

**FREEDOM FROM WORKPLACE VIOLENCE**

The Pine Creek School Division is committed to providing safe and secure workplaces for all staff. It is everyone's responsibility for the creation of a safe working environment that is free from violence. The Division will take steps to ensure, so far as it reasonably practicable, that no member of the Pine Creek Community is subject to violence. Actions are taken to identify possible sources of violence and to implement a violence prevention program to minimize the risk of violence.

Violence is defined as the attempted or actual exercise of physical force against a person and any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person.

A workplace is defined as any place where individuals perform work or work-related duties or functions for the Pine Creek School Division including, but not limited to:

- Schools
- Colony Schools
- The School Division Office
- Division Bus
- School Busses
- Work related events and/or
- Other locations where work-related activities take place and where workers or others covered under this Policy perform work related functions.

Canada's Criminal Code prohibits violence. You have a right to live and work without being subjected to violence. This policy outlines what to do if you are subjected to threats or violence at work or if you, as an administrator or an employee, become aware of a violent situation.

**Employee Responsibilities**

- Employees are responsible for working together in a professional manner and to resolve issues in a non-violent manner.
- Employees are to bring issues to their school administrator or supervisor if they cannot be mutually resolved.
- Employees must report incidents of violence to their school administrator or supervisor.
- Employees must cooperate in the investigation of a violent incident.
- Anyone who gives evidence or information in an investigation or is involved in the process must keep this information confidential except when it is necessary to deal effectively with the issue.

**School Division Responsibilities**

The Division, its administrators and supervisors, are responsible for creating a safe working environment that is free from violence. Anyone aware of violence in our workplace must bring it to the attention of administration so the issue can be addressed immediately.

- Where it is determined that there has been a violent incident the Division will take corrective action.
- The name of the complainant or the circumstances of the complaint will not be disclosed to anyone, except where the disclosure is:
  - Necessary to investigate the complaint.
  - Required to take corrective action.
  - Required by law.
- Any information that is disclosed (as above) will be the minimum required for the purpose.
- When communicating information to address a risk of violence staff must comply with the Personal Health Information Act (PHIA) and the Freedom of Information and the Protection of Privacy Act (FIPPA).
  - Under FIPPA the Division may disclose personal information where necessary to protect the mental or physical health or the safety of any individual or group of individuals.
  - Under PHIA the division may disclose personal health information without the consent of the individual the information is about if the division reasonably believes that the disclosure is necessary to prevent or lessen a serious or immediate threat to:
    - The health or safety of an individual; or
    - Public health or public safety.
  - Example – Student at a school with a risk of violence: FIPPA applies.
  - The division may disclose some information to staff (teachers, EA's, etc.) that are unaware of a risk of violence.
  - The division may release situation specific information and precautions (Example: The student becomes aggressive; kicks and bites when it is time to come in from recess; give a two minute warning before the bell rings), however, the Division will not disclose a student's diagnosis.
  - The Division will ensure all employees are aware of the risks of violence in the workplace and are properly trained and equipped to protect themselves.

In summary, the Violent Incident Investigation Team will provide information to staff and community in the following manner:

- a. General information that is to be shared with the community at large.
- b. Information that is for the entire staff.
- c. Information that is for staff integral to the plan.
- d. Information that is for the case managers only.

This information will be provided in a timely fashion as determined by the investigators. In the case of parallel VII and TAP investigations as noted below, both teams will work together in determining release of information.

If difficulty arises in communication it is imperative that communication still continues in some form whether e-mail or through a mediator.

## **Where might violence occur?**

The Division recognizes that employees working with students with identified behavioural issues may be at risk of violence.

## **Steps to Eliminate or Reduce the Risk of Violence**

The Division continually assesses the risk for workplace violence.

Where staff works with students with behavioural issues, behaviour plans have been developed and staff are trained on these plans.

Each school has an Emergency/Crisis Response Plan that details procedures to follow if an intruder enters the building and the procedures to follow for a school lock down. Schools practice lockdown procedures throughout the year.

This Policy will be reviewed with all staff at orientation.

Where employees work alone the working alone procedures will be reviewed with those employees. Employees must follow these procedures and administrators/supervisors must ensure that the plan is followed.

## **Incident Reporting and Record Keeping**

1. Any worker of the Division who feels they have been subjected to violence contrary to this policy must report the incident to their administrator/supervisor.

In the event a threat or a perceived threat is made against a staff member, both the Threat Assessment Protocol (TAP) and the Violent Incident Investigation (VII) procedure will be automatically initiated immediately. The investigations will run concurrently and there will be overlap in each investigation, but to ensure overall safety, each will proceed with its own lens: the TAP will focus on the student behavior and student safety; the VII will focus on workplace safety. Both teams will be expected to cooperate with each other in gathering and analyzing the information and final decisions and plans should reflect the concerns of both student inclusion and staff safety.

