Resource Booklet for

The 3R's of Workplace Violence

Rights

Resources

Responsibilities

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Ontario

BACKGROUNDER

Ministry of Labour

Protecting People At Work

December 7, 2009

The Ontario Legislature has passed amendments to the Occupational Health and Safety Act (OHSA) to help protect workers against workplace violence. The legislation will go into effect six months after Royal Assent.

The legislation not only enhances protections against workplace violence, but also addresses workplace harassment. It applies to all Ontario workplaces currently covered by the OHSA.

Background

Both workplace violence and workplace harassment can have tremendous consequences for society, workers and their families. They can also lead to increased costs for employers, increased absences from work and lower productivity.

A 2004 Statistics Canada survey entitled *Criminal Victimization in the Workplace* found 17 per cent of violent incidents in Canada occur at the workplace. This represents about 356,000 incidents of workplace violence in a 12-month period across Canada.

The Ministry of Labour currently addresses issues of workplace violence that fall within the jurisdiction of the OHSA through enforcement of an employer's general duties, such as the duty to take every precaution reasonable in the circumstances for the protection of a worker.

Between April 1, 2008 and March 31, 2009, inspectors made 417 field visits and issued 351 OHSA orders related to violence in the workplace.

In the Fall of 2008, the Ministry of Labour held a public consultation to review the OHSA requirements that related to workplace violence and to assess whether those requirements needed to be clarified or enhanced.

Amendments

The primary purpose of the OHSA is to protect workers from hazards in the workplace, including hazards involving workplace violence. All employers have a general duty under the OHSA to take every reasonable precaution in a given situation to protect their workers. They must also provide information, instruction and supervision to workers to protect their health and safety.

The definitions of workplace violence and harassment are broad enough to capture violence or harassment directed toward a worker at a workplace from any person, including customers, clients, patients, co-workers, friends, current or former family members and strangers.

The amendments include:

- New definitions of workplace violence and workplace harassment

- A requirement for employers to prepare policies on workplace violence and harassment and development and maintain programs to implement them

- A requirement for employers to assess the risks of workplace violence based on the nature of the workplace and type or conditions of work, and develop measures and procedures to control them

- A right for workers to refuse work if they believe they are at risk of physical injury due to possible workplace violence

- A requirement for employers who are aware of the potential for domestic violence in a workplace to take reasonable precautions to protect the workers who are at risk of physical injury

- A requirement for employers and supervisors to alert certain workers of the risk of workplace violence from persons with a history of violent behaviour. Employers and supervisors must provide workers who may encounter such persons at work with as much information, including personal information, as needed to protect the workers from physical injury and

- A requirement for the workplace's Joint Health and Safety Committee and others to be notified if a worker is disabled or needs medical attention due to workplace violence.

Enforcement

Health and safety inspectors for the Ministry of Labour will enforce the new workplace violence and harassment provisions in the OHSA. The amendments do not affect the work of police, who will continue to deal with violent individuals and matters under the Criminal Code.

The ministry is currently working with its partners in the occupational health and safety system, as well as with the Ontario Women's Directorate, to develop resources and tools to provide support for employers and workers and raise public awareness of rights and responsibilities concerning workplace violence and harassment.

Workplace violence and harassment will be issues considered in the development of the ministry's *Safe At Work Ontario* compliance strategy.

Safe At Work Ontario seeks to:

- improve workplace health and safety culture
- reduce workplace injuries and illness
- reduce the burden on the health care system
- avoid costs for employers and the Workplace Safety and Insurance Board, and
- provide a level playing field for compliant companies

Emily Bullock, Minister's Office, 416-326-7713
Bruce Skeaff, Communications Branch, 416-326-7405

Version 4.0

Workplace Violence:

predictable and preventable

A Toronto father, working in a fast food outlet, lost an eye after being savagely beaten at work in a dispute involving money in a tip jar. This December 2009 incident, although shocking, is not an isolated one. In a first ever study measuring criminal victimization on the job, Statistics Canada reported nearly one-fifth of all incidents of violence in 2004 occurred in the victim's workplace in 2004. This included more than 356,000 violent workplace incidents over the course of the year, 71 per cent of which were physical assaults.

According to an International Labour Organization study, Canada has one of the highest rates of assault and sexual harassment on the job. In fact, in 2008, Ontario's Workplace Safety and Insurance Board (WSIB) allowed 2,100 lost time claims for assault, violent acts and harassment. Previous statistics released by the WSIB showed lost time claims for assault, violent acts and harassment increased by 40 per cent over 10 years between 1996 and 2005.

What is workplace violence?

While Ontario's new workplace violence legal requirements include a more limited definition of workplace violence, here we have chosen a broader definition which encompasses the reality of workers' experiences.

Violence is the act or attempt to cause injury or abuse. Violence can be physical or psychological. It can be committed by anyone — employers, clients, co-workers or members of the public.

Workplace violence includes the following:

- Physical attacks or assaults;
- Threatening behavior;
- Verbal or written threats, abuse or assault;
- Harassment;
- Sexual abuse or statements;
- Poisoned work environment; and
- Bullying behavior.

Work-related violence is not restricted to the traditional workplace. Violence can occur at business-related functions or social events, and can even follow workers home. The electronic age brings with it greater opportunity for intrusion — telephones, faxes, and emails can all be used as weapons to harass or threaten. Certainly, these weapons are often used in situations where the reverse is true, namely domestic violence following a worker into the workplace. Fortunately, Ontario's new workplace violence law does recognize the potential for domestic violence to be a source of workplace violence. (To learn more see the WHSC Resource Lines, entitled, *Domestic Violence in the Workplace: Breaking the Silence.*)

What is psychological violence or bullying?

Psychological violence, including bullying, has a negative impact on workers' mental, physical, emotional and social health. Studies show the co-relation between bullied workers and lost time at work. Bullying is the use of position, stature or controlling behavior to threaten physical well-being or loss of employment. Examples of psychological violence/ bullying at work include:

- rumour spreading;
- mobbing;
- excluding individuals from work related activities;
- reviewing work unfairly or trivial fault finding;
- belittling behavior or comments;
- removing freedoms while adding responsibilities;
- dividing tasks unfairly, hindering work, expecting disproportionate results, or playing favorites;
- setting unreasonable job requirements or duties;
- unreasonably blocking applications for training, promotion or leave;
- doling out unfair blame, recrimination or discipline — especially in front of others.

Who is at risk and why?

All workers are at risk from workplace violence, but workers who work with the public are at greater risk of physical assault. Women face increased risk of violence while on the job, primarily because the workforce

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in high-risk occupations such as retail, social service and health care is predominantly female. Workers, of either sex, in any occupation are equally at risk of being victimized by psychological violence.

There is also a clear link between stress and workplace violence. Increasing job demands, downsizing of staff, and other stressors can lead to explosive or oppressive workplace environments. Social hardship and personal stress can cause members of the public to abuse workers providing services. Clients frustrated with the policies of a workplace will often lash out at front line workers. It is easy to forget people taking away children from abusive situations, denying loans, shutting off power or conducting evictions are workers just doing their jobs.

Known factors increasing the risk of violence at work include: working with the public; handling money, valuables, cigarettes, or prescription drugs; carrying out inspections or enforcement duties; providing service, care, advice or education; working where alcohol is served; working alone, in small numbers, isolation or in low traffic areas; working in community-based settings such as clinics or private homes; or working in mobile workplaces.

The design and layout of a workplace can influence the risk of violence. Poor lighting and obstacles isolate workers making them more vulnerable to attacks. Open access to workplaces or inadequate security exposes workers to potentially dangerous situations. Poor administrative procedures including scheduling work alone with the public or shifts causing workers to travel alone at night also raise the risk of violent incidences.

What are the health effects?

Victims of workplace violence can suffer both physical and psychological trauma. In extreme cases of physical violence, workers have been murdered while others may suffer bruises, cuts and broken bones. These same physical attacks may lead to psychological effects including depression, anxiety, sleep disorders, mental illness, post traumatic stress disorder and overall stress. (Stress is well documented as causing weakened immune systems, heart attacks, nervous system damage and strokes.) Some suggest stress even plays a role in the development of cancer. Workers and others who witness physical assaults may suffer similar psychological effects.

Victims of psychological violence including harassment and bullying risk suffering similar stress-related effects. Keep in mind even workers who deal with violent incidents and their outcomes as part of their job can suffer psychological health effects, including post traumatic stress disorder. Further still, many point out harassment and bullying are often precursors to physical violence.

Regardless, workers exposed to any type of violence can have difficulty returning to work. To make matters worse, workers can be penalized for being victims of domestic or workplace violence. Disruptions at work, absenteeism, diminished job performance or increased illness can lead to discipline or loss of livelihood. Workers may quit their jobs or agree to a demotion as a result of stress. Commonly, victims isolate themselves from family and friends. Stress can cause marital crisis or other family problems. Shame, guilt, fear and embarrassment resulting from violence can lead to mental illness and other stress-related health outcomes, including suicide.

