

WORKPLACE VIOLENCE

BACKGROUND

Good Spirit School Division has, pursuant to Section 14 of the *Occupational Health and Safety Act*, 1993, and Section 37 of the *Occupational Health and Safety Regulations*, 1996 developed this administrative procedure to deal with violence against employees in the workplace. The Division recognizes that its employees may, in certain circumstances, be at risk of acts of violence by fellow employees, students, parents of students or members of the general public. The Division is committed to making every reasonable effort to identify the possible sources of violence to which its employees may be at risk and to implementing procedures to minimize or eliminate risks of violence. The Division is implementing this procedure to foster and maintain a safe environment for its employees. It is committed to ensuring that its employees are:

- aware of situations in which violence may occur;
- provide employees with training to help them recognize those situations which may give rise to violence and protect themselves in the event of a violent incident.

It is a violation of this Administrative Procedure for anyone to knowingly make a false complaint of discrimination, harassment, violence, or to provide false information about a complaint. Individuals who violate this Administrative Procedure are subject to disciplinary and/or corrective action, up to and including termination of employment.

DEFINITION

As outlined in *Occupational Health and Safety Regulations*, 1996, “violence” means the attempted, threatened or actual conduct of a person that causes or is likely to cause injury, and includes any threatening statement or behavior that gives an employee reasonable cause to believe that he or she is at risk of injury. Examples include, but are not limited to:

- Threatening behavior such as shaking fists, destroying property or throwing objects;
- Verbal or written threats that express an intent to inflict harm;
- Physical attacks;
- Any other act that would arouse fear in a reasonable person in the circumstances.

PROCEDURES

1. This procedure applies to all work sites in the Division including schools, central office, maintenance shops and bus garages, as well as any locations to which employees may be present for out-of-school activities.
2. Employees who work in the following circumstances could be at greater risk of being exposed to violent incidents:
 - a. teachers and educational assistants in classrooms with students who have a history of violent behaviors;
 - b. teachers and educational assistants who work with students who have medical conditions or psychological disorders which can increase the probability of those students committing violent acts;
 - c. professional service providers who work in classrooms with students who have a history of violent behaviors;
 - d. staff who perform home visits;
 - e. school-based employees who provide services to a student whose parent has a history of violence or who has previously threatened school staff;
 - f. school-based administrators;
 - g. employees working evening or night shifts.
3. In accordance with the *Occupational Health and Safety Regulations, 1996*, Section 37 (6), this procedure shall be reviewed, and where necessary, revised every three years and/or whenever there is a change of circumstances that may affect the health or safety of workers.
4. All employees working directly with students, who (i) have a history of violence, or (ii) have medical conditions or psychological disorders which increase the probability of them committing violent acts, shall be informed by the school Principal of the nature and history of the violent behavior prior to the employee's initial contact with the student.

Except where the disclosure is prohibited by law, all available information shall be provided related to the risk of violence from those students or from others who have a history of violent behavior and whom employees are likely to encounter in the course of their work.
5. If an employee believes that a student, fellow employee or visitor to a school or work site represents a danger to the safety of staff and/or the overall safety of the work site, the employee shall immediately notify an administrator in that location. Should such a danger occur after hours, the employee should notify his/her supervisor as soon as possible, and the local school administrator (if applicable) as soon as is practically possible.
6. Any employee who has been a victim of violence resulting in any physical injury will be given the opportunity, without loss of pay, to seek medical treatment. This time shall be deducted from the employee's sick leave bank.
7. Non-teaching employees seeking medical assistance or missing work as a result of a violent incident at work, must fill out a report of injury with the Workers' Compensation Board.

