



## YORK REGION DISTRICT SCHOOL BOARD

**Policy #250.0, Violence Prevention and Intervention and  
Non-Code Workplace Related Harassment – Employees  
Procedure #250.1, Violence Intervention and Prevention - Employees  
Procedure #250.2, Non-Code Workplace Related Harassment - Employees**

---

The Violence Prevention and Intervention and Non-Code Workplace Related Workplace Harassment - Employees policy and related procedures support the Board's commitment to address incidents of harassment and workplace violence. Reflects the Director's Annual Plan and focus on mental health and well-being.

### **Who has responsibilities?**

- Board of Trustees
- Director of Education
- Associate Directors
- Coordinating Superintendent(s)
- Superintendents of Education
- Principals, Managers and Supervisors
- Community and Fundraising Events Review Committee
- Staff members
- Students
- Parents and Guardians

### **How is this policy and/or procedure related to Board priorities?**

The Violence Prevention and Intervention and Non-Code Workplace Related Harassment - Employees policy and procedures demonstrates professionalism and accountability for high standards of practice in all Board operations. It supports confidence in public education and encourages positive relationships among students, staff, parents/guardians and community members and their mental and physical well-being.

### **Department**

Human Resource Services

### **Legislative Context**

[Education Act](#)

[Occupational Health and Safety Act](#)

### **Related Resources**

[Standards of Conduct](#)

[Board Policies, Procedures and Supporting Documents](#)

[Human Rights: Code-Related harassment and Discrimination](#)

*It is the expectation of the York Region District School Board that all employees, students and persons invited to or visiting Board property; or partaking/volunteering in Board or school-sponsored events and activities will respect the policies and procedures of the Board. The term "parents" refers to both biological/adoptive parents and guardians in all Board policies and procedures.*



# Board Policy #250.0 Violence Prevention and Intervention and Non-Code Workplace Related Harassment - Employees

---

This policy outlines the York Region District School Board's commitment to the prevention of workplace violence and providing a work environment in which all employees are treated with dignity and respect.

The Board promotes a harassment and violence-free workplace and does not tolerate incidents of workplace harassment or violence from any person in the workplace.

The Board is committed to encouraging employees to report workplace harassment and violence including domestic violence.

The Board prohibits reprisals against those who have raised good-faith concerns or provided information regarding a concern or incident of workplace harassment or violence.

The Board is committed to addressing incidents of harassment and workplace violence in a fair and timely manner. Information about a complaint or incident will not be disclosed except to the extent necessary to protect staff members, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

Support for staff members is available through the Board's [Employee and Family Assistance Program](#). Staff members are also encouraged to contact their federation or union.

## **Application**

This policy applies to all Board employees when the non-code harassment or violence is directed at a staff member in the workplace.

The [Human Rights: Code Related Harassment and Discrimination policy and procedure](#) applies whenever there are concerns about code based discrimination, harassment or sexual harassment in the workplace.

Complaints against a trustee will be considered under the [Trustee Code of Conduct](#).

Incidents of non-code harassment or violence by students against any person will be considered under the [Caring and Safe Schools](#) policy and procedures.

Incidents of non-code harassment or violence by a staff member against a student or member of the community will be considered under the [Standards of Conduct](#) policy and procedure.

## **Responsibilities**

*The Board of Trustees is responsible for:*

- supporting a working environment that prevents workplace violence and is respectful;
- reviewing the Violence Prevention and Intervention and Non-Code Workplace Related Harassment – Employees policy at least annually, as required by the Occupational Health and Safety Act and in accordance with the priorities in the [Multi-Year Plan](#); and

- understanding and communicating with members of the community about the Violence Prevention and Intervention and Non-Code Workplace Related Harassment - Employees policy.

*The Director of Education is responsible for:*

- implementing and operationalizing the Violence Prevention and Intervention and Non-Code Workplace Related Harassment – Employees policy and procedure.

*The Director of Education, Associate Director(s) Coordinating Superintendent(s) of Education are responsible for:*

- ensuring reasonable preventative measures are implemented to protect staff members and others from workplace violence and to provide a work environment that is free from harassment; and
- ensuring that all staff members receive information and instruction about the Violence Prevention and Intervention and Non-Code Workplace Related Harassment policy and procedure.

*Superintendents, Principals, Vice-Principals, Managers and Supervisors are responsible for:*

- adhering to the reporting, investigation and information sharing requirements in the Violence Prevention and Intervention and Non-Code Workplace Related Harassment policy and procedure;
- ensuring that all the staff members they supervise or manage are aware of and follow the Violence Prevention and Intervention and Non-Code Workplace Related Harassment policy and procedure;
- informing staff members about all procedures and supporting documentation that address workplace violence risk(s) applicable to their job responsibilities; and
- encouraging the reporting of incidents of workplace violence and non-code workplace harassment.

