

7.0. Safe Schools

7.0. SAFE SCHOOLS – VIOLENCE IN THE WORKPLACE

Adopted: October 30, 2012

Reviewed by Committee: May 9, 2017

Regulation and Procedure Reference: EL-1.1

Legal Reference: MB Human Rights Commission, MB. W S & R Regulation Part 11

Violence in the Workplace Regulation and Procedure

Lakeshore School Division is committed to providing a safe work environment for all staff. Lakeshore School Division recognizes the potential for violence or threats against staff. Actions have been taken to identify possible sources of violence and to implement a violence prevention program to eliminate or minimize risk. Lakeshore also provides training to staff who are working in potentially violent situations.

Violence is against the Law

Canada's *Criminal Code* prohibits violence against all. People have a right to live and work without being subjected to violence. The Violence in the Workplace Regulation and Procedure outlines what to do if an employee is subjected to threats or physical violence at work or, if a supervisor or employee becomes aware of a violent situation in the workplace.

What Constitutes Violence

As defined in Part 11 of The Workplace Safety and Health Regulation, M.R. 217/2006:

Definitions:

“Violence” means

- a) the attempted or actual exercise of physical force against a person,
- b) or any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person.

Employer's Responsibilities

The Superintendent, or designate, teachers, employees of Lakeshore School Division must ensure, as much as reasonably practical, that no employees are subjected to violence in the workplace.

The Superintendent, or designate; will take corrective action with anyone under their direction who subjects an employee to violence. The Superintendent, or designate will not disclose the name of a complainant or the circumstances of the complaint to anyone except where disclosure is:

1. Necessary to investigate the complaint
2. Required to take corrective action
3. Required by law

The Superintendent, or designate will ensure all employees are aware of the risks of violence in the workplace: Lakeshore School Division will provide training to employees to enable them to work effectively in potentially violent situations. Employees will be offered training in Working Effectively with Violent and Aggressive Students (WEVAS), Non-Violent Crisis Intervention (NVCII) or other appropriate training as required. Lakeshore School Division's Violence in the Workplace Regulation and Procedure is not intended to discourage or prevent anyone from exercising any other legal rights under Canada's *Criminal Code*.

The Superintendent, or designate, teachers, employees are responsible for creating a safe work environment, free from violence and to ensure that if there is violence in the workplace they must bring it to the attention of supervisors so that the issue can be addressed immediately.

Lakeshore School Division is a public education system; students within the education system have different cognitive abilities which may affect their behaviour. Students may act out in a verbal and/or physical way. When these acts happen, it is critical to gain an understanding of the students in the schools and their cognitive abilities. One of the purposes of school is to educate all learners to enable them to behave in socially acceptable ways.

Employees Rights and Responsibilities

Employees are entitled to work in a workplace free from violence; and resolve issues in a professional manner. Employees must report incidents of violence to their supervisor using the required process found in Regulation and Procedure 1.A. Incident/Incident Reporting.

Employees are expected to attempt to resolve issues by communicating with the individuals involved in a conflict. If a mutual agreement cannot be worked out, the supervisor shall be informed of the impasse and the supervisor will instruct the employee as to the next steps in the process. Employees must cooperate in the investigation of a violent incident. Anyone who gives evidence or information in an investigation or is involved in the process must keep this information confidential, except when providing information for the investigation.

Notification of Workers at Risk

When an actual incident of violence has occurred or when a situation is reasonably expected to become violent, Lakeshore School Division will take the following steps to ensure the safety of all employees:

1. The supervisor or designate will advise the employees who are at risk and will coordinate a review of current procedures to minimize risk to staff.

2. All available information about the source of violence will be provided to the employees who are at risk including names and the nature of the violence.
3. Depending on the circumstances, appropriate steps will be taken to protect the employees by removing the workers from the situation or calling police (911).

Steps to eliminate or minimize the risk of violence

Safe work procedures have been developed to inform and train employees about the risks of violence. These risks were identified in a risk assessment conducted in conjunction with the Workplace Safety and Health Committee. The safe work procedures are reviewed with all employees. Documented safe-work procedures on violence prevention may include:

1. Working alone plan
2. Lockdown procedure
3. Parking lot safety

Employees Subjected to Violence

1. Employees should take all reasonable steps to protect their personal safety and remove themselves from a violent situation.
2. A prearranged process to summon help shall be established by using (i.e. phone, cell phone, two-way radio, multi com) etc. The Principal should summon police (911) if necessary.
3. All incidents of violence must be reported according to the Divisional process found in Regulation and Procedure 1.A. Incident Reporting.

