workplace violence, a means of summoning immediate assistance and a process for employees to report incidents, or raise concerns;
- information and instruction on the contents of this policy and the accompanying administrative procedure are provided to the employee to protect the health and safety of the employee [Section 25(2)(a)] ;
- equipment, materials and protective devices provided by the Board are maintained and in good condition [Section 25(1)(b)];
- the Board's responsibilities relative to workplace violence are identified in terms of awareness, prevention and response.
- assessment(s) reviewing the risks of violence in the workplace are conducted as often as necessary in accordance with the provisions of the Ontario Occupational Health and Safety Act to ensure protection of employees from workplace violence.
- assistance and cooperation are provided to the Joint Health and Safety Committee; and
- the person reporting a violent incident or any person who is negatively impacted by a violent act in the workplace will not be criticized or reprimanded for having made the report.

### **Glossary of Key Policy Terms:**

#### **Workplace Violence**

- 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.
- A statement or behaviour that it 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.



### **Sexual Violence**

- Any sexual act, or any act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature; that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

### **Domestic Violence**

- A pattern of coercive behaviour that is used by one person in an intimate relationship to gain power and control over another. Domestic violence includes physical, sexual, emotional, psychological and financial abuse.
- Involves a person who has a personal relationship with a worker; such as a spouse or former spouse, current or former intimate partner or a family member, who may harm, or attempt or threaten to physically harm that worker at work. In these situations, domestic violence is considered workplace violence.

### **References**

The Ontario Occupational Health & Safety Act and Regulations (Bill 168 and Bill 132)

The Ontario Human Rights Code

Education Act

Brant Haldimand Norfolk Catholic District School Board Student Behaviour, Discipline and Safety Policy 200.09

Brant Haldimand Norfolk Catholic District School Board Workplace Harassment Policy 300.01

Brant Haldimand Norfolk Catholic District School Board Emergency Response Plan 400.04

Brant Haldimand Norfolk Catholic District School Board Security of Schools, Buildings and Grounds Policy 400.06

Brant Haldimand Norfolk Catholic District School Board Video Security Surveillance 400.11

Brant Haldimand Norfolk Catholic District School Board Protection of Property 400.15



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## **Workplace Violence Prevention AP 300.20**

<b>Procedure for:</b>	All Staff	<b>Adopted:</b>	June 22, 2010
<b>Submitted by:</b>	Superintendent of Business	<b>Revised:</b>	November 23, 2010, November 24, 2015, June 28, 2016, June 27, 2017
<b>Category:</b>	Human Resources		

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### **Purpose**

The Board has a legal, ethical and moral responsibility to investigate threats and acts of violence against any employee. This Administrative Procedure was developed to support and implement Policy 300.20; to clarify roles and responsibilities, and to assist employees and their supervisors in preventing, responding to, reporting and managing workplace violence.

This policy applies to all Board employees, trustees and other users of the Board's facilities, such as members of consultative committees, parents, volunteers, contractors and employees of other organizations not related to the Board, but who work on or are invited onto Board premises. This policy also covers workplace violence by such persons which are proven to have repercussions that adversely affect the Board's learning and working environment.

This policy addresses workplace violence under the Ontario Occupational Health & Safety Act and applies to all employees. The policy addresses workplace violence from all sources which may include: employees, supervisors, trustees, students, parents, suppliers and members of the public.

The rights of students to a respectful working and learning environment, free from violence, are dealt with under applicable policies, legislation or regulations including, but not limited to, the Education Act, Ontario Schools Code of Conduct and codes of behaviour.

### **Responsibilities**

#### **Shared Responsibility:**

Every Person involved with or working for the Board must:

- treat co-workers, students and the public with respect and dignity.
- reduce incidents of workplace violence, domestic violence and workplace sexual violence by practicing principles of prevention.
- understand and comply with the Workplace Violence Prevention Policy, 300.20 and all related procedures.
- maintain confidentiality.

#### **Management Responsibilities:**

The Principal/Supervisor will:

- ensure an employee works in the manner and with the protective devices, measures and procedures required by the Ontario Occupational Health and Safety Act (OH&SA) and its regulations [Section 27(1)(a)];
- ensure an employee uses or wears the equipment, protective devices or clothing that the employer requires to be used or worn [Section 27(1)(b)];
- identify and manage risks, and develop and implement prevention strategies that eliminate or reduce the risk;
- Principals and Supervisors are responsible for creating safe work plans;
- advise an employee of the existence of any actual or potential danger to the health or safety of the employee of which the supervisor is aware [Section 27(2)(a)];
- take every precaution reasonable in the circumstances to protect employees [Section 27(2) (c)]; and
- investigate all cases of alleged violence reported by employees in a fair and timely manner.



- promote codes of conduct during each school year and provide employees with appropriate training related to the tasks they perform, in order to assist with recognizing the potential for violent acts and understanding how to deal with violent acts in the workplace.

Principals and Supervisors are reminded to inform their staff about:

- policy and guidelines.
- how to access assistance.
- potential violent situations (as determined by the risk assessment).
- individuals with a violent past (this duty is limited and applies only when the employee can be expected to encounter the violent person in the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury).
- safe work plans.
- reporting procedures.
- investigation procedures.

#### **Employee Responsibilities:**

The Employee will:

- work in compliance with the Ontario Occupational Health and Safety Act and its regulations [Section 28(1)(a)];
- use or wear equipment, protective devices or clothing required by the employer [Section 28(1)(b)];
- report the absence of, or defect in, any equipment or protective device of which the employee is aware [Section 28(1)(c)];
- report any contravention of the Ontario Occupational Health and Safety Act or its regulations, or the existence of any hazard the employee knows of, to the employer or Supervisor [Section 28(1)(d)]; and
- not engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct [Section 28(2) (c)]. While this type of behaviour may not constitute workplace violence, it must not be allowed. If allowed to continue, this behaviour may escalate into workplace violence.
- complete the mandatory *Violence and Harassment in the Workplace* online training module within one month of date of hire.

and should:

- know how to summon immediate assistance;
- know how to report incidents of workplace violence to the Board or Supervisor;
- know that the employer will investigate and deal with incidents, threats or complaints;
- know, understand and be able to carry out the measures and procedures that are in place to protect them from workplace violence; and
- be able to carry out any other procedures that are part of the administrative procedure.