What is the law in Ontario?

Effective June 15, 2010, Ontario workplaces must comply with Bill 168 *An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace.*

In general, the *Occupational Health and Safety Act (the Act)* requires employers to "take every precaution reasonable in the circumstances for the protection of the worker." Bill 168 outlines more specific employer duties relating to workplace violence and harassment including:

- preparing workplace violence and harassment policies and reviewing them as often as is necessary, but at least annually;
- writing and posting policies in the workplace where six or more workers are regularly employed (MOL inspectors can order smaller workplaces to write and post the policies);
- assessing the workplace for risk of violence and inform the joint health and safety committee, health and safety rep or workers of the outcome; and
- taking every reasonable precaution to protect a worker from any risk of physical injury in the workplace relating to domestic violence (when the employer is aware or ought reasonably to be aware of this situation).

Employers are also required to develop and maintain programs to implement the workplace violence and harassment policies. The MOL recommends the workplace violence program be reviewed annually. The workplace violence program must include measures and procedures:

- to control the risks identified in the assessment;
- for summoning immediate assistance when workplace violence occurs or is likely to occur;
- for workers to report incidents; and
- to establish how the employer will investigate and deal with incidents or complaints of workplace violence.

The workplace harassment program must include measures and procedures:

- for workers to report incidents of workplace harassment; and
- to establish how the employer will investigate and deal with incidents and complaints of workplace harassment.

Section 70(2) of *the Act* was also changed with Bill 168 and now outlines the potential for the enactment of regulations related to violence and harassment. One such item specifically mentioned is the requirement of an employer to designate a person in a workplace to act as a workplace violence and harassment coordinator [section 70(2)(50)].

Employers must also provide workers with "information" and "instruction" on the contents of workplace violence and harassment policies and programs. This includes providing workers with information about a person with a history of violent behavior, but only if the workers could be expected to encounter this person in the course of their work and they are likely to be exposed to physical injury.

Bill 168 also amends Section 43 of *the Act* to include the right to refuse work if workplace violence is likely to endanger the worker.

Joint health and safety committees (JHSC) and health and safety representatives have the same powers and duties related to workplace violence and harassment as they do for other occupational hazards. For instance, they must be involved in a work refusal related to violence just as they would for any other workplace hazard. They also have a duty to identify potential sources of violence and recommend to the employer control measures.

According to the MOL, employers may wish to consult with the JHSC or worker representative when developing the workplace violence and harassment policies and programs. For those workplaces in the health care sector, employers must consult with the JHSC or worker representative. Regardless of the sector, many employers understand the importance of a participatory approach to occupational health and safety. This includes tapping into the wealth of knowledge, experience and potential solutions JHSC members or health and safety representatives can offer with respect to violence and harassment.

Bill 168 defines workplace violence as, "The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; and a statement or behavior 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."

Bill 168 defines workplace harassment as "Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome."

What is the law in other jurisdictions?

In May 2008, the *Canadian Occupational Health and Safety (COHS) Regulations* were amended to include Part XX, *Violence Prevention in the Work Place.* Federally-regulated employers are now responsible for: developing and posting a workplace violence prevention policy; identifying and assessing factors that contribute to workplace violence; enacting preventative measures; and providing information, instruction and training to all employees exposed to or at risk of workplace violence. Policies must also be reviewed as work situations change or at least every three years.

Other Canadian provinces either have specific regulations respecting violence and key risk factors or have added provisions about violence into their health and safety legislation.

Of note, workers in Quebec, Saskatchewan and Manitoba have won legal protection from psychological harassment. While workers in British Columbia and Manitoba have won legal protection against working alone, albeit Manitoba's is more limited only prohibiting workers under 18 from working between 11 pm and 6 pm.

How do you control workplace violence?

To be effective violence prevention programs must be specific to the workplace and the actual jobs performed by workers. The following are just some of the measures employers and JHSCs will want to consider as they develop their policy and program:

- a policy of zero tolerance encompassing all forms of workplace violence including harassment and bullying;
- a ban on working alone — at minimum establish controls that ensure safety while working alone, such as a prearranged call in schedule and no public access to the workplace;
- policies minimizing risk to workers by locking away cash, cigarettes and valuables;
- policies to protect the mobile workforce including the provision of trip plans and activation of GPS devices on vehicles and/or cell phones;
- monitored security systems and prominently displayed information about these systems, so as to act as a deterrent as well;
- emergency response measures including panic buttons, prearranged communication systems for informing or advising workers of potentially violent situations and designated safe locations;
- workplace guest procedures including requirements to identify the credentials of guest unknown to the worker, guest sign in and out and accompaniment by the worker receiving the guest;
- design or physical layout and environmental controls such as doors with clear windows, adequate lighting, open concept and structure of counters, barriers, etc.;
- workplace violence training that includes information on indicators of disruptive, threatening, or violent behavior and ways to deal with it;
- support networks for victims of workplace and domestic violence, including crisis response, medical attention and counseling.

NOTE: The WHSC offers comprehensive training supporting the development of workplace violence prevention programs. To learn more contact a WHSC Training Services representative near you.

Workers Health & Safety Centre
RESOURCE LINES

Published by the
Workers Health & Safety Centre
15 Gervais Drive, Suite 802
Toronto, Ontario M3C 1Y8
Tel: 416-441-1939
Fax: 416-441-1043
Toll free (Toronto): 1-888-869-7950
Web site: www.whsc.on.ca

Executive Director:
Dave Killham

Director, Information Services:
Loretta Michaud

Editor:
Yvonne Laurent

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Regional Offices:
Central Ontario (Toronto)
Tel: 416-441-1939
Eastern Ontario (Ottawa)
Tel: 613-232-7866
South Central Ontario (Hamilton)
Tel: 905-545-5433
South Western Ontario (Sarnia)
Tel: 519-541-9333
North Eastern Ontario (Sudbury)
Tel: 705-522-8200
North Western Ontario (Thunder Bay)
Tel: 855-281-3634

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Health & Safety at Work

Prevention Starts Here

Ontario's **Occupational Health and Safety Act** *gives workers rights. It sets out roles for employers, supervisors and workers so they can work together to make workplaces safer.*

Improve Health and Safety:

- **Find out** about your Joint Health and Safety Committee or Health and Safety Representative.
- **Talk** to your employer, supervisor, workers, joint health and safety committee or health and safety representative about health and safety concerns.

Call the Ministry of Labour at 1-877-202-0008

Report critical injuries, fatalities, work refusals anytime.

Workplace health and safety information, weekdays 8:30am – 5:00pm.

Emergency? Always call 911 immediately.

Find out more:

ontario.ca/healthandsafetyatwork

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Workers have the right to:

- **Know** about workplace hazards and what to do about them.
- **Participate** in solving workplace health and safety problems.
- **Refuse** work they believe is unsafe.

Workers must:

- **Follow** the law and workplace health and safety policies and procedures.
- **Wear** and **use** the protective equipment required by their employer.
- **Work** and **act** in a way that won't hurt themselves or anyone else.
- **Report** any hazards or injuries to their supervisor.

Employers must NOT take action *against workers for following the law and raising health and safety concerns.*

Employers must:

- **Make sure** workers know about hazards and dangers by providing information, instruction and supervision on how to work safely.
- **Make sure** supervisors know what is required to protect workers' health and safety on the job.
- **Create** workplace health and safety policies and procedures.
- **Make sure** everyone follows the law and the workplace health and safety policies and procedures.
- **Make sure** workers wear and use the right protective equipment.
- **Do everything** reasonable in the circumstances to protect workers from being hurt or getting a work-related illness.

Supervisors must:

- **Tell** workers about hazards and dangers, and respond to their concerns.
- **Show** workers how to work safely, and make sure they follow the law and workplace health and safety policies and procedures.
- **Make sure** workers wear and use the right protective equipment.
- **Do everything** reasonable in the circumstances to protect workers from being hurt or getting a work-related illness.

Ontario

Risk/Threat Assessments

Information Sharing/Right to Privacy

Section 125(6), the Youth Criminal Justice Act (YCJA) enables information in a Youth Criminal Justice Act record to be shared, **within the access period, with any professional** or other person engaged in the supervision or care of a young person – including the representative of any school board, or school or any other educational or training institution only in limited circumstances.

Information may be shared to ensure the safety of staff, students or others, to facilitate rehabilitation of the young person or to ensure compliance with a youth justice court order or any order of the provincial director respecting reintegration leave. Such sharing of information does not require the young person's consent.

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WORKPLACE VIOLENCE AND HARASSMENT COMPLIANCE CHECKLIST

Ontario's *Occupational Health and Safety Act* includes several employer responsibilities regarding prevention of workplace violence and harassment.

