



Workplace Violence Prevention (WSH) Administrative Procedure 8.98

8.0 Safe Schools

Board Governance Policy Cross Reference: 1, 2, 3, 8, 16, 17

Legal Reference: *Human Rights Commission, MB. 217/2006 WS&H Act Part 11, WS&H Part 2 (section 2.9) Canada Criminal Code, Public Schools Act and Appropriate Education*

Date Adopted: September 2011

Date Amended: December 2012, October 2015, March 2016, June 2018, November 2018, April 2019, September 2024

The Evergreen School Division is committed to providing a safe learning and working environment that supports the dignity and self-esteem of individuals.

The Division recognizes the potential for violence or threats against employees.

Efforts will be made to:

- identify potential sources of such risks
- minimize those risks through **8.98 Workplace Violence Prevention (WSH)**
- ensure as much as is reasonably practicable, that no employee is subjected to violence in the workplace.

Violence is Against the Law

Canada's Criminal Code prohibits violence. *The Workplace Safety and Health Regulations on Violence in the Workplace* (part 11) require that employers assess risk and develop a violence prevention policy to describe the actions and measures employers will take to eliminate or control the risk of violence to workers.

This violence prevention policy is not intended to discourage or prevent anyone from exercising any other legal rights under any other law.

What Constitutes Workplace Violence?

Violence is rarely a spontaneous act. It is more often the culmination of escalating patterns of negative interaction between individuals.

As defined in Part 11 of the *Workplace Safety & Health Regulation*, M.R. 217/2006:

"Violence is the attempted or actual exercise of physical force against a person and any threatening statement or behaviour that gives someone reason to believe that physical force will be used against them."

Workplace violence includes threats and the application and attempted use of physical force against a worker. The acting out person does not need to have the capacity to appreciate these actions could cause physical harm for these actions to be considered violent; however, responses from the Division to violence will consider the nature of the violence, the capacity/understanding of the person who committed the act, previous actions, etc.

What Does *Not* Constitute Workplace Violence?

Accidental situations – such as a worker tripping over an object and pushing a co-worker as a result does not constitute workplace violence.

What is Considered my “Workplace”?

Incidents of violence may not occur on the job site i.e. in the workplace; any incident is considered workplace violence if it arises out of the worker’s employment.

Examples:

- threatening telephone calls from one worker to another at their home or
- violent actions against a worker’s family or property that arise out of workplace interactions

Employee Rights and Responsibilities

General Rights

- Employees are entitled to, as much as reasonably practical, a workplace free from violence.
- Employees have a right to know when the potential for violence exists.
- Employees have a right to request training/professional learning related to:
 - reducing the potential for violence
 - keeping themselves safe when the potential for violence exists
 - understanding of students with complex needs (in accordance with privacy legislation the *minimum amount of personal information necessary* to accomplish this purpose will be provided)

General Responsibilities

- Employees are to inform their supervisor of incidents of violence or threats of violence.
- Employees are responsible for working together in a professional manner and resolving issues without violence.
- If matters cannot be mutually resolved, employees are to bring issues to their supervisor.
- Employees must take all reasonable steps to protect their personal safety and remove themselves from a violent situation.
- Employees are responsible for cooperating with an investigation of a violent incident and for maintaining confidentiality regarding violent incidents and their investigation.

Responsibilities Related Specifically to Working with Students

- Employees are responsible for following the student plans set out to reduce the potential for violence, including IEP’s, safety plans, behaviour plans, etc.
- *Only those staff specifically pre-authorized to do so with identified students* will be permitted to restrain a child.

Division’s Responsibilities

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

General Responsibilities

- The Division will investigate and respond to incidents of violence, including disciplinary action, if appropriate. See **8.98 A: Violent Incident Report**.
- The Division will ensure access to training is provided to all staff who are likely to encounter violence during the course of their work.
- When violence is reported, the Division will not disclose the name of a complainant or the circumstances of the complaint to anyone except where disclosure is:
 - necessary to investigate the complaint
 - required to take corrective action
 - required by law.

Related Specifically to Working with Students:

- The Division will ensure access to training is provided to staff who are likely to encounter violence during the course of their work with students and receive additional training which may include de-escalation techniques, strategies to keep themselves safe and/or student specific planning.
- The Division will provide the *minimum amount of personal information necessary* to inform workers likely to encounter violence in the course of their work.