#### **Responsibilities Related to Domestic Violence:**

Employees must be told that they can report their concerns to the Principal/Supervisor if they fear domestic violence may enter the workplace. If this occurs, Principals/Supervisors are responsible for creating an individual safety plan for the employee while they are at work. The safety plan should be developed in consultation with the employee.

An employer can become aware of domestic violence when an incident takes place at work or when a concern is raised by the employee, co-worker or someone else. Other indications could be threatening emails or phone calls at work or unwanted visits to the workplace by the aggressor. An employee must advise their Principal/Supervisor if they have applied for or obtained a restraining order that lists a work location as a protected area or requires a person to remain a certain distance from the employee at all times.

The Ministry of Labour states that even if the employee does not want any steps taken, the employer may still be required to take some action to protect the employee, depending on the circumstances. Principals and supervisors should work



closely with a targeted employee to develop reasonable precautions to address the situation while attempting to respect the employee's privacy and sensitivity of the issue.

## **Information**

### **Legislative Requirements:**

The Ontario Occupational Health and Safety Act includes workplace violence and workplace sexual violence as a hazard for which employers must develop prevention and response strategies. These procedures support this legislated requirement and the Board's commitment to providing a safe working environment.

Under the Ontario Occupational Health and Safety Act, an employer must take every precaution reasonable under the circumstances for the protection of workers, when they are aware, or ought reasonably to be aware, that domestic violence may occur in the workplace and that it would likely expose a worker to physical injury.

### **Work Refusal:**

Under the Ontario Occupational Health and Safety Act, an employee can refuse to work if he or she has reason to believe he or she may be endangered by workplace violence [Section 43(3) (b.1)].

The Act sets out a specific procedure that must be followed in a work refusal. It is important for all employees, supervisors and Joint Health and Safety Committees representatives to understand and follow this procedure. Teachers, however, cannot refuse work when a pupil's life, health or safety is in imminent jeopardy [Section 3(3) of [Regulation 857 \(Teachers\)](#)].

### **Personal Information Limits:**

The Ontario [Occupational Health and Safety Act](#) clarifies that employers and supervisors must provide employees with information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour [Section 32.0.5(3)]. However, this duty is limited and applies only when the:

- employee can be expected to encounter the violent person in the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury.
- employers and supervisors must not disclose more information than is reasonably necessary for the protection of an employee from physical injury.

## **Procedures**

### **1.0 Summoning Immediate Assistance**

- 1.1 An employee who is the victim of or a witness to a violent incident in the workplace should, as soon as safely possible, call 911.
- 1.2 Once the immediate response is underway, the employee should call his/her immediate supervisor and advise him/her of the situation.

### **2.0 Responding to an Act of Violence that Requires Immediate Assistance**

**The following immediate action needs to be taken when an Act of Violence occurs that poses an immediate risk of physical injury:**

- 2.1 Control workplace access.
- 2.2 In the case of a critical injury, immediately report the incident to the Human Resources Department in accordance with the Incident/Accident Reporting procedures. The incident scene is to be preserved until an Inspector from the Ministry of Labour has had an opportunity to view it or to instruct you



otherwise. A Joint Health and Safety representative may inspect the place where the injury occurred as indicated in the Ontario Occupational Health and Safety Act [Section 8(14)].

- 2.3 Call the police when an act of violence has occurred or when someone is threatened with violence in the workplace.
- 2.4 All incidents of violence/threat must be reported to the school's Supervisory Officer.
- 2.5 All incidents need to be documented (Report found in Resources).
- 2.6 Consideration must be given as to who needs to be immediately informed (i.e., family members).
- 2.7 A list of potential witnesses needs to be developed.
- 2.8 In consultation with the Supervisory Officer, or with Senior Management, an initial analysis ought to be conducted which will include a plan for the incident investigation.

### **3.0 Reporting Workplace Violence – Non-Immediate Assistance**

Employees with concerns regarding workplace violence (actual violence, attempted violence, threatened violence) that do not require an immediate response (including concerns about domestic violence that may flow into the workplace) should follow the procedure below.

- 3.1 A person (Complainant) who considers that he/she has been subjected to or witnessed workplace violence, domestic violence, or sexual violence in the workplace, is required and encouraged to report an act of violence and should report the incident to their direct Supervisor immediately and seek any medical or emergency attention if required.
- 3.2 Where a person (Complainant) does not feel comfortable in reporting the matter to their direct supervisor, or in the case where the direct supervisor is alleged to have perpetrated the violent act, the Complainant should report the violence to the next higher level of management, who is in a position to provide guidance and assistance with the complaint, i.e. Supervisor, Principal, Manager, Superintendent, Director, Ministry of Labour.

The Resource Person will advise the Complainant of the following:

- 3.2.1 the option of requesting the assistance of his/her principal, supervisor, in resolving the complaint. If the principal/supervisor is the person named by the Complainant, the Complainant should request assistance from the next higher level of management.
- 3.2.2 the option of other avenues of recourse such as the right to utilize any applicable provisions of the Collective Agreement, file a complaint with the Ministry of Labour, to file a complaint with the Ontario Human Rights Commission, take civil action, or where appropriate, the right to file charges under the Criminal Code.
- 3.2.3 the availability of counseling and other support services provided by the Board;
- 3.2.4 the right to file a formal written complaint under the Workplace Violence Prevention Policy 300.01 when the alleged perpetrator is an employee of the Board;
- 3.2.5 the right to be represented or assisted by a union representative (as outlined in the applicable Collective Agreement) throughout the process;
- 3.2.6 the right to withdraw from any further action in connection with the complaint, at any stage (even



though the Board may need to continue to investigate the complaint);

- 3.3 All incidents or complaints of workplace violence will be kept confidential except to the extent necessary to protect employees, to investigate the complaint, to take corrective action or as otherwise required by law.
- 3.4 Under the Workplace Violence Prevention policy 300.02, employees are required and encouraged to report an act of violence. Individuals who file a report or participate in an investigation under the Workplace Violence Prevention policy will be protected from reprisal or any negative consequences which may result from acting in accordance with this policy.