8. The Division is committed to providing training for its employees in the following areas:
 - a. recognition of potentially violent situations;
 - b. procedures and work practices to minimize or prevent the risk of violence;
 - c. appropriate responses to violent incidents and how to obtain assistance;
 - d. procedures for documenting and reporting violent incidents.
9. Reports of incidents of violence against employees shall be made directly to the employee's direct supervisor.
10. The process for investigation of an incident of violence is as follows:
 - a. Informal Complaint Process
 - i. The supervisor who receives an informal verbal complaint shall take action to ensure the complaint is addressed within ten (10) working days from the date the complaint is received.
 - ii. The supervisor will report the incident to the Superintendent of Schools. The Superintendent of Schools shall immediately provide the Director with the details of the incident(s).
 - iii. The supervisor will assist the complainant in speaking to the respondent directly, or speak to the respondent on the complainant's behalf to outline the allegations and attempt to resolve the complaint informally.
 - iv. As part of the informal complaint process, a secured file will be created and kept with the supervisor which includes:
 - The name of the complainant(s) and respondent(s).
 - The nature of the alleged violence.
 - A record of all meetings to date which specifies meeting dates and names of attendees, and includes the nature or details of the discussions.
 - The present disposition of the complaint.
 - v. The supervisor will monitor the status of the complaint to see that it is satisfactorily resolved.
 - vi. If the informal complaint is not satisfactorily resolved, a formal complaint may be filed.
 - b. Formal Complaint Process
 - i. A formal complaint, made by the complainant, may be made to the Director and must consist of a signed written statement outlining the nature of the alleged violence, describing the specific incident(s), the dates and any witness(es) who may have been present.

- ii. A formal complaint may be filed up to one (1) month from the date of the most recent incident cited in the letter of complaint. The Director may elect to consider a complaint received after this time.
- iii. The complainant is requested to notify the Director immediately if a complaint is filed with an Occupational Health and Safety officer, the Saskatchewan Human Rights Commission, police, the Saskatchewan Teachers Federation, Union, or if civil or criminal court action is initiated while the charges are still under review by the Division. The Director or designate may elect to process the complaint or stay the procedures pending the outcome of the other investigation.
- iv. An individual shall be appointed by the Director to conduct an investigation regarding the complaint. Every attempt will be made, throughout investigative proceedings on the part of all parties concerned, to respect the confidential nature of the information.
- v. Either the alleged respondent (if an employee) or the victim of violence may be removed from the workplace on a temporary basis, with or without pay, while the incident is being investigated.
- vi. The investigator shall obtain the secured file that was established as part of the informal complaint process.
- vii. STF/union staff members may be accompanied by their federation/union representative, or may choose a person(s) for moral support during any proceedings relating to the investigation of the complaint, providing no costs are incurred by Division.
- viii. The investigator shall have the right to ask questions of the complainant, respondent and others who may have knowledge of the circumstances that led to the complaint.
- ix. The investigator's findings shall address all pertinent circumstances, including corrective action to be taken to prevent a recurrence, and shall be detailed in a report to the Director.
- x. Resolution of a formal complaint shall occur within one (1) month of the date on which the complaint was filed. The Director may elect to extend this timeline dependent upon circumstances.
- xi. If the results of the investigation support allegations in the letter of complaint, a range of sanctions may be imposed on the respondent by the Director. The sanctions depend upon the nature and seriousness of the offence. The range of sanctions include a verbal warning, a written reprimand with a copy retained in the respondent's file, transfer, demotion, suspension or termination of employment.
- xii. If the results of the investigation do not support the allegations, the complaint will be dismissed and a letter will be issued indicating that the respondent has been cleared of all allegations. An individual cleared of allegations has the option of requesting that a copy of the letter be placed in the personnel file.

- xiii. If the evidence indicates that the complainant knowingly and willfully made false allegations in an attempt to cause harm to the respondent, a range of sanctions may be imposed on the complainant by the Director. The sanctions depend upon the nature and seriousness of the offence. The range of sanctions include: a verbal warning, a written reprimand with a copy retained in the complainant's file, transfer, demotion, suspension or termination of employment.

11. Retaliation

- a. No staff member shall take retaliatory action with the intent of dissuading or punishing an individual for participating in the complaint resolution process. Sanctions may be imposed for retaliation.
- b. Retaliation against individuals participating in the complaint resolution process is not to be confused with sanctions imposed for violence or making false allegations.

- 12. Resolution procedures do not take away the right to file a complaint outside the Division with an Occupational Health and Safety officer, the Saskatchewan Human Rights Commission, police, the Saskatchewan Teachers' Federation, the union, or through civil or criminal court.

Legal Reference: Occupational Health and Safety Act, 1993

Occupational Health and Safety Regulations, 1996

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