

**APG# HS01: Workplace Anti-Violence**

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**PREAMBLE**

The mission and values of the Sudbury Catholic District School Board set standards for respect for the individual and establish our Catholic communities as places rooted in Welcome, Worship and Witness. Within this environment, any form of workplace violence is unacceptable as it undermines the security of our workplace, the integrity of working relationships and erodes confidence in personal wellbeing and performance.

**1.0 OBJECTIVES**

Everyone should be able to work without fear of violence or harassment, in a safe and healthy workplace. Violence and harassment in the workplace are not tolerated in Ontario. [Bill 168](#) amended Ontario's [Occupational Health and Safety Act](#) (OHSA), effective June 15, 2010. In response, the Sudbury Catholic District School Board has developed this Workplace Anti Violence APG, which complements the Workplace Anti-Harassment APG# HR13. The objectives of this APG are prevention, education, affirmation of safe procedures and processes for reporting and investigating incidents of workplace violence and the provision of disciplinary measures.

Harassing behavior can lead to violent acts and it is important for all employees to observe the guidelines in both APGs.

**2.0 SCOPE**

Board employees may be exposed to violence from a number of sources including parents, visitors, domestic partners, contractors as well as risks from employees within the Board and students. The investigation/resolution process and disciplinary process of this APG were written to protect our employees. All members of the Board community, including but not limited to, trustees, students, employees, visitors such as parents and community members, volunteers, permit holders, contractors, and employees of other organizations who work on or are invited onto Board property are expected to comply with the provisions of this APG.

**3.0 DEFINITIONS**

**3.1 Workplace Violence:** As per the Occupational Health and Safety Act of Ontario (OHSA) (Definitions) Section 1(1)

- i. the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- ii. an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- iii. 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.

**(Source: Legislative Assembly of Ontario)**

**3.2 Domestic Violence Occurrence**

Domestic violence is any use of physical or sexual force, actual or threatened, in an intimate relationship, including emotional/psychological abuse or harassing behavior. Although both women and men can be victims of domestic violence, the overwhelming majority of this violence involves men abusing women.

Intimate relationships include those between the opposite sex and same sex partners. These relationships vary in duration and legal formality, and include current and former dating, common law and married couples.

Criminal Code offences include, but are not limited to, homicide, assault, sexual assault, threatening death or bodily harm, forcible confinement, harassment/stalking, abduction, breaches of court orders and property related offences.

These crimes are often committed in a context where there is a pattern of assaultive and controlling behavior. This violence may include physical assault, and emotional, psychological and sexual abuse. It can include threats to harm children, other family members, pets and property. The violence is used to intimidate, humiliate or frighten victims, or to make them powerless. Domestic violence may include a single act of abuse. It may also include a number of acts that may appear minor or trivial when viewed in isolation, but collectively form a pattern that amounts to abuse.

**(Source: Greater Sudbury Police Service)**

Under the Occupational Health and Safety Act of Ontario [Section 32.0.4]: If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker.

**(Source [www.labour.gov.on.ca](http://www.labour.gov.on.ca))**

**3.3 Workplace:** All work activities that occur while on Board business or workplace social events.

**(Source: Ontario Education Services Corporation)**

## **4.0 RISK ASSESSMENT**

The employer is responsible for conducting a risk assessment of workplace violence. The risk of violence occurring in the workplace is linked to a number of factors, including the nature of the workplace, the type of work, or conditions of the work.

Examples include but are not limited to:

- i. Location of the workplace, e.g. schools located in high crime areas, isolated areas
- ii. Traveling in community, to and from workplace, visiting families as part of duties, teaching in sites other than schools
- iii. Parking
- iv. Access to workplace (entry)
- v. Working with unstable or volatile clients/students, e.g., students with severe needs, workplace population including members of youth gangs
- vi. Handling cash, e.g., fundraising activities, registration fees for adult programs
- vii. Working alone or in small numbers, e.g., working late, meeting parents after school hours, driving a courier vehicle
- viii. Domestic violence can enter the workplace at any time and for this reason all staff must be vigilant to the signs and symptoms of an abused partner. There are cases in Canada of a partner committing violent acts to another intimate partner and to the partner's co-workers.

The Board recognizes that there is a possible threat of violence in some workplace situations. Risks have been determined as a result of a combination of a workplace survey of risk perception and anecdotal experience, Major Risk Assessment and the review of any reported cases. It was assessed using occupational titles and known interactions as well as threat potential based on geographical location. The Major Risk Assessment is an appendix to this APG.

## **5.0 EDUCATION**

The Board recognizes its responsibility to educate staff on their rights and responsibilities under the OHS Act as they relate to Workplace Violence. The Board is responsible for communicating the potential risks and consequences associated with workplace violence and domestic violence. The Board must also educate staff on the measures to take to summon immediate assistance and report all acts of workplace violence. In addition, the Board recognizes that personal health and safety goes beyond the workplace and will also provide tips to staff on steps to take to safeguard their personal safety outside the workplace through safety talks and handouts.

### **5.1 Guidelines to Implement Education**

- 5.1.1 Education of the definition of workplace violence and domestic violence and associated risk factors will be done via print media through the distribution of posters throughout the School Board.
- 5.1.2 Communication through electronic mail
- 5.1.3 A "Train the Trainer" session will be provided to all School Principals. This session will include communication of the Workplace Anti Violence APG. This will be the responsibility of the Wellness and Ability Coordinator and/or designate.
- 5.1.4 Principals will then roll out training at each individual school to ALL staff using the resources obtained through the "Train the Trainer" as well as a Power Point presentation. This will be the responsibility of the Principal with timelines communicated by the Wellness and Ability Coordinator and/or designate.
- 5.1.5 CUPE employees (Custodial, Warehouse, Maintenance), not captured during the training provided by the principals, as per 5.1.4, will be trained during professional development as part of PD. This will be the responsibility of the Manager of Facilities Services (or designate) with timelines communicated by the Wellness and Ability Coordinator.
- 5.1.6 CEC (Catholic Education Centre) and CTC (Children's Treatment Centre) staff will be trained during an all staff meeting at the CEC. This training will be provided by the Wellness and Ability Coordinator.
- 5.1.7 This APG will remain flexible in that additional avenues to implement educational opportunities will be assessed and introduced whenever possible without being limited by the terms of this APG.