#### **4.0 Conducting the Investigation**

**Following a violent event, the investigation process must be implemented immediately.**

- 4.1 The immediate supervisor (Principal/Supervisor/Superintendent) of the employee, along with the Disability Management & Safety Coordinator will conduct a joint investigation.
- 4.2 Where the immediate supervisor is the subject of the complaint, the next level up of management will be responsible for conducting the investigation with the Disability Management & Safety Coordinator or;
- 4.3 A Ministry of Labour Health & Safety Inspector may, in writing, order an employer to cause an investigation described in clause 32.0.7(1)(a) of the Occupational Health & Safety Act to be conducted, at the expense of the employer, by an impartial person possessing such knowledge, experience or qualifications as are specified by the inspector, and to obtain, at the expense of the employer, a written report by that person.
- 4.4 The investigation must be fair, impartial and timely.
- 4.5 The principal/supervisor in consultation with Senior Management and, if applicable, the Ministry of Labour will determine whether it is reasonable to reassign employees or students (who may be victims of violent behaviour) while the investigation is in progress. Such transfers and reassignments are administrative measures and are not disciplinary in nature. These decisions may be necessary to ensure the safety of the employee in the workplace and also to ensure the integrity of the investigation.
- 4.6 Until the investigation is completed, the employee shall remain in a safe place as near as possible to his or her work station and, if applicable, be available to the Ministry of Labour Inspector for the purposes of the investigation.
- 4.7 The Board will provide medical and counseling support as deemed necessary in the circumstances, consistent with programs described in collective agreements or by Board policy applicable to non-unionized staff.
- 4.8 During the investigation, unionized employees will be advised of their collective agreement rights.
- 4.9 It is critical that all relevant information be obtained; this means that a violent incident or unusual and threatening behaviour needs to be investigated with the persons directly involved. This will include the person who reports the violence or the potentially violent circumstances, those to whom the violent behaviour was directed, other witnesses and the person or persons who are alleged to have engaged in the violent conduct.





- 4.10 The investigation results should be able to determine:
- what happened (series of events)
  - what provoked the incident
  - if the procedures in place were correctly followed
  - if the intervention measures were appropriate
  - if the existing safety procedures were adequate
  - if the lines of communication were effective
  - if other preventative measures should be implemented
  - if the situation could have been prevented
- 4.11 In conjunction with any discipline that may be imposed, the Board may reassign an employee during or after the Board's investigation, as deemed reasonable under the circumstances.

## **5.0 Communicating the Results of an Investigation**

- 5.1 The results of the investigation will be communicated to the person who reported the circumstances and to others involved in the investigation that reasonably ought to be informed of the results.
- 5.2 The results of the investigation and any report created in the course of or for the purposes of the investigation is not considered a report relating to occupational health and safety, for the purposes of subsection 25(2) of the Ontario Occupational Health and Safety Act.

## **Definitions**

### **Workplace Violence**

Workplace Violence as defined by the Occupational Health and Safety Act means:

- a) The exercise of physical force by a person against a worker, 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 the worker; and
- c) 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 also includes an aggressive action or threat sent in writing or by electronic messaging.

### **Workplace**

The Workplace is any place where employees perform work or work-related duties or functions. Schools and school-related activities such as extra-curricular activities and excursions comprise the workplace, as do the Board office and facilities. In addition, conferences and training sessions fall within the scope of the Workplace.

### **Sexual Violence**

Any sexual act, or act targeting a person's sexuality, gender identity, or gender expression, whether the act is physical or psychological in nature; that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

### **Gender Identity**

One's sense of oneself as male, female or transgender. When one's gender identity and biological sex are not congruent, the individual may identify as transsexual or as another transgender category.

### **Gender Expression**

The way in which a person acts to communicate gender within a given culture; for example, in terms of clothing, communication patterns and interests. A person's gender expression may or may not reflect his or her gender identity.





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### **Domestic Violence**

A pattern of coercive behaviour that is used by one person in an intimate relationship to gain power and control over another. Domestic violence includes physical, sexual, emotional, psychological and financial abuse. Involves a person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partner or a family member - who may harm, or attempt or threaten to physically harm that worker at work. In these situations, domestic violence is considered workplace violence.

### **Bullying**

Aggressive and typically repeated behaviour, where:

- a) The behaviour is intended to have the effect of or ought reasonably be known that the behaviour would be likely to have the effect of:
  - i) Causing harm, fear or distress to another individual, including physical, psychological or social harm, harm to the individual's reputation or harm to the individual's property, or
  - ii) Creating a negative environment for another individual, and
- b) The behaviour occurs in the context where there is a real or perceived power imbalance based on factors such as size, strength, age, intelligence, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race or disability

Bullying behaviour includes the use of any physical, verbal, electronic, written or other means.

### **Complainant**

A person who considers that he/she has been subjected to workplace violence related reprisal even though that individual may not lay a formal written complaint. Similarly, a person named as harasser in a complaint will be referred to as the *Respondent*.

### **Resource Person**

Principals, Managers, Supervisors, Supervisory Officers, Supervisory Officer responsible for Human Resources or the Director of Education.

### **Critical Injury**

An injury of serious nature which results in a situation which places life in jeopardy, loss of consciousness, substantial loss of blood, a fracture or amputation of the leg or arm, feet or hands, loss of sight, significant burns as defined by regulation 834 under the Ontario Occupational Health and Safety Act.

