

Fort McMurray Catholic Schools

Operating Policies

OP440 – Prevention of Workplace Violence

Policy

1. The Fort McMurray Catholic Board of Education supports the prevention of workplace violence, and promotes an abuse-free environment in which all people respect and work together to achieve common goals.
2. Any act of workplace violence committed by or against any employee, student, volunteer, contractor, while on the Board's premises or engaged in the Board's business, activities or social events, is unacceptable and will not be tolerated.

Application

3. This policy applies to anyone affiliated with the Fort McMurray Catholic Board of Education and its worksites, including, but not limited to, students, parents, employees, agents, appointees, consultants, contractors, persons on secondment, volunteers, practicum students, student teachers, exchange teachers and students on a work assignment.
4. Where workplace violence is initiated by a student or is the result of student behaviour:
 - a. the incident and its effect on the work site must be addressed under this Operating Policy; and
 - b. in accordance with the School Act, the student's behaviour must be addressed under Operating Policy 331– Student Conduct or any other appropriate Operating Policy regarding student behaviour, and must not be addressed under this Operating Policy.

Purpose

5. The purpose of this regulation is to ensure that individuals are:
 - a. advised of available recourse if they are subjected to, or become aware of situations involving workplace violence; and
 - b. aware of and understand that acts of workplace violence are considered a serious offence for which necessary action will be imposed including immediate suspension of any person reportedly violating this regulation pending the outcome of an investigation.

6. Conduct that is the subject of a complaint under this regulation may also be:
 - a. investigated under the Occupational Health and Safety Act;
 - b. investigated under Operating Policy 408 - Code of Conduct for Employees;
 - c. the subject of a complaint under Operating Policy 102 - Personal and Sexual Harassment;
 - d. addressed under Operating Policy 331 – Student Conduct;
 - e. addressed under any other Fort McMurray Catholic Board of Education policies and Operating Policy; and
 - f. investigated by the police.

Definition of workplace violence

7. In this regulation, “workplace violence” means the threatened, attempted or actual conduct of a person that causes, or is likely to cause, physical injury, whether at a work site or work related.
8. Examples of workplace violence include, but are not limited to:
 - a. threatening behaviour, such as shaking fists, destroying property or throwing objects;
 - b. verbal or written threats, such as any expression of intent to inflict harm including:
 - c. direct threats or clear and explicit communication which distinctly indicate that the potential offender intends to do harm, such as “I’m going to make you pay for what you did to me;”
 - d. conditional threats, which involve a condition, such as “If you don’t get off my back, you will regret it”;
 - e. veiled threats which usually involve body language or behaviours that leave little doubt in the mind of the victim that the perpetrator intends to harm them;
 - f. physical attacks, including biting, hair pulling, scratching, hitting, shoving, pushing, kicking the person or inciting attack by an animal;
 - g. possession of a weapon;
 - h. any other act that would objectively arouse fear in a reasonable person.

Conduct

9. No employee or any person affiliated with the Board shall subject any other person to workplace violence or allow or create the conditions that create or support workplace violence.
10. Anyone affiliated with the Board or any of its worksites, who subjects any other person to workplace violence may be subject to disciplinary action up to and including dismissal from employment or exclusion from a school.
11. A student who subjects any student, employee, volunteer, or visitor to workplace violence may be subject to disciplinary action up to and including removal from the school or program and placement in another setting under the authority of Operating Policy 331 – Student Conduct
12. Any violation of this regulation, or the principles or expectations set out in it, may result in:
 - a. loss of access privileges,
 - b. loss of volunteer position,
 - c. employee disciplinary action such as employment suspension or termination, or
 - d. legal action, including actions taken by the Board of Education, by persons unrelated to the Board, and criminal prosecution.

Supervisors, managers or principals

13. For the purpose of this policy, as a supervisor or manager or principal, you are responsible for:
 - a. developing workplace arrangements to minimize and effectively control the risk of workplace violence;
 - b. promoting a non-violent workplace;
 - c. ensuring that this regulation is clearly communicated to all employees within their jurisdiction;
 - d. providing a means of communication to ensure that pertinent information about workplace violence is conveyed to employees in a timely manner;
 - e. identifying specific training needs for employees;

- f. providing immediate intervention in accordance with the Protocol For Responding To Workplace Violence; and
- g. co-operating with any efforts to investigate and resolve matters arising under this regulation.

Responsibilities

14. For the purpose of this regulation, anyone affiliated with the Fort McMurray Catholic Board of Education is responsible for:
- a. ensuring his/her own immediate physical safety;
 - b. immediately reporting all acts of violence that place oneself or others in imminent danger, to the police after securing your own physical safety;
 - c. immediately reporting all threats and acts of violence to a supervisor, manager, or principal after having secured his/her own physical safety;
 - d. co-operating with any efforts to investigate and resolve matters arising under this regulation; and
 - e. completing the Violence and Threat of Violence Reporting Form, and forwarding it to the Deputy Superintendent.