Employees subject to violence by students (i.e. Staff)

1. Violence may be directed at staff who work in close proximity to students. Students may not necessarily display behaviour that could pose a threat of violence to others.
2. A threat/risk assessment may need to be conducted on a student that displays the potential of being violent or displays aggressive behavior by either physical or verbal threats. If the school is provided information prior to the student starting school then the information will be shared through a *Behavioural Plan* to provide the necessary information to the staff that would be in direct contact with the student in the role of teacher or educational assistant, the staff will receive additional support through the "*Safety Plan*" that is part of the informational meetings.
3. All staff who work with students that have been identified as having violent or aggressive behaviour are to be informed of the possibility of violence against them.

The behavioural plan is to be set up for each student, that has been identified as a violent student and the staff working with these students need to be included in the information sharing of the *Behavioural Plan*. The *Behavioural Plan* that is created must include information for staff. In the instance of a student displaying violent or aggressive behaviour, a personalized transportation plan will be created in consultation with the staff that are required to be informed including bus drivers.

4. All violent incidents must be recorded, staff need to be informed of the violent incident that took place in order for the staff to protect themselves. There shall be a plan in place to help prevent future incidents of violence.
5. All incidents of violence must be reported according to the Divisional process found in Regulation and Procedure 1.A. Incident Reporting.

Employee subject to violence by an employee

1. If there is violence in the workplace between employees, the supervisor will need to know immediately to ensure the violence stops and corrective action can be implemented.
2. All incidents of violence must be reported according to the Divisional process found in Regulation and Procedure 1.A. Incident Reporting.

Employee subject to violence by a parent/guardian

1. Parents can be very emotional when protecting their children. If a parent shows up at the school wanting to talk to a teacher/ support staff and is clearly very angry with the situation, the principal should try to defuse the potentially violent situation, if they feel it is safe to do so.
2. All incidents of violence must be reported according to the Divisional process found in Regulation and Procedure 1.A. Incident Reporting.

Employee subject to violence by Intruder

1. The facility would initiate a lockdown procedure, call police (911)
 - a) If the intruder is outside then activate the door lockdown button and initiate the lockdown as per procedure, call police (911).
 - b) If the intruder has gained access to the facility then lockdown as per lockdown procedure, call police (911).

Employees working off school division property

1. The Lakeshore School Division's Working Alone Plan must be followed to ensure all employees who work alone or in isolation are in contact as per working alone

plan. Supervisors must ensure that all employees fill out a Working Alone Plan and adhere to the plan to ensure their safety. Communication must be set up with all employees who work alone or in isolation.

2. All incidents of violence must be reported according to the Divisional process found in Regulation and Procedure 1.A. Incident Reporting.

Students subjected to violence by Division employees

In all situations, *The Child and Family Services Act (1999)* indicates that at the conclusion of an investigation, the person that causes a child to be in need of protection and has care, custody, or control of children in their employment, then the Child and Family Services Agency must report the findings to the employer. In the case of a school, the report would be made to the principal.

In situations where a person is charged with an offence under the Criminal Code or *The Child and Family Services Act (1999)* and that person's employment involves the care of children, the police are required to advise the person's employer that the accused has been charged.

Reference: Child Protection and Child Abuse Manual

Students subjected to violence by Division employees

When School Division Support Staff is Accused of Child Abuse

It is recommended that staff contact their relevant union for support and guidance.

School division staff suspected of child abuse may be subjected to:

- An investigation conducted by the employer;
- An investigation by a Child and Family Services Agency and/or the police;
- Criminal charges;
- Suspension;
- In addition, for teachers, the division will co-operate with relevant Provincial bodies to support additional investigational measures.

Divisional Process for reporting Incidents of Violence

All incidents of violence must be reported according to the Divisional process found in Regulation and Procedure 1.A. Incident Reporting.

Recommendation to Get Medical Help

Employees who have been the victim of violence will be:

1. Encouraged to get medical help.
2. Given the opportunity to be examined by a qualified medical practitioner.
3. The Superintendent, or designate will review the incident and its effects and take reasonable steps to accommodate employees involved in the incident.

Investigating Violent Incidents

- The Superintendent, designate or site supervisor will investigate all reported incidents of violence.
- A representative from the Workplace Safety and Health Committee will be asked to be involved in investigations that involve serious incidents as per the Workplace Safety and Health Regulations.
- All violent incident reports will be sent to the Workplace Safety and Health Committee for review.
- An annual report of violent incidents will be compiled for review by Workplace Safety and Health Committees.