### **References**

Ontario Occupational Health and Safety Act and Regulations

The Ontario Human Rights Code

Education Act

Brant Haldimand Norfolk Catholic District School Board Student Behaviour, Discipline and Safety Policy 200.09

Brant Haldimand Norfolk Catholic District School Board Workplace Harassment Policy 300.01

Brant Haldimand Norfolk Catholic District School Board Emergency Response Plan 400.04

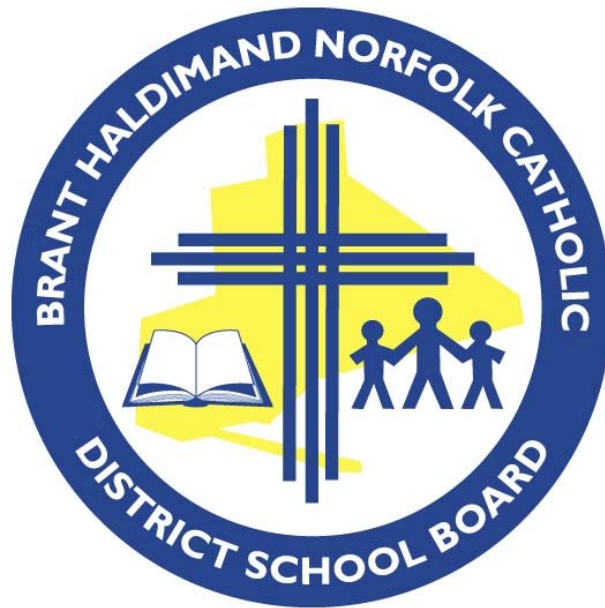
Brant Haldimand Norfolk Catholic District School Board Security of Schools, Buildings and Grounds Policy 400.06

Brant Haldimand Norfolk Catholic District School Board Video Security Surveillance 400.11

Brant Haldimand Norfolk Catholic District School Board Protection of Property 400.15

# Workplace Violence Prevention

## Resource Information



## **Message from the Director of Education**

As a Catholic Learning Community, we believe our actions are guided by the teachings of our Catholic faith. This is demonstrated through our commitment to continuous improvement, safe and nurturing environments, teamwork, collaboration and building positive relationships. We support the personal well-being of all employees - spiritual, emotional, mental, social and physical.

We value everyone's safety. The right to be free from violence while at work is a priority.

Within our Catholic community, violent behaviour in the workplace is unacceptable. The Workplace Violence Prevention policy protects all employees, who interface daily with parents, students, members of the community, contractors and other individuals who enter the Board's facilities. We will work together to prevent workplace violence.

The attached resource information will help you implement the policy. Included are prevention measures and a process for reporting incidents and concerns.

We must ensure that this policy and administrative procedures are implemented and maintained and that all employees have the appropriate information and instruction to protect themselves.

Principals and supervisors are responsible for ensuring that measures and procedures are followed by employees and that all employees reporting to the principal and supervisor, have the appropriate information and instructions to protect themselves from violence and sexual violence at work. Principals and supervisors are reminded that under the Occupational Health and Safety Act, they can be charged as individuals by the Ministry of Labour.

Every employee must work in compliance with the policy and procedures. Please encourage employees to raise concerns about workplace violence and to report any violent incidents or threats. Employees must cooperate in investigations and participate in the associated training.

The Brant Haldimand Norfolk Catholic District School Board will investigate and deal with all incidents and complaints of workplace violence in a timely and fair manner, respecting the privacy of all concerned to the greatest extent possible.

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## BACKGROUND INFORMATION:

As of June 15, 2010, (amended on March 8, 2016) the Occupational Health and Safety Act requires employers in Ontario to assess the risks of workplace violence, and sexual violence, and to put in place policies and programs regarding workplace violence, harassment, sexual violence and sexual harassment. *Employers need to protect employees against violent acts and threats of violence and to create an atmosphere in which employees feel free to come forward with any concerns or complaints. Employers also need to treat complaints of harassment seriously and stop it.*

Students, employees, supervisors, members of the public, spouses or family members can introduce violence into the workplace. Violence and harassment can come from anyone in the workplace and can be directed at anyone. It can be subtle or overt. Abuse may be deliberate or unintended. The test is whether a reasonable person knows, or ought to have known, that the behaviour is considered unwelcome or inappropriate by the recipient. It may be a single event or may involve a continuing series of incidents. It can involve the abuse of authority or position or can involve outsiders who enter the workplace. Abuse can victimize both males and females and be directed by or towards employees, students, parents and members of the public.

Violence and harassment can come from anyone in the workplace and be directed at anyone.

## PRE – INCIDENT: RECOGNIZE THE POTENTIAL FOR VIOLENCE

One of the best predictors of future violence is a history of violence. Violence-prone individuals have a need for personal space that is four times larger than the average person. These special personal space requirements should be respected. Early clues to behaviour that might indicate aggression or difficulty in maintaining control, include an increase in agitation and behaviours such as pacing, clenching or pounding of fists and increased verbal hostility and anger.

## PRE - INCIDENT: INFORMATION REGARDING A PERSON WITH A HISTORY OF VIOLENT BEHAVIOUR

The [Occupational Health and Safety Act](#) clarifies that employers and supervisors must provide employees with information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour [Section 32.0.5(3)].

However, this duty is limited and applies only when the:

- employee can be expected to encounter the violent person in the course of his or her work; and the
- risk of workplace violence is likely to expose the employee to physical injury.

Employers and supervisors must not disclose more information than is reasonably necessary for the protection of an employee from physical injury.

***Please contact your Superintendent to seek advice and direction before you release any information***

## **DOMESTIC VIOLENCE**

Under the Occupational Health and Safety Act, an employer must take every precaution reasonable in the circumstances for the protection of workers when they are aware, or ought reasonably to be aware, that domestic violence may occur in the workplace and that it would likely expose a worker to physical injury.

Employees need to be told that they can report their concerns to their principal or supervisor if they fear domestic violence may enter the workplace. If this occurs, principals and supervisors are responsible for creating an Individual Safety Plan for the employee while they are at work. The Safety Plan should be developed in consultation with the employee.

