

PERSONNEL AND EMPLOYEE RELATIONS	7000
VIOLENCE IN THE WORKPLACE PROCEDURES	7040

1. The Policy

It is the policy of Lakehead District School Board (LDSB) to provide safe learning environments for students, staff and the general public. Lakehead District School Board will respond to any violence or disruptions in its schools or operations.

2. Violence Against Staff

Lakehead District School Board recognizes that violence in the workplace is an occupational health and safety concern, and in keeping with our Health and Safety Policy and Violence in the Workplace Policy, is committed to providing a safe and secure working environment for our employees, agents, and those who have authorized access to LDSB premises. It is an expectation of the Board that all its employees or others on Board business will, at all times, conduct themselves in a courteous, polite manner while dealing with the general public or members of the educational community. Accordingly, LDSB will protect and fully support any employee who is threatened, abused, or put at personal risk in the proper exercise of their duties.

3. Defining Violence in the Workplace

Violence can be defined as an act of aggression which produces damaging or hurtful results.

3.1 Three categories of risk are addressed by these procedures:

- 3.1.1 Student and Public Aggression - includes aggressive, hostile, or disruptive behaviour by members of the public (students/parents) either on their premises, in the public domain, at LDSB facilities, on the phone, or any form of written or electronic communications.
- 3.1.2 Workplace Violence - includes physical aggression, threats, intimidation, bullying and temper outbursts. Lakehead District School Board's position is that aggression between employees is unacceptable in any form.
- 3.1.3 Workplace Protection - recognizes that personal tensions can pursue an employee to the workplace. Resentment, rejection, stalking and domestic disputes are among the factors that may compromise workplace security and could lead to an entire work group being put at risk.

PERSONNEL AND EMPLOYEE RELATIONS	7000
VIOLENCE IN THE WORKPLACE PROCEDURES	7040

- 3.2 To deal with the low frequency, but high priority that threats of violence have in the learning environment, the Board will monitor the internal risk environment of the Board and respond to events that could jeopardize LDSB staff. Human resources will develop tools to assist principals, managers and supervisors to resolve confirmed threats or acts of violence by: monitoring policy, conducting risk assessments, developing contingency plans, organizing resources, investigating serious incidents and ensuring that there is general awareness of Board practices and procedures to respond to workplace threats.

4. General Procedures

- 4.1 An employee who is seriously threatened or put at personal risk, in any of the three situations described above, is authorized to suspend work if the individual is not a student, terminate contact with the offending party, and to immediately report the circumstances to their supervisor. An employee who is seriously threatened or put at personal risk by a student will ensure the Duty of Care¹ of the student(s) in their charge. The employee will report the circumstances to their supervisor. Supervisors will assess the situation to determine whether:

- an assault or a serious threat has taken place;
- the victim is in need of medical, emotional or other assistance;
- when and in what circumstances the original work should be resumed; and
- the employee should be reassigned.

¹ - *The Education Act, Part x, Sec. 264 (e)*

PERSONNEL AND EMPLOYEE RELATIONS	7000
VIOLENCE IN THE WORKPLACE PROCEDURES	7040

- 4.2 Violent Incident Report Form must be submitted to the health and safety officer by the employee and/or supervisor for all violent encounters, and in all serious cases of aggression. The report must contain:

- date, time and location of the occurrence;
- name(s) of the employee(s)/victim(s);
- name(s) and address(s) of the alleged assailant(s);
- specific language of the threat;
- actions that followed the threat;
- prior events or encounters that are relevant to the incident;
- the reason for contact between the victim(s) and the aggressor(s);
- a summary of events, including the outcome of the encounter;
- names and addresses of witnesses and of anyone else who was directly involved in the incident, including the police; and
- the supervisor's assessment of the encounter, including their recommendation for further action and the disposition of the case.

4.2.1 In reports about the conduct of a trustee, the director of education will notify the Board using the process outlined in the Trustee Code of Conduct.

4.2.2 In reports about the conduct of a superintendent, the director of education will engage outside legal counsel and, if necessary, an external human resources expert to manage the complaint and incident reporting.

4.2.3 In reports about the conduct of the director of education, the chair of the Board of Trustees shall engage external legal counsel and an external human resources expert to manage the complaint and incident reporting. The chair shall bring the matter to trustees at a Special Board meeting, or the next Regular Board as recommended by legal counsel.

4.3 Minor Incidents

Minor incidents may be resolved by the supervisor, the employee and the third party, providing the employee consents to having the issue summarily dealt with. Events in the minor category may, for example, include outbursts of intemperate language or signs of temper, where there was no serious intent to cause harm. In such cases a supervisor's intervention could serve to neutralize tension, to draw an apology from the offender and to show the employee that he or she is being supported. Minor incidents are to be reported to human resources within one working day. The supervisor will review and forward the completed Violent Incident Report to human resources and the health and safety officer.

PERSONNEL AND EMPLOYEE RELATIONS	7000
VIOLENCE IN THE WORKPLACE PROCEDURES	7040

4.4 Serious Incidents

Serious Incidents include assault, confinement, believable threats of assault, abuse or harm, or sabotage. As well, behaviour that disturbs or threatens employees, students and others may be seen as serious. Serious incidents are to be reported to the principal or building manager immediately who will, without delay, notify the superintendent of education. The supervisor will review and fax the completed Violent Incident Report to the superintendent the same day. Human resources will be advised of all serious incidents.

5. Workplace Violence

5.1 Hostile exchanges between employees, or in the context of working relationships, are subject to the same rules of law that apply in the greater community. Criminal and Civil actions may result from aggressive or abusive behaviour between workers, in addition to Board sanctions that could include termination. The supervisor will review and forward the completed Violent Incident Report to human resources and the health and safety officer.

5.2 A potentially more damaging outcome of workplace violence, however, is the impact it has on teamwork and the corporate family. All cases of workplace violence at LDSB will be investigated by the principal, manager or supervisor. The investigation will specifically look for serious behaviour problems, the need to prompt an EAP referral, and the greater need to ensure a threat-free working environment for all employees.

6. Workplace Protection

Workplace Protection, in terms of these procedures, refers to the steps taken by management to deal with deviant personalities who may seek to bring violence or disruptive behaviour to Board work locations. Disoriented and alienated persons (not necessarily current employees or students) may find a target for their resentment in the Board. Domestic, economic and personal pressures could precipitate a workplace crisis, as could a random violent act.

7. Human Resources Department

7.1 The human resources department has been organized to respond to all serious incidents of student or public aggression, workplace violence, and workplace protection. In addition, human resources can be supported by external consultants in security, psychology, crisis management and other disciplines (Employee Assistance Program).

PERSONNEL AND EMPLOYEE RELATIONS	7000
VIOLENCE IN THE WORKPLACE PROCEDURES	7040
<p>7.2 The superintendent of education will update these procedures as required by its evaluations of serious incidents. Human resources will also coordinate awareness and educational programs designed to keep all employees and agents of the company aware of the measures taken to support employee protection.</p> <p>7.3 The department will observe the strictest protocols of confidentiality so that employees will be encouraged to report potential and developing situations of violence.</p>	
8. <u>Investigation</u>	
<p>8.1 Investigation serves to protect Board employees from unfounded charges and counter charges. The process quickly documents the record of events, identifies witnesses and their evidence, corroborates facts and collects supporting detail. In most cases, investigation will give direction to, or reinforce, a police investigation.</p> <p>8.2 The police and/or an independent investigator will be called on to look into all serious incidents. The investigator will begin their inquiries immediately. If possible, the investigator will interview the victim and the alleged offender the same day and provide a summary report to the human resources department within 24 hours. All witness statements will preferably be taken the day of the occurrence. Where that is not practical, the statements will be taken at the earliest opportunity.</p> <p>8.3 Copies of all statements will be attached to the confidential investigative report submitted to human resources. Copies will also be provided to the police if they are conducting a related investigation, in which case a summary of the police investigation and its conclusions should also be forwarded to the superintendent of education.</p> <p>8.4 Investigations into the conduct of a superintendent will be forwarded to the director of education and the external legal advisors (per Section 4.2.2 of this procedure).</p> <p>8.5 Investigations into the conduct of the director of education will be forwarded to the chair of the Board of Trustees and their external legal advisors (per Section 4.2.3 of this procedure).</p> <p>8.6 If investigation determines the allegations are unfounded, all references will be removed from the individual's file as per statute of limitations.</p>	
9. <u>Employee Support</u>	
<p>9.1 Any employee who feels that a violent situation has not been effectively dealt with at the supervisory level, may directly contact the superintendent of education to review the circumstances and advise the employee.</p>	

PERSONNEL AND EMPLOYEE RELATIONS	7000
VIOLENCE IN THE WORKPLACE PROCEDURES	7040

- 9.2 Lakehead District School Board will support any employee who has been subjected to aggression in the line of work, or in circumstances that lead to charges being laid. The Board will allow the employee paid time off to assist the inquiry and to appear in court. It may also encourage other witnesses to support the administration of justice by indemnifying them from wage loss.
- 9.3 If criminal prosecution for an unprovoked attack on an employee is not entered by the police or if it does not succeed, the Board may elect to support the victim by underwriting the cost of civil litigation for damages. This exceptional option will be decided on by senior management based on the merits of the case.
- 9.4 As a minimum, the Board will ensure that the offender is formally warned or that a "Trespass Notice" is issued. The offender will be advised that such behaviour is illegal and unacceptable, and warned that any repeat act of aggression toward Board employees will result in criminal charges being laid.
- 9.5 In some situations the police will issue this warning to the offender, and will officially record the warning. Where the police are unable or unwilling to cooperate, the warning will be given by the superintendent of education, who will then formally notify the police of the warning for record purposes.
- 9.6 Incidents involving students will be addressed according to the relevant legislation, policy and procedure applicable to the situation.

Violent incidences will be flagged so that personnel can be alerted to potential volatile behaviours and appropriate training be provided to deal with potential incidences.

10. Student-Led Incidents

- 10.1 Incidents of violence in the workplace caused by student behaviour or activities should be reported through 8070 Safe Schools – System Expectations Procedures.
- 10.2 When determining a response to student-led incidents in the workplace, the principal and/or superintendent must consider the following factors:
- 10.2.1 The ability of the student to control their behaviour.
 - 10.2.2 The ability of the student to understand the foreseeable consequences of their behaviour.
 - 10.2.3 The level of risk the student's continuing presence may pose to the safety of any person.
- 10.3 Per Appendix C of 8070 Safe Schools – System Expectations Procedure: If an incident is caused by a student receiving special education services or who has ability-related needs, the principal and/or superintendent must also consider:

PERSONNEL AND EMPLOYEE RELATIONS	7000
VIOLENCE IN THE WORKPLACE PROCEDURES	7040

- 10.3.1 if the behaviour causing the incident was a manifestation of the student's ability;
- 10.3.2 if appropriate individualized accommodation has been provided to the point of undue hardship; and
- 10.3.3 if the response to an incident would likely result in an aggravating or worsening of the student's behaviour or conduct.
- 10.4 If an incident meets both the definition of Violence in the Workplace (Section 3 of this procedure) and a Critical Student Incident (Section 4.2 of 8070 Safe Schools – System Expectations Procedures), it must be reported under both policies.

PERSONNEL AND EMPLOYEE RELATIONS	7000
VIOLENCE IN THE WORKPLACE PROCEDURES	7040

11. Review

These procedures shall be reviewed annually in accordance with the Occupational Health and Safety Act, R.S.O. 1990, Subsection 32.0.1.

<u>Cross Reference</u>	<u>Date Approved</u>	<u>Legal Reference</u>
7030 Harassment and Human Rights Policy	May 25, 2010	Education Act
8070 Safe Schools Policy – System Expectations	<u>Date Revised</u>	Safe Schools Act
8020 Access to School-Board Premises	April 26, 2016	Ontario Human Rights Code
1020 Equity and Inclusive Education	February 27, 2024	Ontario Health and Safety Act
8040 Trespass to Schools		Policy/Program Memorandum 120 – Reporting Violent Incidents
8071 Bullying Prevention and Intervention		Policy/Program Memorandum 128 – The Provincial Code of Conduct/ School Board Codes of Conduct
8092 Code of Conduct		Policy/Program Memorandum 144 – Bullying Prevention and Intervention
Trustee Code of Conduct		Policy/Program Memorandum 145 – Progressive Discipline and Promoting Positive Student Behaviour
		Provincial Model for a Local Police/School Board Protocol (2015)