Investigation

15. In this section, “Board delegated person” means:
- a. for workplace violence incidents involving only school-based and budget-based staff, student teachers, parents, students, volunteers or visitors in schools, the Principal responsible for that school; and
 - b. for all other workplace violence incidents, the responsible supervisor or administrator, as the case may be.
16. Upon receipt of the Violence and Threat of Violence Reporting Form, the Deputy Superintendent will forward it to the Board-delegated person.
17. The Board-delegated person, in consultation with the Human Resources Department, will determine whether a formal investigation may be pursued, and will:
- a. advise the Respondent in writing of the investigation and nature and specifics of the complaint;
 - b. advise the Complainant of the investigation; and
 - c. assign the investigation to an internal or external person to investigate.

18. The investigator will:

- a. advise all parties to the investigation that they may have representation at their own expense;
- b. conduct the investigation in accordance with the principles of natural justice; and
- c. explore all allegations by interviewing the Complainant, the Respondent, and others who may have knowledge of the incidents or circumstances that led to the complaint, or are responsible for the workplace, either in person or by telephone.

19. The investigator may make a finding of:

- a. sufficient evidence to support a finding of violation of this regulation, or
- b. insufficient evidence to support a finding of violation of this regulation, or
- c. no violation of this regulation; and

20. The investigator must prepare a written report with the finding of the investigation, and forward that report to the Board-delegated person within thirty (30) working days from the Respondent being advised of the complaint.

21. The Board-delegated person:

- a. may, upon request by the investigator, extend the time required to prepare a written report of the investigation;
- b. must make a decision to dismiss or act upon the report within thirty (30) working days of receiving the report; and
- c. must advise the Complainant and Respondent in writing of the outcome of the investigation.

Records

22. A workplace violence investigation report must:

- a. be kept on file for five years from the date of the incident, and
- b. be readily available for inspection by a provincial Occupational Health and Safety Officer.

Retaliation

23. Any retaliation against an individual for

- a. invoking this regulation whether on their own behalf or on behalf of another individual,
- b. participating or cooperating in any investigation under this regulation, or
- c. associating with a person who has invoked this regulation or participated in procedures under this regulation, or who has been sanctioned under this regulation, is strictly prohibited, and will be subject to discipline, up to and including dismissal, or exclusion from a school or other Fort McMurray Catholic Board of Education facilities, or, in the case of a student, expulsion.

False accusations

24. If an investigation determines that a complainant, other than a student complainant, falsely accused another person of workplace violence knowingly or in a malicious or vindictive manner, the complainant may be subject to disciplinary action, up to and including dismissal or legal action.
25. If an investigation determines that a student complainant falsely accused another person of workplace violence knowingly or in a malicious manner, the student may be subject to disciplinary action, up to and including expulsion.

Review

26. A review of a decision made under this regulation may be made by
 - a. seeking remedy through the appropriate collective agreement; or
 - b. requesting a review under OP 408 - Code of Conduct for Employees; or
 - c. in the case of students, requesting a review of the matter under OP 331 - School Discipline.

Independent investigations

27. In the absence of a specific complaint or request for an investigation, the Deputy Superintendent may initiate an independent investigation where:
 - a. there is a pattern of inquiries or complaints over time which suggests the existence of a specific problem which has been identified but not corrected;
 - b. there is reason to believe that a broader, systemic problem exists in the learning and working environment which causes, contributes to or encourages harassment;

- c. as the result of an investigation, a specific complaint is not supported but there is reasonable evidence that a broader systemic problem exists; or
- d. in any other circumstances where it is deemed appropriate.

28. In the event an independent investigation is initiated, the Deputy Superintendent shall:

- a. appoint an investigator, and
- b. advise the parties of the:
 - i) independent investigation,
 - ii) reason for initiating the investigation,
 - iii) name of the investigator, and
 - iv) process and procedures which will be used in the investigation.

Confidentiality

29. Workplace violence inquiries or complaints at the Fort McMurray Catholic Board of Education are confidential, and may only be disclosed:

- a. to investigate and respond to an inquiry or complaint,
- b. to advise the Respondent about the complaint and the identity of the Complainant,
- c. in accordance with the Occupational Health and Safety Act, its regulations and the Occupational Health and Safety Code, and
- d. in accordance with the Freedom of Information and Protection of Privacy Act.

30. Any unauthorized disclosure of confidential information relating to a workplace violence inquiry or complaint may result in disciplinary action.

References: <ul style="list-style-type: none"> • Occupational Health and Safety Act, • Occupational Health and Safety Code, • School Act, R.S.A. 2000, c. S-3, section 45(8) • Board Governance Policy EL # 1, EL # 2 	Approved:
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Cross References: OP 102,108,331,341.408	Date Revised: