



Policy: Workplace Violence Prevention
Policy Number: EF - Health and Safety
Policy Type: Support Services

POLICY

The Hanover School Division (HSD) is committed to providing a safe learning and a safe working environment that supports the dignity and respect of all students and staff. The Division recognizes the potential for violence and threats to the safety of all students and all staff. It is reasonable for the Division to expect the potential for violence exists, given the diversity of the learning needs of students at any venue or property within the division, and at any school sanctioned field trip or event.

Workplace Safety and Health Regulations: Part 11, Violence in the Workplace requires that employers who provide educational services assess risk and develop prevention procedures that describe the actions and measures employers will take to eliminate, or control the level of risk of violence to employees, where it is not reasonably practical to eliminate the risk [WSH, Sec. 11.4 (b)].

Efforts will be made to:

- Identify potential sources of violence.
- Minimize those risks.
- Ensure as is reasonably practical to mitigate the risk of violence to students and staff in the workplace.
- Have procedures for summoning assistance, reporting incidents, investigating incidents and reviewing and adjusting safe procedures or intervention plans.

The Workplace Violence Prevention Policy is not intended to discourage or prevent anyone from exercising her/his legal rights under any other law.

Workplace Violence Defined

Workplace violence is rarely unpredictable or a spontaneous act. It is often a culmination of escalating patterns of negative interactions between individuals. There are often antecedents and psychosocial or environmental factors that contribute to the risk of violence from individuals in the workplace.

The Workplace Safety and Health (WSH) Act defines violence as:

- “(a) the attempted or actual exercise of physical force against a person; and
- (b) any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person” [WSH. Sec 11, M.R. 217/2006].

Workplace violence includes threats and the application or attempted use of force against staff or students. The acting out person may not have the capacity to appreciate that her/his actions may cause physical harm or for her/his actions to be considered violent. These actions are still considered “violent incidents” under WSH legislation and as such need to be reported and investigated.

In all cases of violence in the workplace, the Division will take into consideration the nature of protected characteristics under the Manitoba Human Rights Code (e.g., cognitive, physical, mental illness), of the individual involved in the violent incident and respond appropriately.

In all cases of violence from students against staff, the Division will “provide reasonable accommodations for students who have exceptional learning needs that affect their behaviour, and when disciplining the student, take into consideration the student’s ability to comply and the amount of support required”

[P.S.A., A.E.P. Regs., M.R. 468/88].

Workplace violence does not include accidental situations or incidents of no determined malicious intent, such as a staff member or student tripping or falling which results in pushing another staff member or student.

The workplace is not limited to HSD property. Any incident is considered workplace violence if it arises because of employment with the Division. Examples may include:

- Threatening phone calls at home from another staff member or student; or,
- Violent actions against family members or destruction of personal property (vandalism or graffiti) that arise out of workplace interactions.

Violence is against the law

Canada’s Criminal Code prohibits violence. You have a right to live and work without being subjected to violence. This policy and the following procedures outlines what to do if you are subjected to threats or violence at work, or if you, as a supervisor or a worker, become aware of a violent situation.

PROCEDURES

1. Employee Rights and Responsibilities

a. General Rights of Employees

- i. Employees are entitled to, as much as reasonably practicable, a workplace free from violence.
- ii. Employees have the right to know when the potential for violence exists.
- iii. Employees have the right to request training/professional learning related to:

1. Reducing the potential for violence;

2. Keeping themselves safe when the potential for violence exists;
3. Greater understanding of a student with a disability or with complex emotional and behavioural needs within the limits of:
 - a. the Protection of Children and Information Sharing Act (PCISA);
 - b. The Personal Health Information Act (PHIA), the Freedom of Information, and Protection of Privacy Act (FIPPA), (specific legislation referencing the minimum amount of personal information to share to accomplish the purpose).

b. General Responsibilities of Employees

- i. Employees are to inform their supervisors or principals of incidents of violence or threats of violence.
- ii. Employees are responsible for working together in a professional manner and resolving issues without aggression or violence.
- iii. If matters between employees cannot be resolved to mutual satisfaction, communication protocols, as outlined in the Respectful Workplace Policy must be followed, i.e., bring the issue to their immediate supervisor.
- iv. Employees must take all reasonable steps to protect their personal safety, to summon assistance when needed, and to remove themselves from a violent situation.
- v. Employees are responsible for cooperating with an investigation of a violent incident and for maintaining confidentiality regarding the violent incident and its investigation.