*All staff members are responsible for:*

- complying with training, reporting and investigative requirements in accordance with the Violence Prevention and Intervention and Non-Code Workplace Related Harassment policy and procedure;

## **Definitions**

### *Workplace Harassment (Non-Code Workplace Harassment)*

Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, unwanted, offensive, intimidating, hostile or inappropriate and includes sexual harassment.

Harassing conduct against a staff member includes, but is not limited to:

- epithets, remarks, jokes or innuendos;
- showing or circulating offensive pictures, graffiti or materials, whether in print form or using e-mail or other electronic means;
- singling out an individual for humiliating or demeaning “teasing” or jokes; and
- comments ridiculing an individual because of characteristics, dress, etc.

Personal conflict and reasonable action taken by the employer or supervisor relating to the management and direction of staff or the workplace is not workplace harassment.

### *Code-Related Harassment*

Based on any prohibited ground(s) identified in the Ontario Human Rights Code, including but not limited to, age, ethnic origin, disability, family status, marital status, gender identity, gender expression and sexual orientation.

While often a pattern of comments or conduct, in limited circumstances, a singular incident may be recognized as harassment, depending on the nature of the comment or conduct.

*Workplace Violence (also defined in [Equity and Inclusive Education policy](#))*

- (1) The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury;
- (2) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or
- (3) a statement or behavior that it is reasonable for a worker to interpret as a threat to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.

*Workplace sexual harassment means:*

1. engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
2. making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

### *Domestic Violence*

Is considered workplace violence when a person in a personal relationship with a staff member, such as, but not limited to, a spouse or former spouse, current or former intimate partner or a family member, physically harms, attempts to physically harm, or threatens to physically harm that staff member at work.

### *Members of the Community*

Include, but are not limited to, committee members, contractors, parents/guardians, permit holders, vendors, volunteers, visitors, service providers, community partners and all other persons who are invited to or who work on Board property.

### *Supervisor*

Defined under the Occupational Health and Safety Act as a person who has charge of a workplace or authority over a worker. Examples of supervisors in the York Region District School Board include superintendents, principals, vice-principals, managers, as well as those with the specific title of supervisor.

### **History**

Approved: 2010

Working Document: December 2012, December 2014, October 2017

Reviewed: December 2016

Revised: 2011, October 2013, December 2015, June 2018



# Board Procedure #250.1 Violence Prevention and Intervention – Employees

The purpose of this procedure is to provide information regarding the reporting and investigation of incidents of workplace violence.

## **Application**

This policy applies to all Board employees when the violence is directed at a staff member in the workplace.

## **A. Emergency Response Measures**

If you witness or are involved in an incident of workplace violence:

- summon immediate assistance, if available and in the case of an extreme or imminent threat of physical harm to yourself or any person from workplace violence, or when immediate assistance is unavailable, call 9-1-1 to receive police support; and
- refer to the [Emergency Preparedness Guide](#) if necessary.

## **B. Reporting and Investigating Incidents of Workplace Violence**

### ***By a staff member against another staff member***

1. All incidents of violence by a staff member against another staff member must be immediately reported to the supervisor unless the incident relates to that person (supervisor), in which case the person to whom the supervisor reports must be notified.
2. The supervisor must investigate the incident and, where appropriate, consult with law enforcement authorities.
3. The supervisor must notify the Superintendent of Education and the union or federation as appropriate.
4. All incidents that have caused physical harm, could have caused physical harm, or threats of physical harm to a staff member must be reported and investigated by the supervisor in accordance with Board Policy and Procedure #540.0, Health and Safety - Employees
5. The supervisor, in consultation with the staff member, must complete the [Employee Accident/ Incident Report](#) form and record any steps taken to prevent a recurrence.

### ***By a student against a staff member***

1. All incidents of violence by a student against a Board staff member must be immediately reported to the school principal.
2. All incidents that have caused physical harm, could have caused physical harm, or threats of physical harm to a staff member must be reported and investigated by the supervisor in accordance with [Board Policy and Procedure #540.0, Health and Safety - Employees](#).