While students who are in Vocational settings (shops, Home Ec., etc.) are considered workers under Workplace Safety and Health regulations, for the purposes of their behaviour and conduct toward one and other, they will be considered students, and discipline will be handled under the Code of Conduct. If a violent or threatening incident occurs between two students in a shop setting, the matter will be considered a student matter.

2. The administrator/supervisor must notify the Manitoba Workplace Safety and Health Division if the violent incident meets the definition of a “serious incident” which is defined as:

- a) The death of a worker.
- b) Where a worker suffers:
  - I. An injury resulting from electrical contact,
  - II. Unconsciousness as the result of a concussion,
  - III. A fracture of their skull, spine, pelvis, arm, leg, hand or foot,

- IV. Amputation of an arm, leg, hand, foot finger or toe,
- V. Third degree burns,
- VI. Permanent or temporary loss of sight,
- VII. A cut or laceration that requires medical treatment at a hospital,
- VIII. Asphyxiation or poisoning.

c) That involves:

- I. The collapse or structural failure of a building, structure, crane, hoist, lift, temporary support system or excavation,
- II. An explosion, fire or flood,
- III. An uncontrolled spill or escape of a hazardous substance, or
- IV. The failure of an atmosphere-supplying respirator.

3. The employee and the administrator/supervisor must complete a Violent Incident Report form. The form must be completed for all incidents, whether the incident involves a threat or act of violence. If the administrator is involved in the incident, the site rep will become responsible for the completion of the report. If both the administrator and the site rep are involved in the incident, a third party from within the school who is familiar with the incident will be appointed to complete the Violent Incident Report Form. If restraint was necessary, the appropriate portion of the form will be completed with the reasons restraint was necessary, the persons who applied restraint and witnesses to the use of restraint.

4. The administrator/supervisor will provide the original of the Violent Incident Report form to the Superintendent or designate as soon as possible. Where appropriate, a copy will also be provided to the school's Student Services department for inclusion in the clinical file of a student involved.

***All incidents must be investigated.*** Supervisors are to plan to ensure there is no contact between both parties involved until mediation/resolution has taken place.

### **Incident Investigation**

When an incident of violence occurs or could reasonably be expected to occur, the Division will take the following steps:

#### 1. Serious Incidents

- a) If the violent incident meets the definition of a "serious incident" as defined above, the administrator/supervisor will immediately notify the Workplace Safety and Health Division, the Superintendent and the co-chairs of the Workplace Safety and Health Committee.
- b) The site of the serious violent incident must be secured.
- c) The Workplace Safety and Health Committee co-chairs, the administrator/supervisor and any other persons required will complete an investigation into the incident using the Violent Incident Investigation Summary Report form.
- d) All information available and relevant to the violent incident will be provided to the investigation team.
- e) The investigation results will be summarized by the employer co-chair of the Workplace Safety and Health Committee in consultation with the committee with copies of the report given to the

administrator/supervisor, employee co-chair, Superintendent and Workplace Safety and Health Committee.

- f) Any recommendations that may result from the investigation will be reviewed by the Workplace Safety and Health Committee and the Superintendent.
- g) Any decision to implement any recommendations will be the decision of the Board of Trustees in consultation with the Superintendent and the Workplace Safety and Health Committee.

## 2. Non-Serious Incidents

- a) The administrator/supervisor and any other persons required will complete an investigation into the incident using the Violent Incident Investigation Summary form.
- b) All information available and relevant to the violent incident will be provided to the investigation team.
- c) The administrator/supervisor will determine any corrective action required.
- d) The investigation results will be summarized by the administrator/supervisor with the original report given to the Superintendents' Department for distribution to the Workplace Safety and Health Committee.
- e) Any recommendations that may result from the investigation will be reviewed by the Workplace Safety and Health Committee and the Superintendent.
- f) Any decision to implement any recommendations will be the decision of the Board of Trustees in consultation with the Superintendent and the Workplace Safety and Health Committee.

### **Assistance to Workers Subjected to Violence**

Employees who have been victims of violence may be:

- Encouraged to seek medical help from their healthcare providers or referrals for post-incident counselling, if required.
- Given the opportunity to be examined by a doctor and transported to a medical facility, if required.

Employee groups have Employee Assistance Plans that provide counselling and debriefing services for employees and their families.

The Violent Incident may require the employee (support staff) to file a report of injury with the Workers' Compensation Board.

### **Annual Report**

Each investigation report will be included in the annual workplace violence report. The annual report on violence will be provided by the Superintendent to the School Board no later than June 15 of each school year for review at the second Board meeting of June.

***This policy is not intended to discourage or prevent the complainant from exercising any other rights, actions or remedies available under any other law.***