## **6.0 REPORTING WORKPLACE VIOLENCE**

### **6.1 Who May Initiate a Complaint?**

All employees who are included under section 2.0 "Scope" in this APG who are victims of workplace violence, including threats of violence, may initiate a complaint. In addition, those who have witnessed workplace violence directly, have received reports of workplace violence or have reasonable grounds to suspect that workplace violence may occur can initiate a complaint.

Staff is also encouraged to be vigilant and responsive in those cases where they suspect that a co-worker is a victim of domestic violence as there is a risk that this can cross over into the workplace.

Each employee has the right and is encouraged to contact his/her union for assistance and advice throughout this process. Non-unionized employees are encouraged to consult with the Senior Manager of Human Resources, a Superintendent or non union representative.

## 6.2 Timelines

Complaints should be reported immediately after the actual violent act or threat. If personal injury is involved, the Board must meet its reporting timelines to the WSIB (within 3 days if medical attention is sought). If a critical injury occurs, reporting timelines to the Ministry of Labour must be observed (within 24 hours). All complaints must be reported within one (1) year of the most recent incident or threat of workplace violence. A complaint outside this time frame may be considered by consulting the Senior Manager of Human Resources. Please refer to 7.1.1 and 7.2.1 of this guideline for further clarification.

## 6.3 Confidentiality of the report

It is the duty of the supervisory and managerial personnel to maintain confidentiality in the complaint process. **All complainants, respondents and other persons involved with the complaint processes under these procedures will ensure that all matters remain confidential.** Witnesses should be informed that supervisory and managerial personnel, in obtaining a statement, will maintain such statement in strict confidence, subject to their ability to conduct a full and thorough investigation.

Notwithstanding the above, procedural fairness requires that the respondent to a complaint be apprised of the nature of the complaint and by whom it has been made so that he/she has an opportunity to respond to the allegations. This may require the disclosure of witness names and statements to the parties.

The Board may be required to provide information obtained during an investigation to an outside agency, such as a police service, court or tribunal that has the right to require information otherwise protected by the *Municipal Freedom of Information and Protection of Privacy Act*.

## 6.4 Duty to Warn

The OHSA provides clear direction on an employer's duty to warn as it relates to workplace violence under section 32.0.5(3) which states in part;

### Provision of information

[\(3\)](#) An employer's duty to provide information to a worker under clause 25 (2) (a) and a supervisor's duty to advise a worker under clause 27 (2) (a) include the duty to provide information, including personal information, related to a risk of workplace violence from **a person with a history of violent behaviour 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. 2009, c. 23, s. 3.

Both of the above conditions must be met in order to meet the duty to warn obligation. It must be noted that in some cases, for example dealing with students who are minors and individuals charged but not convicted of a criminal act, that we must be mindful of other concurrent legislation including, but not limited to, the Municipal Freedom of Information and Protection of Privacy Act, the Young Offenders Act, the Education Act, the Ontario Human Rights Code, and the Ontario Student Record Guidelines. Clarification must be sought from a Superintendent in each case when providing personal information to ensure that all laws and statutes are honoured to the best of our ability.

In any situation where a staff member is provided with personal information relating to either a student or another staff member where that staff member is at risk of injury as per Section 32.0.5(3) of the OHSA, confidentiality of this information applies to the person being warned. If staff are provided with information due to a "need to know", **they are now bound by confidentiality rules contained in privacy legislation and have limited ability to disclose this information.** Where there is uncertainty, clarification must be sought through the Senior Manager of Human Resources.

It is the employer's and supervisors' responsibility to do everything reasonable in the circumstances for the protection of the worker. The following sub sections address the two most likely sources of potential violence as it relates to "persons" within our workplace and how the Sudbury Catholic District School Board is able to meet its Duty to Warn Obligations.

### **Risk of violence to staff member from a staff member**

Duty to warn in these cases may include, meeting with individual staff members or teams that work with the staff member to advise them of the potential risk, how to recognize signs of escalating behaviour, personal safety plans where indicated, and communication on the methods to summon immediate emergency assistance. The meeting will take place as soon as possible once the supervisor is aware of the potential risk. Support is available to the supervisor on how to conduct this process through the Senior Manager of Human Resources.

### **Risk of violence to staff member from a student**

APG#SS12 Progressive Discipline and Promoting Positive Student Behaviour provides clear parameters for dealing with escalating student behaviour. Section 4 of APG#SS12 states in part:

"Given their obligations to respond to serious student incidents and all inappropriate and disrespectful student behaviour that is likely to have a negative impact on the school climate, Board employees (including occasional employees) who work directly with students may need to know, for any particular student, those behaviour(s) that may present a potential risk of physical harm to school staff or students as documented as part of the progressive discipline in the student's Ontario Student Record (OSR). Principals are only permitted to share information documented in the OSR with Board employees who do not have access to the OSR, if disclosure is necessary for the employees to carry out their duties, including the duty to respond to inappropriate and disrespectful student behaviour. In such cases, principals may share only the necessary information pertaining to behaviour that may present risk of physical harm."

Duty to warn in these situations may include meeting with individual staff members or teams that work with the student to discuss:

- any potential risk;
- how to recognize signs of escalating behaviour;
- personal safety plans where indicated;
- the methods to summon immediate emergency assistance.

These meetings will take place as soon as possible once the supervisor is aware of a potential risk. The applicable Superintendent is available to support the supervisor through this process.

APG #SS12 goes on to state in Section 7: "there are extreme cases where students may be transferred to another school in order to preserve school safety. The situations are unique and must have approval of the superintendent."

