



## Administrative Procedure 5175

### *Workplace Violence Prevention*

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**Board Governance Policy Cross Reference:** [1](#), [11](#), [12](#), [13](#)

**Administrative Procedures Cross Reference:**

[Code of Conduct](#)

[Harassment](#)

[Respectful Workplace](#)

[Workplace Accident Reporting](#)

[Workplace Safety and Health – Duties and Responsibilities for Safety and Health](#)

[Workplace Safety and Health - Investigating Workplace Incidents and Refusals to Work](#)

**Form Cross Reference:**

[Incident Investigation Summary Report](#)

[Violent Incident Report Form](#)

[Workplace Safety and Health Concern Form](#)

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**Legal/Regulatory Reference:**

[The Criminal Code of Canada](#)

[The Freedom of Information and Protection of Privacy Act \(FIPPA\)](#)

[The Personal Health Information Act \(PHIA\)](#)

[Youth Criminal Justice Act \(Canada\) \(YCJA\)](#)

[Workplace Safety and Health Act](#) C.C.S.M.c. W210

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**Date Adopted:** May 2012

**Date Amended:** December 2017

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The Brandon School Division believes in the rights of all members of the school community to work and learn in environments that value and demonstrate respect for human rights and freedoms.

The Division affirms its obligation as an employer to provide learning and working environments free from violence. The Division holds accountable all employees, students, parents, volunteers, and all visitors to conduct themselves in a manner which promotes and protects the best interests and well-being of students, staff, and others. The principle of fair treatment is a fundamental one and the Division will not condone any improper behaviour which jeopardizes dignity, undermines learning, working relationships, and/or productivity.

Workplace violence, as defined under Regulation and in this administrative procedure, is unacceptable. Such behaviour toward an individual attacks the dignity and self-respect of that person and constitutes a serious infraction. Where an employee or student exhibits violent behaviour, disciplinary action, up to and including dismissal or expulsion may result.

[The Criminal Code of Canada](#) prohibits violence. This administrative procedure reinforces the [Workplace Safety and Health Act](#) (C.C.S.M.c. W210) and Regulations. This procedure is intended to provide guidelines to ensure a working environment free from violence and procedures to respond to such situations that may affect the working environment.

In the implementation of this administrative procedure, reasonable steps will be taken to minimize the potential for violence by adopting preventative measures. Employees who may work where there is a risk of violence will be appropriately informed and made aware of the procedures to follow should they experience violent behaviour.

## **RESPONSIBILITIES**

### **Board of Trustees**

The Board of Trustees of the Brandon School Division has a responsibility to ensure that the learning and working environments are free from physical violence, verbal abuse or the threat of physical assault.

### **Employer**

As an employer, the Brandon School Division has a responsibility to be aware of what is happening in the workplace and to deal with violent incidents appropriately. The Brandon School Division will take disciplinary action, on any person(s) who are found to have behaved violently towards a person or group of people and/or on any supervisor or manager who did not act properly to address the violent behaviour.

The Superintendent /CEO shall be responsible for the administration of this administrative procedure.

This administrative procedure shall be provided to all employee groups and be included in orientation and appropriate training sessions.

Upon hiring, the Brandon School Division will provide all School Leaders and Supervisors with training on how to prevent workplace violence, and will provide refresher training every 3 years.

### **School Leaders and Supervisors**

All School Leaders and Supervisors are responsible for creating and maintaining a work environment that is free from violence. This includes ensuring that this administrative procedure is accessible and communicated to employees.

School Leaders and Supervisors, as per the [Workplace Safety and Health Act](#) Regulations, shall so far as reasonably practicable, take all necessary precautions to protect the safety and health of a worker under his or her supervision and advise a worker under his or her supervision of all known or reasonably foreseeable risks to safety and health in the area the worker is performing work.

### **Employees**

All employees are responsible for ensuring that the workplace is free from violence. Employees are expected to treat colleagues with respect and to immediately report any incidents of violent behaviour. Employees are also responsible for following the preventative measures put in place where there is a risk of violence.