We can become aware of domestic violence when an incident takes place at work or when a concern is raised by the employee, co-worker or someone else. Other indications could be threatening emails or phone calls at work or unwanted visits to the workplace by the aggressor (for further information see the Domestic Violence Handout).

The Ministry of Labour states that even if the employee does not want any steps taken, the employer may still be required to take some action to protect the employee, depending on the circumstances. Principals and supervisors should work closely with a targeted employee to develop reasonable precautions to address the situation while attempting to respect the employee's privacy and sensitivity of the issue.

## **WORK REFUSAL**

Under the Occupational Health and Safety Act, an employee can refuse to work if he or she has reason to believe he or she may be endangered by workplace violence [Section 43(3) (b.1)]. However, work cannot be refused on the grounds of workplace harassment.

The Act sets out a specific procedure that must be followed in a work refusal. It is important for employees, employers, supervisors, joint health and safety committees and health and safety representatives to understand and follow this procedure. However, teachers cannot refuse work when a pupil's life, health or safety is in imminent jeopardy [Section 3(3) of [Regulation 857 \(Teachers\)](#)].

## **PREVENTION: RISK ASSESSMENT AND RISK MANAGEMENT**

Prevention is preferable to intervention. As an employer, we must carefully analyze and evaluate the current risks of workplace violence and harassment.

Risk assessment is a logical and organized method of identifying and quantifying risks, allowing the employer to better manage these risks. Risks are assessed by considering the severity of the consequences and frequency of exposure to the risk.

Following risk identification, risk management and prevention strategies need to be developed and implemented. Risk management involves the development of strategies that eliminate or reduce the risk.

Principals and supervisors are charged with this duty and must create safe work plans.

## **PRE - INCIDENT: EDUCATION AND TRAINING**

Education to increase awareness is key to eliminating workplace violence and harassment and is required by law. Principals and supervisors are reminded to inform their staff about:

- policy and guidelines
- how to access assistance
- potential violent situations (as determined by the risk assessment)
- individuals with a violent past
- safe work plans
- reporting procedures
- investigation procedures

Education to increase awareness of the potential of workplace violence is required in Ontario.

**IT'S THE LAW**

## **POST – INCIDENT: INVESTIGATION PROCESS**

The purpose of the investigation is to objectively establish the series of events that have taken place. The investigation is also used to evaluate the effectiveness of the preventive measures in place and the communication system. The findings of an investigation may result in the enforcement of disciplinary measures.

The results of the investigation are intended to help determine how such an incident could have been averted and serve to prevent this type of incident from occurring again.



It must be emphasized that in the event that the Police or the Ministry of Labour become involved at the beginning of the incident, they will take control of the situation and the environment. Their instructions must be adhered to and they must be allowed to complete their tasks before an internal investigation is initiated.

## **POST - INCIDENT: INTERVENTION AND FOLLOW-UP**

Management of violent incidents after their occurrence is as critical as efforts toward prevention. Incidents need to be:

- documented
- investigated
- remedied as effectively as possible to reduce further damage.

Intervention must be timely and address the rights and responsibilities of both the victim and the alleged aggressor. Risk assessments, safety plans and processes need to be reviewed following a violent incident.

## **VICTIM SUPPORT**

Employees who have been victims of violent behaviour need to be debriefed shortly after the incident. Employees need to understand they are not to blame for the aggressive behaviours directed at them and that being a victim of violent behaviour does not reflect on their professional competence.

Debriefing should involve:

- review of incident facts
- review of victim's needs
- social support

After an incident, it is suggested that any or all of the following be provided:

- physical support such as immediate medical care
- environmental support, which may include removing either the victim or the alleged aggressor from the environment or adjusting the environment in order to reduce the potential for continued violent behaviour
- Employee Assistance Program (EAP) referral or appointment with family physician
- social support from co-employees, peers, supervisors

Principals and supervisors are reminded that portions of the Emergency Response Plan, Safe Schools, Harassment Protocols and Policy can be referred to.

Victim support may be required on an immediate, intermediate and long-term basis depending on the incident.

## MANAGEMENT OF THE ALLEGED AGGRESSOR

The employer must address an incident of violent behaviour in an objective and consistent manner. In substantiated cases, the following factors should be considered when determining corrective action:

- impact on the victim
- degree of aggressiveness and physical contact
- vulnerability of the victim
- the employee's disciplinary record
- whether the incident was an isolated event or part of an ongoing pattern of behaviour
- whether the employee's misbehaviour was similar to earlier events for which the employee has been disciplined
- whether the employee accepts responsibility for his or her actions
- whether the employee has expressed remorse and is prepared to sincerely apologize to those affected by the employee's conduct
- the employee's length of service at the Board

Options for corrective action:

- Discipline
- Apology
- Training
- Referral to EAP
- Reassignment or relocation
- Limited access within a building
- Report to professional body
- Filing a complaint with criminal charges
- Discharge

*Employees who report work-related harassment and violence that is **found to be frivolous or vexatious in nature** will be disciplined*