Where a school transfer of a student is necessary, as per APG#SS12, the Board is required to coordinate a "transfer meeting" between the school from which the student is being transferred and the receiving school. In addition to the requirements in APG#SS12, concurrent with the transfer meeting or after the meeting but prior to the student starting classes, a risk assessment will be undertaken to ascertain which staff require a warning in order to protect their own personal safety, thereby ensuring the Board meets its duty to warn obligations. Through this assessment, once staff at risk is identified, the supervisor(s) for the staff member(s) will be responsible for advising them of the potential risk, how to recognize signs of escalating behaviour, personal safety plans where indicated, and communication on the methods to summon immediate emergency assistance. The supervisor will emphasize the confidentiality of the personal information. This meeting must be documented and indicate the names of all attendees.

## **6.4 Records**

All correspondence and other documents generated under these procedures must, subject to the Municipal Freedom of Information and Protection of Privacy Act, be marked "CONFIDENTIAL" and stored in a locked and secure file. Supervisor's notes and related documents must be kept in a secured locked drawer/cabinet within the supervisor's office.

## **7.0 TYPES OF COMPLAINT REPORTING**

### **7.1 Informal Resolution**

Informal Resolution is a procedure that provides an opportunity for parties to resolve a dispute mutually in a respectful manner. This process for dispute resolution applies to more subtle forms of workplace violence, for example, receiving threats of violence. The Board encourages supervisory and managerial personnel to first attempt Informal Resolution as a means of resolving these more subtle issues. If at any time, it is determined that the issue being reviewed is an issue of "workplace harassment", the violence related investigation will be terminated and the issue will be processed pursuant to the Workplace Anti-Harassment and Appropriate Conduct APG #HR13.

#### **7.1.1 Guidelines for initiating an informal complaint:**

7.1.2 Upon receiving a request, the Board's supervisory or managerial personnel will meet privately with each of the parties involved to learn the details of the event(s). With informal complaints, a resolution facilitated by the appropriate representative(s) is recommended, if acceptable to the parties.

7.1.3 After listening to the verbal descriptions of the event(s) provided by the parties involved, supervisory or managerial personnel, as well as union/federation representatives, may facilitate an informal resolution by:

- suggesting that the complainant confront the problem by making it clear to the individual that the violent behaviour or threats are not acceptable and by obtaining a commitment that the behaviour will stop;
- informing the individual of the concern regarding the behaviour, and the Board's expectation for appropriate behaviour and by providing a copy of this APG and the Workplace Violence Policy and/or other relevant Board policies and by obtaining a commitment that the behaviour will stop; and
- following up with the complainant to ensure that the behaviour has stopped.

7.1.4 In cases where an informal plan of action is implemented, supervisory and managerial personnel will follow up by monitoring the situation, holding, if necessary, subsequent meetings with the parties and taking further steps to ensure that the behaviour has stopped.

7.1.5 All supervisory notes and/or other information prepared in the course of the informal complaint process will be forwarded to the Human Resources Department for storage in a confidential workplace incident file separate from the personnel file. Only a record of the negative consequence, warning or caution will be placed in the respondent's personnel file.

7.1.6 It is the Board's intent that those covered by the Scope of the APG have a choice of avenues and resources to contact regarding their concerns, in order to provide access to the most effective and timely response for each situation. Through the informal resolution process, someone with a concern regarding a violent act or threat may contact a third party resource of his/her choice in order to discuss the situation in confidence and explore how the matter may best be resolved.



Third party resources include:

- Principal, Vice-Principal, Superintendent, Manager or immediate supervisor
- Union representatives, who may provide information, guidance, advocacy, and support.
- The Human Resources Department, which is available for confidential information and guidance with regard to this APG.

Enquiries and discussions at this stage will be treated as confidential and the individual is under no obligation to file a formal complaint.

## **7.2 Formal Resolution**

### **7.2.1 Initiating a Formal Complaint**

- i. Where an incident or threat of workplace violence requires employees to summon immediate assistance and/or to implement the School Lockdown Procedures or Emergency Plan, the formal complaint process shall be thereafter initiated as soon as possible.
- ii. Formal complaints will be initiated once all reasonable efforts have been made to resolve the conflict informally. The seriousness of the incident however may negate the consideration of the informal review process if personal injury or credible threat exists. The applicable Superintendent will have the discretion to refer a formal complaint to the appropriate supervisor and the parties if he/she is not satisfied that reasonable efforts have been made to resolve the dispute informally.
- iii. Employee complainants should contact their appropriate supervisor, a colleague, union, and federation or association representative. If an employee requires assistance in completing the formal complaint form, another individual such as a colleague, union, federation or association representative may fill out the form on the employee's behalf; however, the employee should sign and date the form. If the supervisor is the party alleged to be responsible for the objectionable behaviour or alleged to condone the objectionable behaviour, the complaint should be reported to the appropriate supervisory personnel above the supervisor. For assistance and representation throughout the complaint process, both employee complainants and employee respondents are referred to the list in section 7.2.3 below.
- iv. The rights of students to a respectful working and learning environment, free from violence or threats of violence, are dealt with under other appropriate policy, legislation or regulations including, but not limited, to the Education Act and the Ontario Schools Code of Conduct and codes of behaviour. Students should contact their principal, vice-principal, or, where appropriate, their school superintendent, for clarification on the process to be followed.

### **7.2.2 Respondents to a Complaint**

Individuals who are named as respondents in a complaint have a right to know in a timely manner that they are the subject of a complaint, who the complainant is, what the allegations are and what approach to a resolution is being considered. In particular, a respondent has a right to know the specifics of an allegation, including times, dates and alleged conduct. Respondents will be given a copy of the complaint and given time to prepare a full and complete response to the allegations. Employee respondents may wish to contact the appropriate supervisor, a colleague, union, and federation or association representative.

### **7.2.3 Assistance for Complaints, Respondents and Witnesses**

Prior to initiating any complaint and throughout the complaint process, complainants have a right to assistance and support. Individuals, who are named as respondents in a complaint, as well as witnesses, also have a right to assistance and support throughout the complaint process. The following people may provide support:

- parent/guardian/other caregiver;
- professional support staff;
- employee or colleague;
- trained resource person;
- union/federation/association representative; and/or
- translator/interpreter (if necessary).