The following checklist will help determine whether you as the employer have fulfilled the requirements of this important legislation.

EMPLOYERS – Are you in compliance?	Check Yes or No: ✓	
Prepared a workplace violence policy	Yes ☐	No ☐
Prepared a workplace harassment policy	Yes ☐	No ☐
Where six or more workers are employed regularly, posted written copies of the policies	Yes ☐	No ☐
Assessed the risk factors of workplace violence	Yes ☐	No ☐
Advised the joint committee or health and safety representative of the workplace violence risk factor assessment results (or workers where no joint committee or representative exists)	Yes ☐	No ☐
Provided a copy of the assessment results, if in writing, to the joint committee or health and safety representative (or workers where no joint committee or representative exists)	Yes ☐	No ☐
Developed a program to implement the workplace violence policy that includes:		
• measures and procedures to control identified risk factors	Yes ☐	No ☐
• measures and procedures to summon immediate assistance when workplace violence occurs or is likely to occur	Yes ☐	No ☐
• measures and procedures for workers to report incidents, and	Yes ☐	No ☐
• how incidents or complaints will be investigated and dealt with	Yes ☐	No ☐
Developed a program to implement the workplace harassment policy that includes:		
• measures and procedures for workers to report incidents, and	Yes ☐	No ☐
• how incidents or complaints will be investigated and dealt with	Yes ☐	No ☐
Provided workers with information and instruction on the violence and harassment policies and programs	Yes ☐	No ☐
Ensured precautions taken for the protection of workers when aware or ought reasonably to be aware that domestic violence may occur in the workplace and would likely expose workers to physical injury	Yes ☐	No ☐
Ensured information was provided to workers where they could be expected to encounter a person with a history of violent behaviour during the course of their work and are likely to be exposed to physical injury	Yes ☐	No ☐

The Workers Health & Safsty Centre offers training and information designed to help bring workplaces into compliance. To learn more drop us a line at **contactus@whsc.on.ca** or call us toll free from anywhere in Ontario and ask to speak to a Training Services representative.

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WORKPLACE VIOLENCE AND HARASSMENT COMPLIANCE CHECKLIST

Ontario's *Occupational Health and Safety Act* includes several employer responsibilities regarding prevention of workplace violence and harassment.

The following checklist will help determine whether your employer has fulfilled the requirements of this important legislation.

WORKERS – Is your employer in compliance?	Check Yes or No: ✓	
Has the employer provided information on the contents of their workplace violence policy? • where six or more are employed regularly, has the written policy been posted?	Yes ☐ Yes ☐	No ☐ No ☐
Has the employer provided information on the contents of their workplace harassment policy? • where six or more are employed regularly, has the written policy been posted?	Yes ☐ Yes ☐	No ☐ No ☐
Has the employer advised the joint committee or health and safety rep of the workplace violence risk factor assessment results (or workers where no joint committee or rep exists)? Has the employer provided a copy of the assessment results, if in writing, to the joint committee or health and safety rep (or workers where no joint committee or rep exists)?	Yes ☐ Yes ☐	No ☐ No ☐
Has the employer provided information and instruction on the contents of their workplace violence program including: • how the employer will control identified risk factors • how to summon immediate assistance when workplace violence occurs or is likely to occur • how to report incidents of workplace violence, and • how the employer will investigate and address incidents or complaints of workplace violence?	Yes ☐ Yes ☐ Yes ☐ Yes ☐ Yes ☐	No ☐ No ☐ No ☐ No ☐ No ☐
Has the employer provided information and instruction on the contents of their workplace harassment program including: • how to report incidents of workplace harassment, and • how the employer will investigate and address incidents or complaints of workplace harassment?	Yes ☐ Yes ☐ Yes ☐	No ☐ No ☐ No ☐
Has the employer ensured precautions have been taken for the protection of workers when they are aware or ought reasonably to be aware that domestic violence may occur in the workplace and would likely expose workers to physical injury?	Yes ☐	No ☐
Has the employer ensured information has been provided to workers where they could be expected to encounter a person with a history of violent behaviour during the course of their work and are likely to be exposed to physical injury?	Yes ☐	No ☐

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Extract from Developing Workplace Violence and Harassment Policies and Programs: A Toolbox
Occupational Health and Safety Council of Ontario (OHSCO)
April 2010

Workplace Violence Survey

(Based on material from the Ontario Safety Association for Community and Healthcare.)

This survey is provided as an example of a survey that can be used by workplaces. However, use of this survey, or any particular survey, is not required under the *Occupational Health and Safety Act.*

Employers choosing to use this survey are encouraged to reproduce and/or customize it to meet the particular needs of their workplace.

This survey may be used to ask workers and management about their perception of their safety in the workplace. It can also be used as part of Step 1 in Developing Workplace Violence and Harassment Policies and Programs: What Employers Need to Know.

Before distributing this survey, add an introduction that outlines the purpose of the survey, how the results of the survey will be reported, with whom the results will be shared, and how it will be used. The survey should be anonymous.

Physical Environment

Do you feel safe at work?	☐ Yes	☐No	
Has your workplace been designed to protect you from workplace violence?	☐ Yes	☐No	
In your opinion, are there adequate measures to protect you?	☐ Yes	☐No	
If you answered No to any of the previous questions, please indicate whether the following areas require improvement:	Yes	No	N/A
Lighting			
Security checks or protocols (identification checks, sign-in sheets, etc.)			
Restrictions on public access to work areas (secured elevators, stairwells, etc.)			
Security in areas used to store personal belongings (locker rooms, etc.)			
Security staff			
Security of restrooms			
Security of parking lots			
Communication procedures (for example, when and how to call for help)			
Layout of work areas (visual obstructions, unsecured objects and furniture, etc.)			
Security devices (surveillance equipment, silent or sounding alarms, panic buttons, personal alarms, telephones, cell phones, etc.)			
Other:			

Incidents at Work

Have you been hit, pushed, physically assaulted, or otherwise attacked while working at this organization?	☐ Yes ☐No
If you answered Yes:	
• Where did the incident occur?	
• Did you report the incident?	☐ Yes ☐No
• How did you report the incident? ☐ Orally? ☐ In Writing?	
• Who physically assaulted or otherwise attacked you? ☐ client/customer ☐ member of the public ☐ co-worker ☐ partner/ex-partner ☐ manager/supervisor ☐ other:	
Have you been sexually assaulted or been the target of a sexual incident while working at this organization?	☐ Yes ☐No
If you answered Yes:	
• Where did the incident occur?	
• Did you report the incident?	☐ Yes ☐No
• How did you report the incident? ☐ Orally? ☐ In Writing?	
• Who assaulted you? ☐ client/customer ☐ member of the public ☐ co-worker ☐ partner/ex-partner ☐ manager/supervisor ☐ other:	
Have you been threatened with physical harm (orally, in writing, or otherwise) while working at this organization?	☐ Yes ☐No
If you answered Yes:	
• Where did the threat occur?	
• Did you report the threat?	☐ Yes ☐No
• How did you report the threat? ☐ Orally? ☐ In Writing?	
• Who threatened you? ☐ client/customer ☐ member of the public ☐ co-worker ☐ partner/ex-partner ☐ manager/supervisor ☐ other:	
Have you been harassed (sexual harassment, insults, or bullying) while working for this organization?	☐ Yes ☐No
If you answered Yes:	
• Where did the harassment occur?	
• Did you report the harassment?	☐ Yes ☐No

• How did you report the harassment? ☐ Orally? ☐ In Writing?	
• Who harassed you? ☐ client/customer ☐ member of the public ☐ co-worker ☐ partner/ex-partner ☐ manager/supervisor ☐ other:	
In your opinion, what steps could be taken to make your workplace safer?	