3. The supervisor, in consultation with the staff member, must complete the [Employee Accident/Incident Report form](#) and record any steps taken to prevent a recurrence. This form must be completed regardless of age of student or mitigating circumstances.
4. Where a staff member suffers workplace violence that is initiated by a student or is the result of behaviour by a student, the incident must also be reported in accordance with the Education Act and applicable Ministry of Education Regulations, Policy and Memoranda and [Board Policy #668.0, Caring and Safe Schools](#) and/or as outlined in the memorandum [Addressing Unsafe Student Behaviours in Safe and Supportive Ways \(Special Education\)](#).
5. Where a staff member suffers workplace violence and requires medical attention resulting from the incident, the incident must be reported to law enforcement authorities as per the [Police and School Board Protocol](#) (Section 6).
6. The school principal, in consultation with the student services coordinator or other staff member, as appropriate, will review the Safety Plan or [Individual Action Plan](#) (IAP) for the student, if required. Where there is no Safety Plan or IAP, if appropriate, one will be created for a student who engages in behaviours which pose a danger to self or others. The school principal is responsible for ensuring that the Safety Plan is created collaboratively with a school team, to include the principal, Special Education Resource Teacher (SERT), student, parent, support staff, members of [Interdisciplinary Team](#) (IDT) and community supports where appropriate. The SERT is responsible for completing the Safety Plan as part of the [Independent Education Plan](#) (IEP). Ensuring an IAP is developed is the responsibility of the principal. The principal is to determine the appropriate staff to collaboratively create an IAP on a case by case basis.

***By a member of the community against a staff member***

1. All incidents of violence by a member of the community against a Board staff member must be immediately reported to the school principal or supervisor of the program or department.
2. All incidents that have caused physical harm, could have caused physical harm, or threats of physical harm to a staff member must be reported and investigated by the supervisor in accordance with [Board Policy and Procedure #540.0, Health and Safety - Employees](#).
3. The supervisor, in consultation with the staff member, must complete the [Employee Accident/Incident Report, Form](#) and record any steps taken to prevent a recurrence.
4. The school principal or supervisor of the program or department must investigate the incident and, where appropriate, consult with law enforcement authorities.
5. The school principal, supervisor of the program or department, in consultation with the appropriate superintendent, will report the incident to the perpetrator's employer and/or such other person as the Board determines is appropriate in the circumstances.

**C. Where there is a risk of violence or when it is evident that a person has a history of violence**

The supervisor will plan for safe entry of students by following the [Admission and Support Management Process for Students with a Current History of Aggressive and Violent Behavior](#).

The supervisor will use the [Threat Assessment Protocol](#) as appropriate.

The supervisor, in consultation with the appropriate superintendent, will provide information, including personal information, to staff members about a person with a history of violence if:

- the staff member can be expected to encounter that person in the course of his or her work; and
- the risk of workplace violence is likely to expose the worker to physical injury.

Where there is no Safety Plan, one will be created if appropriate or the Individual Action Plan will be used.

After reviewing the Safety Plan or Individual Action Plan with staff, the supervisor should document that staff have been notified. This should be done on either a [Notification of Risk of Injury-Form A: Students with Special Needs](#) or a [Notification of Risk of Injury-Form B: Individual Action Plan](#).

The school principal must ensure that relevant information contained in a Safety Plan or [Individual Action Plan](#) is shared with all Board staff members including, but not limited to, teachers, designated early childhood educators, educational assistants, caretakers, and office staff, who may encounter the student in the course of his or her work and the risk is likely to expose the staff member to physical injury.

It is also vital that the principal of each school uses the Notification of Risk form A or B as appropriate for sharing the above information with other Board staff members and occasional and casual staff members such as, but not limited to, occasional teachers, casual designated early childhood educators and educational assistants, school lunch assistants, bus drivers and taxi drivers. Sharing of information is done to ensure that all staff members who have contact with the student are able to respond with safe and supportive methods. Information must be shared before staff members begin their assignment.

These forms are to be used as a tool to record the information that has been shared with staff and is not intended to be copied and shared with all those who have been notified, but rather retained in a secure location and distributed and/or destroyed as indicated on the form.

#### **D. Reporting of and Response to Reports of Domestic Violence**

Domestic violence occurring in the workplace is recognized by the Occupational Health and Safety Act (OHSA) as workplace violence. Unlike many risks which may lend themselves to regular and ongoing assessment, the risk of domestic violence taking place in the workplace is much more variable and less easily anticipated, although nonetheless real. The OHSA does not require an assessment of the risks of domestic violence becoming workplace violence.

1. An employee must inform their supervisor if the employee believes that he or she, or a co-worker, may be subject to an occurrence of domestic violence that would likely expose the employee, the co-worker or others to physical injury in the workplace.
2. The supervisor, regardless of whether the threat of domestic violence is from a co-worker or from someone outside of the workplace, under the advice of the superintendent, must take every precaution reasonable in the circumstances for the protection of the worker. Such steps may include, but are not limited to, warnings, staff member transfers, individualized safety plans, informing police and requesting restraining orders.

#### **E. Reporting and Investigating Complaints of Reprisal from or against Board Staff Members**

1. All complaints of reprisal must be immediately reported to the supervisor unless the incident relates to that person (supervisor), in which case the person to whom the supervisor reports must be notified.

2. The supervisor, in consultation with the superintendent and Human Resources Services, must promptly investigate complaints of reprisal. Appropriate disciplinary action, up to and including dismissal will be rendered where appropriate.