Steps to Eliminate or Minimize the Risk of Violence

1. Administrative Procedures

The Division has developed administrative procedures to inform and train employees to prepare staff to respond appropriately to safety concerns. The WS&H Committee Members are consulted and participate in the development of new procedures and/or the review of existing procedures.

Related administrative procedures include:

- **8.96 Working Alone / Working in Isolation Guidelines (WSH)**
- **8.92 Harassment Prevention (WSH)**
- **8.34 Emergency Response Plans**
- **8.22 Lockdown**
- **8.23 School Closures/Bus Cancellations**
- **8.74 Visitors**
- **8.44 Trespassers**
- **8.70 Vendors**
- **6.60 Security**
- **1.A.30 Code of Conduct**
- **8.40 Risk / Threat Assessment**
- **1.A.50 Extreme Behaviours – Prevention and Response**
- **3.B.40 Appropriate Educational Programming**

These administrative procedures are:

- brought to the attention of new employees via orientation
- brought to the attention of staff annually at the start of the school year
- available to all employees via the ESD Website or
- distributed directly to the applicable employees as required and/or

- posted on the WS&H Bulletin Boards located in each workplace, if applicable
- revised/reviewed as needed.

2. Exposure to potentially violent situations involving students

Educational assistants, student services staff and school administration are at higher risk of experiencing violence.

Working with children who are learning to behave appropriately exposes all staff to some risk. All students have a right to an education and the Division, under the direction of the Province of Manitoba and within the ethical obligation to provide an inclusive education, must allow students an opportunity to attend school.

Students who have exhibited violent behaviours in the past, will have individualized learning plans and safety plans as necessary.

Further, specialized staff will be trained to support student learning of appropriate behaviours, identify signs of escalation and how to respond in the event of a violent incident.

If personal protective equipment (e.g. bite guards, shin guards) is recommended, it will be provided by the Division.

3. Notification of Workers at Risk

The Workplace Safety and Health Act 11.5(1b) requires that employers “inform each worker about the nature and extent of the risk of violence to a worker in the workplace”. This duty is limited in 11.5(3) to “the minimum amount necessary to accomplish the purpose”. Therefore, the overall presumption is against the disclosure of personal information.

The Division will provide notification of risk to those workers who are likely to encounter a student who has a history of violent behaviour.

The Division will provide information pertinent for staff to know in order to protect themselves (minimize the risk).

Examples:

- sharing that there may be a possibility of physical assault, but not sharing the actual medical diagnosis
- sharing around the expected future behaviours, but not sharing the specific history of their past behaviour

4. Response to threats and escalating risk

All reported risks and threats will be taken seriously and addressed according to **8.40 Risk Threat Assessment** procedure. The outcome of the process is the development of an action plan and recommendations in order to provide intervention to students, workers and their families in a proactive manner.

Measures to Summon Immediate Assistance

The potential for violence or threats against an employee is unique to each workplace.

However, as the risks are largely the same, general application of safety procedures will apply. See section **8.0 Safe Schools** of the ESD Administration Manual.

As particular activities have specific hazards / risks, precautionary safety measures need to be taken. For example:

- cell phone communications when working in a crawl space
- when working alone, knowing location of fire alarm pull stations
- use of security equipment e.g. cameras

Employees who have been the victim of serious violence are:

- provided with transportation to emergent help if needed
- encouraged to consult a health care provider for treatment if appropriate;
- encouraged to get post incident counselling, as appropriate.

Law enforcement agencies will be contacted by the supervisor when applicable. Safety plans will be developed immediately as required and appropriate

Reporting Incidents of Violence

General responsibilities

Any person who believes that they are being subjected to violence or threats of violence are to inform their supervisor. Informing the supervisor allows for the situation to be resolved promptly and may provide information in the event that the school and/or Division may need to work in a proactive and timely manner to prevent further violence.

If Incident Involves a Student

Depending on the circumstance, a staff member's report of violence to their Principal/Supervisor, or designate may be:

- Noted as a matter of student discipline and responded to within the code of conduct
- Considered in light of a student's IEP and/or BIP and/or Safety Plan and trigger a review of the present plan, and/or training needs for staff
- Responded to via the **8.40 Risk / Threat Assessment**
- Recorded as an extreme behaviour as per the **1.A.50 Extreme Behaviour** Procedure; which triggers a review of the present student plans/training needs.

Notwithstanding the above, any staff member may choose to complete **8.98 A: Employee Violent Incident Report**.

There shall be no reprisal against any employee who, in good faith, reports an incident of violence or participates in an investigation.