Policy and Program

Is there a written workplace violence policy and program for your workplace?	☐ Yes	☐No
Have procedures for violence prevention been set out for your work area?	☐ Yes	☐No
If yes, are they easy to understand and follow?	☐ Yes	☐No
Have you ever seen a written copy of the procedures?	☐ Yes	☐No
Here, employers may insert questions about procedures in the workplace that they consider critical, such as how to call for help, how to de-escalate a situation, how information about a client's behaviour is communicated to workers, etc.		
Comments:		

Workplace Incident Reporting and Follow-up

Are you required to report threats and violence at your workplace?	☐ Yes	☐No
If yes, can you do so without fear of retaliation (revenge or punishment)?	☐ Yes	☐No
Is there a system for reporting threats and violence at your workplace?	☐ Yes	☐No
If yes, is it easy to understand and follow?	☐ Yes	☐No
Does your supervisor or manager investigate incidents promptly?	☐ Yes	☐No
Does your supervisor or manager take suitable corrective action promptly?	☐ Yes	☐No
Are police and emergency services called immediately when a criminal incident occurs?	☐ Yes	☐No
Are support programs in place to help you if you are directly or indirectly affected by workplace violence?	☐ Yes	☐No
Comments:		

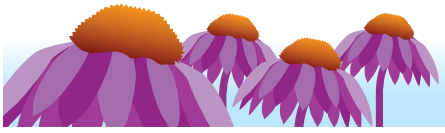
Education and Training

Do you know what workplace violence policies and programs exist in your workplace?	☐ Yes ☐No
Do you know how to report a threat or a violent incident, and to whom?	☐ Yes ☐No
Have you received training in recognizing, preventing, and dealing with workplace violence?	☐ Yes ☐No
Have you received training on the security devices available to you (such as surveillance equipment, silent or sounding alarms, panic buttons, personal alarms, telephones, cell phones, etc.)?	☐ Yes ☐No
Do you think you are prepared to handle a violent situation, a threat, or escalating behaviours exhibited by clients/customers while at work?	☐ Yes ☐No
Have you received training or information about domestic violence in the workplace?	☐ Yes ☐No
Here, employers may insert other questions about training in the workplace, such as how to call for help, how to de-escalate a situation, how information about a client's behaviour is communicated to workers, etc.	
Comments:	

Sample – Workplace or Sector-specific Questions

The following section can be tailored to meet your specific workplace or sector-specific needs. The following are sample questions for workers in a community-based setting.

If you work in the community, are you provided with any of these supports?	Yes	No	N/A
Background information on the neighbourhood in general, the immediate work area, clients, etc.			
The assistance of a buddy or security guard in high-risk situations			
A cell phone or radio when needed			
A security contact person			
Communication about a client's history of violence or known behavioural issues			
Timely assistance when you report a problem			
Are there any other supports that you think would help safeguard your security? If yes, please specify below:			



VIOLENCE AGAINST WOMEN
Fact Sheet

Violence against women is a serious issue in Canada

- Half of Canadian women (51%) have experienced at least one incident of physical or sexual violence since the age of 16.[1]
- Every minute of every day, a Canadian woman or child is being sexually assaulted.[2]
- One to two women are murdered by a current or former partner each week in Canada.[3]
- Spousal violence makes up the single largest category of convictions involving violent offences in non-specialized adult courts in Canada over the five-year period 1997/98 to 2001/02. Over 90% of offenders were male.[4]
- Thirty-six percent of female victims of spousal violence and less than 10% of victims of sexual assault reported these crimes to the police in 2004.[5]
- Physical and sexual abuse costs Canada over $4 billion each year (factoring into account social services, criminal justice, lost employment days and health care interventions).[6]
- Violence against women occurs across all ethnic, racial, religious, age, social and economic groups. Some women are more vulnerable however, and are more likely to experience violence, including women with disabilities, geographically-isolated women, young women and Aboriginal women.

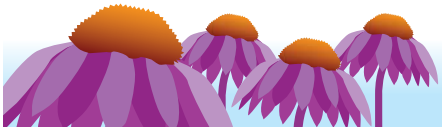
Women are more likely than men to be victims of the most severe forms of violence

- Women experience higher rates than men of sexual assault, stalking, serious spousal assaults and spousal homicide.[7]
- In 2004, twice as many women than men were beaten by their partners and four times as many were choked.[8]
- Of the almost 34,000 victims of spousal violence reported in 2000, women accounted for the majority of victims (85%): a total of 28,633 victims.[9]
- Women are three times more likely than men to be physically injured by spousal violence and five times more likely to require medical attention.[10]
- Women are five times more likely to fear for their lives as a result of spousal violence: the violence or threat of violence was so severe that 38% of women feared for their lives compared with 7% of men.[11]

Violence against women affects children

- Every year in Canada, up to 360,000 children are exposed to domestic violence.[12]
- For children who are exposed to violence, consequences can include emotional trauma, depression, injury and permanent disability, as well as other physical, psychological and behavioural problems that can extend into adolescence and adulthood.[13]
- 58,486 women and 36,840 children sought refuge in one of 473 shelters across Canada between April 1, 2003 and March 31, 2004.[14]

www.stopviolence.ca



VIOLENCE AGAINST WOMEN
Fact Sheet

Why would a woman stay in an abusive relationship?

- Leaving a violent relationship is the most dangerous time for a woman: she may fear for her safety and her children's safety if she leaves.
- Some victims never tell anyone about the abuse: they may feel ashamed or embarrassed, or fear being stigmatized by others.
- He may have promised to change, or kill himself if she leaves.
- She may live in an isolated area, or be socially-isolated, and lack access to information, resources and support.
- She may face communication, language or cultural barriers.
- She may be economically dependent on her partner and fear poverty for herself and her children.
- Emotional abuse may have worn down her self-confidence.
- She may think the abuse is her fault, because her partner tells her it is. To accept that "no matter what she does, she can't win" feels like she has no control over her life. It may be easier to think it is somehow her fault. If she changes, maybe he will too.
- She may have strong beliefs about keeping family together, or may experience similar pressure from relatives.
- She may be reluctant to report the abuse to the police, either because she fears retaliation, does not believe that involving the criminal justice system can help, or fears losing her children.

Shelters for abused women do more than provide shelter

- Shelters for abused women do more than provide emergency housing and food for women and their children: they offer counseling and support to help women rebuild their lives, programming for children who have witnessed violence to help them heal, legal advice, and assistance finding affordable housing. Many shelters also raise awareness in their communities about domestic violence.
- The cost of operating shelters for abused women in Canada totals more than $135 million each year.[15]
- Shelters play a critical role in stopping violence against women, but are only part of the solution. Support for women involves a wide range of services and programs that both prevent abuse (e.g. teaching youths about healthy relationships) and help abused women rebuild their lives after violence.

---

[1] Statistics Canada, The Violence Against Women Survey, The Daily, November 18, 1993
[2] Canadian Research Institute for the Advancement of Women, Fact sheet: extrapolated from Ontario Women's Directorate, Dispelling the Myths about Sexual Assault. Fact sheet, Queen's Printer for Ontario, 1998
[3] Dauvergne, M., (2002), Homicide in Canada - 2001, Juristat 22(7), Ottawa: Canadian Centre for Justice Statistics, Statistics Canada.
[4]Statistics Canada, Measuring Violence Against Women, Statistical Trends 2006
[5] Ibid
[6] L. Greaves, O. Hankivsky, J. Kingston-Riechters, Selected Estimates of the Costs of Violence Against Women. (London, Ontario: Centre for Research on Violence against Women and Children, 1995)
[7] Statistics Canada, Measuring Violence Against Women, Statistical Trends 2006
[8] Ibid
[9] Canadian Crime Statistics 2000 - Catalogue 85-205, Statistics Canada, 2001.
[10] Statistics Canada, Family Violence in Canada: A Statistical Profile, 2005
[11] Statistics Canada, Family Violence in Canada: A Statistical Profile, 2000
[12] Behind Closed Doors, The Impact of Domestic Violence on Children, Joint report by Unicef, the Body Shop International and the Secretariat for the United Nations Secretary-General's Study on Violence Against Children, 2006.
[13] Statistics Canada, Family Violence in Canada: A Statistical Profile, 2000
[14] Statistics Canada, Violence Against Women in Canada By the Numbers
[15] www.interimplace.com/statistics.htm

Version 1.0

Domestic Violence in the Workplace: breaking the silence

In the past most people treated domestic violence as a private family matter that shouldn't be discussed openly. Certainly it was also viewed as not the business of a victim's employer or co-workers.

However, high profile cases like the 2005 murder of nurse, Lori Dupont, by her former boyfriend and co-worker have helped to change this view, demonstrating domestic violence is a potential workplace violence issue and one in need of a serious response.

Perpetrators of domestic violence often harass victims at work. Victimized workers are vulnerable at work because their work hours, parking arrangements, and geographical location are predictable. This can affect the safety of not only the victim, but also the victim's co-workers, supervisor, clients or guests in the workplace.

Both men and women are victims of domestic abuse. However, according to Statistics Canada the majority of domestic violence victims are women. In 2007, women represented 83 per cent of the victims of police-reported spousal violence. Similarly, both men and women are abusers. However, some 96 per cent of the perpetrators of violence are men.

What is domestic violence?

Domestic violence (sometimes called family violence or partner abuse) is an ongoing pattern of abusive or coercive behaviours used by the abuser to establish power and control over their intimate partner. Cyclical in nature, domestic violence is not just hitting, slapping or threatening to hurt. It is also emotional, psychological, sexual and financial abuse. Abuser behaviours include name-calling, insults, lying, controlling finances and isolating the partner from friends or family. It often escalates, becoming more severe or more frequent over time.

Domestic violence impacts everyone regardless of income, gender, race, ethnicity, age, sexual orientation, or religion. It can happen to couples who are married, living together, or former partners and it affects people of all income levels and educational backgrounds. However rates of spousal violence are highest among women aged 25 to 34.

