

Workplace Violence in School Boards

A Guide to the Law



This guide is provided for information only. It does not replace the *Occupational Health and Safety Act (OHSA)* or the regulations; reference should always be made to the official version of the legislation and regulations. Workplace parties are responsible for ensuring compliance with the legislation and for seeking independent legal advice where questions remain.

This guide does not constitute legal advice.

While this guide may also be used by Ministry of Labour, Immigration, Training and Skills Development inspectors, they will apply and enforce the *OHSA* and its regulations based on the facts as they may find them in the workplace. This document does not affect their enforcement discretion in any way.



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Introduction

Everyone has the right to work and learn in a safe environment. In June 2017, the Ministry of Labour, Immigration, Training and Skills Development also thank and the Ministry of Education committed to work with the stakeholders in the education sector, through the Provincial Working Group Health and Safety, to make workplace violence prevention a priority. The goal is to collaborate in shifting the culture in Ontario's publicly funded school boards to further enhance safe working and learning environments.

The Resource Working Group, a subcommittee of the Provincial Working Group Health and Safety, has developed this guide to help workplace parties understand the *Occupational Health and Safety Act (OHS)* workplace violence requirements to protect the health and safety of workers in all school board workplaces (e.g., board offices, schools, non-traditional classrooms, etc.). This guide provides leading practices for developing violence prevention policies and procedures, the assessment and re-assessment of the risks of workplace violence, the reporting of violent incidents, and the sharing of information with workers so they may recognize and be protected from workplace violence.

Purpose

This document provides clear and concise information to help workplace parties in Ontario's provincially publicly funded school boards to:

- a.** understand their legislative responsibilities under the *OHS* in the context of other legislation, policies, and procedures when developing and maintaining a workplace violence policy and program (Refer to Appendix B for additional resources and information)
- b.** identify and remedy potential gaps in their workplace violence policy and program
- c.** develop measures and procedures to protect workers from workplace violence by providing leading practice guidance

- d. provide information and instruction to protect workers from workplace violence; and
- e. promote a strong commitment to advance a safety culture for preventing workplace violence

Working together we can address workplace violence in provincially publicly funded school boards and further advance a culture of health and safety. Ontario schools should be places where everyone – children, students, workers, parents and the community – feels welcome, safe and respected. A safe, inclusive and accepting school environment is essential for student and worker well-being and achievement.

We encourage all workplace parties to use this guide to assist them in understanding their responsibilities and duties to comply with the *OHSA* in the context of schools and its legal and policy environment.

A Workplace Violence Policy and Program Sample Checklist can be found in Appendix A.

Key Terms

In this document, “school board” refers to the “employer” and includes school boards and school authorities. A small number of schools are governed by “school authorities” which manage schools offered through hospitals and treatment, custody and correctional facilities, as well as schools in remote and sparsely populated regions.

A “**supervisor**” is a person who has charge of a workplace or authority over a worker [*OHSA s. 1 (1)*]. This may include a principal or designate (e.g. an interim vice-principal).

A “**workplace**” is any land, premises, location or thing, upon, in or near which a worker works [*OHSA s. 1 (1)*]. For the purpose of this document, examples include a school board office, a school, a classroom, a non-traditional setting, a field trip location, a school bus, or any other place a worker performs work for the school board.

“**Workplace parties**” refers to those working in provincially publicly funded school board workplaces, including all workers of the school board as well as union and education association representatives.



Workplace Violence under the *Occupational Health and Safety Act*

OHSA Definition – Section 1(1)

“**workplace violence**” means,

- (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker;
- (c) 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.

Workplace violence against a worker may be a one-time occurrence or involve repeated behaviours over time such as hitting, kicking, and biting a worker that causes or could cause physical injury. Workplace violence may also include an attempt to exercise physical force against a worker, such as an attempt to hit or bite, and may also include a statement or behaviour which is reasonable for a worker to interpret as a threat of violence, such as leaving a worker a threatening note or sending a threatening e-mail or verbally threatening violence against a worker.

A continuum of inappropriate and/or unacceptable behaviours can occur at the workplace. This can range from offensive remarks to violence. Workplace harassment may escalate over time. Where harassment, including sexual harassment, in the workplace involves threats, attempts or acts of physical force that causes or could cause physical injury, it would be considered to be workplace violence under the *OHSA*.

A person does not need to have the capacity to understand that their behaviour could cause physical injury to a worker to be workplace violence under the *OHSA*. It is important to identify and manage inappropriate and/or unacceptable behaviours early to minimize the potential for these behaviours to lead to workplace violence.

For more information about the *Occupational Health and Safety Act* definitions for workplace violence and workplace harassment, including sexual harassment, read: *OHSA s. 1(1)* and see the list of additional resources at the end of this document.

Developing and Maintaining a Workplace Violence Policy and Program

To protect the health and safety of workers, the school board must develop a workplace violence policy. This policy must be reviewed as often as is necessary, but at least annually. The workplace violence policy must be in written form and, in workplaces with more than 5 workers, posted where it will come to the attention of workers.

The *OHSA* requires school boards to assess and reassess the risk of workplace violence and to develop, maintain, and implement a workplace violence policy and program to address the risks. (Risk assessment is discussed in detail in the next section).

The workplace violence program must include:

- a.** measures and procedures to control the risks identified in the assessment or reassessment of the risks of workplace violence identified as likely to expose a worker to physical injury
- b.** measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;
- c.** measures and procedures for workers to report incidents of workplace violence to the school board or supervisor; and
- d.** details of how the school board will investigate and deal with incidents or complaints of workplace violence.

As a leading practice, the school board should develop and review the policy and program in consultation with the Joint Health and Safety Committee (JHSC), the Multi-site Joint Health and Safety Committee (MJHSC), and/or health and safety representative. This consultation should provide an opportunity for the JHSC, MJHSC, or health and safety representative to provide feedback, verbally or in writing, on the policy and program; the feedback should be considered by the school board.

To learn more about the *OHSA* requirements for a workplace violence policy and program, read: [OHSA s. 32.0.1 and 32.0.2](#).