**Brant Haldimand Norfolk Catholic District School Board  
WORKPLACE VIOLENT INCIDENT REPORT FORM**

**PART A - To be completed with the Employee (when possible)**

School/Location Name:		Date:	
Name of the Person Making the Report:		Job Title:	
Date of Incident:		Time:	
Location of the Incident:			
Name of the Victim (if different from above):		Female <input type="checkbox"/>	Male <input type="checkbox"/>
<b>Classification:</b>  <input type="checkbox"/> Physical Violence <input type="checkbox"/> Exercised <input type="checkbox"/> Attempted <input type="checkbox"/> Threatened  <input type="checkbox"/> Sexual Violence <input type="checkbox"/> Exercised <input type="checkbox"/> Attempted <input type="checkbox"/> Threatened  <input type="checkbox"/> Sexual Harassment <input type="checkbox"/> Conduct <input type="checkbox"/> Comment(s) Made		<b>Nature of Violence/Sexual Violence</b>  <input type="checkbox"/> Punching <input type="checkbox"/> Striking <input type="checkbox"/> Spitting <input type="checkbox"/> Scratching <input type="checkbox"/> Hair Pulling <input type="checkbox"/> Biting <input type="checkbox"/> Pushing <input type="checkbox"/> Kicking <input type="checkbox"/> Sexual  <input type="checkbox"/> Verbal <input type="checkbox"/> Written/Email <input type="checkbox"/> Telephone/Texting <input type="checkbox"/> Stalking <input type="checkbox"/> Destruction of Personal Property <input type="checkbox"/> Malicious Rumour <input type="checkbox"/> Bullying  <input type="checkbox"/> Other : _____  <b>Were weapons used?</b> <input type="checkbox"/> Yes <input type="checkbox"/> Unknown <input type="checkbox"/> No  <b>If yes, what?</b>  <input type="checkbox"/> Gun/Firearm <input type="checkbox"/> Knife <input type="checkbox"/> Brick/Stone <input type="checkbox"/> Stick/Bat/Bar <input type="checkbox"/> Glass/Bottle <input type="checkbox"/> Explosive Device/Bomb <input type="checkbox"/> Needle/Sharps  <input type="checkbox"/> Other : _____	
<b>Aggressor information</b>  <input type="checkbox"/> Employee <input type="checkbox"/> Non-Employee		If non-employee, please explain relationship to employee (if applicable)  _____  <input type="checkbox"/> Domestic violence is a factor in this incident  Has the aggressor been involved in any previous violent incidents with staff? If yes, please explain.	
<b>Police Involvement</b> <input type="checkbox"/> Police were Summoned		If yes,  <input type="checkbox"/> A statement was taken   Police Incident number _____ <input type="checkbox"/> Charges have been laid <input type="checkbox"/> Pending	

# WORKPLACE VIOLENT INCIDENT REPORT FORM

## PART B – To be completed by the Principal or Supervisor

<b>Please describe, in detail, what happened and indicate:</b>	
Description of the event:	
The scene of the incident: i.e., the specific area, for example – locker room, science class, gymnasium, etc.	
What happened prior to the incident?	
Circumstances that appear to have led to the violent behaviour:	
Who was notified? (911, Ministry of Labour, Family)	Temporary transfer or reassignment pending outcome?
Recommendation/Conclusion:	Prevention Strategy:
Additional Information:	



## PROGRESSIVE DISCIPLINE PROCESS

Violence and the potential for violent activity in the workplace will not be tolerated. Members of the school community and the Board, under both the *Safe Schools* legislation and the *Occupational Health and Safety Act*, are required to act in a manner which supports learning. Teachers are professionally required to be good role models. Everyone employed by a school board is to act in a manner which exemplifies respectful behaviour and supports teachers and school administrators in behaviour management in each of our schools.

Codes of conduct must be learned and internalized. This means that there must be consequences for inappropriate violent and potentially violent behaviour.

**Student Discipline** will take place under the Board's Student Behaviour and Safety policy and Code of Conduct.

**Employee Discipline** will take place in accordance with the Board's Progressive Discipline policy and/or applicable Collective Agreement.

**Parents, volunteers, and other persons** who engage in violence on Board premises will be dealt with through advisement of Senior Management, or depending on the severity by the police and could be restricted from further access to Board property.

The key elements in the application of progressive discipline are:

- Obtain the facts.
- Ensure that the code of conduct and standards of respectful behaviour have been brought to the attention of all concerned.
- Depending upon the severity of the incident, apply progressive discipline principles taking mitigating factors into account.

### Other Factors

Discipline for violent behaviour may range from a verbal warning to dismissal. Due to the nature of the misconduct, violent behaviour will usually result in a suspension without pay or dismissal.

Those exercising the authority to discipline must be consistent in their decision-making recognizing that violence in the workplace cannot be tolerated and, at the same time, that employees are treated fairly; taking all of the factors in the imposition of progressive discipline into account.

### The Decision Makers

After all of the relevant facts have been enquired into, school administrators must consult with their superintendent regarding the imposition of discipline and the appropriate sanctions under the circumstances. Advise the Human Resources Department prior to discipline, if possible.

You must remember that it can be very difficult to know when a person is going to be violent. While not all people will show the signs below, these types of behaviours and physical signs can serve as warning signs that a situation could turn violent. Always take these behaviours *in context*. Look for multiple warning signs and for signs of escalation (the behaviours are getting worse).



## Warning Signs

If you are concerned about a person who shows some or all of the identified characteristics, **take action**. Report your concern to your supervisor or the Human Resources Department.

### What are warning signs of a troubled person or employee?

Workplace violence can start as small incidents involving negative remarks and inappropriate behaviour. It may escalate to physical or psychological violence. It is much easier to prevent violence by stopping small incidents than trying to deal with the aftermath of a major crisis.

It is extremely important to understand that the following behaviours do not mean a person will become violent, but they may indicate that the person is experiencing high levels of stress. Each situation is unique and professional judgement or outside assistance may be necessary to determine if intervention is necessary.

Always take particular note if:

- There is a change in behaviour patterns.
- The frequency and intensity of the behaviours are disruptive to the work environment.
- The person is exhibiting many of these behaviours, rather than just a few.
- Crying, sulking or temper tantrums.
- Excessive absenteeism or lateness.
- Disregard for the health and safety of others.
- Disrespect for authority.
- Increased mistakes or errors or unsatisfactory work quality.
- Refusal to acknowledge job performance problems.
- Faulty decision-making.
- Testing the limits to see what they can get away with.
- Swearing or emotional language.
- Overreacting to criticism.
- Making inappropriate statements.
- Forgetfulness, confusion and/or distraction.
- Inability to focus.
- Blaming others for mistakes.
- Complaints of unfair treatment.
- Talking about the same problems repeatedly without resolving them.
- Insistence that he or she is always right.
- Misinterpretation of communications from supervisors or co-workers.
- Social isolation.
- Personal hygiene is poor or ignored.
- Sudden and/or unpredictable change in energy level.
- Complaints of unusual and/or non-specific illnesses.