Abusers also engage in stalking. Stalking is a pattern of activity characterized by threatening behaviours that inflict psychological trauma on the victim and can result in serious injury or death.

Stalking includes a broad range of behaviours such as:

- Following or waiting outside the victim's home, workplace, or school;
- Sending or making written threats (e.g. sending email);
- Uttering verbal threats either directly or by phone, or through a third person;
- Damaging the victim's property; and
- Generally harassing the person.

The 2008 Annual Report of the Ontario Coroner's Domestic Violence Death Review Committee found this obsessive behavior in 62 per cent of all domestic violence deaths.

How is the workplace affected?

Domestic violence affects thousands of working people every day. It not only impacts the ability of these workers to provide and care for themselves and their families, it also has far-reaching direct and indirect costs for the workplace including:

- Decreased productivity;
- Increased health care costs;
- Absenteeism; and
- Employee turnover.

Workers who are abusers may illegally use company equipment (e.g. phone, fax, or email) and company time to stalk, harass or threaten their victim.

Domestic violence also affects co-workers. As the perceived danger increases for one worker, the level of distraction and fear for co-workers also increases. Co-workers may:

- Have to fill in for absent or nonproductive workers;
- Feel resentful of victimized workers needing time off;
- Try to "protect" co-workers from unwanted phone calls, visits, etc.;
- Be completely unaware of how to intervene, often feeling helpless and distracted from their work;
- Fear for their own safety.

Workers Health & Safety Centre

Information Bulletins for health, safety and environmental representatives

RESOURCE LINES

According to the Ontario Women's Directorate, the estimated economic costs of domestic violence to health, criminal justice, social services and lost productivity range in the billions of dollars in a single year.

What are the warning signs?

The workplace may be one of the only places victimized workers have sanctuary from the abuser and where they are safe to receive help and support. Managers, supervisors and co-workers should be trained and encouraged to keep their eyes and ears open for signs that a worker in their workplace may be suffering from abuse. The warning signs include the following:

- Social withdrawal from co-workers;
- Bruises or physical complaints that show signs of assault (and that the worker tries to hide);
- Crying or outbursts of anger when on the phone;
- Frequent personal calls that leave the worker upset;
- Insensitive or insulting messages from a partner or former partner;
- Disruptive personal visits to the workplace by present or former partner;
- Reduced productivity, decline in job performance and lack of concentration, errors;
- Last minute excuses of cancellations;
- Uncharacteristic absenteeism, tardiness;
- Increased use of drugs or alcohol to cope.

Even though warning signs may be present, a victim of domestic violence is often reluctant to discuss it out of embarrassment or fear — which means the situation should be handled with extreme care. Communicate support even if the worker is not ready to discuss the abuse.

What is the law?

Domestic violence is against the law. In addition to assault and sexual assault, the *Criminal Code of Canada outlaws* "stalking." Section 264 (1), of the Code says that no person shall engage in conduct that causes another person to fear for their safety or the safety of anyone known to them. This conduct includes the following:

- Repeatedly following from place to place, the other person or anyone known to them;
- Repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
- Watching the dwelling/house, or place where the other person, or anyone known to them resides, works, carries on business or happens to be; or
- Engaging in threatening conduct directed at the other person or any member of their family.

The *Criminal Code of Canada* also establishes a duty for all persons "directing the work of others" to take reasonable steps to ensure the safety of workers and the public.

Further, Ontario's *Occupational Health and Safety Act* says, "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."

What can employers do?

There are a number of things employers can do to ensure the workplace is safe for workers subject to domestic violence and their co-workers. First and foremost, the workplace violence policy and program should take into account the issue of domestic violence.

Domestic violence policy and procedures, like the overall workplace violence program, should be developed in consultation with the JHSC, or health and safety representative and should include the following:

- Information and instruction for workers, managers and supervisors in domestic violence identification and response, plus workplace-specific policies and procedures;
- Posting of information on domestic violence in the workplace, including phone numbers and locations of nearby shelters;
- Enhanced security in the workplace to prohibit a worker's abuser (and other non-employees) from entering the workplace unescorted;
- A provision for all workers to inform the employer if they fear a specific case of domestic violence may enter the workplace;
- A provision stating the employer will treat all reports of domestic violence with appropriate confidentiality;
- Employer commitment to help enforce an existing peace bond and/or restraining order;
- Regardless, employer commitment to develop an individual plan of prevention and emergency response with the cooperation and input of the victimized worker;
- Establish or expand Employee Assistance Programs (EAP) to provide services for workers who

are victims subject to domestic abuse;
- Workers witnessing a domestic violence incident must report it to the employer, security, and/or the police;
- Workers witnessing a co-worker using company resources or equipment to harass, threaten or stalk someone must report it to the employer;
- Workers witnessing violent actions or directly impacted by violence in any way will be offered critical incident debriefing services to reduce long-term effects of violence;
- Accountability (e.g. discipline) for workers or co-workers who are perpetrators of domestic violence and use company resources such as work time, workplace telephones, fax machines, mail, email or other means to harass, threaten, or stalk their intimate partner or co-worker;
- Reporting the offending worker to the police (if appropriate);
- Referral of the offending worker or co-worker to resources in the community to get help.

An individual safety plan should be implemented for all established domestic violence situations in the workplace. The employer should consult with internal security or local law enforcement. In addition to the above measures they should assess the overall workplace violence policies and procedures for the protection they afford. But as indicated above, the employer should also work in concert with the victimized worker to determine what additional measures are needed. The plan should consider the following actions:
- Change the worker's work station (position the desk or work area away from doors, windows, lobbies or parking lots);
- Change work schedule (offer flex time);
- Provide the worker parking near the front door and arrange for someone to walk with them to and from their car;
- Remove the worker's email address and telephone extension from public directories;
- Have another worker or third party screen the victim's telephone calls and email messages;
- Encourage the worker to save any threatening emails or voice-mail messages (these can be used in future for legal action);
- Help the worker document all incidents of harassment and/or stalking that occur in the workplace;
- If the worker has secured a peace bond and/or restraining order prohibiting the abuser from having contact with them, they should ensure these documents include the workplace and supply copies to the employer;
- The worker should also provide a photograph of the abuser to the employer as well;
- Offer paid leave for the worker to attend legal proceedings, tend to family emergencies and attend counseling sessions.

What can co-workers do?

Co-workers are often reluctant to intervene when they suspect that a friend or colleague is the victim of domestic violence. Co-workers fear the reaction to a perceived "invasion of privacy" when they want to be proactive and offer help to their colleague. However, with more awareness of the issue of violence, this attitude is changing.

There are several things a co-worker can do to help a colleague who is the victim of domestic violence. These include the following:
- If you suspect a co-worker is suffering abuse, do not directly confront them since it is important for an individual to self-disclose for their own safety and well-being;
- Express concern and a willingness to listen and be supportive if needed;
- Offer support by listening and assisting; when an individual is ready they will confide;
- If you witness an incident at work, contact your employer, supervisor and the police department immediately so appropriate steps can be taken. Make sure that the incident is documented;
- Be open-minded and avoid judging (try to keep your personal feelings and opinions to yourself);
- Don't blame either the worker or their partner (tell the worker abuse is not their fault);
- Don't tell the person what to do;
- Provide information not advice (you are not the expert);
- Do your best to ensure confidentiality (talk in a quiet place; assure your co-worker you will not repeat the conversation).

Other things to remember

- Nothing justifies abusive behaviour. Many forms of abuse are criminal acts.
- Alcohol and drugs contribute to abuse but they are not the cause of it.
- Once a pattern of abuse has been established it is very difficult to stop without outside help.
- Leaving an abusive relationship is very difficult and in some cases, the worker, their closest friends and family members are at extreme risk of harm.

- Be patient. You need to understand that people can only take action to leave an abusive situation when they are ready. Tell them you believe in their ability to make changes when they are ready. Offer support.
- If you witness an assault and you are having trouble coping with the incident after the fact you might need some outside assistance. Contact your EAP.

For more information on domestic violence, visit: **www.neighboursfriendsandfamilies.ca/eng/**.