The duties for the school board as set out in [s. 25](#), the supervisor duties as set out in [s. 27](#), and the worker duties as set out in [s. 28](#) apply as appropriate with respect to workplace violence [[OHSA s. 32.0.5 \(1\)](#)].

Workplace Violence Risk Assessment

The *OHSA* requires all school boards to assess the risks of workplace violence and to conduct a reassessment of the risks of workplace violence as often as necessary to ensure the workplace violence policy and the measures and procedures in the workplace violence program continue to protect workers from workplace violence. School boards must ensure an assessment/reassessment of the risks of workplace violence is conducted for each of their workplaces (e.g., school, classroom, other work location).

A risk assessment under the *OHSA* is not an assessment of an individual or student.

Under the *OHSA*, school boards are required to assess the risks of workplace violence that may arise from:

- a. the nature of the workplace
- b. the type of work; or
- c. the conditions of work.

The ***nature of the workplace*** refers to the physical aspects of the workplace and may include but is not limited to schools, school yards, school board offices, field trip locations, non-traditional classrooms, third-party spaces, hospitals and custody and correctional facilities and any other place that a worker performs work for the school board.

For more information on the nature of non-traditional classrooms refer to *Guidelines for Educational Programs for Students in Government Approved Care and/or Treatment, Custody and Correctional (CTCC) Facilities*

The **type of work** refers to the activities workers perform and the type of people with whom workers interact such as students, co-workers, agencies, parents, volunteers, and other members of the community, either individually or in groups. Activities could include, but are not limited to, classroom teaching, assisting students outside the classroom, non-academic work, recess, lunch support and field trips. These are a few examples of the different settings where work is performed and school boards must assess all types of work for the risk of workplace violence.

The **conditions of work** refer to other aspects such as the time of work, whether workers move from location to location, work alone, or work in isolated or remote workplaces.

In carrying out the assessment, school boards must consider:

- a. circumstances common to similar workplaces (e.g., other school boards); and
- b. circumstances specific to the workplace (e.g., non-traditional classrooms, geographical locations).

As a leading practice, a risk assessment conducted in a school board setting should include assessing:

- the *physical environment*, for instance, the security and control of entry and exit points, the working conditions and maintenance of the school communication systems, and the geographical location of the school
- *work practices, conditions, and the nature of work*, such as working alone with students or others, working outside, working in a portable, being an occasional or part-time worker, providing personal care to a student, special events at a school including assemblies and school trips
- *current measures and procedures* in the workplace violence program which may include, but not be limited to:
 - a means to summon immediate assistance
 - workplace violence response and prevention protocols
 - information and instruction (which may include elements such as recognizing, managing, and de-escalating behaviours)

- measures and procedures to develop and/or revise student safety plans
- sharing of information as appropriate, and consistent with *OHSA* and other applicable legislation, for student transitions and transfers within and across school boards
- measures and procedures when the school board becomes aware of domestic violence; and
- Personal Protective Equipment (PPE).

The risk assessment should also include any known risks based on a review of previous workplace incidents as well as any known risks identified in other school communities (e.g., the entry of weapons into a school).

Development of a student safety plan is not an assessment or reassessment of the risk of workplace violence in itself and does not constitute a workplace violence risk assessment or reassessment as required under the *OHSA*. However, the measures and procedures in the workplace violence program may include safe work practices (e.g., student safety plans) to support and protect students and workers. Student safety plans may be developed or revised to address a change in the potential of risk of workplace violence.

For more information refer to section on Student Safety Plan.

Reassessing the Risk of Workplace Violence

A reassessment of the risks of workplace violence is required by the *OHSA* as often as necessary to ensure that the workplace violence policy and program continues to protect workers from workplace violence. Changes or events within a school board workplace that may warrant a reassessment may include:

- a.** an increase in the number, frequency or severity of workplace violence incidents for that specific workplace (e.g., school, classroom, school board office, etc.)
- b.** a change in the physical environment of the workplace (e.g., the addition/removal of portables or security controls)

- c. a change in the student population of a school (e.g., at the beginning of a school year or when there is a significant change in the numbers or make-up of the student population mid-year); and/or
- d. a change in curriculum or scheduling, or a change in environment (e.g., noisy construction at a school), to determine if such change could provoke violent behaviours.

It is recommended that the risk reassessment be reviewed at least annually in consultation with the JHSC, MJHSC and/or health and safety representative and workplace parties who have knowledge and experience dealing with workplace violence and its prevention in that specific workplace.

The school board is required to advise the JHSC, MJHSC and/or health and safety representative of the results of both an initial risk assessment and any reassessment of workplace violence. Given the complexity of violence in school boards, it is recommended that the assessment and reassessment be in writing. If it is in writing, a copy must be shared with the JHSC, MJHSC or health and safety representative. This sharing of information will ensure that the JHSC, MJHSC or health and safety representative is apprised of new information and will promote a safe and collaborative working environment.

To learn more about assessing and reassessing the risk of workplace violence read, [*OHSA s. 32.0.3.*](#)

Measures and Procedures to Control the Risks of Workplace Violence

School boards are required to establish measures and procedures in the violence program to control the risks identified in the assessment and reassessment. If the risk of workplace violence cannot be eliminated, a combination of intervention/control methods should be considered to reduce the risk of workplace violence. It is also important to ensure that when a control is introduced, a new risk is not created.



Measures and procedures may include but may not be limited to:

- physical environment controls such as ensuring good lighting, improving sightlines by removing barriers, securing moveable objects, reducing noise when possible, and consider providing a quiet place
- work practices such as local workers response teams to address immediate needs, putting in place measures for workers working alone, and following the *Provincial Model for a Local Police/School Board Protocol*
- developing and/or updating student safety plans
- ensuring measures and procedures for student transitions, including, for example, ensuring that relevant information from the student safety plans are made available to workers as appropriate (refer to *OHSA s. 32.0.5(2)*)
- using Personal Protective Equipment (PPE) when required; and
- violence prevention classroom audits.

