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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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