



BOARD ADMINISTRATIVE PROCEDURE

ADMINISTRATIVE PROCEDURE

Workplace Violence Prevention

ADMINISTRATIVE PROCEDURE
NUMBER

AP - 509

Directional Policy

Employee Relations - 500

TITLE OF ADMINISTRATIVE PROCEDURE:

Workplace Violence Prevention

DATE APPROVED:

February, 2020

PROJECTED REVIEW DATE:

February, 2021

DIRECTIONAL POLICY ALIGNMENT:

This Administrative Procedure aligns with the Employee Relations Directional Policy. The PVNC Catholic District School Board will ensure that all employees act, and are seen to be acting, in the best interest of the students they serve as they conduct themselves and perform their duties with integrity and professionalism in light of our Catholic faith.

ALIGNMENT WITH MULTI-YEAR STRATEGIC PLAN:



Strategic Priorities 2017-2020

Vision

Achieving Excellence in Catholic Education
LEARN • LEAD • SERVE

Mission

To educate students in faith-filled, safe, inclusive Catholic learning communities by nurturing the mind, body and spirit of all.

LEARN

Achieve excellence in instruction and assessment to enable all students to become reflective, self-directed, lifelong learners.

LEAD

Foster critical thinking, creativity, collaboration, and communication, to enable all students to realize their God-given potential.

SERVE

Inspire engagement and commitment to stewardship for creation to enable all students to become caring and responsible citizens.

The Board is committed to the prevention of workplace violence and is ultimately responsible for worker health and safety. The Board will take whatever steps are reasonable to protect workers from workplace violence. The Occupational Health & Safety Act defines workplace violence 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/or 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.

ACTION REQUIRED:

1.0 Initiating Complaints:

- 1.1 Individuals who are victims of workplace violence, may initiate a complaint. In addition, those who have witnessed workplace violence directly, have received reports of workplace violence, or have reasonable grounds to suspect that workplace violence may occur, can initiate a complaint.
- 1.2 It is the expectation of the Board that all complaints of workplace violence will be brought forward in a timely manner, and all incidents of workplace violence will be investigated in a prompt, fair, consistent, thorough, and confidential manner.

- 1.3 Anonymous reports will not be entertained for dispute resolution under these Procedures. Third party disclosures will only go forward (to the formal stage) after the alleged victim is notified.
- 1.4 When workplace violence occurs or is likely to occur, employees are encouraged to act immediately and summon assistance. For threats of violence, assaults, or other violent incidents, employees should contact their supervisor or designate, if possible, or, if necessary CALL 9-1-1 immediately. An incident of workplace violence may require employees to summon immediate assistance and/or to implement any of the Emergency Response Plan, Lockdown Administrative Procedure or Bomb Threat Administrative Procedure, the complaint process will be thereafter initiated as soon as possible.
- 1.5 If 1.4 occurs, the complaint process will be there after initiated as soon as possible by the complainant.
- 1.6 After requesting police involvement, and once the emergency situation is under the proper control, the particulars of the event must be detailed on the online Clevr™ Incident, Accident, Injury report form and submitted in a timely manner.
- 1.7 Where police have been contacted, the Board may halt its review of the incident until the police investigation is complete. There is a concern that, if the Board persists in reviewing the incident, the supervisor or designates actions in interviewing certain witnesses or seizing property could hamper or prejudice the police investigation. In these circumstances, the Board will defer to the police and allow them to carry out their investigation before the Board completes its investigation of the incident.
- 1.8 In the event a complaint is not substantiated, no further action will be taken, subject to the section on maintaining records. In cases where the complaint is found to be trivial, vexatious, or an abuse of the process, the complainant may be subject to disciplinary action.
- 1.9 If there is a need to restore a positive learning or working environment, or if the complainant and/or respondent require support, appropriate steps will be taken to meet such needs.
- 1.10 If the supervisor is the party alleged to be responsible for the workplace violence or alleged to condone the workplace violence, the complaint shall be reported directly to the Superintendent of Human Resource Services.
- 1.11 In all cases, where the supervisor or designate has conducted a threshold assessment to determine that a complaint should proceed, he or she will take

action to resolve the complaint under this Administrative Procedure.