The measures and procedures to control workplace violence risks will be more effective if their development is based on local workplace circumstances, student needs, and collaboration and consultation with the JHSC, MJHSC, and/or the health and safety representative and workers.

Student Safety Plan

A student safety plan is a plan developed for a student whose behaviour is known to pose an ongoing risk to themselves, other students, workers or other people in general. It can serve as a crisis-response plan that outlines the roles and responsibilities of the workers in dealing with specific risk of injury behaviours. The development of a student safety plan involves all workers who work on an ongoing basis with a student, as well as parents and the representatives from any community agencies working with the student/family (*Caring and Safe Schools in Ontario, 2010*).

A student safety plan can be created for a student who is, or is not, receiving special education programs and services who meets the above criteria.

Recommended Components of a Student Safety Plan

- a. Description of the observable risk of injury behaviour concerns
- b. Triggers or antecedents
- c. Prevention and intervention strategies to support workers and student safety
- d. Communication procedures for all workers (teaching and non-teaching) whether permanent or occasional
- e. Emergency communication procedures for all workers

Who Should be Involved in the Development of a Student Safety Plan?

- a. All school board workers who have direct and routine involvement with the student
- b. School administration
- c. Parents and/or guardians should be consulted
- d. If appropriate, community agency workers working with the student or family can also be consulted

The student safety plan should be reviewed and updated regularly to see what can be learned and improved in the interest of student and worker safety. School boards should consider reviewing and updating a student safety plan:

- a. when there is a change in behaviour that could increase the potential for violent incident or risk of injury to self and/or others
- b. when there is a violent incident involving a student; and
- c. at least annually.

Procedures should be in place so that all workers (teaching and non-teaching, permanent or occasional) have access to the student safety plan.

Particular attention should be paid to preparing for the following scenarios:

- occasional workers in an elementary or secondary setting where students move from classroom to classroom
- central workers reporting to the school in the course of their duties, e.g., professional student services personnel or maintenance workers
- request for police services and students with special education learning needs

Practices to Consider

School boards should consider storing the student safety plan independently of the Ontario Student Record (OSR) in order to facilitate information sharing as required under *OHS*A, while being mindful of legislative requirements regarding privacy.

When creating the student safety plan educators may wish to consider first creating a Behaviour Support Plan to assist in better understanding the functions of the student's behaviours and how they may be improved. (For more information, refer to Appendix D: Behaviour Support Plans and Positive Behaviour Supports for Students).

If a student is receiving special education programs and services it may be appropriate to consider strategies found in both the Behaviour Support Plan and the Student Safety Plan in the creation of the Individual Education Plan (IEP), as they may inform good practice in programming to support the student's needs. (For more information, refer to Appendix E: The Individual Education Plan.)

For more on the issue of information sharing, including personal information, refer to Provision of Personal Information Regarding Persons with a History of Violent Behaviour.

Provision of Personal Information Regarding Persons with a History of Violent Behaviour

The *OHS*A requires school boards and supervisors to provide workers with information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour, if the worker can be expected to encounter that person in the course of their work and the risk of workplace violence is likely to expose the worker to physical injury.

School boards and supervisors must not disclose more personal information about a person with a history of violent behaviour than is reasonably necessary to protect workers from physical injury. For instance, workers may not need to know specific student information depending on the circumstance, but must understand the measures and procedures, (e.g., in a Student Safety Plan) to be followed as part of the workplace violence program in order to protect themselves.

School boards may wish to review *A Guide to Ontario Legislation Covering the Release of Students' Personal Information*. This guide, developed by the Information and Privacy Commissioner of Ontario, provides students, parents and school board workers with a basic understanding of how the *Municipal Freedom of Information and Protection of Privacy Act* interacts with the *Education Act* and other legislation, including the *OHSA*, to protect privacy and provide access to the personal information of students.

Additionally, there are other laws that govern the use and disclosure of personal information. These other laws must be considered as a school board takes into account a person's right to privacy under those laws in addition to a worker's right to be informed of workplace violence risks under the *OHSA*. In such cases, school boards may wish to seek legal advice. For example, school boards may wish to seek legal advice on the use of a truncated safety plan template for occasional or itinerant workers to facilitate notification of risk of the potential of workplace violence. For more information, refer to Appendix F – Notification of Potential Risk of Physical Injury form (Truncated Student Safety Plan).

School boards may also wish to use the general safety plan template to facilitate notification of risk of the potential of workplace violence from other persons who are not students. For more information, refer to Appendix G – Notification of Potential Risk of Physical Injury (General Safety Plan).

If a board chooses to use a form similar to the sample template provided in Appendices F and G, the board should ensure that appropriate policies and procedures are developed and in place to protect personal information from inappropriate use or disclosure. As a starting point, it is recommended that:

- forms be kept in a central location and in a secure container
- workers who are considered at risk of workplace violence be granted access to the forms by school administration
- forms be retained for the school year to which they apply and for one additional school year
- forms be securely destroyed upon the expiration of the second school year.

For more information about the *OHSA* provision of information, read *OHSA s. 32.0.5*.

Summoning Immediate Assistance

The *OHSA* requires school boards to develop and include measures and procedures in the workplace violence program to summon immediate assistance when workplace violence occurs or is likely to occur. The measures and procedures must be implemented in each of the school board's workplaces.

In some school boards, schools use a personal announcement (P.A.) system or walkie-talkie system to summon immediate assistance.

Measures and procedures to summon immediate assistance need to be appropriate to the specific circumstances. For example, a different means of summoning assistance may be required while on a field trip than when in a school classroom. There may be a need to use a communication device such as a cell phone that will work in the field trip environment and for workers to have emergency telephone numbers readily available and instruction on how to operate the device, as needed.

School boards should consult with the JHSC, MJHSC or health and safety representative and workers to develop measures and procedures for summoning immediate assistance specific to their work environment.

To learn more about the requirements for summoning immediate assistance refer to the *OHSA s. 32.0.2(2) (a) and (b)*.