For information on workplace violence and its prevention see the WHSC Resource Line, entitled, *Workplace Violence: Predictable and Preventable.*

Workers Health & Safety Centre
RESOURCE LINES

Published by the
Workers Health & Safety Centre
15 Gervais Drive, Suite 802
Toronto, Ontario M3C 1Y8
Tel: 416-441-1939
Fax: 416-441-1043
Toll free (Toronto): 1-888-869-7950
Web site: www.whsc.on.ca

Executive Director:
Dave Killham

Director, Information Services:
Loretta Michaud

Editor:
Charlotte McMorrow

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Regional Offices:
Central Ontario (Toronto)
Tel: 416-441-1939
Eastern Ontario (Ottawa)
Tel: 613-232-7866
South Central Ontario (Hamilton)
Tel: 905-545-5433
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Information Bulletins for health, safety and environmental representatives
RESOURCE LINES

Ontario

Ministry of Education

Policy/Program Memorandum No. 120

Date of Issue: May 16, 2011

Effective: Until revoked or modified

Subject: REPORTING VIOLENT INCIDENTS TO THE MINISTRY OF EDUCATION

Application: Directors of Education
Supervisory Officers and Secretary-Treasurers of School Authorities
Principals of Elementary Schools
Principals of Secondary Schools
Principals of Provincial and Demonstration Schools

References: This memorandum replaces Policy/Program Memorandum No. 120, June 1, 1994, and revokes the document *Violence-Free Schools Policy, 1994.*

INTRODUCTION

The purpose of this memorandum is to provide direction to school boards[1] on the development of procedures for reporting violent incidents to the Ministry of Education. Boards are required to have these procedures in place by September 1, 2011.

Research shows that violence in schools can affect the social, psychological, and physical well-being of students, as well as the learning process. Students who experience violence in school are more likely to report feelings of social isolation, depression, and frustration, and to demonstrate decreased engagement in school.[2] Research also shows that it is important to monitor the occurrence of violent incidents in order to obtain accurate data on which to base policies and planning.[3]

REQUIREMENTS FOR BOARDS

Reporting of Violent Incidents

Boards are required to report the total number of violent incidents on an annual basis to the Ministry of Education through the Ontario School Information System (OnSIS). *All* violent incidents that occur on school premises during school-run programs must be reported to the ministry, whether the violent incident was committed by a student of the school or whether it was committed by any other person.

1. In this memorandum, *school board(s)* and *board(s)* refer to district school boards and school authorities.
2. Sarah Lindstrom Johnson, "Improving the School Environment to Reduce School Violence: A Review of the Literature", *Journal of School Health* 79 no. 10 (2009), pp. 451–465.
3. Rami Benbenishty, Ron Avi Astor, and Anat Zeira, "Monitoring School Violence: Linking National-, District-, and School-Level Data Over Time", *Journal of School Violence* 2 no. 2 (2003), pp. 29–50.

For the purposes of this memorandum, 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:[4]

- 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

Boards must follow the direction in *Provincial Model for a Local Police/School Board Protocol, 2011* regarding notification of the police if any of the above violent incidents occurs.[5]

In circumstances where board employees have reason to believe that a student may be in need of protection, they are required to call a children's aid society, in accordance with the requirements of the Child and Family Services Act.[6]

Ongoing Monitoring by Boards

Boards are also required to collect and analyse data on the nature of violent incidents to support the development of board policies and to inform board and school improvement plans.

4. This list is taken from Ministry of Education, Ontario, *Provincial Model for a Local Police/School Board Protocol, 2011,* p. 8. Various terms used in the list are defined in the Glossary of the protocol document.
5. *Provincial Model for a Local Police/School Board Protocol, 2011,* p. 8.
6. See Ministry of Education, Ontario, Policy/Program Memorandum No. 9, "Reporting of Children in Need of Protection", August 10, 2001.

APPENDIX 2: SAFE SCHOOLS INCIDENT REPORTING FORMS

Report No: _____	***CONFIDENTIAL*** **SAFE SCHOOLS INCIDENT REPORTING FORM – PART I**
Name of School	
1. Name of Student(s) Involved (if known)	_____
2. Location of Incident (check one)	☐ At a location in the school or on school property (please specify) _____ ☐ At a school-related activity (please specify) _____ ☐ On a school bus (please specify route number) _____ ☐ Other (please specify) _____
3. Time of Incident	Date: _____ Time: _____
4. Type of Incident (check all that apply)	**Activities for which suspension must be considered under subsection 306(1) of the Education Act** ☐ Uttering a threat to inflict serious bodily harm on another person ☐ Possessing alcohol or illegal drugs ☐ Being under the influence of alcohol ☐ Swearing at a teacher or at another person in a position of authority ☐ Committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school ☐ Bullying ☐ Any other activity for which a student may be suspended under board policy [*Note: Boards must specify on this form any other activities for which the principal may suspend according to board policy.*] **Activities for which expulsion must be considered under subsection 310(1) of the Education Act** ☐ Possessing a weapon, including possessing a firearm ☐ Using a weapon to cause or to threaten bodily harm to another person ☐ Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner ☐ Committing sexual assault ☐ Trafficking in weapons or in illegal drugs ☐ Committing robbery ☐ Bullying (if the student has been previously suspended for engaging in bullying and the student's continuing presence in the school creates an unacceptable risk to the safety of another person) ☐ Any activity listed in subsection 306(1) that is motivated by bias, prejudice, or hate ☐ Giving alcohol to a minor ☐ Any other activity for which a student may be expelled under board policy [*Note: Boards must specify on this form any other activities for which the board may expel according to board policy.*]

5. Report Submitted By: Name: _____

Role in School Community: _____

Signature: _____ Date: _____

Contact Information: Location: _____ Telephone: _____

6. FOR PRINCIPAL'S USE ONLY: Check if incident was a **violent incident**, as defined in Policy/Program Memorandum No. 120.

☐ **Violent incident**

Information is collected is under the authority Part XIII of the Education Act in accordance with the Municipal Freedom of Information and Protection of Privacy Act, and shall be used for the purpose of student discipline. Questions about information collected on this form shall be directed to the school principal.

SAFE SCHOOLS INCIDENT REPORTING FORM – PART II

ACKNOWLEDGEMENT OF RECEIPT OF REPORT

Report No: _____

Report Submitted By: Name: _____ Date: _____

☐ **Investigation completed**

- ☐ Principal to communicate results to the teacher at a mutually convenient time*
- ☐ Principal to communicate results to other board employee at a mutually convenient time, as appropriate*

☐ **Investigation in progress**

- ☐ Once investigation is completed, principal to communicate results to the teacher at a mutually convenient time*
- ☐ Once investigation is completed, principal to communicate results to other board employee at a mutually convenient time, as appropriate*

Name of Principal: _____

Signature: _____ Date: _____

Note: Only Part II is to be given to the person who submitted the report.

* In accordance with s.300.2 of the Education Act, after investigating a matter reported by an employee, the principal shall communicate the results of the investigation to the teacher or other board employee who is not a teacher, as appropriate. In accordance with the Municipal Freedom of Information and Protection and Privacy Act and the Education Act, when reporting the results of the investigation, the principal shall not disclose more personal information than is reasonably necessary for the purpose of communicating the results of the investigation

APPENDIX J: VIOLENT INCIDENT FORM

Violent Incident Form

Name of student

A. Description of Violent Incident

B. Police Contact

1. Date of contact	2. Date of police investigation at school	3. Name of investigating officer(s)

C. School/Board Response

1. ☐ Suspension 2. ☐ Expulsion 3. ☐ Other _____

Date of inclusion in OSR	Principal's/designate's signature

(Please refer to the document *Violence-Free Schools Policy* for direction on the removal of this form from the OSR.)

OSSTF/FEESO

Employee's Report of Accident/Injury

Send completed form to the Associate General Secretary

Injured worker

Last name _____ First name _____

Injury information

Location of accident_____

Date of injury _____ Time of injury _____

Description of accident

Part of body affected _____
(Including left/right side)

Type of injury – bruise, sprain, fracture, etc…

_____

Describe how the accident occurred

_____
_____
_____
_____

Witnesses _____
_____

Medical treatment required

☐ First aid
☐ family doctor
☐ hospital
☐ chiropractor
☐ physiotherapist
☐ Medical Treatment Refused

Lost Time
How many days off work did your healthcare practitioner recommend? _____

_____ _____
Signature Date

December 12, 2012
D/BU #80/2012-2013

OSSTF/FEESO

Bill 13, Accepting Schools Act
New Policy/Program Memoranda

To: District/Bargaining Unit Presidents

From: Ken Coran, President

For Action

Further to D/BU #23 dated September 26, 2012, the Ministry of Education has reissued three Policy/Program Memoranda related to the Bill 13, the Accepting Schools Act. Revisions to P/PM 128, The Provincial Code of Conduct and School Board Codes of Conduct; P/PM 144 Bullying Prevention and Intervention; and P/PM 145, Progressive Discipline and Promoting Positive Student Behaviour were reissued on December 5, 2012. OSSTF/FEESO has reviewed these documents and the following revisions are noted with a date of February 1, 2013 being identified for board policies and procedures to be in place.

The key phrase utilized through P/PM 128, P/PM 144 and P/PM 145 is "**a safe, inclusive and accepting**" school climate. The revised memoranda speak not only about building positive school climates, but sustaining them by utilizing a "**whole school approach**" and involving all education and community partners. Furthermore, all members of the school community must feel "**safe, included and accepted**". These phrases are used extensively through the three policy/program memoranda.

P/PM 144 identifies an additional characteristic of a positive school climate to encourage "**an open and ongoing dialogue**" among the "**principal, staff, parents and students**".