The first thing everyone in the workplace should be aware of is that it is not easy to know when someone is going to become aggressive in their behaviour. All people in the workplace will not show the same signs before becoming violent



## Are there physical signs that a person may be becoming violent?

Sometimes it is not what a person says, but what their body is *doing*. Use caution if you see someone who shows one or more of the following *non-verbal* signs or body language.

- Red-faced or white-faced
- Sweating
- Pacing, restless or repetitive movements
- Trembling or shaking
- Clenched jaws or fists
- Exaggerated or violent gestures
- Change in voice
- Loud talking or chanting
- Shallow, rapid breathing
- Scowling, sneering or use of abusive language
- Glaring or avoiding eye contact
- Violating your personal space (they get too close)

## What are other warning signs of a potentially violent person?

In some cases, there has been a clear pattern of warning signs before a violent incident. When you can, take note of:

### History of Violence

- Fascination with weapons, acts of violence or both
- Demonstrated violence towards inanimate objects
- Evidence of earlier violent behaviour

### Threatening Behaviour

- States intention to hurt someone (can be verbal or written)
- Holds grudges
- Excessive behaviour (e.g. phone calls, gift giving)
- Escalating threats that appears well-planned
- Preoccupation with violence

### Intimidating Behaviour

- Argumentative, displays unwarranted anger
- Uncooperative, impulsive, easily frustrated
- Challenges peers and authority figures

### Increase in Personal Stress

- An unreciprocated romantic obsession
- Serious family or financial problems
- Recent job loss

### Research says: Potential Triggering Events can be:

1. Being fired, laid off or suspended; passed over for promotion
2. Disciplinary action, poor performance review, criticism from boss or coworkers
3. Bank or court action (e.g., foreclosure, restraining order, custody hearing)
4. Benchmark date (e.g., company anniversary, chronological age)
5. Failed or spurned romance; personal crisis (e.g., divorce, death in family)

### **Personality Characteristics**

- Suspicious of others
- Believes he/she is entitled to something
- Cannot take criticism
- Feels victimized
- Shows a lack of concern for the safety or well-being of others
- Blames others for his or her problems or mistakes
- Low self-esteem

### **Marked Changes in Mood or Behaviour**

- Extreme or bizarre behaviour
- Irrational beliefs and ideas
- Appears depressed or expresses hopelessness or heightened anxiety
- Marked decline in work performance

### **Socially Isolated**

- History of negative interpersonal relationships
- Few family or friends
- Sees the company as a *family*
- Has an obsessive involvement with his or her job

### **Abuses Drugs or Alcohol**

**Observable Warning Signs**  
(often newly acquired negative traits)

#### **Violent and Threatening Behavior**

e.g., hostility, approval of the use of violence

#### **Strange Behavior**

e.g., becoming reclusive, deteriorating appearance/hygiene, erratic behavior

#### **Emotional Problems**

e.g., drug/alcohol abuse, under unusual stress, depression, inappropriate emotional display

#### **Performance Problems**

including problems with attendance or tardiness

#### **Interpersonal Problems**

e.g., numerous conflicts, hyper-sensitivity, resentment

## WHAT TO DO WHEN CONFRONTED WITH AGGRESSIVE BEHAVIOUR

We all like to think of ourselves as being safe and secure while at work, protected from all forms of violence and aggression. However, wherever people interact, there is potential for violence.

Knowing some basic communications skills (verbal and non-verbal) and some *problem solving* strategies can help prevent problems from occurring or can stop a small problem from getting bigger or out of control. Workplace violence can start as a small incident involving negative remarks and inappropriate behaviour. These small incidents can escalate to physical or psychological violence.

### What is Meant by *Verbal* Communication Skills?

Verbal communication skills are the way that you talk to another person or other people. Verbal communication includes the words you choose to use and the way in which you use them (for example, the tone (angry or calm) or volume (loud or soft)).

When you are interacting with other people, you should:

- Focus your attention on the other person and let them know that you are interested in what they have to say.
- Remain calm.
- Be conscious of how you are delivering your words.
- Speak slowly, quietly and confidently.
- Speak simply. DO NOT use officious language or complex terminology.
- Listen carefully. DO NOT interrupt or offer unsolicited advice or criticism.
- Encourage the other person to talk. DO NOT tell them to relax or calm down.
- Remain open-minded and objective.
- Use silence as a calming tool.

### What is Meant by *Non-Verbal* Communication Skills?

Non-verbal communication skills include things like your body language and position. People communicate through both their words and their bodies. The way you position or use your body can be calming or could aggravate a situation.

You should:

- Use calm body language - a relaxed posture with your hands unclenched and an attentive expression.
- Get on the other person's physical level. If they are seated, try kneeling or bending over, rather than standing over them.
- Give the other person enough physical space, usually about one meter (about three feet).
- More importantly, you should not:
  - Pose in a challenging stance, such as putting your hands on your hips, pointing your finger, waving your arms or crossing your arms.
  - Glare or stare, which may be interpreted as challenging.

## How can you Help Someone Solve a Problem they are Having?

Some tips for problem solving include:

- Try to put yourself in the person's shoes so that you can better understand how to solve the problem.
- Ask for his or her recommendations.
- Repeat back to the person what you feel they are asking of you in order to clarify what you understand.
- Accept criticism in a positive way. When a complaint might be true, use statements like *you are probably right* or *it was my fault*. If the criticism seems unwarranted, ask for clarification.
- Be honest. DO NOT make false statements or promises you can't keep.
- Remain professional and take the person seriously. Be respectful.
- Ask for small, specific favours – such as asking the person to move to a quieter area.
- Break a problem or an issue into smaller pieces and offer step-by-step solutions so that the person is not overwhelmed by the issue.