School boards must ensure that the measures and procedures for summoning immediate assistance are reliable and effective at all times and should consider how they align with existing protocols such as the *Provincial Model for a Local Police/School Board Protocol*. The Protocol includes policies regarding bomb-threat procedures and lockdown procedures, and information on threat awareness/management. It reflects a focus on the importance of implementing violence prevention strategies to create and maintain safe and healthy schools. The Protocol also lists the types of incidents that require mandatory reporting to police and those for which reporting is discretionary.

All workers who are responding to the need for immediate assistance must be aware of their roles and responsibilities and must have received information and instruction to respond safely. For example, some school boards use a behaviour response team or buddy system to respond.

Reporting Incidents

Three different Acts outline requirements related to reporting – the *Occupational Health and Safety Act (OHSA)*, the *Education Act*, and the *Workplace Safety and Insurance Act (WSIA)*. Refer to Appendix H: Road Map.

Reporting under the *Occupational Health and Safety Act*

The *OHSA* requires school boards to develop measures and procedures for workers to report incidents of workplace violence to the school board or supervisor (e.g., principal or designate).

Workers have a duty to report the existence of any hazards, including acts of workplace violence, of which they are aware, to their school board or supervisor.

School boards also must immediately notify the *Ministry of Labour, Immigration, Training and Skill Development Health & Safety Contact Centre*, the JHSC, or health and safety representative, and the union, has been critically injured or killed at the workplace, if there is a connection between the hazard that gave rise to the death/critical injury and worker health and safety. Employers must do this even if the person is not a worker if the fatality or critical injury occurred where a worker was working or might reasonably be expected to work and there is a reasonable connection between the hazard that led to the death or critical injury and worker health and safety.

School boards must provide a written report within 48 hours to the Ministry of Labour, Immigration, Training and Skills Development about the incident. O. Reg. 420/21 sets out specific information that must be included in the written report. MLITSD has created an online form for this. For more information on critical/fatal injury and reporting, visit the [MLITSD website](#).

If a person is disabled from doing their usual work or requires medical attention because of an incident of workplace violence, the school board must provide written notice to the JHSC, MJHSC, and health and safety representative and union within four days of the incident. For example, if a teacher is disabled from performing yard duty but can continue to provide classroom instruction, a written notice must be provided. The school board may also be required to provide written notice to the MLITSD if requested to do so by an inspector.

Information obtained about an incident of workplace violence, including identifying information about any individuals involved, should not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law. There are other laws that govern the use and disclosure of personal information. In such cases, school boards may wish to seek legal advice.

Reporting Serious Student Incidents under the *Education Act*

This section clarifies procedures related to reporting and responding to serious student incidents. The purpose of reporting serious student incidents is to ensure that the principal is aware of any activities taking place in the school for which suspension or expulsion of the student must be considered and to help ensure a positive school climate. This reporting is separate and distinct from the requirements related to reporting workplace violence as per the OHSA.

Note: If the serious student incident also meets the *OHSA* definition of workplace violence, the worker/supervisor should follow the school board's measures and procedures for reporting the workplace violence incident, as required under *OHSA*.

Refer to Appendix C: Reporting of Serious Student Incidents for a full explanation of the reporting under the Education Act, *Education Act section 300.2 (Reporting to the principal)* and *Ontario Regulation 472/07 Behaviour, Discipline and Safety of Pupils*.

Reporting under the *Workplace Safety and Insurance Act (WSIA)*

For obligations of school boards and workers with regard to reporting an injury or illness under the *Workplace Safety and Insurance Act (WSIA)*, 1997 please refer to the *WSIB Reporting website*.

For workers affected by a workplace injury, the Workplace Safety and Insurance Board (WSIB) provides the resources and support for workers to help them recover and safely return to work.

Investigation of Incidents or Complaints

School boards are required to set out how they will investigate and address incidents or complaints of workplace violence as part of the workplace violence program. The first step is to attend to the health and safety of all involved. If a person requires medical attention this should be dealt with promptly.

The workplace violence program should consider the following with respect to the investigation:



- a. how to seek medical attention (roles and responsibilities);
- b. when to call the police – see mandatory and discretionary police reporting requirements as defined in the *Provincial Model for a Local Police/School Board Protocol*;
- c. how and when the investigations will be conducted; roles and responsibilities of school boards, supervisors, workers, JHSC, MJHSCs or health and safety representative and others involved in the investigation process;
- d. the type of information to be collected during an investigation;
- e. guidance on confidentiality and disclosure of information with respect to the investigation;
- f. how the workplace will deal with incidents of workplace violence;
- g. timeframes for investigations and any corrective actions; and
- h. how records about the incident and investigation will be stored and managed.

The workplace violence investigation should focus on identifying the root cause of the violent incident and apply measures and procedures to control the risk and prevent a recurrence.

The JHSC or MJHSC must designate one or more such members (or the health and safety representative) to investigate cases where a worker is killed or critically injured in the workplace and one of those members may, subject to certain conditions regarding the preservation of the scene, investigate. For more information refer to *OHSA s. 9(31), 8(14) and 51(2)*.

School boards must have measures and procedures to deal with workplace health and safety complaints. The Ministry of Labour, Immigration, Training and Skills Development encourages internal resolution of complaints, however, if the complainants' concerns remain unresolved, the *Ministry of Labour, Immigration, Training and Skills Development Health and Safety Contact Centre* can be contacted at 1-877-202-0008.

Information and Instruction on the Workplace Violence Policy and Program

The *OHSA* requires school boards to provide information and instruction to supervisors and workers on the contents of the workplace violence policy and program, including how to summon immediate assistance in various scenarios where there is a risk of workplace violence.

School boards are also required to provide information, instruction and supervision to protect the health and safety of a worker. Supervisors shall advise a worker of any potential or actual workplace violence risks of which the supervisor is aware. It is important that workers should ensure that they become aware of any potential risks in the classrooms they are entering and follow the measures and procedures in the workplace violence program.

The school board should, in consultation with the JHSC, MJHSC or health and safety representative, tailor the information and instruction to the worker's risk of exposure to workplace violence.

Some school boards have developed their own training programs based on the assessed needs and others have procured existing third-party training programs. School boards should consider a variety of learning options to meet the needs of a diverse workforce.