Bullying prevention and awareness-raising strategies are to be reinforced through "**curriculum-linked**" programs which "**focus on developing skills for healthy relationships by including bullying prevention strategies and highlighting equity and inclusive education principles**". These strategies will be "evidence-informed" and involve "day-to-day learning". A new and significantly expanded definition of bullying has been identified.

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Ontario Secondary School Teachers' Federation
Fédération des enseignantes-enseignants des écoles secondaires de l'Ontario
60 Mobile Drive, Toronto, Ontario M4A 2P3

TEL 416.751.8300
TEL 1.800.267.7867
FAX 416.751.3394
www.osstf.on.ca

For the purposes of policies on bullying prevention and intervention, school boards must use the following definition of ***bullying***, given in subsection 1(1) of the Education Act:

"bullying" means aggressive and typically repeated behaviour by a pupil where,

(a) the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of,

(i) causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property, or

(ii) creating a negative environment at a school for another individual, and

(b) the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on social factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education;

Bullying

(1.0.0.1) For the purposes of the definition of "bullying" in subsection (1), behaviour includes the use of any physical, verbal, electronic, written or other means.

Cyber-bullying

(1.0.0.2) For the purposes of the definition of "bullying" in subsection (1), bullying includes bullying by electronic means (commonly known as cyber-bullying), including,

(a) creating a web page or a blog in which the creator assumes the identity of another person;

(b) impersonating another person as the author of content or messages posted on the internet; and

(c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.

P/PM 144 informs principals that they "must suspend a student for bullying and consider referring that student for expulsion for bullying if (1) the student has previously been suspended for bullying, and (2) the student's continuing presence in the school creates, in the principal's opinion, an unacceptable risk to the safety of another person"… "Principals must also consider referring that student for expulsion for any incidents of bullying which is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor (e.g. socio-economic status, appearance)".

The new P/PMs include an expectation of the development of a bullying prevention and intervention plan. This plan is to include the use of school climate surveys at least once every two

years. The surveys are to be completed by students, staff and parents in accordance with section 169.1 (2.1) of the *Education Act*. Consultation with the Special Education Advisory Committee and community partners should occur. Boards may choose to consult with their Parent Involvement Committees.

References to IEPs will be largely removed from both P/PMs while recognition of the importance of the Ontario curriculum and a 2010 document, *Caring and Safe Schools in Ontario: Supporting Students with Special Education Needs through Progressive Discipline, Kindergarten to Grade 12; Ontario's Equity and Inclusive Education Strategy, 2009; Ontario First Nation, Metis, and Inuit Education Policy Framework, 2007* and *English Language Learners: ESL and LED Programs and Services, 2007* have been stressed throughout both revised P/PMs. There is new mention of the Provincial Code of Conduct (P/PM 128) which sets clear provincial standards of behaviour. This P/PM was issued in October 2007 and replaced the original from November 2000 that was issued by the Harris government.

Both P/PMs include new direction regarding the **Disclosure of Students' Personal Information**. Clear policies for both teaching and other school staff regarding the confidentiality of student information and the disclosure of information is expected of boards. The responsibilities of principals to investigate all reports are reaffirmed but the revised P/PMs state that "principals may share only the necessary information pertaining to behaviour that may present risk of physical harm". Principals must provide such information in a "**timely manner**".

The responsibility of reporting as soon as reasonably possible any incidents to the principal is reaffirmed in the new P/PMs. However, situations involving members of the College of Psychologists of Ontario and the Ontario College of Social Workers & Social Service Workers are exempt from this expectation. They do have duty to report but in a manner consistent with the code of ethics and standards of practice.

The new P/PMs will specifically identify the responsibilities of employees and contractors of third party operators of before-and/or after-school programs.

OSSTF/FEESO members will welcome that P/PM 145 identifies new requirements regarding the Safe Schools Incident Reporting Forms that are required under Bill 157. Part one of the form must be kept in the OSR for a minimum of one year. If the principal identifies the incident as violent, the form must be retained in the student's OSR for one year if the suspension was withdrawn or quashed, for three years if the student was suspended and five years if the student was expelled.

P/PM 145 also requires that boards coordinate a "transfer meeting" between the school that a student is being transferred from and the receiving school in those cases where a student is moving to another school to address "school safety".

P/PM 144 and P/PM 145 have limited the use of the term "**victim**" and instead use the term, "**the student who has been harmed**". Another welcomed change is the reduction in the use of the phrase "non-teaching staff" and instead, use of the phrase "**teachers and other school staff**".

While the earlier P/PMs gave examples of other staff, it was certainly not inclusive. With the constant use of the phrase "whole school", the memoranda support OSSTF/FEESO's notion of the 'educational team'.

P/PM 144 identifies the need for each school to have a "**Safe and Accepting Schools Team**". Each team is to be composed of at least one student, one parent, one teacher, one non-teaching staff member, one community partner and the principal. An appendix that includes copies of the Safe Schools Incident Reporting Forms continues to be attached to both P/PM 144 and P/PM 145.

Adobe Connect sessions have been scheduled for mid-December and January to provide boards with an overview of the key policy requirements. Boards must provide annual professional development for all school and board staff about bullying prevention and must also provide opportunities to increase understanding and awareness of inappropriate behaviour and for all teachers and other staff to prevent and intervene in incidents violating required codes of conduct.

In a similar vein, the government has updated P/PM 141 School Board Programs for Students on Long-Term Suspension and P/PM 142 School Board Programs for Expelled Students with housekeeping changes.

OSSTF/FEESO local leaders should monitor how district school boards are responding to the required policy directions. Any concerns should be brought to the attention of your field secretary.

If you have any questions regarding this information, please contact Suzette Clark at provincial office.

Attachments:
PPM 128, PPM144 & PPM145
School Board Briefing on Bill 13 and Policy & Programs Changes

Ontario
College of
Teachers

101 Bloor Street West
Toronto ON, M5S 0A1
P: 416-961-8800
Toll Free (Ontario Only): 1-888-534-2222
F: 416-961-8822
info@oct.ca

Professional Advisory Safety in Learning Environments: A Shared Responsibility - Backgrounder

5/22/2013 9:46:00 AM

Why is the College issuing this advisory?

The Ontario College of Teachers regulates Ontario's teaching profession in the public interest. Professional Advisories are intended to guide members in their professional practice. We have a legal duty and an ethical obligation to the public to educate our 237,000 members. This advisory helps to inform members' professional judgment to keep students safe and to encourage discussions about student safety. Safety is a daily issue in schools, not only in Ontario but around the world.

To whom does this advisory apply?

This advisory applies to all Ontario Certified Teachers (OCTs) including teachers, vice-principals, principals, consultants, supervisory officers and directors of education. It also affects members working in private and independent schools and elsewhere.

What happens if teachers don't follow this advice?

Teachers are responsible for their conduct as professionals. Under the professional misconduct regulation, members can be found guilty of professional misconduct if they abuse a student verbally, physically, psychologically, emotionally or sexually. Failing to adequately supervise and failing to comply with duties under the *Child and Family Services Act* are also considered under the regulation to be acts of professional misconduct. Not following this advice in the professional advisory could lead to issues of professional misconduct.

How do you define learning environments?

For the purposes of this advisory, learning environments include places of learning in and outside the school in which Ontario Certified Teachers are responsible for the safety and well-being of students. This includes, but is not limited to, classrooms, school buses, science and technological studies labs, schoolyards, cafeterias, gymnasiums, off-site facilities and worksites, co-op educational programs and work placements, field trip locations, arenas and sporting venues.

What evidence do you have that there is a need for this advisory?

Questions of safety infuse conversations in education every day. In a 2012 College survey "Keeping Students Safe" roughly eight out of 10 Ontario Certified Teachers said that they have cared for a student with a serious injury such as a broken bone or concussion. And almost the same number said they've stopped an activity because it posed a risk to student safety.

The advisory talks about a "4Rs of safety" framework. What are the 4Rs?

Recognize, respond, report and reflect. The framework is intended to help members recognize responsibilities and dangers, respond professionally, report incidents properly and reflect to prevent future occurrences.

Where can teachers go for additional information on this topic?

Teachers should consult their administrator, board, employer, teacher federation or professional association.