2.0 Confidentiality:

- 2.1 All complainants, respondents, and other persons involved with the complaint processes under these procedures will ensure that all matters remain confidential. Witnesses should be informed that the supervisor or designate, in obtaining a statement, will maintain such statement in strict confidence, subject to their ability to conduct a full and thorough investigation.
- 2.2 Notwithstanding, procedural fairness requires that the respondent to a complaint be apprised of the nature of the complaint and by whom it has been made so that they have an opportunity to respond to the allegations. This may require the disclosure of witness names and statements to the parties. Employees who are named as respondents in a complaint have a right to know in a timely manner that they are the subject of a complaint, who the complainant is, what the allegations are, and what approach to a resolution is being considered. In particular, an employee respondent has a right to know the specifics of an allegation, including times, dates, and alleged conduct. Employee respondents will be provided with pertinent details of the workplace violent incident complaint.
- 2.3 The Board may be required to provide information obtained during an investigation to an outside agency, such as police services, court, or tribunal that has the right to require information otherwise protected by the Municipal-Freedom of Information and Protection of Privacy Act.

3.0 Misuse of Complaint Process and Reprisals:

- 3.1 If there is a determination on a balance of probabilities that a complaint has been filed in bad faith, the complaint process may discontinue and disciplinary action may occur.
- 3.2 Reprisals against individuals because they have reported a complaint in good faith are strictly forbidden. Alleged reprisals will be investigated by the Board and may result in disciplinary action up to and including termination.

4.0 Rights of Complainants, Respondents and Witnesses:

- 4.1 Nothing in these procedures denies or limits access to other avenues of redress available under the law. Where there is such an occurrence, this process and the procedures will cease until the parties and their respective representatives have met with the Superintendent of Human Resource Services to determine whether a formal investigation will proceed or whether the complainant wishes to proceed under another process. Multiple

processes will not be permitted to proceed concurrently, although informal dispute resolution attempts will be permitted at any time with the agreement of the Board and the parties.

The complainant is free to commence the complaint procedure at any stage outlined herein. The complainant is also free to discontinue a complaint at any time. The Board, however, may deem the circumstances worthy of further investigation and initiate its own action.

4.2 Each employee has the right and is encouraged to contact his or her union/federation for assistance and advice throughout this process.

4.3 Prior to initiating any complaint and throughout the complaint process, complainants have a right to assistance and support. Individuals who are named as respondents in a complaint, as well as witnesses, also have a right to assistance and support throughout the complaint process. The following people may provide support:

- parent/guardian/family member
- professional support staff
- employee or colleague
- trained resource person
- union/federation/association representative
- religious advisor
- translator/interpreter (if necessary)

4.4 In the event that an employee requires assistance in completing the Clevr™ Incident, Accident, Injury Report Form, another individual such as a union, federation, or association representative may assist in completing the Clevr™ Incident, Accident, Injury Report Form.

5.0 Domestic Violence:

If the Board becomes aware or ought reasonably to be aware that domestic violence is likely to expose an employee to physical injury in the workplace, the Board will take every reasonable precaution to protect the employee.

6.0 Investigation and Resolution:

6.1 Complaints may require an investigation of the complainant's allegations. The investigation will most often be performed by the complainant's supervisor unless such person(s) have a conflict of interest or require additional assistance, in which case the Superintendent of Human Resource Services, third party, or designate may be involved. Where the complainant and the respondent have different reporting structures, the supervisor or designate

involved will determine who the appropriate person is to take responsibility for the investigation.

6.2 During a formal investigation, the supervisor or designate who conducts the investigation will ensure that the following steps, as appropriate, are taken as soon as possible:

- take appropriate measures to ensure the safety of the complainant;
- notify the complainant(s), the respondent(s), and witness(es) that they are entitled to support and assistance throughout the process;
- interview the complainant(s) and/or the third party reporting the complaint;
- ensure that the respondent(s) has pertinent details of the complaint and provide an opportunity for response;
- interview the respondent(s);
- interview witness(es);
- come to a decision about whether a specific incident did or did not occur based on a balance of probabilities (The question of whether behaviour is objectionable will be assessed using objective standards.);
- provide a written summary of the findings and decision to the complainant and the respondent and give them an opportunity to respond to the same; and
- take appropriate action(s) to resolve the situation and mitigate risk of further workplace violence;
- If the respondent declines to participate in the formal investigative process, the investigation will still proceed. The respondent should be encouraged to participate in the interest of a balanced and fair process.