### **Students**

All students are responsible for practicing appropriate conduct on the school premises, on the way to and from school, on out of school activities that are part of the school program, and while traveling on a school bus or in a vehicle being used as part of a school program. Students shall be expected to support a positive school climate and participate in the creation of a safe learning environment. For more information regarding student behaviour, please refer to the administrative procedure [Code of Conduct](#).

### **Parents/Visitors/Volunteers**

All parents/visitors/volunteers are responsible for practicing appropriate conduct on the school premises that is consistent with the school code of conduct. All parents/visitors/volunteers are expected to support a positive school climate.

## **WORKPLACE VIOLENCE**

Workplace violence is defined as the attempted or actual exercise of physical force against an employee or student in a workplace. It also includes any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person.

Workplace violence can take place in the workplace itself, or outside the workplace in a situation that is somehow connected to work. This includes threatening phone calls from one employee to another at his or her home, or any kinds of verbal or written threats or violent actions against an employee's family or property.

Examples of workplace violence include but are not limited to:

- Direct, conditional or veiled threats of physical harm
- Vandalism of personal property
- Use of or threat to use a weapon

## **PREVENTATIVE MEASURES**

The Brandon School Division has adopted preventative measures to minimize the risk of violence by:

- Establishing safe work procedures and working alone procedures
- Training employees in Non-Violent Crisis Intervention (NVCI)
- Establishing procedures for reporting, investigating and documenting violent incidents
- Risk/Threat Assessment of Employees, Students and/or Parents (when necessary)

## **NOTIFICATION OF RISK**

School Leaders and Supervisors are to inform employees who work in settings where they could be at risk of violence. These may include:

- Employees who work with students who have a history of violence;
- Employees who work with students who have specific medical conditions, which may increase the probability of the student(s) becoming a perpetrator of violent acts;
- Employees who provide services to a student whose parent/guardian has a history of violence or who has posed a threat to school.

At any time where there is a change in the nature or extent of the risk of violence, School Leaders and Supervisors will inform employees who work where the risk of violence is present and provide the information necessary to appropriately explain the nature and extent of the risk of violence. The School Leader or Supervisor will review established safe work procedures to minimize the risk.

The information released about any individual must be the minimum amount necessary to address the risk. The release of personal information should only be disclosed in the context in which the employee needs to be aware in order to adequately protect themselves to minimize the risk and may only be disclosed within the limitations of the law.

*For example: A student at school with a risk of violence, release specific information and precautions (student becomes aggressive, kicks and bites at sound of bell, give pre-warning prior to bell ring) and do not disclose student diagnosis.*

## **REPORTING**

All employees have a responsibility to ensure a safe workplace. To that end, employees are to promptly communicate issues relating to violence as follows:

1. Employees who believe they have been witness to a violent incident will report the incident to the School Leader or Supervisor immediately.
2. Employees who have been the victim of a violent incident must provide a written summary ([Violent Incident Report Form](#)) and forward it to the School Leader or Supervisor.

3. Employees who believe a student, colleague or visitor to the workplace represents a danger to the safety of the workplace are to notify the School Leader or Supervisor immediately.

An employee who has been harmed as a result of workplace violence is encouraged to consult their health care provider for treatment or referral to post-incident counseling, if appropriate.

All complaints of threats and/or violent behaviour will be acted upon in accordance with this procedure and policy. Confidentiality will be respected, but when necessary, information will be shared on a need-to-know basis with affected and/or involved individuals. Complainants will be advised on the extent to which information may need to be shared and with whom.

Any written documentation received in regards to a complaint, including investigative interview statements, should be signed by the appropriate parties.

In addition to or instead of levying a complaint pursuant to the policy, a complainant has the right to pursue his/her complaint through the Human Rights Commission or, where appropriate, to lay information under [The Criminal Code of Canada](#), or both. The complaint procedures of this policy do not prohibit the individual's right to respond to a complaint through the collective agreements, or to seek redress as provided under the law.