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Safety Plan

Attachment to the IEP for _____ Date:_____ Review Date:_____
Student Name

Plan developed by: Shared with:	Sources Consulted: ☐ OSR ☐ IEP/Behaviour Program Page ☐ Behaviour tracking ☐ Functional Behaviour Assessment ☐ Behaviour Management Program ☐ Human Resources, please specify ☐ Other:

Precipitating Factors:

Triggers	**Behaviour**	**Staff Response**
	Anxiety: *Defensive:*	*Supportive:* *Prevention Strategies:* *Intervention Strategies:* *Directive:* *Prevention Strategies:*

	Acting Out: *Tension Reduction*	*Nonviolent Physical Crisis Intervention:* *Prevention Strategies:* *Intervention Strategies:* *Therapeutic Rapport:* *Prevention Strategies:* *Intervention Strategies:*

Personal Protective Equipment:

Reviewed by: _____
Principal

_____
Parent(s)/Guardian(s)

CPI Team Members: _____

_____

_____

_____

PROTOCOL FOR OSSTF/FEESO MEMBERS AFTER ASSAULT IN THE WORKPLACE

What is assault?
Assault is an act of verbal aggression, or an act or threat of physical aggression, which produces damaging or hurtful results.

What to do when assaulted?
1. Immediately report the incident to administration and the police.
2. Seek medical attention, if necessary.
3. Notify your OSSTF/FEESO Bargaining Unit President and Health and Safety Officer.
4. Document what took place before, during, and after the assault—include name of witnesses.
5. Fill out the employer incident reports and OSSTF/FEESO incident reports (where they exist). If a student was the aggressor, fill in the safe schools incident reporting form.
6. Do not use sick days for job related injury—except as required to top up salary according to local sub-plan**—have administration file a Form 7 with the Workplace Safety and Insurance Board (WSIB) to claim workers' compensation.**

What assistance can you get?
- The employer should provide, at its expense, any legal, medical and counselling assistance required and transportation to the hospital.
- Your OSSTF/FEESO Health and Safety Officer and Bargaining Unit President will provide investigation and support and representation.

Who investigates?
- Your OSSTF/FEESO Health and Safety Officer, worksite Health and Safety Representatives and Bargaining Unit President.
- Joint Health and Safety Committee.
- Administration (employer).
- Police and Ministry of Labour, if required.

What legal procedures can be followed?
- If the police have not been notified, the assaulted Member should do so.
- The Workplace Safety and Insurance Board (WSIB) can approve claims.

Note: You, or your Bargaining Unit/District Health and Safety Officer or President may seek advice and/or legal counsel through our Provincial Office in the event of an assault on an OSSTF/FEESO Member. Call 1-800-267-7867 and ask for your Field Secretary.

When can you refuse unsafe work?
- The *Occupational Health and Safety Act* gives most workers the right to refuse work if the physical condition of the workplace is likely to endanger them, [Section 43(3)(b)], or if the employer has not provided information and instruction on the employer program. [Section 32.05(2)]

- This Act also requires all workers to work in a safe manner that will not create a condition endangering themselves or other workers. [Section 28(2)(b)]

- Refer to our Information Bulletin #3/98-99 *Your Right to Refuse Unsafe Work* for correct procedures and exceptions.

What prevention measures can be taken?

- All workers have a right to a safe and healthy workplace. The responsibility for providing and maintaining this safe workplace belongs to the employers.

- All workers have the Right to Know about hazards in their workplace and safe procedures. The employer must provide training programs to all workers to enable them to identify any hazard in their workplace and to perform their work in a safe manner. This should include potentially violent situations and the necessary prevention techniques. Training programs should be developed and implemented in consultation with the Joint Health and Safety Committee.

- Where a potentially violent situation has been identified and cannot be eliminated, specific protective measures should be developed. This usually involves modifying existing practices or written procedures to conform with the board's violence prevention policy (required under the *Occupational Health and Safety Act*).

OSSTF/FEESO

Resources to Address Workplace Violence

OSSTF/FEESO Supports

- Protocol for OSSTF/FEESO Members After Assault in the Workplace

http://www.osstf.on.ca/Default.aspx?DN=6ae52423-98be-4400-94aa-465de7323328

- The Right to Refuse - It's the Law, Use It!

http://www.osstf.on.ca/Default.aspx?DN=cfe9b2fa-7ab0-4edb-9fef-14ac0b2a4364

- Right to Refuse Work – For Teacher Members Only

http://www.osstf.on.ca/Default.aspx?DN=a4e0d445-fd46-40cc-bba2-a401d3735350

- Violence (A written statement by former Minister of Labour Chris Stockwell)

http://www.osstf.on.ca/Default.aspx?DN=4b2474b1-cad5-4e1b-b3b7-38f632b6aba2

- Workplace Compensation Fact Reporting Form

http://www.osstf.on.ca/adx/aspx/adxGetMedia.aspx?DocID=9d1f3148-c3a0-429c-b52e-c2ad29cf14c7&MediaID=4c636458-2cc6-4579-8720-9af5596f24dd&Filename=workers-compensation-fact-reporting-form.pdf&l=English

- OSSTF/FEESO Handbook for Health & Safety Representatives in Bargaining Units and Districts

http://www.osstf.on.ca/adx/aspx/adxGetMedia.aspx?DocID=b27066a8-e80a-4084-ac0f-eedfd458b93f&MediaID=d9d1e0c8-a893-40b9-b89c-452a3871c9ac&Filename=handbook-health-safety-reps-bud.pdf&l=English

- Beyond Bullying: Building Safe Workplaces An interactive workshop will explore the issues around workplace bullying: the types of bullying, the consequences of bullying and strategies for preventing and dealing with bullying behaviour. A package of resources will also be provided to participants

Relevant Legislation

- Occupational Health and Safety Act, [R.S.O. 1990, Chapter 0.1]

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm

- Canada Labour Code, R.S.C. 1985, c. L-2 ['CLC']

http://laws-lois.justice.gc.ca/eng/acts/L-2/

- Canada Occupational Health and Safety Regulations, S.O.R./86-304['COHRS']

http://laws-lois.justice.gc.ca/eng/regulations/SOR-86-304/index.html

- Criminal Code of Canada (R.S.C., 1985, c. C-46)

http://laws-lois.justice.gc.ca/eng/acts/C-46/FullText.html

Ontario Secondary School Teachers' Federation
Fédération des enseignantes-enseignants des écoles secondaires de l'Ontario
60 Mobile Drive, Toronto, Ontario M4A 2P3
TEL 416.751.8300
TEL 1.800.267.7867
FAX 416.751.3394
www.osstf.on.ca

Education Legislation & Resources

- Education Act [R.S.O. 1990, Chapter E.2]

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90e02_e.htm

- Regulation 472/07, "Behaviour, Discipline and Safety of Pupils"

http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_070472_e.htm

- Provincial Model for a Local Police/School Board Protocol (2011)

http://www.edu.gov.on.ca/eng/document/brochure/protocol/protocol.html

- Caring & Safe Schools in Ontario

http://www.edu.gov.on.ca/eng/general/elemsec/speced/Caring_Safe_School.pdf

Relevant Policy/Program Memoranda

- P/PM 120: Reporting Violent Incidents to the Ministry of Education

http://www.edu.gov.on.ca/extra/eng/ppm/120.html

- P/PM 128: The Provincial Code of Conduct and School Board Codes of Conduct

http://www.edu.gov.on.ca/extra/eng/ppm/128.pdf

- P/PM 144: Bullying Prevention and Intervention

http://www.edu.gov.on.ca/extra/eng/ppm/144.pdf

- P/PM 145: Progressive Discipline and Promoting Positive Student Behaviour

http://www.edu.gov.on.ca/extra/eng/ppm/145.pdf

Labour Resources

- Ministry of Labour

http://www.labour.gov.on.ca/english/
http://ontario.ca/healthandsafetyatwork

- Workers' Health & Safety Centre

http://www.labour.gov.on.ca/english/hs/pubs/poster_prevention.php

- Workplace Violence & Harassment – Understanding the Law March 2010 Ministry of Labour

http://www.labour.gov.on.ca/english/hs/pdf/wpvh_gl.pdf

- Workplace Violence: Complying with the Occupational Health & Safety Act

http://www.osach.ca/products/ffacts_e/PH-FVIO0-E-012510-TOR-001.pdf

- Domestic Violence in the Workplace: Breaking the silence

http://www.whsc.on.ca/pubs/res_lines2.cfm?resID=45

Other

- Guidelines for creating a safe workplace

http://www.makeitourbusiness.com/index.php?q=node/200

SC/S/km – cope 343
Updated – May 10, 2013
\2012-2013\Workshops\3Rs-Resources

Ontario Secondary School Teachers' Federation
Fédération des enseignantes-enseignants des écoles secondaires de l'Ontario
60 Mobile Drive, Toronto, Ontario M4A 2P3

TEL 416.751.8300
TEL 1.800.267.7867
FAX 416.751.3394
www.osstf.on.ca

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The 3 R's of Workplace Violence

Rights

Resources

Responsibilities

RRR

Workshops designed

By members,

For members.

If you have any questions about the content or delivery of this workshop, please contact
Suzette Clark at **suzette.clark@osstf.ca**
or at **1.800.267.7867**

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Fédération des enseignantes-enseignants des écoles secondaires de l'Ontario
60 Mobile Drive, Toronto, Ontario M4A 2P3
www.osstf.on.ca

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