As a result of a critical incident resulting in death, the grief counselling team will be coordinated through the Superintendent to provide immediate support. The Board has a Crisis Response Team in place in order to support the bereaved when there is a death of a student or a current staff member. The Religious Education and Faith Development Consultant ensures that the Crisis Response Guideline is followed.

### **7.2.4 Threshold Assessment**

All formal reports filed under the Workplace Violence Intervention and Prevention APG will be subject to an immediate threshold assessment. This should occur on the same day as the day of formal reporting.

When in receipt of a formal report of Workplace Violence, the Supervisor/Principal will contact the Senior Manager of Human Resources to ascertain if the alleged conduct would, if proven, meet the definition of workplace violence (threshold assessment).

If, following this threshold assessment, the Senior Manager of Human Resources and the supervisor determine that the report filed:

would not, if true, meet the definition of workplace violence;

does not provide sufficient details of the alleged incident or threat of workplace violence, provided the complainant is given notice that insufficient details have been provided and given reasonable time to provide sufficient details; or

is vexatious, frivolous or trivial, has not been made in good faith or would, if investigated, constitute an abuse of the Workplace Anti Violence APG.

They would then contact the union representative or non union representative for any additional input.

If after this further input, the decision remains, then the complainant shall be so advised and no further action shall be taken under this APG.

If there is a determination on a balance of probabilities that a complaint has been filed in bad faith, the complaint process may be discontinued and disciplinary action may occur.

Where allegations relate to discrimination on the basis of a ground prohibited by the Ontario Human Rights Code, they shall be addressed using APG #HR13 Workplace Anti Harassment and Appropriate Conduct.



### **7.3 Procedures for Resolving a Formal Complaint**

In all cases where the appropriate Superintendent has determined that the parties have made reasonable efforts to resolve the dispute informally, and has conducted a threshold assessment to determine that a formal complaint should proceed, he/she shall direct the appropriate supervisory and managerial personnel to take action to resolve the formal complaint under this APG.

### **7.4 Formal Investigation and Resolution**

If informal routes of resolution are either unsuitable or unsuccessful, a formal investigation of the complaint will be conducted.

The complainant is to use the Workplace Violence Incident Reporting Form found on the Intranet Health and Safety Directory under "forms". A copy is attached as an appendix to this APG.

Formal complaints require an investigation of the complainant's allegations. Investigators will most often be the supervisory staff of the complainant and/or respondent unless such person(s) actively participated in the unsuccessful informal resolution process, in which case, an independent investigator shall be appointed. This will be determined by the Senior Manager of Human Resources or designate.

In the event that a complaint contains allegations regarding a Supervisory Officer, the Director of Education will manage the formal complaint process.

Where the complainant and the respondent have different reporting structures, supervisory and managerial personnel involved will determine who the appropriate person is to take responsibility for the investigation.

In a formal investigation, supervisory or managerial personnel who conduct the investigation shall ensure that the following steps are taken as soon as possible:

- i. Take appropriate measures to ensure the safety of the complainant; (these can include, but are not limited to: relocating the complainant to another school, suspension with or without pay of the respondent pending the outcome of the investigation and the nature of the incident, and letter of clarification for community groups or individuals using our schools)
- ii. Notify the complainant(s), the respondent(s) and witness(es) that they are entitled to support and assistance throughout the process, and that they are required to maintain confidentiality on all aspects related to the complaint.
- iii. Ensure that the respondent(s) have a copy of the complaint;
- iv. The investigation or fact-finding process will begin within fifteen days of the previous step, unless circumstances dictate otherwise.
- v. Interview the complainant(s) and/or the third party reporting the complaint;
- vi. Inform the respondent(s) of the allegations and provide an opportunity for response;
- vii. Interview the respondent(s);
- viii. Interview witness (es);
- ix. Based on the factual findings and results of the investigation, the Appropriate Supervisory Officer shall make a determination as to whether or not the Board's APG has been violated and what actions are to be taken as a result of the findings;

- x. Provide a written summary of the findings and conclusions to the complainant and to the respondent and give them an opportunity to respond to same; and
- xi. Take appropriate action(s) to resolve the situation.
- xii. Information pertaining to the investigation will be kept in confidence with the Appropriate Supervisory Officer.

An employee retains the right to withdraw his or her complaint, should he/she no longer wish to proceed with a formal investigation. Should an employee decide to withdraw his or her complaint, he or she must notify the Appropriate Supervisory Officer in writing. It is understood however, that the Board may be required to continue its investigation, where there are indicators that violent behaviour may have occurred. The respondent should be encouraged to participate in the interest of a balanced and fair process.

In cases of domestic violence or suspected domestic violence the individual who suspects that an employee is abused will contact the Senior Manager of Human Resources.

## **8.0 Standard of Proof**

The standard of proof to be applied is the balance of probabilities. This is also known as the preponderance of evidence.

## **9.0 Outcomes in formal investigations**

In the event a complaint is not substantiated, no further action will be taken, subject to the section on maintaining records. In cases where the complaint is found to be trivial, vexatious or an abuse of the process, the complainant may be subject to disciplinary action as outlined in section 7.2.4. However, if there is need to restore positive learning or working environment or if the complainant and/or respondent require counselling, appropriate steps will be taken to meet such needs. This will be done with input from the Senior Manager of Human Resources, the Supervisor and the Appropriate Supervisory Officer unless any of these are identified as a respondent in which case these further steps will be determined by the Director of Education.

### **Follow-up possibilities:**

- counselling for the parties; (non Board employees excepted);
- application of strategies to restore a positive learning/working environment; (e.g. EAP anger management for eligible employees, Peace program for students to name a few);
- mediation;
- specific training for the complainant or respondent;
- workshops for the staff and/or others in the school/workplace regarding their rights and responsibilities;
- permanent separation of respondent and complainant from each other; if mediation fails and/or;
- restorative measures.