### **RIGHT TO REFUSE**

If a complaint is filed, the employee has the right to refuse to work if the reported behaviour substantially interferes with the employee's ability to perform his or her work and the employee reasonably believes the behaviour will continue, or the employee's health or safety is jeopardized by continuing to work.

If an employee refuses to work, s/he must advise his or her School Leader or Supervisor and complete a [Workplace Safety and Health Concern Form](#) identifying the reasons for refusing to work (*please refer to Administrative Procedure [Workplace Safety and Health – Investigating Workplace Incidents and Refusals to Work](#)*)

If it is determined that the employee does not have to work, reasonable alternative work arrangements will be made for the employee.

### **RISK ASSESSMENT**

A risk assessment on violence will be unique to each workplace. The risk assessment will include a review of the frequency and nature of previous incidents of violence in the workplace.

Criteria to consider when evaluating risk of violence:

1. The people – age and gender, personality and attitude, nature of the interactions between the people, and the physical status and emotional stability of the persons involved.
2. The workplace – work locations, type of work, number of staff, whether employees are working alone, workplace design and layout, lighting and security, and hours of operation.
3. The history – number and frequency of violent incidents, type and severity of incidents, nature of the incidents (between employees or employees and others in the workplace), types of jobs performed by those involved, cause or trigger for previous violent incidents.

### **INVESTIGATIONS**

Unless a complaint is clearly frivolous or vexatious, an investigation will be conducted of all complaints of threats and/or violent behaviour.

Upon receipt of the written summary ([Violent Incident Report Form](#)), a copy must be forwarded to the Workplace Safety Officer for consultation within 24 hours. Consultation will include a review of the incident to determine the risk of harm.

Depending on the risk assessment and circumstances, the Workplace Safety Officer, in consultation with the Secretary-Treasurer will advise in regards to which parties are responsible for conducting the investigation.

An investigation may be conducted as follows:

1. By the School Leader or Supervisor or
2. By the School Leader or Supervisor and Workplace Safety Officer or
3. By the School Leader or Supervisor and Workplace Safety Officer, an employee representative and a WPS&H Committee member

The investigation shall be conducted using the [Incident Investigation Summary Report](#). Where employee interviews are necessary in any investigation, the employee must also have union representation present.

Notwithstanding the above, in cases where the incidence of violence meets the Manitoba Workplace Safety and Health Regulation definition of a “serious incident”, the investigation must be conducted as soon as reasonably practicable after it occurs (see [Workplace Safety and Health – Investigating Workplace Incidents and Refusals to Work](#)).

An investigation then must be carried out by:

- a) the WPS&H Committee Co-chairs;
- b) the School Leader or Supervisor and the WPS&H representative at the specific workplace location; or

- c) the School Leader or Supervisor, in the presence of an employee of the specific workplace location who is not associated with the management of the specific workplace location, when there is no committee or representative at the specific workplace location.

In addition, the Secretary-Treasurer is required to notify the Manitoba Workplace Safety & Health Division as per WPS&H Regulation Section 2.7(1).

The investigation results report will be provided to the Workplace Safety Officer, the WPS&H Committee Co-Chairs and the Secretary-Treasurer, which must be reviewed with the WPS&H Committee. Progress on implementing any recommendations will be documented in the meeting minutes of the WPS&H Committee. Once the recommendations have been implemented, it will be noted in the meeting minutes of the WPS&H Committee.

### **ANNUAL REPORT**

As per WPH&S Regulation Section 11.7, each year an Annual Workplace Violence Report must be produced that includes the following:

1. Records of incidents of violence at the workplace, if any;
2. Results of any investigation into an incident of violence at the workplace, including a copy of any recommendations for control measures or for changes to the Workplace Violence Prevention Administrative Procedure;
3. Description of the control measures implemented as a result of an investigation of workplace violence;
4. A copy of any report prepared under Part 2 Section 2.9(3) of the WPS&H Regulation.

The Annual Workplace Violence Report must be provided to:

1. Superintendent of Schools/CEO
2. Secretary-Treasurer
3. School Leaders and Supervisors at each workplace location
4. WPS&H Committee
5. WPS&H representatives at each workplace location