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Workplace Violence

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Issues

- Ministry of Labour: Workplace Violence in School Boards – A Guide to the Law
- *OECTA Elementary v Toronto Catholic District School Board*
- *Exclusion – s.265(1)(m)*

Definition of Workplace Violence

Occupational Health and Safety Act (OHSA)

Workplace violence means,

- 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;
- a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Workplace Violence Program

OHSA – s.25; s.32.0.1; s.32.0.2

The workplace violence program must include:

- measures and procedures to control the risks identified in the assessment or reassessment of the risks of workplace violence identified;
- measures and procedures for summoning immediate assistance;
- measures and procedures for workers to report incidents of workplace violence; and
- details of how the school board will investigate and deal with incidents or complaints of workplace violence.

Risk Assessment

S.32.0.3 OHSA assess the risks of workplace violence that may arise from:

- the nature of the workplace
- the type of work; or
- the conditions of work
- the risk assessment should include review of previous workplace incidents other schools/program

S.32.0.3(4) reassessment required:

- an increase in the number, frequency or severity of workplace violence incidents
- change in the physical environment
- change in the student population; and/or
- change in programming.

Student Programming

- IEP
 - Alternative behaviour planning
 - Communication planning
 - ABA strategies
 - ABC tracking
- Student Safety Plan
 - Triggers
 - De-escalation
 - Emergency Response

Stacey Ball, *Canadian Employment Law*

Communication

- Risk Assessment
- Development and Implementation of IEP and Safety Plan
- Reassessment
- OSR s. 266 and OSR Guidelines
- Protection of Personal Health Information Act
- Municipal Freedom of Information and Protection of Privacy Act
- [Appendix F – Notification of Potential Risk of Physical Injury form \(Truncated Student Safety Plan\).](#)

Work Refusal

S. 43(3) Work Refusal

- (3) A worker may refuse to work or do particular work where he or she has reason to believe that,
 - (b.1) workplace violence is likely to endanger himself or herself;

OECTA Elementary v Toronto Catholic District School Board

Duty to Accommodate Students

Human Rights Code applies to the accommodation of students

Education Act

S. 32 (1) A person has the right, without payment of a fee, to attend a school in a school section, separate school zone or secondary school district, as the case may be, in which the person is qualified to be a resident pupil.

S.265(1) It is the duty of a principal of a school, in addition to the principal's duties as a teacher

(m) subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal's judgment be detrimental to the physical or mental well-being of the pupils;

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