## **10.0 Disciplinary Actions**

If as a result of the findings, disciplinary action is taken, this shall be noted on the employee's personnel file subject to any provisions in appropriate collective agreements or as required by law.

Any supervisory or management personnel who becomes aware of a violent act or behavior and fails to address it may also be subject to disciplinary actions up to and including dismissal.

## **Employee Respondents**

The appropriate supervisor or manager may impose discipline as appropriate in accordance with APG #HR03 Progressive Discipline of Employees.

The principles of progressive discipline will be applied in dealing with disciplinary actions under this APG in accordance with the APG #HR03 on Progressive Discipline. These may include the following:

- verbal warning;
- written reprimand;
- suspension without pay;
- dismissal from employment with the Board.

## **Other Respondents**

Actions must be determined as appropriate for the individual situation and may include such responses as a letter of disapproval and caution or warning, a revoking of permits or contracts, an issuing of a trespass warning, or other remedies as provided by the common law and/or the appropriate legislation. The involvement of the Appropriate Supervisory Officer and Senior Manager of Human Resources is required in these cases.

### **11.0 Mediated Resolution**

Mediation involves an unbiased third party acting as a facilitator in direct communication between the parties who voluntarily agree to enter into this process. It is an opportunity to resolve disputes in a respectful manner. It provides the opportunity to generate a variety of options for resolution and contributes to restoring the working relationship between the parties.

Where there is already a formal complaint being investigated under these procedures, at any time during the investigation, the parties may agree to hold the investigation in abeyance and attempt to achieve a mediated resolution. This will have no bearing on any potential police investigation. Regard will be had for the opinion of the Police Department investigating the matter, if applicable, or legal counsel as to the merits associated with mediation.

Mediation is appropriate when all parties agree that a mutually agreeable solution is achievable and desirable. The investigator will request approval to mediate or attain a trained mediator from the Board's list of approved mediators when the parties have expressed an interest in a mediated resolution. (In cases where mediation is sought, the Senior Manager of Human Resources shall provide trained mediators who are acceptable to both parties.)

Meetings required for mediation sessions will be scheduled as soon as possible and, where practical, in a time and place convenient for the complainant, the respondent and the mediator.

When matters are resolved through mediation, the complainant and the respondent will sign a memorandum of agreement outlining the terms to which they have agreed. Supervisory and managerial personnel will ensure that the terms that the parties have agreed to have been met.

Mediation is voluntary and the complainant or the respondent may choose to withdraw at any time. If this occurs, any expenses incurred with cancellation of services will be the responsibility of the party withdrawing from the process.

## **12.0 REVIEW**

In the event a complainant or respondent to a formal complaint has one or both of the specific concerns listed below, a request may be made to the Director of Education to convene a Review. A reviewer will be appointed by the Director of Education.

The grounds for review are:

- the investigators did not comply with the procedures; or
- new evidence has become known after the final decision but before the expiry of the ten working days limitation period for requesting a review.

No review of the final decision will be undertaken with regard to the claim that the conclusions drawn by the investigator(s) based on findings of fact were incorrect.

The reviewer will report his/her findings to the Director of Education who will affirm or amend a final decision or require that a new investigation be undertaken.

## **13.0 Employee Responsibilities (Complainants, Respondents, and Witnesses)**

All employees are expected to share in the implementation of this APG, through understanding and acting in accordance with its content.

Any employee who has requested a restraining order against a spouse/domestic partner is encouraged to report this to his/her supervisor. In this way, measures can be taken for the protection of the individual whom has sought the order and for the staff in the workplace.

All employees are expected to comply with all provisions of this and related APG's and to report any concerns of potential or existing workplace violence to their supervisor or alternate.

Everyone covered under the scope of the APG is expected to participate, fully and in good faith, in any Informal Resolution Process or Formal Complaint and Investigation Process in which they have been reasonably identified as having potentially relevant information pertaining to a complaint of harassment.

- i. Complainants, respondents, and witnesses are expected to provide information as required.
- ii. They are expected to cooperate when called upon to do so.
- iii. They are expected to limit the discussion of the complaint to those who need to know.
- iv. Complainants and respondents will receive information related to the complaint in writing, including allegations as noted under 'Types of Complaint Reporting.'
- v. Complainants and respondents may have with them during meetings and interviews related to the resolution of the complaint, a person of their choice who has agreed to accompany them and who is not a party to the process.
- vi. Complainants and respondents will be informed in writing of the outcome of the investigation.
- vii. If the complaint is founded, complainants will be informed whether corrective or disciplinary measures will be taken as a result of their complaint.
- viii. If the complaint is frivolous or in bad faith, respondents will be informed whether corrective or disciplinary measures will be taken.

## 14.0 Roles and Responsibilities of Supervisory and Management Personnel

While all employees are expected to share in the implementation of this APG, through understanding and acting in accordance with its content, it is important to recognize however that those in positions of authority with staff that carry more responsibility than other employees within our organization.

Under law, supervisory and management personnel have an obligation to make every reasonable effort to establish and maintain a workplace free of harassment and violence. (Ontario Human Rights Code, Section 39 (2) (e) – Occupational Health and Safety Act as amended by Bill 168.)

Within our organization, this includes the Board of Trustees, the Director of Education, Superintendents, Principals, Vice-Principals, Managers, as well as those in other supervisory positions.

Related to this APG, their responsibilities include:

- Acting as a role model for professional, respectful and non-violent conduct.
- Ensuring employees have *awareness and* full access to information regarding the Board's Workplace Anti Violence APG.
- Intervening when he/she believes inappropriate conduct may have occurred.
- Respecting the rights of all parties to a **fair, equitable and confidential** process for responding to complaints.
- Employers who are aware, or ought reasonably to be aware, that domestic violence may occur in the workplace, must take every precaution reasonable in the circumstances to protect a worker at risk of physical injury.

### 14.1 Supervisory Officer, or designate

- i. This person is expected to be impartial in any complaint process in which he or she is involved.
- ii. He or she can expect to have access to learning opportunities related to this role and its responsibilities.
- iii. He or she is expected to apply the established steps in the complaint process.
- iv. He or she is expected to take the necessary action to ensure the confidentiality of complaints.
- v. He or she is expected to ensure that both complainants and respondents have access to support and advice during any resolution process associated with the complaint.
- vi. He or she is expected to offer mediation when appropriate.
- vii. He or she is expected to separate the complainant and respondent when possible, for the duration of the complaint process to ensure the personal safety of the complainant.
- viii. He or she is expected to conduct an investigation following the parameters of this APG and will ensure that objectivity and confidentiality is maintained throughout the investigation.
- ix. He or she is expected to ensure that no documents relating to the violence complaint are placed in the personnel file of either party, other than a disciplinary letter in the file of the employee who is subject to a disciplinary measure.

- x. He or she is expected to ensure that parties are provided with the information to which they are entitled.
- xi. He or she is required to take action on any awareness/knowledge he/she has that harassment/violence is occurring or may occur.

**15.0 Reprisals are Prohibited the Occupational Health and Safety Act of Ontario, R.S.O. 1990, s 50(1) states that;**

No employer or person acting on behalf of an employer shall,

- i. dismiss or threaten to dismiss a worker;
- ii. discipline or suspend or threaten to discipline or suspend a worker;
- iii. impose any penalty upon a worker; or
- iv. intimidate or coerce a worker,

because the worker has acted in compliance with this Act or the regulations or an order made there under, has sought the enforcement of this Act or the regulations or has given evidence in a proceeding in respect of the enforcement of this Act or the regulations or in an inquest under the Coroners Act. R.S.O. 1990, c. o.1, s. 50 (1).

This APG supports that reprisals against individuals because they have reported a complaint are strictly forbidden. Alleged reprisals shall be investigated as formal complaints and, if substantiated, are subject to the same consequences as complaints of harassment.

**16.0 REFERENCES / RELATED DOCUMENTS**

*Canadian Charter of Rights and Freedoms*  
*Municipal Freedom of Information and Protection of Privacy Act*  
*Ontario Human Rights Code*  
*Ontario Occupational Health and Safety Act*  
*Teaching Profession Act*  
*Ontario College of Teachers Act, 1996*  
APG# [HR03 Progressive Discipline of Employees](#)  
APG# [HR13 Workplace Anti-Harassment and Appropriate Conduct](#)  
APG# [SS12 Progressive Discipline and Promoting Positive Student Behaviour](#)  
*Ministry of Education, The Ontario Student Record (OSR) Guideline, 2000*  
APG# [PIM01 Privacy Standard](#)  
APG# [PIM02 Privacy Breach Protocol](#)  
APG# [PIM03 Records and Information Management \(RIM\)](#)



### Violent Incident Report Form

Staff who has been victims of violence at work **MUST** complete this report as soon as possible.

#### 1. Date/location of Incident

Date of incident:	Time: <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Location of incident:	Date of Report:

#### 2. Identifying Victim's Information

Name of Victim: _____	Job Title: _____
Gender of Victim: <input type="checkbox"/> Male <input type="checkbox"/> Female	Are you member of a union? <input type="checkbox"/> Yes <input type="checkbox"/> No Please specify: <input type="checkbox"/> OECTA Elementary <input type="checkbox"/> CUPE <input type="checkbox"/> OECTA Secondary <input type="checkbox"/> OECTA Occasional
Home Address: _____ _____	Phone Number (home): _____ Phone Number (work): _____ Phone Number (cell): _____
Shift: _____	School/Facility: _____



Location of Incident:

<input type="checkbox"/> Library	<input type="checkbox"/> Gym	<input type="checkbox"/> Shops	<input type="checkbox"/> Stairs (stairwells)
<input type="checkbox"/> Classroom/hallway	<input type="checkbox"/> Washroom	<input type="checkbox"/> School Yard	<input type="checkbox"/> Staff Room
<input type="checkbox"/> Parking lot	<input type="checkbox"/> Lobby	<input type="checkbox"/> Change Room	<input type="checkbox"/> Counter or reception
<input type="checkbox"/> Catholic Education Centre	<input type="checkbox"/> Maintenance Shop	<input type="checkbox"/> Children's Treatment Centre	
<input type="checkbox"/> Offsite _____	<input type="checkbox"/> Other _____		

Type of Assault (Check all that apply):

If any type of assault is a result of domestic violence, please check the appropriate box.  
 Domestic Violence

Medical attention or first aid obtained:  Yes  No  
Date: \_\_\_\_\_ Location: \_\_\_\_\_

Police called:  Yes  No Incident #: \_\_\_\_\_  
Date reported: \_\_\_\_\_ Name of Constable: \_\_\_\_\_

The following are considered critical injuries.

Please check appropriate box:

- Places life in jeopardy
- Produces unconsciousness
- Results in substantial loss of blood
- Involves the fracture of an arm or a leg but not a finger or toe
- Involves the amputation of a leg, arm hand or foot but not a finger or toe
- Consists of burns to a major portion of the body
- Causes the loss of sight in an eye



**Is a critical injury evident?**  Yes  No

If a critical injury, were critical injury guidelines followed?  Yes  No

Details of Incident:

**2. Assailant**

<input type="checkbox"/> Delivery Person <input type="checkbox"/> Ex-employee <input type="checkbox"/> Neighbour <input type="checkbox"/> Student <input type="checkbox"/> Spouse/Partner <input type="checkbox"/> Visitor <input type="checkbox"/> Employee <input type="checkbox"/> Parent <input type="checkbox"/> Contractor <input type="checkbox"/> Other (please specify) _____			
If assailant is a student, has the parent/guardian/CAS been notified? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Description: <input type="checkbox"/> Male <input type="checkbox"/> Female			
Age: _____	Complexion: _____	Height: _____	Weight: _____
Name (if known)			
Was the assailant injured? <input type="checkbox"/> Yes <input type="checkbox"/> No Was medical or first aid provided? <input type="checkbox"/> Yes <input type="checkbox"/> No Was the assailant arrested? <input type="checkbox"/> Yes <input type="checkbox"/> No    Date: _____ Time: _____ Were charges laid? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what were the charges? _____ What happened to the assailant? <input type="checkbox"/> Arrested <input type="checkbox"/> Disciplined <input type="checkbox"/> Transferred <input type="checkbox"/> Terminated			

**4. Witnesses**

Are there any witnesses? <input type="checkbox"/> Yes <input type="checkbox"/> No Are Witness Account Forms attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Name of Witness:	Contact Information:

## 5. Other information

Was the assailant involved in any previous violent incidents with staff?  Yes  No  
If yes, please describe.

