



## **EMPLOYEE WORKPLACE VIOLENCE POLICY**

### ADMINISTRATIVE OPERATIONAL PROCEDURES

**Workplace Violence** is defined by the Ministry of Labour (MOL) as:

- the exercise of physical force by a person against a employee, in a workplace, that causes or could cause physical injury to the employee;
- an attempt to exercise physical force against a employee in a workplace, that could cause physical injury to the employee; and
- a statement or behaviour that it is reasonable for a employee to interpret as a threat to exercise physical force against the employee, in the workplace, that could cause physical injury to the employee.
- **Workplace** refers to any place where employees perform work or work-related duties or functions. Schools and school-related activities, such as co-curricular activities and excursions, comprise the workplace, as do Board offices and facilities. Conferences and training sessions fall within the ambit of this policy.
- **Employee** refers to all employees of the Board.

**According to the Occupational Health & Safety Act:**

- “worker” means any of the following
  - A person who performs work or supplies services for monetary compensation.
  - A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled
  - A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution.
  - A person who receives training from an employer, but who, under the Employment Standards Act, 2000, is not an employee for the purposes of that Act because the conditions set out in subsection 1 (2) of that Act have been met.
  - Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation;

Definitions are subject to changes from time to time as the appropriate legislation is reviewed or amended.

The Employee Workplace Violence Policy and Administrative Procedures shall be posted in a specific area, at the Health and Safety Station, in every workplace throughout the Niagara Catholic District School Board.

## **PROVISION OF INFORMATION**

**Disclosure** of Information with respect to Workplace Violence provided to a employee may include personal information related to a risk of violence from a person with a history of violent behaviour 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, as outlined in legislation.

No employer or supervisor shall disclose more personal information than is reasonably necessary to protect the worker from physical injury.

## DOMESTIC VIOLENCE

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

## COMPLAINT PROCEDURE

When an employee has been the subject of a workplace violence, the following steps shall be considered:

1. The alleged assailant will be removed from the presence of the employee immediately, if the immediate Supervisor at the time of the incident deems it reasonable and practical.
2. The employee(s) shall receive immediate and appropriate support and/or medical attention if warranted.
3. In the event of a physical assault, medical verification of the injury sustained in the assault must be established and recorded as soon as possible by the immediate Supervisor.
4. Without delay, the assaulted employee(s) shall inform the immediate Supervisor. The immediate Supervisor must inform the Senior Administrator of Human Resources, who will then notify the appropriate Superintendent or Controller of Facilities Services.
5. It shall be the responsibility of the Senior Administrator of Human Resources to inform the appropriate Union President, if applicable, of the incident. These procedures do not preclude the assaulted employee(s) from contacting the Police and/or their Association/union representatives.
6. The immediate Supervisor will advise the alleged assailant, as soon as it is practical, that documentation of the specific details shall be recorded.
7. The immediate Supervisor will endeavour to restore the environment to normalcy and will conduct an investigation into the assault. The completed [Ontario Education Service Corporation \(OESC\) On-Line Reporting System](#) resulting from the investigation will be forwarded to the Senior Administrator of Human Resources with a copy to the appropriate Superintendent or Controller of Facilities Services. A copy of the [Niagara Catholic Employee Incident/Accident Report](#) will also be required in the event of a physical assault.
8. Upon receiving the reports from the employee and immediate Supervisor, the Senior Administrator of Human Resources will consult with the appropriate Superintendent(s) and/or Controller of Facilities Services prior to any action taken.
9. The Senior Administrator of Human Resources may seek legal advice for the Board regarding the incident.
10. The Senior Administrator of Human Resources shall inform the employee of the support mechanisms available through the Board.
11. With the approval of the Superintendent of Human Resources, the Senior Administrator of Human Resources may, if deemed appropriate, grant an approved leave of absence without loss of pay or sick leave credit, to the employee(s) who has been the subject of an assault.
12. The Niagara Catholic District School Board will not discriminate against employees because they are perceived to be victims of workplace violence.
13. In all cases, with Police involvement, the employee and immediate Supervisor shall report the incident(s) on the appropriate incident report.
14. Copies of reports made by the employee and immediate Supervisor must be given to the Senior Administrator of Human Resources, appropriate Superintendent(s) and/or Controller of Facilities if appropriate, where appropriate action will be taken. Upon written request to the Senior Administrator of Human Resources, a copy of the detailed report from the immediate Supervisor will be provided to the employee(s).
15. Where the two (2) or more parties involved in the assault are assigned to the same department or work-site, future work assignments and location shall be reviewed with the Senior Administrator of Human Resources, the appropriate Superintendent(s) or Controller of Facilities, and the Immediate Supervisor.

16. Infringement of this policy will give rise to disciplinary measures up to and including termination of employment.

## JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEE REPRESENTATIVES

The employer shall advise the Joint Occupational Health and Safety Committee at the school site of the results of the assessment or re-assessment of the Workplace Violence Management Program and provide a copy where the assessment or re-assessment is in writing.

The Workplace Violence Survey ([Appendix B](#)) will be conducted as often as necessary in order to monitor employee input and the provision necessary information to employees.

The employer will provide for a risk assessment ([Appendix A](#)) in relation to workplace violence having regard to the nature of the workplace, the type of work, working conditions, circumstances that would be common to similar workplaces and circumstances particular to that workplace. The results of the risk assessment must be provided to the joint health and safety committee or the health and safety representative, or, if none exists, to the workers themselves within ten (ten) working days or a timeline agreed upon by both parties. Risk assessments must be performed as often as necessary.

The OHSA requires employers to notify the Ministry of Labour of critical injury (as defined by the OHSA) or fatality immediately and file a written report within 48 hours. In the absence of a critical injury or fatality, an employer need not report a workplace violence incident to the Ministry of Labour unless ordered to do so by a Ministry of Labour Inspector.

The JHSC, the health and safety representative and the union(s) shall be notified within four (4) days of a workplace violence incident if a person is disabled from performing his or her usual work or requires medical attention because of the incident.

<b>Adopted Date:</b>	<b>April 23, 2002</b>
<b>Revision History:</b>	<b>June 15, 2010</b>
	<b>November 23, 2010</b>
	<b>December 20, 2011</b>
	<b>November 26, 2013</b>
	<b>February 24, 2015</b>
	<b>June 21, 2016</b>
	<b>May 23, 2017</b>
	<b>November 27, 2018</b>