



REGULATIONS

SUBJECT: VIOLENCE IN THE WORKPLACE

BACKGROUND

The Lambton Kent District School Board recognizes that violence in the workplace is an unacceptable condition of work and is committed to providing a safe and secure working environment for employees and those persons having authorized access to Board premises. It is an expectation of the Board that all employees or others on Board business will, at all times, conduct themselves in a courteous, polite manner when dealing with the general public or members of the educational community. Accordingly, the Lambton Kent District School Board will take all reasonable precautions under the circumstances to protect and support any employee who is threatened, abused, or put at personal risk in the proper exercise of his or her duties.

Workplace Violence

Hostile exchanges between employees, or in the context of working relationships, are subject to the same rules of law that apply to the greater community. Criminal and Civil action may result from aggressive or abusive behaviour between workers. This could be in addition to any sanction the Board may take, including termination. Workplace violence also has the potential for long term impact on individual staff members or departments.

Violence in the Workplace

Workplace Violence is defined under the Occupational Health and Safety Act 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
- 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.

This Regulation deals with physical acts or threats of violence. Other types of conflict, such as harassing behaviour or workplace conflict, will be dealt with according to practice and procedures that have been developed to respond specifically to these issues.

Workplace Protection

Workplace Protection, in this context, refers to actions taken by management to deal with the possibility of violence to staff resulting from both employment and non-employment situations. These situations could result from domestic situations, economic pressures, personal circumstances, or a random act of violence.

There are three categories of Workplace Protection addressed by this regulation:

1. *Student and Public Aggressions* includes aggressive, hostile or disruptive behaviour by members of the public including students/parents/guardians towards staff. Responses to acts of violence by students, including special needs students, will be consistent with policies and procedures developed to deal with student issues.
2. *Workplace Violence* between employees includes physical injury, physical aggression or threats to exercise physical force.
3. *Conflict outside the Workplace* recognizes personal conflicts can follow an employee into the workplace. Domestic disputes and custodial parent issues are among factors that may compromise workplace security and could lead to staff at risk.

The Process; Safety of Employee, Reporting the Incident, and Investigating the Incident

1. An employee who is seriously threatened or put at personal risk is authorized to terminate contact with the offending party and immediately report the circumstances to their supervisor. If the offending party is a student, the employee must meet the "Duty of Care", if applicable, owed to the student in their charge in the circumstances. Supervisors will assess the situation to determine whether:
 - The victim is in need of medical, emotional or other assistance;
 - When and in what circumstances the employee can resume work; or
 - If the employee should be temporarily reassigned.Following the initial assessment, an investigation will take place.
2. The employee must submit a report to their Supervisor and the Superintendent of Human Resources or designate for all violent encounters, and in all serious cases of aggression. The report must contain:
 - Date, time and location of the occurrence;
 - Name of the employee and victim;
 - Name of the alleged assailant;
 - Specific language of the threat;
 - Actions that followed the threat;
 - Prior events or encounters that are relevant to the incident;
 - Reason for the contact between victim and aggressor;
 - Summary of events, including the outcome of the encounter;
 - Names of any witnesses or any other person directly involved in the incident, including identifying police involvement; and
 - The supervisor's assessment referred to in Number 1 above.

3. *Minor incidents* may be resolved by the immediate supervisor, the employee and the alleged aggressor. Events in the minor category may include outbursts of inappropriate language or signs of temper, where there was no serious intent to cause harm.
4. Employees must immediately report more *serious incidents* to the principal or manager, who will without delay notify the Superintendent of Human Resources. The Superintendent of Human Resources, or designate, will directly respond to events that could jeopardize the safety of Lambton Kent District School Board staff.
5. A completed report must be faxed to the Superintendent of Human Resources and the Conflict Resolution Coordinator within one day. Serious incidents include, for example, assault, confinement, or believable threats of assault, abuse or harm. Behaviour that disturbs or threatens employees, students or others may be seen as serious.
6. The Manager of Human Resources, Conflict Resolution Coordinator, or designate will investigate all cases of workplace violence. The investigation will assist in identifying serious behaviour problems, the need to refer to outside resources, and contribute to a threat-free working environment for all employees. The Manager of Human Resources, Conflict Resolution Coordinator, or designate may utilize the services of outside organizations as needed. Examples of these could include an external investigator, additional security, or a crisis management provider.
7. Any employee who believes a violent situation has not been effectively dealt with at the supervisory level may directly contact the Manager of Human Resources, Conflict Resolution Coordinator, or designate to review the circumstances.
8. The Manager of Human Resources, Conflict Resolution Coordinator, or designate will observe strict protocols of confidentiality to encourage employees to report potential or developing situations of violence.
9. All reports, including employee reports, supervisor reports, investigator notes, etc. will be maintained in confidence by the Conflict Resolution Coordinator.
10. The Manager of Human Resources or designate will provide awareness and educational programs to all staff on workplace violence and the Board's efforts to maintain a violence free workplace violence within our buildings.
11. The Manager of Human Resources or designate will update these procedures as required by evaluation of serious incidents. The procedures, as well as the corresponding policy and regulations, will be reviewed annually by the Elementary and Secondary Joint Health and Safety Committees at their respective first meeting of the school year.

Penalty

No employee or any other individual affiliated with the Lambton Kent District School Board shall subject any other person to workplace violence, or allow or create conditions that support workplace violence. Breaches of the Regulation by an employee may be subject to disciplinary action. Other persons, not employed with the Board, may be removed from the workplace.

Students

Students, including Special Needs students, whose behaviour or activities pose a threat to staff or other students will be dealt with according to practices and procedures that have been developed to deal with student and special education issues.

Harassment and Discrimination

Harassment, discrimination, and workplace conflict issues will be dealt with according to practice and procedures that have been developed to respond to these types of issues, specifically;

- Policy and regulation AD-112-08, *Discrimination and Harassment Prevention*; and
- Policy and regulation AD-148-08, *Respectful Working and Learning Environment: Prevention and Resolution of Conflict*.

Implementation Date: June 8, 2010

Reference: Ontario Human Rights Code
Occupational Health and Safety Act
Board Policies and Regulations