For more information read [OHSA s. 25\(2\)\(a\)](#) and [27\(2\)\(a\)](#), and [OHSA s. 32.0.5\(2\)](#).

Work Refusal for Workplace Violence

Workers have a right to refuse work or do particular work where the worker has reason to believe that workplace violence is likely to endanger themselves.

Regulation 857 – Teachers made under the *OHSA* states that Part V of the *OHSA* does not apply to teachers, as defined in the *Education Act*, where the circumstances are such that the life, health or safety of a student is in imminent jeopardy. However, the employer and supervisor still have a duty to take every precaution reasonable in the circumstances to protect the health and safety of the teacher. When the life, health or safety of a student is not in imminent jeopardy, the teacher has a right to refuse work consistent with the procedure outlined in the *OHSA*.

Other workers in school boards who are not teachers (e.g., teaching assistants, education assistants, office workers, custodial workers, etc.) have the right to refuse work when they have reason to believe that workplace violence is likely to endanger them.

The *OHSA* sets out a specific procedure that school boards must follow in any work refusal. It is important that workers, school boards, supervisors, members of JHSC, MJHSCs, or health and safety representative understand the procedure for a lawful work refusal.

For more information and the process to follow on the right to refuse work read *OHSA s.43* and the *MLITSD Guide to the Occupational Health and Safety Act, Part V - Right to Refuse Work*

Domestic Violence Awareness and Response Process

Domestic violence is a significant societal issue and may have a major impact on the workplace. A person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partner or a family member – may physically harm, or attempt or threaten to physically harm, that worker at work. In these situations, domestic violence is considered workplace violence. Child custody issues may also result in domestic violence in school settings.

The school board must take every precaution reasonable in the circumstances to protect a worker in the workplace when they are aware, or ought reasonably to be aware, that domestic violence would likely expose a worker to physical injury in the workplace. Domestic violence situations often involve privacy considerations and any precautionary action taken by the school board should be conducted with respect and support for the worker. When faced with the potential for domestic violence in the workplace, the school board may wish to seek advice or assistance from appropriate professionals, including lawyers, police services, victim support services, or victim crisis assistance and referral services.

When a school board becomes aware that there is a potential for domestic violence to occur at the workplace, it must take every precaution reasonable in the circumstances to protect the worker. This may include, but not be limited to, measures and procedures to protect the worker(s) such as:

- specific measures and procedures for the protection of a worker (e.g., personal alarm, cell phone etc.)
- a safety plan for the worker (e.g., escort to car, screening calls for worker, etc.)
- completing a Notification of Potential Risk of Physical Injury (General Safety Plan) form (Appendix G) (Refer to the “Provision of Personal Information Regarding Persons with a History of Violent Behaviour” and the information relating to the protection of personal information).

- reasonable modification of work duties, and/or flexible accommodations to the work schedule
- security precautions such as security guards, cameras and response procedures
- providing direction to other workers as appropriate to protect the safety and privacy of the targeted worker (e.g., not providing personal information over the phone, not posting identifying information on public websites)
- referring the worker to an Employee Assistance Program (EAP)
- assisting the worker in contacting the appropriate authorities and support services, e.g., Domestic Violence Unit of the local police force, women's shelter, etc.
- issuing trespass warnings and letters as necessary.

If the worker has a restraining order in place, he or she may wish to consider adding workplace location information to the order and advising the school board that this has been done.

School boards should determine how measures and procedures in the existing workplace violence program could be used to support the development of reasonable precautions for the worker and may want to consider conducting a violence risk assessment or reassessment to inform any changes to the workplace violence program.

For more information, refer to [OHSA s. 32.0.4](#).

The Role of the Joint Health and Safety Committee, Multi-site Joint Health and Safety Committee or Health and Safety Representative in Workplace Violence Prevention

The JHSC, MJHSC and the health and safety representatives play an important role in the recognition and prevention of workplace violence.

As a leading practice, the school board should, in consultation with the JHSC, MJHSC or health and safety representative, if any, develop and review the contents of the workplace violence policy and program, specific to each work location. This consultation should provide an opportunity for the JHSC, MJHSC or health and safety representative to provide feedback, verbally or in writing, on the policy and program; the feedback should be considered by the school board.

The JHSC, MJHSC or health and safety representative should also include a focus on workplace violence hazards (e.g., inadequate lighting in the parking lot) as part of their monthly inspection of the physical condition of each workplace.

The JHSC, MJHSC or health and safety representative should review workplace violence incident trends and make written recommendations to the school board to enhance the workplace violence program. The school board must respond to the recommendations in writing within 21 days and provide a timetable for implementing the recommendations, if they agree. When the school board does not agree with the recommendations, the written response must include a reason for its disagreement.

Everyone has a role to play in workplace violence prevention. By working together, school boards, supervisors, workers, JHSC, MJHSCs and health and safety representatives can help to advance the culture of health and safety in our school communities.

See *OHSA s.8 and 9* and the *Guide for Health and Safety Committees and Representatives* for more information.

Reprisals

The *OHSA* provides workers with rights and responsibilities. It prohibits school boards or supervisors (e.g., principal or designate) from penalizing workers in reprisal for obeying the law or exercising their rights.

A school board is prohibited from dismissing (or threatening to dismiss) a worker, disciplining or suspending a worker (or threatening to do so), imposing (or threatening to impose) any penalty upon a worker, or intimidating or coercing a worker because a worker has followed the *OHSA* or has exercised rights under the *OHSA*, including the right to refuse unsafe work, or has asked the school board to follow the *OHSA*.

For more information on reprisals and the process for reprisal complaints refer to *OHSA s. 50* and Ministry of Labour, Immigration, Training and Skills Development *Reprisals*.