c. Responsibilities of Employees Related Specifically to Working with Students

- i. Employees, as legislatively authorized, are responsible for the development of student plans to reduce, or minimize, the potential for violence, including appropriate specialized assessments, Individual Education Plans (IEP) or Individual Behaviour Plans (IBP), and Safety Plans.
- ii. Employees are responsible for following the recommendations of assessment reports, strategies and interventions as outlined in Individual Education Plans (IEP) or Individual Behaviour Plan (IBP), and Safety Plans.
- iii. Only those employees with specific training or certified in restraint interventions are permitted to restrain a student.

2. General School Division Responsibilities

- a. The Division must ensure, as much as reasonably practical, that employees are not subjected to violence in the workplace. All principals and supervisors are to monitor work environments to help maintain a safe working environment free of violence, as much as reasonably practical.

- b. The Division will investigate and respond to violence, including disciplinary action, if appropriate. Investigations will be completed by the principal (as the supervisor) alone, on behalf of the employer. In the case of serious incident as defined in the act, investigations will also include the co-chairs of the committee or their designates. (WSH Employee Incident/Injury/Near Miss Report).
- c. When violence is reported, the Division will not disclose the name of the complainant or the circumstances of the complaint to any person except where disclosure is:
 - i. necessary to investigate the complaint;
 - ii. required to take corrective action; or
 - iii. required by law.

3. Responsibilities of the School Division Related Specifically to Working with Students

- a. The Division will provide access to training for staff who are likely to encounter violence during the course of their work with students. Such training may include:
 - i. De-escalation techniques, e.g., WEVAS, NVCI, Low Arousal Training
 - ii. Protective strategies; and
 - iii. Training and education specific to a student and his/her disability or emotional behavioural disorder.
- b. The Division will provide the minimum amount of personal health information deemed necessary to inform employees likely to encounter violence in the course of their work.

4. Exposure to potentially violent situations.

- a. All school division staff may be exposed to violence from students, staff or the general public.
- b. Those who work with students on a daily basis (bus drivers, educational assistants, teachers, clinicians, and school principals) have the highest risk of exposure to potential violence by students.
- c. Working with students who struggle as they learn appropriate behaviours exposes all staff to some risk. The Division, in compliance with provincial legislation and with the ethical obligation to provide an inclusive education to all, will provide appropriate educational programming to all students.

5. Eliminating or Minimizing the Risk of Violence

- a. The Division assesses the risk for workplace violence annually, or on a more frequent basis, if something in our workplace changes, or if a violent incident occurs. Procedures have been developed to inform and train employees and prepare staff to respond appropriately to safety concerns. The WSH divisional committee is consulted and participates in reviewing safety procedures.
- b. Related divisional procedures include:

- i. Work Alone/Working in Isolation Procedures
- ii. Respectful Workplace/Freedom from Harassment Guidelines
- iii. Emergency Response Plans
- iv. School Lockdown, Visitors, Intruders, Trespassers
- v. Codes of Conduct
- vi. Appropriate Educational Programming
- vii. Specialized Assessment, including Safety (Threat/Risk) Assessment.

c. The Workplace Violence Prevention Policy shall be:

- i. Brought to the attention of new employees through Human Resources at initial employment orientation (sign up);
- ii. Reviewed with staff annually at the start of the school year by the principal;
- iii. Available to all HSD employees through the HSD website on the WSH page;
- iv. Posted on the WSH bulletin boards at each worksite;
- v. Reviewed and revised, as needed, by the Divisional WSH committee.

d. New or current students who have exhibited violent behaviours in the past, will have:

- i. A transition planning meeting (grade to grade, school to school, division to division);
- ii. An IEP or BIP and a Safety Plan, as necessary
- iii. Staff who work directly with the student will be provided training for techniques and interventions to support student learning, i.e., signs of escalation, de-escalation strategies and appropriate responses in the event of a violent incident. This training may be provided by Student Services personnel or contracted out.
- iv. If recommended by the school team, personal protective equipment (PPE) will be provided by the Division.

e. The potential for violence or threats against an employee is unique to each workplace. Each worksite will apply general safety procedures and precautionary measures when needed. Examples:

1. Communication systems in good working order: cell phone, text, or hand-held radio communications
2. Reduce working alone or in isolation. However, when not possible, follow work alone procedures.
3. Be aware of alarms systems and emergency exits.
4. Use security camera footage when applicable.
5. The school principal, or designate, when applicable will contact Law Enforcement.