6.3 All formal reports filed under the Workplace Violence Prevention Administrative Procedure will be subject to an immediate threshold assessment to be conducted by the supervisor or designate. This assessment will determine whether the alleged conduct would, if proven, meet the definition of workplace violence.

6.4 The complainant will be advised and no further action will be taken, if the Board, following this threshold assessment, determines that the report filed:

- would not, if true, meet the definition of workplace violence;
- does not provide sufficient details of the alleged incident or threat of workplace violence, provided the complainant is given notice that insufficient details have been provided and given reasonable time to provide sufficient details; or
- is vexatious, frivolous, or trivial, has not been made in good faith or would, if investigated, constitute an abuse of the Workplace Violence Prevention Administrative Procedure.

7.0 Mediated Resolution:

7.1 Mediation involves an unbiased third party acting as a facilitator in direct communication between the parties who voluntarily agrees 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 the parties.

7.2 Where there is already a formal complaint being investigated under these procedures, at any time during the investigation, the parties may agree to hold the investigation in abeyance and attempt to achieve a mediated resolution.

7.3 Mediation is appropriate when all parties agree that a mutually agreeable solution is achievable and desirable. The investigator will request approval to mediate or attain a mediator when the parties have expressed an interest in a mediated resolution. (In cases where mediation is sought, Human Resource Services will provide trained mediators who are acceptable to both parties.)

7.4 Meetings required for mediation sessions will be scheduled as soon as possible and, where practical, in a time and place convenient for the complainant, the respondent, and the mediator.

7.5 When matters are resolved through mediation, the complainant and the respondent will sign a memorandum of agreement outlining the terms to which they have agreed. The Superintendent of Human Resource Services or designate will ensure that the terms that the parties have agreed to have been met.

7.6 Mediation is voluntary and the complainant or the respondent may choose to withdraw at any time.

8.0 Disciplinary Actions for Employee Respondents:

8.1 The appropriate supervisor or designate may impose discipline as appropriate and consistent with the circumstances.

8.2 The principles of progressive discipline will be applied in dealing with disciplinary actions under this Administrative Procedure. These would include the following possibilities:

- verbal warning;
- written reprimand;
- suspension with pay;
- suspension without pay; or

- dismissal from employment with the Board.

9.0 Disciplinary Actions for Other Respondents:

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

10.0 Review:

10.1 A request may be made to the Director of Education to convene a Review if a complainant or respondent has one or both of the following concerns:

- the investigators did not comply with the procedures; or
- new evidence has become known after the final decision but before the expiry of a ten working days limitation period for requesting a review,

10.2 The reviewer will be appointed by the Director of Education.

10.3 No review of the final decision will be undertaken with regard to the claim that the conclusions drawn by the investigator(s) based on findings of fact were incorrect.

10.4 The reviewer will report his or her findings to the Director of Education who will affirm or amend a final decision or require that a new investigation be undertaken.

11.0 Measures and Procedures to Protect Employees from Workplace Violence:

11.1 For matters arising from the Workplace Violence Prevention Administrative Procedure, when appropriate, the supervisor or designate will convene an emergency meeting.

11.2 Where necessary the supervisor or designate may liaise with the Superintendent of Human Resource Services and all pertinent information relating to the behaviours and the reported circumstances will be collected. If required, the specific employees may be contacted.

11.3 The supervisor or designate will evaluate the circumstances of a person's history of violent behaviour. Factors to consider include:

- Was the history of violence associated with the workplace or work?

- Was the history of violence directed at a particular worker or workers in general?
- How long ago did the incident(s) of violence occur?
- What measures and procedures are in place in the existing workplace violence program?

11.4 The supervisor or designate and the Superintendent of Human Resource Services will ensure that the relevant employees have been provided with sufficient information, which may include personal information related to a risk of workplace violence, if:

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

The Supervisor will use HR Form #32 – Notification of Potential Risk of Injury, attached as Appendix B, to ensure appropriate disclosure to affected staff of persons with a history of violence posing a potential threat to staff safety.

