

A GLOSSARY OF WORKPLACE VIOLENCE DEFINITIONS

A

Accident/Injury/ Illness/Incident Report

An **Accident/Injury/Illness/Incident Report** must be available to members in each workplace. The title of this form may vary by school board and it may be online. If workplace violence causes a member an injury or illness, with or without first aid or medical attention, the member must complete an **Accident/Injury/Illness/Incident Report**. It is just as important to seek medical attention for psychological and emotional harm as it is for physical injury when workplace violence happens.

D

Domestic Violence

Domestic violence is considered to be workplace violence if a person who has a personal relationship with a worker – such as a spouse or former spouse, or a family member – may physically harm, or attempt or threaten to physically harm, that worker at work. **Domestic violence** may put the targeted member at risk, and may also pose a threat to co-workers. Under the *Occupational Health and Safety Act*, if your school board is aware, or ought reasonably to be aware, that domestic violence could enter the school board worksite, then the school board is required to take every reasonable precaution to protect that worker and other staff from harm. Measures and procedures in the workplace violence program can help protect members from domestic violence in the workplace. For example, measures for the summoning of immediate assistance or for reporting of violent incidents could help protect members from domestic violence when it may occur in the workplace.

H

High-Risk Behaviours

Student **high-risk behaviours** are behaviours that could harm the student, other students, and/or staff. This harm includes both physical harm to self (e.g., self-injury, climbing, hiding, running), or to others (e.g., hitting, kicking, biting, throwing objects). Consideration of high-risk behaviour is part of risk assessment, safety planning, and behaviour planning.

M

Mitigating Factors

Mitigating and **other factors** are conditions or factors that may be taken into account by administrators when making a determination not to suspend or expel a student. The safe schools provisions of the *Education Act* require principals and school boards to take into account a variety of **mitigating** and **other factors** when considering the suspension or expulsion of a student. However, it is important to note that **mitigating** or **other factors** such as the age or needs of a student do not limit a member's duty to report workplace violence or to report serious student incidents on the *Safe Schools Incident Report*, or to make an accident or illness report. It is the member's duty to report workplace violence and serious student incidents regardless of **mitigating factors**.

N

Notification of Risk of Injury Report

Some school boards include the use of a **Notification of Risk of Injury Report** in their workplace violence procedures. This report should include basic information about a person with a history of violent behaviour and can be used to assist school boards in meeting their duties under the *Occupational Health and Safety Act* for the provision of information about a person with a history of violent behavior. Some school boards may use another term for this required notification which may be delivered electronically.

Notifying Parents

If in a serious student incident there is harm to another student or students, the principal is required under the *Education Act* to **notify the parents** of the students who have been harmed and the parents of the students who engaged in the incident that resulted in harm to other students. Harm can mean more than just physical injury. Harm as defined in *Policy/Program Memorandum 145*, "means harm that can be experienced in a number of ways including physical, mental, emotional, and psychological." **Notifying the parents** cannot be delegated to a teacher unless delegation of authority has been done in writing due to the absence of the principal, and a teacher has been made the designate. The only information the designate can give to the parents is the nature of the activity and the nature of the harm. In cases where the principal determines that notification would put the student at risk of harm from a parent, the principal is not required to notify the parent.

P

Plans

A **plan** is a detailed procedure which is developed for a person with a history of violent behaviour and outlines measures to control risks of physical injury to staff who can be expected to encounter that person in the course of their work. A safety plan and a behaviour plan are examples. As soon as it is known that there is a person with a history of violence who poses a threat to the physical safety of persons in the workplace, the principal is to ensure that a plan is promptly developed, put in place, and shared with the appropriate staff. The **plan** should include such measures and procedures as the roles and responsibilities of staff responding to incidents, personal protective equipment (PPE) that is needed, communication equipment for summoning immediate assistance, the student's behaviour(s) and triggers, preventative, and intervention strategies, etc.

Police/School Board Protocol

The **Provincial Model for a Local Police/School Board Protocol** (2015) identifies the elements that must be included when developing or revising a local police/school board protocol, including local protocols for the investigation of school-related occurrences. It includes mandatory requirements for reporting to police, such as a physical assault causing bodily harm requiring treatment by a medical practitioner, and includes incidents where notification is discretionary. School procedures for reporting to police outlines who should call the police (e.g., the principal, the principal's designate, a staff member).

R

Reporting - Duty to Report

Duty to report refers to ETFO members' responsibilities under the *Occupational Health and Safety Act* to **report** workplace violence to the principal using the school board's online *Violent Incident Reporting* system. Under the *Education Act*, **duty to report** refers to specific duties to **report** to the principal serious student incidents, which include violent incidents, using the *Safe Schools Incident Report - Part 1*. A member's duty to report workplace violence and serious student incidents cannot be limited by the age or needs of the student, or other mitigating factors – it is the law to report. If a member is injured or ill due to workplace violence, they are required to **report** the injury or illness under the *Occupational Health and Safety Act*, and they should **report** for the purposes of the *Workplace Safety and Insurance Act*, on their school board's *Accident/Injury/Illness/Incident Report*. Should the injury or illness require medical attention, or result in lost time from work beyond the day of the injury, a member will need to complete a *WSIB Form 6*. The principal has a duty to investigate and deal with these reports of violence.

R

Right to Know

Under the *Occupational Health and Safety Act*, a member has the **right to know** about the risk of workplace violence from a person with a history of violent behaviour. The person may be a student or a third party (parent/guardian, spouse/partner, board employee/coworker). It is the principal who has a duty under the Act to provide a member with information about the person if two factors are in place: a member can be expected to encounter the person in the course of their work, and the risk of workplace violence from that person is likely to expose a member to physical injury. There are limits on the disclosure of personal information, only as much as is “reasonably necessary” to protect a member from injury must be shared.

Right to Participate

Under the *Occupational Health and Safety Act*, a member has the **right to participate** in workplace health and safety. A member participates by reporting workplace hazards and concerns to their principal, and by making recommendations for prevention solutions through involvement as a health and safety representative, and/or as a member of the Joint Occupational Health and Safety Committee.

Right to Refuse

Under the *Occupational Health and Safety Act*, a member has the **right to refuse** to work, or do particular work, where a member has reason to believe that the work is likely to endanger them. However, teachers have a limited right to refuse work due to their responsibility for the safety of students. Before refusing work, a member should consider seeking the advice of their local. If a member believes they are in danger from workplace violence they are to get immediate assistance and report their concerns to their principal right away. If a member’s concerns are not resolved, a member can invoke their right to refuse unsafe work. For advice and support on work refusals contact your local or ETFO provincial staff in Professional Relations Services (PRS).

R

Risk Assessment and Reassessment

Under the *Occupational Health and Safety Act*, the school board is required to **assess the risks of workplace violence** that may arise at a member's workplace. The results of the assessment determine what measures and procedures need to be put in place to control identified risks likely to expose a member to physical injury, for example having in place safety plans or crisis response procedures related to persons with a history of violence. The school board is also required to **reassess the risks of workplace violence** as often as necessary to ensure that members and other workers continue to be protected from the risk of injury and harm due to workplace violence. An example of a **reassessment of risk** would be for a principal to reassess the effectiveness of the measures and procedures in place to protect an ETFO member if that member is repeatedly injured by a student on a safety plan.

S

Safe Schools Incident Reporting Form – Part I

ETFO members must, by law, submit their school board's online **Safe Schools Incident Reporting – Part I** for all serious student incidents that would lead to suspension or would lead to possible suspension or expulsion. The member must inform the principal as soon as reasonably possible, considering the safety of others and the urgency of the situation, but no later than the end of the day. Completion of the **Safe Schools Incident Report – Part I** must follow. The **Safe Schools Incident Report** must be combined with the *Violent Incident Report* online and may be combined with their Accident/Injury/Illness/Incident Report. This reporting system is to be readily accessible to all members.