Responding to Incident as Reported on 8.98A: Employee Violent Incident Report

1. Employees who intend to complete **8.98A: Employee Violent Incident Report** must complete the report within twenty-four (24) hours of the incident and submit it to their Principal/Supervisor or designate.

2. The Principal/Supervisor or designate needs to attempt to investigate and resolve issue at the school level. They may choose to consult others.
Principal / Supervisor or designate to document any actions taken and then forward copies of the **completed** report to the Superintendent (for incidents involving other employees), to the Learning Coordinator (for incidents involving students) and to the ESD Safety Officer (for all incidents).

Submitting this report does not initiate any action; it is for information purposes only.

3. If issue **cannot** be resolved at school/workplace level and needs further investigation, Principal/Supervisor or designate needs to **directly contact**
 - the Superintendent (for incidents involving other employees)
 - the Learning Coordinator (for incidents involving students).Depending on the incident and the circumstances surrounding the incident, others may be asked to be become part of the investigation team and resolution process.

4. Any additional steps will be decided upon together and must be documented on **8.98 A: Employee Violent Incident Report.**

Once investigation is complete, forward copies of the **completed** report to the Superintendent (for incidents involving other employees), to the Learning Coordinator (for incidents involving students) and to the ESD Safety Officer (for all incidents).

5. If an employee receives medical help or misses work as a result of the violent incident, the employee and Principal/Supervisor or designate must also complete **8.12 Non - Student Accident Report** and the **WCB Notice of Injury** (green form) at the earliest opportunity and submit reports to the payroll benefits office. The employee may be encouraged to seek post incident counselling, as appropriate.

6. If there is an incident of workplace violence that meets the definition of **“serious incident” as defined by the Workplace Safety and Health Regulation**, the Principal/Supervisor, or designate will contact the Safety Officer *immediately*.

A serious violent incident is defined as when a worker is killed or suffers a *serious injury* as a result of violence perpetrated by another individual, while performing his/her duties.

The Safety Officer will be responsible for notifying the Manitoba Workplace Safety & Health Division.

These incidents will be investigated by the Workplace Safety and Health committee co-chairs, as per the regulation.

The employee/complainant may also speak directly to their Workplace Safety and Health Representative and or their Union Representative in accordance with their respective Collective Agreement.

In addition to levying a complaint pursuant to the Division procedure, the employee/complainant has the right to pursue their complaint through law enforcement agencies under the *Criminal Code of Canada*. This procedure is not intended to discourage or prevent the complainant from exercising any other legal rights under any other law.

Follow up will depend on the nature, urgency and seriousness of the incident:

- When necessary, a safety plan will be developed within 24 hours to prevent further violence which can be reasonably expected.
- Investigations related to student violence will be completed as soon as possible and within 7 days.
- Investigations led by the Assistant Superintendent and/or WSH committee will be completed as soon as possible and within 14 working days unless extenuating circumstances exist.

Following an investigation, the Division will determine reasonable steps to be taken to minimize or end the violence and prevent a repeat.

Investigation Responses

Upon completion of an investigation into reported violence, the response(s) **may** include, but are not restricted to the following:

- development/revision of a IEP, BIP, Safety Plan, etc.
- accessing additional information or training
- a verbal or written warning being issued
- a suspension of staff with or without pay for a specified period of time
- a suspension of student for a specified period of time or exclusion from a school.
- the transfer of staff/student to another location
- dismissal/expulsion
- police involvement
- requirement for clinical and or counseling services
- exclusion from Division facilities.

As per Division procedure **3.B.40 Appropriate Educational Programming**, the Division will “provide reasonable accommodation 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 (MR 468/88)”

Annual Report

A summary of submitted **8.98 A: Employee Violent Incident Reports** will be included in the annual Workplace Violence Report produced no later than June 1st of each year. This report is to be developed by the Safety Officer and shared with the Workplace Safety and Health Committee and Superintendent.

Confidentiality

The Division will not disclose the name of a complainant, respondent or witnesses to anyone except where disclosure is:

- a) necessary to investigate the complaint
- b) required to take corrective action
- c) required by law.

All records, documents, notes and transcripts of an investigation shall remain confidential. Except where disclosure is:

- a) required by law
- b) necessary to investigate the complaint or take corrective action (subject to the requirements of the *Freedom of Information and the Right to Privacy Act*).

Parties to a complaint are advised to refrain from discussing the complaint with anyone (except the person(s) investigating the matter).