A record of HR Form #32 is to be completed and stored in a confidential manner in the Supervisor's office. Each staff member meeting the criteria set out in paragraph 11.4 must review the form annually and sign off that they are aware of the information identified on the form. This includes occasional and supply staff as well as support services staff who may be expected to encounter the violent person while on school premises. It will be the Supervisor's responsibility to ensure this disclosure is made to each affected employee.

The supervisor will not disclose more personal information than is necessary to protect the employee from physical injury.

11.5 Measures and procedures that the Board may implement to protect employees from workplace violence include:

- contacting the police;
- encouraging employees to work and travel in groups;
- rescheduling work hours to avoid working late nights or very early mornings;
- training employees in conflict resolution and mediation strategies;
- developing, monitoring and reviewing safety plans;
- separation of individuals in the workplace;
- monitoring a person's behaviour in the workplace; and/or
- reporting the violent incident or risk of violence and undertaking an investigation.

11.6 Incidents that involve violence or the imminent threat to the safety or security of a person will require a police response. Occurrences that require a police response include:

- physical assault causing bodily harm;
- sexual assault;
- robbery;
- extortion;
- criminal harassment;
- drug offences, including possession and trafficking in drugs;
- weapons offences;
- explosive substance;
- hate-motivated incidents; and
- threats of serious physical injury.

11.7 Where police have been contacted, the Board may halt its review of the incident until the police investigation is complete. There is a concern that, if the Board persists in reviewing the incident, the supervisor or manager's actions in interviewing certain witnesses or seizing property could hamper or prejudice the police investigation. In these circumstances, the Board will defer to the police and allow them to carry out their investigation before the Board completes its investigation of the incident.

12.0 Risk Assessment:

12.1 On a periodic basis, the Board will conduct a risk assessment and determine the degree of risk for all Board employees for the following groupings:

- Staff on staff
- General Public (including parents) on staff
- Domestic Violence in the workplace

12.2 In an effort to mitigate these identifiable risks, the Board will maintain and implement the following measures and procedures:

- Emergency Response Manual
- Emergency Preparedness Policy and Administrative Procedure

RESPONSIBILITIES:

The Board of Trustees is responsible for:

- Reviewing this Administrative Procedure to ensure its alignment with the Employee Relations Directional Policy.

- Reviewing the Workplace Violence Prevention Administrative Procedure as part of its regular policy and procedure review cycle.
- Reviewing risk assessment reports upon completion of system risk assessments.

The Director of Education is responsible for:

- Designating resources for ensuring the implementation of and compliance with this Administrative Procedure.
- Reviewing the Administrative Procedure with respect to workplace violence as often as necessary, but at least annually.
- Appointing a reviewer where required and affirm or amend a final decision or require that a new investigation be undertaken.

Superintendent of Human Resource Services is responsible for:

- Conducting immediate threshold assessment for reports of workplace violence when appropriate.
- Collecting all pertinent information relating to the behaviours and the reported circumstances.
- Informing the Joint Health & Safety Committee if a person is killed, critically injured, disabled from performing their usual work, or requires medical attention due to workplace violence.
- Ensuring that the relevant employees have been provided with sufficient information, which may include personal information related to a risk of workplace violence, if:
 - the employee can be expected to encounter that person in the course of his or her work; and
 - the risk of workplace violence is likely to expose the employee to physical injury.

Superintendents are responsible for:

- Ensuring that the relevant employees have been provided with sufficient information, which may include personal information related to a risk of workplace violence, if:
 - the employee can be expected to encounter that person in the course of his or her work; and
 - the risk of workplace violence is likely to expose the employee to physical injury.

Principals, Vice-Principals, Managers and Supervisors are responsible for:

- Conducting immediate threshold assessment for reports of workplace violence.
- Liaising with the Superintendent of Human Resource Services with respect to workplace violent incident complaints.
- Posting this Administrative Procedure at a conspicuous place in the workplace.
- Addressing and attempting to resolve disputes in a timely fashion.
- Maintaining confidentiality in the complaint process.
- Imposing discipline as appropriate and consistent with the circumstances.
- Ensuring HR Form #32 (Appendix B) is completed and disclosed to affected employees.
- Reviewing HR Form #32 (Appendix B) annually with affected employees.