Appendix A: Workplace Violence Policy and Program Sample Checklist

1. There is a workplace violence policy.
2. A written copy of the violence policy is posted in a conspicuous place in the workplace if six or more workers are regularly employed there.
3. A workplace violence program has been developed and maintained to implement the workplace violence policy that includes:
 - measures and procedures to control the risks identified in the risk assessment as likely to expose a worker to physical injury
 - measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur
 - measures and procedures for workers to report incidents of workplace violence to the school board or supervisor
 - a description of how the school board will investigate and deal with incidents or complaints of workplace violence.
4. Risks of workplace violence that may arise from the nature of the workplace, the type of work, or conditions of work have been assessed. The assessment has considered circumstances common to other school boards and circumstances specific to the school board.
5. The JHSC, MJHSC or health and safety representative have been advised of the results of the risk assessment.
6. A copy of any written risk assessment has been provided to the JHSC, MJHSC or health and safety representative.
7. Risks of workplace violence are reassessed as often as necessary to ensure the violence policy and program continues to protect workers.

8. The JHSC, MJHSC or health and safety representative are advised of the results of reassessment and provided a copy, if in writing.
9. The workplace violence policy is reviewed as often as necessary, but at least annually.
10. The workplace violence program is reviewed and revised when the employer becomes aware of the risk of domestic violence.
11. Workers are provided with information and instruction appropriate for the worker on the contents of the workplace violence policy and program.
12. Workers are provided with information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if the worker can be expected to encounter the person in the course of his or her work, and the risk of violence is likely to expose the worker to physical injury (in accordance with limits on disclosure as set out under the *OHSA*).

Appendix B: Applicable Legislation, Publications and Resources

Ministry of Labour, Immigration, Training and Skills Development (MLITSD)

- *A Guide to the Occupational Health and Safety Act*
- *Guide for Health and Safety Committees and Representatives*
- *Reprisals*
- *Workplace Violence and Harassment – Understanding the Law*
- *Health and Safety Contact Centre*
- *Who is a Supervisor under the Occupational Health and Safety Act?*
- *Health and Safety Awareness Training for Workers and Supervisors*
- *Occupational Health and Safety Act*
- *Ontario Reg. 420/21: Notices and Reports under Sections 51 to 53.1 of the OHSA*
- *Regulation 857 – Teachers*

Ministry of Education

- *Caring and Safe Schools in Ontario, 2010*
- Education Act
- *Guidelines For Educational Programs for Students In Government Approved Care and/or Treatment, Custody and Correctional (CTCC) Facilities*
- *Policy/Program Memorandum (PPM) 120: Reporting Violent Incidents to the Ministry of Education, 2011.*
- *Policy/Program Memorandum (PPM) 145 – Progressive Discipline and Promoting Positive Student Behaviour*
- *Provincial Model for a Local Police/School Board Protocol*
- *Provincially Publicly funded School Boards in Ontario*
- *Regulation 472/07, Behaviour, Discipline and Safety of Pupils*

Additional Resources

- *A Guide to Ontario Legislation Covering the Release of Students' Personal Information.*
- *Government of Ontario e-Laws Website*
- *MLITSD Code of Practice to address workplace harassment*
- *Elementary Teachers' Federation of Ontario (ETFO) MOU Task Force on Health and Safety Report and Recommendations*
- *Public Services Health and Safety Association (PSHSA) Workplace Violence in Education*
- *Canada and Ontario Freedom of Information and Privacy Legislation*
- *The Ontario Human Rights Code*
- *Workplace Safety and Insurance Act, 1997*
- *WSIB Reporting Website*
- *Municipal Freedom of Information and Protection of Privacy Act*

Appendix C: Reporting of Serious Student Incidents

Reporting Serious Student Incidents under the *Education Act*

An employee of the school board who becomes aware that a student at a school of the board may have engaged in conduct that could lead to suspension or expulsion (in this document, called “a serious student incident”) shall report the matter to the principal as soon as reasonably possible. The employee must consider the safety of others and the urgency of the situation in reporting the incident, but, in any case, must report it to the principal no later than the end of the school day. Refer to *Education Act, s.300.2*.

All employee reports related to serious student incidents, including those made to the principal verbally, must be confirmed in writing, using the Safe Schools Incident Reporting (SSIR) Form – Part I. Refer to PPM 144 Bullying Prevention and Intervention and/or PPM 145 Progressive Discipline and Promoting Positive Student Behaviour for a copy of the Safe Schools Incident Reporting (SSIR) form.

Board employees are not required to respond to serious student incidents when, in their opinion, responding would cause immediate physical harm to themselves or to a student or to another person. Serious student incidents must, however, be reported to the principal and confirmed in writing. In cases where an immediate action is required, a verbal report to the principal may be made. A written report must be made when it is safe to do so. Refer to *Ontario Regulation 472/07* Behaviour, Discipline and Safety of Pupils of the *Education Act*.

The principal must investigate all serious student incident reports submitted by board employees. Once the investigation is complete, the principal must communicate the results of the investigation to the teacher who made the report. If a board employee who is not a teacher made the report, the principal will communicate the results of the investigation to that employee unless, in the principal’s opinion, it would not be appropriate to do so.

Communication between the principal and school staff about the investigation and the results of the investigation is a shared responsibility, and is an important factor in meeting student needs and fostering collaboration in the school. In all cases, the principal must provide the employee who reported the incident with written acknowledgement, using the Safe Schools Incident Reporting Form – Part II. Information that could identify the student(s) involved must not be part of the acknowledgement.

In addition to employees of the school board, third parties (e.g., school bus drivers, contractors providing before- and/or after-school programs for Full-Day Kindergarten on the school site, etc.) who are under contract or agreement with the board are required to report serious student incidents in writing to the principal of the school as soon as reasonably possible. School Boards are expected to provide information to these third parties on how to complete the Safe Schools Incident Reporting Form – Part I.

School boards may also put policies in place to require other individuals who are not employees of the board who come into direct contact with students on a regular basis, to report serious student incidents to the principal (e.g., outdoor education instructors).

For more information refer to the *Education Act s.300.2* and *Ontario Regulation 472/07* Behaviour, Discipline and Safety of Pupils.

Reporting Violent Incidents to the Ministry of Education under Policy and Program Memorandum 120

School boards are required to report the total number of violent incidents (as per Policy and Program Memorandum 120 Reporting Violent Incidents to the Ministry of Education) on an annual basis to the Ministry of Education through the Ontario School Information System (OnSIS).