6. Notification of Workers at Risk

Any time a change occurs in the nature or extent of the potential risk for violence, the Division will provide staff members with the necessary available information, within the limits of the law; i.e., the minimum amount of information necessary to accomplish the purpose.

7. Responding to a workplace violence incident:
 - a. Summon immediate assistance
 - b. Provide transport to assistance or help, if needed.
 - c. Encourage a consult with a health care provider if medical treatment is deemed required.
 - d. Encourage staff to seek counselling through their respective Employee Assistance Programs.

8. Reporting Incidents of Violence

- a. Any person who believes that she/he is being subjected to violence or threats of violence are to inform their principal or immediate supervisor immediately. All reported risks and threats will be taken seriously and addressed accordingly. RCMP may be contacted if warranted.
- b. There shall be no reprisal against any employee who, in good faith, reports an incident of violence or participates in an investigation.
- c. Incidents are to be reported promptly, allowing for a proactive resolution and for the prevention of further violence.
- d. Incidents are to be reported on the Employee Incident/Injury/Near Miss Report. All sections of the report form are to be comprehensively completed, providing as much information and detail as possible for investigative purposes. Forms are found on the HSD website on the WSH page and in CIMS.
- e. Reports must be completed and submitted to their principal or immediate supervisor within 24 hours of the incident. Reports are forwarded to the Assistant Superintendent that oversees Workplace, Safety and Health.
- f. In incidents related to working with students:
 - i. Dependent upon the circumstances of the incident, the report of violence to the school principal may be:
 1. Noted as a matter of student discipline and responded to using the school and divisional code of conduct.
 2. Considered in relation to the student's IEP or IBP and Safety Plan and will require a review and editions of the current student plan.
 3. Considered in relation to the student's IEP or IBP and Safety Plan and will require further education and training of the staff.
 4. Forwarded to the Superintendent for further review. The Superintendent may request a Safety Assessment. The outcome of a Safety Assessment is the development of an action plan, and the provision of recommendations in order to provide appropriate safety interventions to students, staff and families in a proactive manner. Any recommendations of the Safety Assessment will be implemented into a new or revised student IEP or IBP.

- g. As defined in WSH Act, Part 11, Sec 2.6 to Sec 2.9, when a serious incident occurs at a workplace, the Assistant Superintendent or designate will notify the Manitoba Workplace Safety and Health Branch immediately, by the most efficient means of communication available.
 - i. A Safety and Health officer is available 24 hours a day, 7 days a week to respond to emergency reports at 204-957-SAFE (7233) or Toll-free in MB: 1-855-957-SAFE(7233)

9. Investigating Violent Incidents

- a. For “serious incidents” reported to The Manitoba WSH Branch, the Branch will determine if they will investigate or
- b. MB WSH will instruct the school to self investigate. In a self-investigation the committee co-chairs (or designate) will investigate incidents that meet the WSH regulation of “serious incident”.
- c. Investigations involving students will be led by the committee co-chairs or designate (Assistant Superintendent of Student Services), and may include, Human Resources, the school principal and requisite teachers.
- d. Investigations involving employees will be led by the committee co-chairs or designate (Assistant Superintendent), and may include, Human Resources, the school principal and requisite teachers.
- e. Resolution of the investigation will depend on the urgency and seriousness of the incident.
 - i. Investigations involving student violence will be completed as soon as possible and within seven school/work days.
 - ii. Investigations involving employee violence will be completed as soon as possible and within 14 school/work days unless extenuating circumstances exist.
 - iii. When necessary and a reasonable expectation, a safety plan will be developed to prevent further violence.

10. Annual Report

- a. A summary report of violent incidents will be produced by June 30 annually. This report is developed by the designate Assistant Superintendent, the WSH Consultant (if employed), and Human Resources and shared with the divisional WSH committee.

Date of Last Review:	January 7, 2020
Reference(s):	MB Code of Human Rights

	Canadian Charter of Rights and Freedoms Canada Criminal Code Workplace Safety and Health, Labour Act, Section 11 Public Schools Act Appropriate Educational Programming Regulations Preventing Violence in the Workplace
Related Forms:	<ul style="list-style-type: none">• WSH Employee Incident/Injury/Near Miss Report