Joint Health and Safety Committee is responsible for:

- Reviewing this Administrative Procedure on an annual basis.
- Receiving and reviewing the results of an assessment of workplace violence risks or the results of a reassessment.

All Board employees are responsible for:

- Initiating a complaint if they are victims of workplace violence.
- Initiating a complaint if they have witnessed workplace violence directly, have received reports of workplace violence, or have reasonable grounds to suspect that workplace violence may occur.

PROGRESS INDICATORS:

- PVNCCDSB will continue to provide a respectful working and learning environment, free from workplace violence.
- Workplace violence complaints will be addressed and resolved in a timely fashion.

DEFINITIONS:

Other Respondents – Non PVNCCDSB employees.

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

Supervisor or Designate - include principals, vice-principals, managers, supervisors, superintendents, and director.

Time Limits - set out in the Board's Administrative Procedure. Can be extended if, upon the determination of the Board and/or Superintendent of Human Resource Services, or designate, there is an appropriate reason for doing so, or if both parties agree.

Timely - acting in an expeditious manner as soon as is possible following the occurrence of the event in question.

Violent or Threatening Behaviours - the following are examples of violent or threatening behaviour, or warning signs of such behaviour:

- a) oral, written, or non-verbal threats – or intimidation, explicit or subtle;
- b) fascination with weaponry and/or acts of violence;
- c) disrupting or obstructing any Board activities or other authorized activities;
- d) expression of a plan to hurt self/others;
- e) extreme feelings of persecution, expressed distrust, especially with those in authority;
- f) expression of extreme desperation over family, financial or personal problems;
- g) frequent and unusual interpersonal conflicts;

- h) unusual reaction to criticism of work performance;
- i) displays of unwarranted anger;
- j) violence toward inanimate objects;
- k) sabotaging projects, computer programs or equipment;
- l) holding a grudge against a specific person; verbalizing a hope that something negative will happen to him or her;
- m) knowingly (which includes when one should reasonably have known) creating a condition that endangers the health, safety, or well-being of any person;
- n) coercing, enticing, or inciting a person to commit an act that is humiliating or demeaning to that person or to others;
- o) distribution of hate material and/or hate-motivated violence;
- p) any physical assault, including physical assault causing bodily harm;
- q) misappropriation, damage, defacement, and/or destruction of premises or property of the Board, or the property of others; and/or
- r) storage, possession, or use of a firearm, explosive substance, or other weapon, flammable solvents, bio-hazardous, volatile, or poisonous materials.

Workplace - 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 Board offices and facilities. Conferences and training sessions fall within the ambit of this Administrative Procedure.

Workplace Violence - 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/or 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.

RELATED DOCUMENTS:

APPENDIX A - Workplace Violence Prevention Flow Chart

APPENDIX B - HR Form #32 – Notification of Potential Risk of Injury

REFERENCES:

[Canadian Charter of Rights and Freedoms](#)

[Ontario Human Rights Code, R.S.O. 1990, c.H.19](#)

[Ontario Occupational Health and Safety Act, R.S.O. 1990, c.O.1](#)

[Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56](#)

[Teaching Profession Act, R.S.O. 1990, c.T.2](#)

[Ontario College of Teachers Act, S.O. 1996, c.12](#)

[The Early Childhood Educators Act, S.O. 2007, c.7, Schedule 8](#)

Code of Ethics for Catholic School Trustees

[Social Work and Social Service Work Act, S.O. 1998, c.31](#)

[Psychology Act, S.O. 1991, c.38](#)

PVNCCDSB Joint Protocol for Enhancing Positive Relationships in the Workplace
[Bill 132, Sexual Violence and Harassment Action Plan Act \(Supporting Survivors and Challenging Sexual Violence and Harassment\), 2016](#)

[PVNC Catholic District School Board Vision and Strategic Priorities 2017-2020](#)

[Education Act, RSO 1990, c. E.2](#)

[Supporting Positive Student Behaviour: Safety for All AP - 912](#)

[Lockdown AP- 904](#)

[Bomb Threat AP - 905](#)

[Visitors to Schools AP - 902](#)

Emergency Preparedness and Business Continuity