### DO NOT

- Do not take sides or agree with distortions.
- Do not reject the person's demands or position from the start.
- Do not attempt to bargain with a threatening individual. If necessary, end the interaction.
- Do not make promises you can't keep.

## How can you end an Aggressive Conversation?

It is important to know how to safely and effectively end a conversation or interaction before the situation escalates. Here are some tips:

- Interrupt the conversation firmly but politely.
- Tell the person that you:
  - Do not like the tone of the conversation.
  - Will not accept abusive treatment.
  - Will end the conversation if necessary.
- Tell the person that you will ask him or her to leave (the building, your office, etc.) or that you will leave.
- If the behaviour continues, end the conversation. Ask the person to leave or leave yourself.
- If the person does not agree to leave, remove yourself from the scene and inform your supervisor/supervisor immediately.
- Do not return to the meeting if you believe the person may be a physical threat.
- Tell other staff and have them leave the immediate area as well.
- Call local police; if appropriate.
- File an incident report.

## What can You do if you Feel Threatened?

- Politely and calmly end the interaction in a non-threatening way, if possible.
- Know how to summon immediate assistance and what back-up and advice is available to help you when handling a difficult individual.

**It is important that you try to avoid escalating the situation.  
Establish ground rules if the unreasonable behaviour continues.  
Calmly describe the consequences of violent or aggressive behaviour.  
Suggest alternatives and avoid giving commands or making conditional statements.**

## DOMESTIC VIOLENCE

### To Encourage Employees to Reach Out for Assistance:

- Be approachable and make time to meet with employees.
- Address job performance issues constructively, not punitively.
- Let employees know that they are valued members of the team.
- Respect decisions made by employees who are living with family violence.
- Protect the confidentiality of employees.
- Ensure cultural sensitivity and appropriateness.
- Ensure employees have access to trained counselors.

### Did you know?

- Domestic violence in the workplace has been identified as the fastest growing type of workplace violence in Canada, but less than half of Canadian workplaces have policies to manage this risk.
- One in four Canadian women will be affected by family violence during her lifetime.
- While men may also be victims of abuse, women are more often subjected to violence by their partners and are more likely than men to report injuries, experience lost productivity, suffer multiple assaults, fear for their lives and experience negative emotional consequences.
- Among those at highest risk of violence are young women, Aboriginal women and women who are separated from their partners.

## HOW TO TALK TO EMPLOYEES ABOUT DOMESTIC VIOLENCE

Knowing how to start a conversation about family violence with an employee can be difficult. Your role as an employer or supervisor is not to be a counselor, but rather to approach the employee in a professional, sensitive manner and discover what help is required and where the employee can find it. When an employee tells you about abuse, make a strong statement of support such as, *no one deserves to be abused*.

When talking with an employee, your role is primarily to:

- provide initial support
- discuss the specific steps that can be taken to help this employee in the workplace, including developing a safe work plan.
- refer the employee to available resources in the community or to the Employee Assistance Program (EAP)

When addressing the issue of domestic violence with an employee, ensure that you:

- offer to meet in private
- clearly identify any job performance problems you have observed (i.e., “I notice that you are having difficulty meeting your deadlines and you don’t seem quite yourself. Is there anything I can do to help?”)
- express empathy that sometimes personal issues can interfere with work performance
- are aware that family violence victims and alleged aggressors can be of either sex; do not always refer to abusers as “he”
- use respectful language such as calling a person by their name or referring to the nature of the relationship such as *your partner* or *your boyfriend*; avoid using labels such as *abuser* or *batterer*
- are sensitive and avoid accusing, diagnosing or drawing conclusions about the situation
- listen to what the employee has to say and support her or him to seek help
- reassure the employee that her or his situation will not adversely affect how she or he is regarded by the employer, unless there are any continued employment issues
- offer Board and community resources such as EAP information or contact information for family violence prevention services and crisis line numbers
- develop a plan to help the employee maintain job performance and a strategy to implement it
- discuss the need for a safe work plan in the workplace and help the employee understand how the employer may be able to support a safe work plan
- recommend that the employee speak to a trained counselor who can help develop a sound plan to deal with the issues
- help the employee determine if the abuser’s behaviour may put others in the workplace at risk
- if it appears that others in the workplace might be in danger, discuss the extent to which the employee’s confidentiality can be maintained

## WORKPLACE VIOLENCE – ADDITIONAL EXAMPLES

**Workplace violence** is any incident, in which a person is abused, threatened, intimidated, coerced or sustains physical, emotional or psychological harm or injury in or related to the workplace.

Most people think of violence as a physical assault. However, workplace violence is a much broader problem. It is any act in which a person is abused, threatened, intimidated or assaulted in his or her employment. Workplace violence includes:

- **threatening behaviour** - such as shaking fists, destroying property or throwing objects.
- **verbal or written threats** - any expression of intent to inflict harm.
- **verbal abuse** - swearing, insults or condescending language.
- **physical attacks** - hitting, shoving, pushing or kicking.

Rumours, swearing, verbal abuse, property damage, vandalism, sabotage, pushing, theft, physical assaults, psychological trauma, anger-related incidents, rape, arson and murder are all examples of workplace violence.

Workplace violence is not limited to incidents that occur within a traditional workplace. Work-related violence can occur at off-site business-related functions (conferences, trade shows), at social events related to work, resulting from work for example a threatening telephone call to your home.

### Additional Examples of Workplace Violence Include:

<ul style="list-style-type: none"><li>• shaking of fists</li><li>• destroying of property</li><li>• throwing of objects</li><li>• expression of intent</li><li>• obscene phone calls</li><li>• intimidating presence</li><li>• insults or condescending language</li><li>• focus on a grudge, grievance or romantic interest</li></ul>	<ul style="list-style-type: none"><li>• bullying</li><li>• physical attacks including slapping, kicking, punching and choking, brandishing a weapon or object that could be used as a weapon</li><li>• theft</li><li>• sexual assault</li><li>• arson and obsessively directed behavior such as stalking</li></ul>
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