For the purposes of PPM120, the term “violent incident” is defined as the occurrence of any one of the following or the occurrence of a combination of any of the following:

- possessing a weapon, including possessing a firearm
- physical assault causing bodily harm requiring medical attention
- sexual assault
- robbery

- using a weapon to cause or to threaten bodily harm to another person
- extortion
- hate and/or bias-motivated occurrences.

All violent incidents that occur on school premises during school-run programs must be reported to the Ministry of Education, whether the violent incident was committed by a student of the school or whether it was committed by any other person.

For more information, refer to *Policy/Program Memorandum 120: Reporting Violent Incidents to the Ministry of Education, 2011*.

Appendix D: Behaviour Support Plans and Positive Behaviour Supports for Students

A behaviour support plan is a written plan that is designed to target the underlying reason for behaviour, replace the inappropriate behaviour with an appropriate behaviour that serves the same function, and reduce or eliminate the challenging behaviour (*Caring and Safe Schools in Ontario, 2010*). In school boards, behaviour support plans are sometimes referred to as behaviour management plans.

A behaviour support plan can be an intrinsic part of creating positive behaviour supports for students at risk of behaviour harmful to self or others.

Behaviour support plans should be developed to manage challenging behaviours. An effective support plan will:

- be based on a functional assessment and analysis of the student's behaviour
- focus on the individual student
- include methods for teaching alternatives to the challenging behaviour

- include strategies for making changes to the environmental and instructional circumstances found to be most associated with the challenging behaviour.

Effective behaviour management is an ongoing process with definable steps. It begins with a functional behaviour assessment (FBA), which is a systematic process designed to look beyond the student's behaviour and focus on identifying its function or purpose. Based on the FBA, a behavioural support plan is developed to identify alternative behaviours for the student, and strategies for reducing or replacing ineffective behaviours. A student behaviour plan should include:

- consideration for the learning environment
- identified alternative behaviours
- strategies and supports to help student learn alternative behaviors
- positive reinforcement methods
- students' strengths, interest and lived experiences
- promoting alternative behaviours independently and across various settings
- clearly identified tasks and responsibilities

Finally, ongoing monitoring is used to review progress and identify any changes that need to be made. It is important to remember that behaviour is established and develops over time and that managing and changing behaviour is a process that takes time. If appropriate, the behaviour support plan and the student safety plan should be reviewed following violent incidents to seek improvements in safety for both the student and workers.

The creation of behaviour support plans and their use as a part of a health and safety culture in Ontario schools reinforces positive behaviour supports and the concept of a caring and safe school, positive school climate and a whole school approach.

Appendix E: The Individual Education Plan

Some students may have a profile of a diagnosed medical or developmental condition that can manifest in behaviours that, without a thorough understanding of the underlying cause, can be perceived as deliberate acting out, not as

manifestation of the condition. If these students are receiving special education programs and services they should have an appropriate to create an Individual Education Plan (IEP).

When an Identification, Placement, and Review Committee (IPRC) identifies a student as an exceptional student, the principal must ensure that an Individual Education Plan (IEP) for that student is developed and maintained. An IEP must be developed with input from the parent(s)/guardian(s) and from the student if he or she is 16 years of age or older. An IEP must be developed within 30 days of the placement of an exceptional student in a particular program.

The parents/guardian(s) must be provided with a copy; the student must also be given a copy if he or she is 16 years of age or older.

An IEP may also be developed for a student who has not been identified by an IPRC as exceptional, but who has been deemed by the board to require a special education program or services in order to attend school or to achieve curriculum expectations and/or to demonstrate learning.

An IEP identifies the student's specific learning expectations and outlines how the school will address these expectations through appropriate accommodations, program modifications and/or alternative programs as well as specific instructional and assessment strategies. The learning program provided for the student is accommodated/modified on the basis of the results obtained through continuous assessment and evaluation. PPM 156 – Supporting Transitions for Students With Special Education Needs mandates that a transition plan must be developed for all students who have an IEP. The transition plan is developed as part of the IEP. In developing or reviewing the student's IEP, consideration must be given to any recommendations made by the IPRC concerning special education programs and services that may be particularly appropriate for meeting the student's learning needs.

With appropriate special education programs and/or services, many students with special needs (whether formally identified or not), will be able to achieve the grade-level learning expectations of the provincial curriculum. The IEP will document any accommodations that are considered to be necessary for each exceptional student to succeed. Some students may require modifications to the learning expectations of the provincial curriculum in keeping with their special needs. Such students may be provided with modified expectations. A small number of students may require alternative expectations in order to succeed. Alternative expectations are those that are not derived from the expectations set out in ministry curriculum policy documents. Further guidance on curriculum adaptation and modification for exceptional students can be found in *Ontario Schools, Kindergarten to Grade 12: Policy and Program Requirements, 2016*.

Appendix F: Notification of Potential Risk of Physical Injury (Truncated Student Safety Plan)

SAMPLE:

DO NOT POST

DSB Name

NOTIFICATION OF POTENTIAL RISK OF PHYSICAL INJURY (Truncated Student Safety Plan)

This sample template is provided as a resource, for the consideration of each school board in developing their own form. Each school board is responsible for ensuring that the version of the form they use, and their procedures around the form, are compliant with their responsibilities under *MFIPPA*, *OHSA*, and other legislation.

This form is intended to facilitate the school board's duty under s.32.0.5 (3) of the *Occupational Health and Safety Act* to provide information to workers related to a risk of workplace violence from a person with a history of violent behaviour. This form must be completed by a principal or vice principal and provided to a worker at school if: a) the worker can be expected to encounter that person in the course of his or her work; and b) the risk of workplace violence is likely to expose the worker to physical injury.

Board Policy/ Procedure
<i>Hyperlink to Board Policy and Procedure</i>

HOW TO SUMMON IMMEDIATE ASSISTANCE

IDENTIFYING INFORMATION	
Student's Name:	PHOTO
School:	
Department/Room Number:	

BRIEF DESCRIPTION OF BEHAVIOUR(S) THAT PRESENTS A RISK OF PHYSICAL INJURY
The description of the behaviours should be outlined in three sections:
Known Triggers
Indicators of Escalation (Physical signs/cues that the student is about to become aggressive or assaultive).
Indicators of Full Escalation

STRATEGIES FOR AVOIDING A RISK OF PHYSICAL INJURY :	
DO:	DO NOT:

EMERGENCY AND INTERVENTION STRATEGIES

Completed by _____

Date _____
(Principal or Designate)

Retain in a central and secure location.

Appendix G: Notification of Potential Risk of Physical Injury (General Safety Plan)

SAMPLE:

DO NOT POST

DSB Name

NOTIFICATION OF POTENTIAL RISK OF PHYSICAL INJURY (General Safety Plan)

This sample template is provided as a resource, for the consideration of each school board in developing their own form. Each school board is responsible for ensuring that the version of the form they use, and their procedures around the form, are compliant with their responsibilities under *MFIPPA*, *OHSA*, and other legislation.

This form is intended to facilitate the school board's duty under s.32.0.5 (3) of the *Occupational Health and Safety Act* to provide information to workers related to a risk of workplace violence from a person with a history of violent behaviour. This form must be completed by a principal or vice principal and provided to a worker at school if: a) the worker can be expected to encounter that person in the course of his or her work; and b) the risk of workplace violence is likely to expose the worker to physical injury.

Board Policy/ Procedure
<i>Hyperlink to Board Policy and Procedure</i>

School/Work Location: _____

HOW TO SUMMON IMMEDIATE ASSISTANCE

IDENTIFYING INFORMATION OF INDIVIDUAL PRESENTING RISK
Name (if known):
Additional Information (description):

DESCRIPTION OF REPORTED CONCERNS

PREVENTATIVE MEASURES PUT INTO PLACE

SAFETY STRATEGIES IF ENCOUNTERING THE INDIVIDUAL	
DO:	DO NOT:

Completed by _____

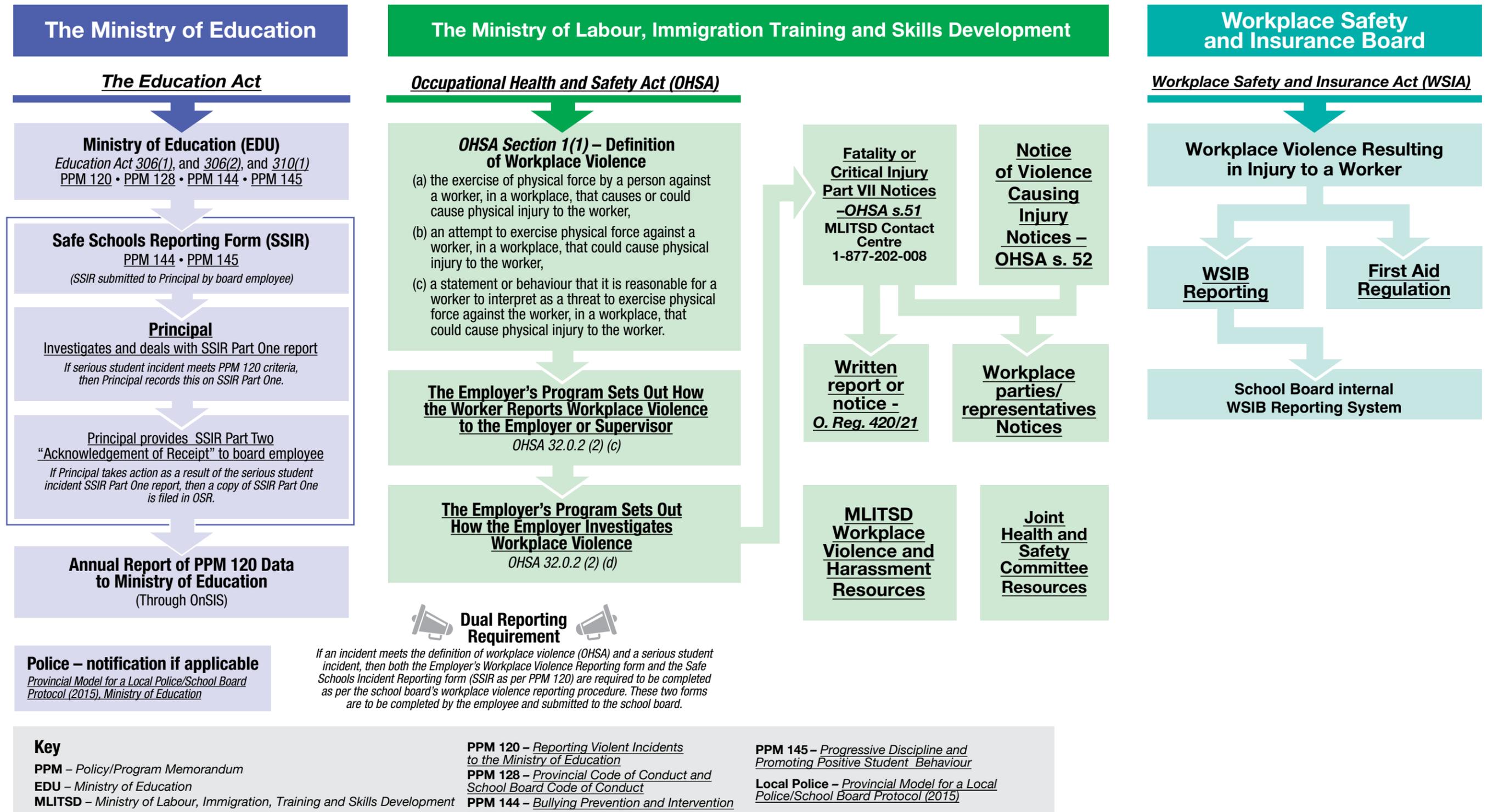
Date _____
(Principal or Designate)

Retain in a central and secure location.

Appendix H: Road Map



Workplace Violence Reporting Process in School Boards



Workplace Violence in Schools Boards

A Guide to the Law