

Addressing Violence in the Classroom

Definition of Violence

Under the *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; 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.

Please review PRS Matters Volume #53, *Bill 168 Protects Educational Personnel from Violence and Harassment in the Workplace*, which further addresses the definition of violence and the use of risk assessments.

Serious Student Incidents

Under the *Education Act*, a serious incident is an activity for which a student may be suspended or expelled.

- Ministry policies PPM 144 and PPM 145 set out the reporting procedures for serious student incidents using the Safe Schools Incident Reporting Forms – Part 1 and 2.
- Such reports must be confirmed in writing by the school board employee to the principal using the Safe Schools Incident Reporting Forms – Part 1.
- The principal must investigate the reported incident and provide the board employee with a written acknowledgement using the Safe Schools Incident Reporting Forms – Part 2.

Everyone has a Responsibility Concerning Workplace Violence

ETFO has identified a lack of compliance to policy and program requirements by some principals and school boards which has resulted in a deficiency in reporting, investigating, and dealing with workplace violence and serious student incidents. The Federation is working with the government, school board representatives, and other unions to improve reporting systems, increase compliance by school boards and principals and encourage a stronger health and safety culture with appropriate training within school boards.

Employer Duties

The OHSA sets out several duties for employers such as school boards, and supervisors such as principals, for example:

- Assessing and reassessing the risks of violence as often as necessary;
- Measures and procedures to control the identified risks of violence;
- Measures and procedures for workers to report incidents of workplace violence to the employer or supervisor;
- Providing information about a person with a history of violence; and
- Taking every precaution reasonable in the circumstances for the protection of a worker.

Employee Duties

It is important to remember how the reporting system should work.

- Under the OHSA, ETFO members have specific duties to report workplace violence.
- Under the *Education Act*, ETFO members have specific duties to report serious student incidents. These duties are further described in Ministry policies PPM 144 and PPM 145.
- Should workplace violence cause an injury or illness, an accident/injury/illness report is required. It is just as important to seek medical attention for psychological and emotional harm as it is for physical injury when workplace violence happens.
- Your duties to report workplace violence and serious student incidents cannot be limited by age, needs, or other mitigating factors. If you are having difficulties making these required reports, get in touch with your steward or ETFO local as soon as possible to get support.

Your Right to a Safe Workplace

You have a right to a safe workplace under the OHSA.

- Your principal has a duty to provide you with information about the risks of harm from a person with a history of violence. This duty happens if two factors are in place: You can be expected to encounter that person in the course of your work, and the risk of workplace violence from that person is likely to expose you to physical injury. There are limits on the disclosure of this information to what is “reasonably necessary” to protect you from physical injury.
- Section 43 of the OHSA grants workers the right to refuse unsafe work. Bill 168 amends this provision by adding that workers may refuse to work, or do particular work, “where workplace violence is likely to endanger himself or herself”. Work refusal is sometimes necessary. However, the legislation limits the right of a teacher to refuse work due to responsibilities to the students. Students cannot be left unsupervised and alternative supervision should be arranged in the case of a work refusal. If you believe you are being endangered by workplace violence, then report your concerns to your principal right away and get immediate assistance. Contact your ETFO local for advice and support. Other workers such as designated early childhood educators, professional support personnel, and education support personnel have the right to refuse work when they have reason to believe that workplace violence is likely to endanger them.

Managing and Responding to Violent Behaviour

At the ETFO 2018 Annual Meeting a new policy statement, *Managing and Responding to Violent Behavior*, was passed. A policy statement reflects the fundamental beliefs that guide the actions of the Federation.

46.0 Managing and Responding to Violent Behaviour

- 46.1 That no member, unless specifically hired to do so, be responsible for intervening physically with students whose behaviours are known to pose an ongoing risk of physical injury to themselves or others.
- 46.2 That any behavioural management training provided by district school boards which includes the use of physical components such as containing or restraining students, be voluntary.
- 46.3 That when behavioural management training is offered by district school boards, it is provided by trained professionals and that training which includes the use of physical components not be provided by members.

A number of school boards are offering behaviour management training to their teachers and education workers. ETFO members need to know more about these programs as well as understand their rights regarding participation. Members are encouraged to review PRS Matters Volume #98, *Behaviour Management Training*, for more advice on this topic.

ETFO Support for Members

Contact your ETFO local for advice and support at etfo.ca/link/locals.

You can contact ETFO staff in Professional Relations Services at 416-962-3836/1-888-838-3836.

For more information and resources on workplace violence and serious student incidents, visit ETFO's Health and Safety website at etfohealthandsafety.ca and the [Ministry of Labour's *Workplace Violence in School Boards, A Guide to the Law*](#).

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