Safe Schools Incident Reporting Form – Part II

Once a member has submitted the *Safe Schools Incident Report – Part I*, the principal must investigate the report and provide the member who reported the incident with acknowledgement, using the **Safe Schools Incident Report – Part II**. The **Safe Schools Incident Report – Part II** is an important record, print it or save it, and keep it with your documentation.

S

Serious Student Incidents

Under the *Education Act*, a **serious student incident** is an activity for which a student may be suspended or expelled. ETFO members are required, by law, to report to the principal all **serious student incidents** that would lead to suspension or would lead to possible suspension or expulsion. The activities are listed on the board's *Safe Schools Incident Report - Part I*, which is used for the reporting of serious student incidents to the principal. Seven of these activities are defined as violent incidents which must be reported by the principal to the school board, who then reports them to the Ministry of Education on an annual basis. If a member is aware of a serious student incident and does not report it, and the principal learns they did not report it, this could be a matter the school board's human resources and/or the Ontario College of Teachers have to deal with.

Sharing of Plans (Provision of Information)

Under the *Occupational Health and Safety Act*, the school board and the principal are required to **provide** information including personal information, related to a risk of workplace violence from a person with a history of violence, to all staff including occasional staff, itinerant staff, and post-secondary students in placements, who can be expected to encounter the person with a history of violence in the course of their work, and the risk of workplace violence from that person is likely to expose them to physical injury. There are limits on the disclosure of personal information, and the school board, and principal provide as much personal information as is reasonably necessary to protect staff from physical injury. This information is in safety plans, behaviour plans, and/or notification of risk of injury forms, so it is the responsibility of the principal to ensure that these plans are **shared** with the appropriate staff. This information needs to be **shared** as soon as possible with staff before staff can be expected to encounter the person with a history of violent behaviour e.g., at the beginning of the school year, when occasional staff arrive at a school, prior to a student starting a program or transitioning to the school, and after updates to a plan.

V

Violent Incidents

There are three definitions of **violent incidents**: a) in the *Occupational Health and Safety Act*, b) in the *Education Act (Policy/Program Memorandum 120)*, and c) in the *Provincial Model for Local Police/School Board Protocol*. Note: In *Policy/Program Memorandum 120* and in the *Provincial Model for Local Police/School Board Protocol*, a physical violent incident is defined as a “physical assault causing bodily harm requiring treatment by a medical practitioner” whereas the *Occupational Health and Safety Act* has a much broader definition of a violent incident and medical attention does not have to have been sought for the incident to be considered a violent incident.

Violent Incident Report

School boards are required to have measures and procedures in place for workers to report incidents of workplace violence to the principal and the school board. This means that, by law, ETFO members must report all violent incidents, as defined in the *Occupational Health and Safety Act* (see **Workplace Violence**), to the principal using the reporting measures and procedures put in place by the board. School boards are required to have an online **Violent Incident Report** which must be combined with the *Safe School Incident Report* and may be combined with their *Accident/Injury/Illness/Incident Report*. This reporting system is to be readily accessible to all members.

W

Workplace Violence

Workplace violence is defined in the *Occupational Health and Safety Act* as: “the exercise, attempt or threat of physical force of a person against a worker, or a statement or a behaviour that a worker could reasonably interpret as a threat to exercise physical force, that causes or could cause physical injury to the worker in the workplace.” Examples of exercising physical force are hitting, kicking, biting a member, pulling their hair, or throwing an object that hits them; examples of an attempt to exercise physical force are trying to hit, kick, bite, pull a member’s hair, or throw an object at them; and examples of a threat to exercise physical force are verbally threatening to attack a member, shaking a fist in their face, wielding a weapon at work, leaving threatening notes, or sending threatening e-mails. All of these incidents can be reported as violent incidents.