Are there any preventive measures in place at the time of this incident?  Yes  No  
If yes, please describe.

Is there a restraining order in place at time of this incident?  Yes  No  Unsure

Is there a Notice of Trespass in place at time of incident?  Yes  No  Unsure

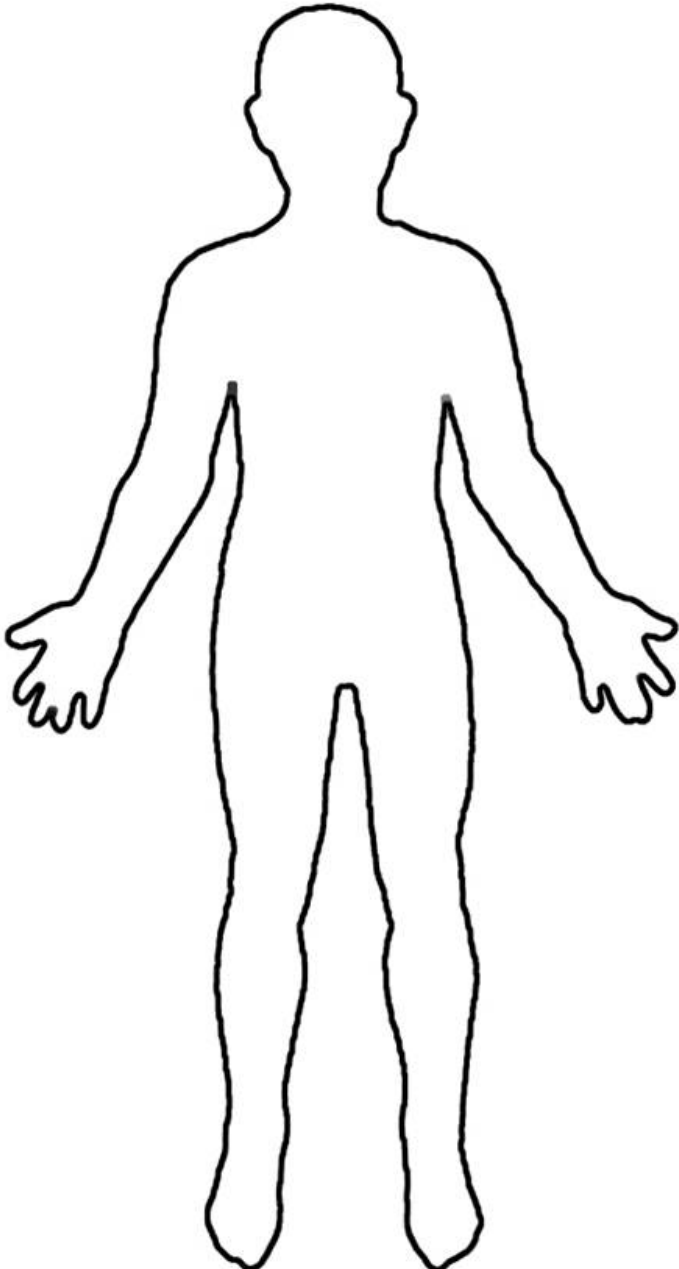
Please provide any other information you think is relevant.

## 6. Prevention

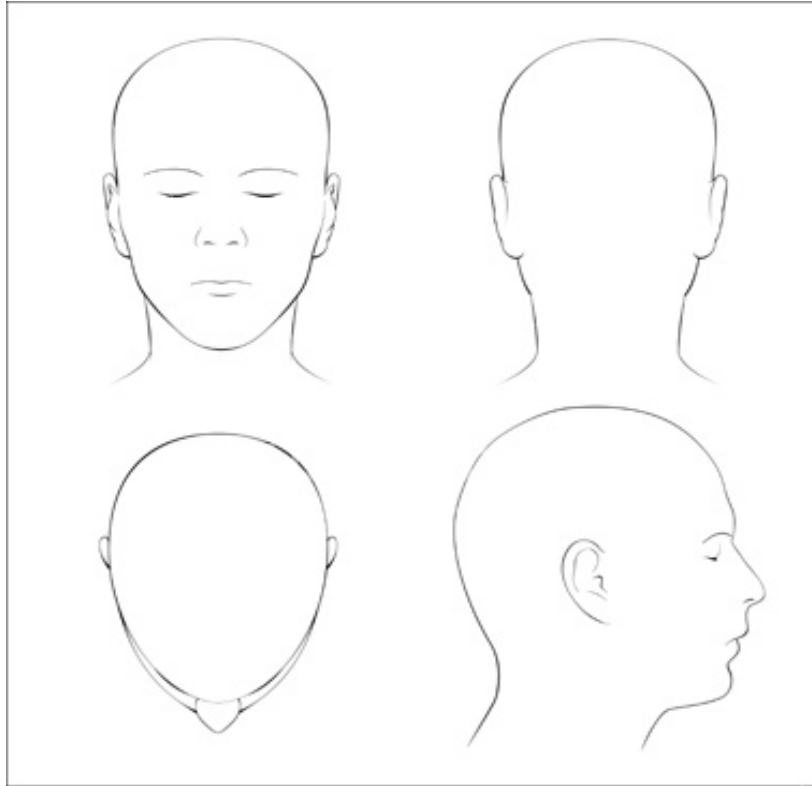
What measures are in place or have been taken?

If preventative measures were in place how can these be improved?

**7. Assailant and vehicle identification sheet**

<p>SEX  <input type="checkbox"/> Male  <input type="checkbox"/> Female</p>	<p>AGE</p>	<p>HEIGHT</p>	<p>WEIGHT</p>	<p>RACE</p>
<p>HAIR (colour and style)</p>				<p>HAT (colour and type)</p>
<p>EYES (glasses)</p>				<p>COAT</p>
<p>COMPLEXION</p>				<p>SHIRT/BLOUSE</p>
<p>JEWELLERY</p>				<p>PANTS/SKIRT</p>
<p>SCARS/MARKS</p>				<p>SHOES</p>
<p>TATTOOS</p>				<p>TIE</p>

Facial appearance



Write below specific facial details that you definitely remember.

What did the assailant say?

Vehicle:			
Colour: _____	Make: _____	Model: _____	License number: _____
Body Style: _____		Damage or rust: _____	
Antenna: _____	Bumper Sticker: _____	Wheel covers: _____	
Direction of travel: _____			
Were there other occupants in the car? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please describe occupants.			

**Confidentiality**

All complaints and reports of violence will be treated seriously, will be investigated thoroughly and fairly, and will be dealt with accordingly. Every attempt will be made to maintain confidentiality, and all investigations will be conducted adhering to any applicable provisions of the Municipal Freedom of Information and Protection of Privacy Act and the Workplace Anti Violence APG #HS01.

This form will be submitted to the complainant's supervisor for immediate action as per the Workplace Anti Violence APG #HS01. A copy will be provided to the complainant.

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**

The personal information requested on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act and will be protected under that Act. It will be used for the purpose of conducting internal investigations, accident prevention, and compliance reporting. It is being collected under the authority of the Education Act of Ontario, the Occupational Health and Safety Act and/or the Workplace Safety and Insurance Act. This information may be shared with Ministry of Labour, Workplace Safety and Insurance Board, Ministry of Education, the Greater Sudbury Police Services or Court Authority, as required. It may be shared with the employee's supervisor and Senior Administration. The Joint Health and Safety Committee may receive the information in a redacted or summarized manner. For further information on this collection, please contact the Board's Wellness & Ability Coordinator at (705) 673-5620 ext. 365.



### Supervisor's Workplace Violence Investigation Report

This form **MUST** be completed by the Principal/Supervisor when an incident occurs. This document will serve as the supervisor's record of activity.

<b>EMPLOYEE INFORMATION</b>		
Name: _____	Position: _____	
Work site: _____		
Date and time of incident: _____	Date and time incident reported: _____	
Were emergency response measures initiated?    Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>CLASSIFICATION OF INCIDENT</b>		
Student on Staff <input type="checkbox"/>	Staff on Student <input type="checkbox"/>	
Parent/Guardian on Staff <input type="checkbox"/>	Staff on Staff <input type="checkbox"/>	
General Public on Staff <input type="checkbox"/>	Staff on General Public <input type="checkbox"/>	
Contractor on Staff <input type="checkbox"/>	Staff on Contractor <input type="checkbox"/>	
Other <input type="checkbox"/> _____		
Describe the incident including persons involved (Attach additional pages if necessary).		
<b>INCIDENT TYPE</b>		
<input type="checkbox"/> Threat	<input type="checkbox"/> Assault	<input type="checkbox"/> Sexual Assault
Describe Injury (if any)		
Was Violent Incident Report completed?                    Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please attach the report.		
Was medical attention or first aid required?                Yes <input type="checkbox"/> No <input type="checkbox"/>		
Was an Employee Accident/Injury report completed?    Yes <input type="checkbox"/> No <input type="checkbox"/>		
If yes, provide actions taken:		





## Workplace Violence Prevention Reporting Form

This form is to be completed if an employee has a concern about a threat of violence in the workplace whether the concern is for their own well-being or a fellow employee. The form is then to be submitted to the immediate supervisor/principal for action as per section 2 of this form.

**Section 1:** This section to be completed by the employee identifying a concern and submitted to his/her principal/supervisor

Nature of Concern Related to Workplace Violence:

- Physical (lights, fencing, doors, etc)
- Person (student, staff, visitor, etc)
- Animal
- Workplace task (disposal of garbage, making deposits, etc)
- Other \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

Details of Incident/ Concern: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Location of Incident: \_\_\_\_\_

Reported by: \_\_\_\_\_ Date: \_\_\_\_\_

Name of School/Facility: \_\_\_\_\_

Reported to: \_\_\_\_\_

(Principal/Supervisor)

**Section 2:** The principal/supervisor must complete this section within three (3) working days and forward to the employee who reported the concern.

Can this concern be corrected at the school/facility level?  Yes  No

If yes, what corrective action was taken? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Principal/Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

**Section 3:** If the employee agrees with the corrective action taken by the supervisor. Please sign and date this form below and submit to your principal/supervisor who will forward to the superintendent for review and tracking purposes.

Employee: \_\_\_\_\_ Date: \_\_\_\_\_

**Section 4:** If the employee does NOT agree with the proposed corrective action to be taken, sign and date this form below and submit to your principal/supervisor who will forward to the superintendent.

Employee: \_\_\_\_\_ Date: \_\_\_\_\_

**Section 5:** The superintendent must complete this section and forward to the employee named.

Can this hazard be corrected by the superintendent?  Yes  No

Proposed corrective action to be taken: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Superintendent: \_\_\_\_\_ Date: \_\_\_\_\_

Copy forwarded to employee on: \_\_\_\_\_ (Date)

**Confidentiality**

All complaints and reports of violence will be treated seriously, will be investigated thoroughly and fairly, and will be dealt with accordingly. Every attempt will be made to maintain confidentiality, and all investigations will be conducted adhering to any applicable provisions of the Municipal Freedom of Information and Protection of Privacy Act.

**Employee to be provided with a copy of this form.**