Appendix A

VIOLENT COMPLAINT RESOLUTION GUIDE

General Guidelines

Employers will:

1. Treat all claims seriously
2. Investigate immediately
3. Keep the investigation confidential and only advise those who truly need to know of the details and ensure everyone involved respects the confidentiality of the situation
4. Maintain a professional manner at all times
5. Reserve judgment until all the facts are in
6. Document everything

How to Start the Investigation

It is important to try to obtain, if possible, the complainant's allegations in writing. This ensures that you are clear on what she/he is saying happened. Review the complaint, (if written) carefully; or, listen carefully to what the complainant is saying while making notes on the complaint for reference. The initial reporting is not the time to interview the complainant. Just get the details of the complaint.

Determine who should do the investigation.

Prepare a list of people to interview and revise it as needed.

Take steps to minimize potential contact between the complainant and the person alleged to have committed the violence until the issue is investigated and resolved.

Prepare a general outline of what to ask each individual who will be interviewed.

Conducting the Interview of the Complainant

Acknowledge that bringing a "violence in the workplace" claim forward is difficult and the claim will be investigated. Inform the complainant of the steps the Lakeshore School Division will be taking in the investigation and confirm that the Division takes the complaint seriously.

Advise the complainant that they have the right to have representation present during the investigation process.

Explain that Lakeshore School Division will not permit any retaliation against a complainant; if retaliation does occur, she/he should let the Division know right away.

Explain that those with a legitimate need to know will be given interview information but details will be kept as confidential as possible.

Get the complainant to tell his/her story and ask for specific details.

Some questions to ask may include:

1. When did the incident or conduct occur?
2. Where did it occur?
3. What was said/done?
4. Were there previous incidents or similar behaviour toward this complainant or another employee?
5. What did the complainant say or do to indicate to the person alleged to have committed harassment or violence that the conduct was unwelcome?
6. Did the complainant tell any other workers about what happened? If not, why not?
7. Did the complainant make any notes about what happened?
8. Were there any witnesses and if so, who?

Explore any time lapse that might exist between the alleged act of violence and the filing of a complaint (or the bringing of the complaint to the attention of the employer).

Do not make any critical or judgmental comments.

Interviewing the Person Alleged to Have Committed Violence

Explain the allegations in detail.

Ask the interviewee of their perception of what took place.

Advise the interviewee that they have the right to have representation present during the investigation process.

Inform the person against whom the allegations were made of the steps that Lakeshore School Division will be taking in the investigation and confirm that the Lakeshore School Division takes the complaint seriously.

Explain that the Lakeshore School Division will not permit any retaliation against the complainant and that if there are attempts to do so, there will be disciplinary actions.

Explain that those with a legitimate need to know will be given interview information but the details will be kept confidential.

Ask the interviewee of violence to reply to the allegations, preferably in writing.

Determine the nature of the relationship between the complainant and the person against whom the allegations are made (ex: personal, social, working).

Determine whether the complainant started or took part in any inappropriate discussions, jokes, gestures, etc, that led to a violent incident.

Determine whether the complainant ever expressed concern to the interviewee about the allegations.

Ask the interviewee of violence why he/she thinks the victim has made the complaint. (Any motives to fabricate the allegation?)

Ask the interviewee for names of witnesses that could be interviewed as part of the investigation.

Conducting Witness Interviews

Interview all witnesses identified by the complainant and alleged harasser to help ascertain the details of the alleged incident.

Explain:

- Why the interview is taking place.
- How the information may be used (ex: may be given to those involved with the complaint)
- Importance of complete and accurate facts of incident.
- Lakeshore School Division's position on confidentiality and the need for the witnesses to maintain confidentiality throughout the investigation process.
- Lakeshore School Division's position on retaliation.
- Take detailed notes, including:
 - Name of witness, date and time of interview, who was present, questions asked, what witness said.
 - Ask the witnesses to explain what they have seen or heard.
 - Get the details: what, when and where did it happen?
 - Who was present?
 - What was said?
 - Was the incident an isolated event or part of a pattern?

Keep a separate record of any observations you might have of the interview (ex: was the witness evasive?)

At the end of the interview, review with the witness the points contained in your notes to confirm accuracy and determine whether the witness has anything to add to the interview notes.

After the interview, reduce your notes into a written statement, ask the witness to read, sign and date.

Concluding the Investigation

The investigator should prepare a detailed report of the investigation and determine whether the complainant's allegations were proven.

If the report finds that violence has taken place, the employer should determine reasonable steps to be taken to end the violence and prevent a repeat. The employer must meet separately with the complainant and the person who has been accused of violence to explain the investigation process, conclusions and any disciplinary action taken or other steps put in place to stop and avoid a repeat of the offensive conduct.

If the results of the investigation are inconclusive, the employer should explain that the investigation was unable to determine the events that occurred and that Lakeshore School Division will monitor the situation.