### **Responsibilities**

*The Director of Education shall:*

- allocate staff and resources to support the Violence Prevention and Intervention procedure; and
- ensure staff members are trained in identifying risks and using the [Threat Assessment Protocol](#) as appropriate.

*The Direction of Education, Associate Directors and/or the Coordinating Superintendents, Superintendents, Principals, Managers and Supervisors shall:*

- support the implementation of the Violence Prevention and Intervention procedure;
- communicate and review the Violence Prevention and Intervention procedure and information about persons with a history of violence with the staff members they supervise or manage;
- investigate and respond to incidents of workplace violence in a timely manner;
- support and participate in violence prevention and intervention training;
- recognize potential workplace violence risks and conduct a [Threat Assessment](#) if necessary;
- conduct and reassess the risks of workplace violence as often as deemed necessary;
- verify that all persons working at, attending or visiting a school or workplace are aware of and adhere to this procedure; and
- post this policy and procedure on the health and safety bulletin board.

*The Health and Safety Manager shall:*

- review the workplace violence risk assessment with the Joint Occupational Health and Safety Committees and work with superintendents, principals, vice-principals, managers and supervisors to reassess the risks of workplace violence as deemed necessary;
- develop and maintain training related to workplace violence and non-code workplace harassment, in consultation with the Joint Occupational Health and Safety Committees;
- maintain and monitor compliance training records related to workplace violence and non-code harassment; and
- ensure that [Employee Accident/Incident Report](#) form for incidents of workplace violence are forwarded to the Joint Occupational Health and Safety Committees.

*Human Resource Services shall:*

- provide consultative services to superintendents, principals, managers and supervisors in responding to incidents of workplace violence.

*Staff members shall:*

- immediately notify their supervisor if they are involved in or have observed any incident of workplace violence;
- immediately notify the person to whom their supervisor reports, if the supervisor is involved in or has observed any incident of workplace violence that involves or relates to their supervisor;
- inform their supervisor if they are experiencing domestic violence that may expose the employee or others to physical injury in the workplace;



- inform their supervisor if they believe a co-worker is experiencing domestic violence that may expose the employee or others to physical injury in the workplace;
- inform their supervisor if they believe a colleague is an aggressor/engaging in domestic violence outside of the workplace that may expose an employee or others to physical injury in the workplace; and
- participate in any investigations and/or workplace violence prevention training.

## **Definitions**

### *Individual Action Plan*

Outlines the precautionary steps, procedures and measures necessary for staff to follow to ensure protection of the worker(s) when another staff member, adult or third party may pose a risk to staff. This form is also used for students who do not yet have an Individual Education Plan (IEP) or Safety Plan but staff members need to know possible triggers and appropriate responses should the student's behavior escalate. This form is not to be used for students with special education needs who have an IEP or Safety Plan.

### *Threat*

An indication of intent to do harm or act out violently against someone or something. Threats may be verbal, written, drawn, posted on the Internet, sent electronically or by information technology of any type, made by gesture or reasonably inferred from the surrounding circumstances of events. Threats may be direct, indirect, conditional or veiled.

## **History**

Approved: 2010

Working Document: December 2012, December 2014, October 2017

Revised 2011, October 2013, December 2015, December 2016, June 2018



# Board Procedure #250.2 Non-Code Workplace Related Harassment – Employees

---

This procedure outlines the steps that must be taken to address complaints of non-code related harassment in the workplace.

## **Application**

This procedure applies to all Board employees when the non-code harassment is directed at a staff member in the workplace.

## **Reporting Non-Code Workplace Harassment**

1. All incidents of non-code workplace harassment must be reported immediately or as soon as possible after experiencing or witnessing an incident to the supervisor unless the incident relates to that person (supervisor), in which case the person to whom the supervisor reports must be notified.
2. Staff members can report incidents or complaints of non-code workplace harassment verbally or in writing. The report of the incident should include the following information:
  - Name(s) of the staff member who has allegedly experienced workplace non-code harassment and contact information
  - Name of the alleged harasser(s), position and contact information (if known)
  - Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
  - Details of what happened including date(s), frequency and location(s) of the alleged incident(s)
    - i. Any supporting documents the staff member who complains of harassment may have in his/her possession that are relevant to the complaint.
    - ii. List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.
3. The supervisor must notify their Superintendent and consult with Human Resources Services about the non-code workplace harassment incident or complaint to ensure an investigation is conducted that is appropriate in the circumstances.
4. The supervisor will inform and provide access to the union in accordance with the Collective Agreement requirements.

## **Investigation Process**

1. The Superintendent responsible for the area in which the alleged harassment took place will determine who will conduct the investigation into the incident or complaint of non-code workplace harassment. Where required, an external person qualified to conduct a non-code workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.
2. Interim measures will be determined by the Superintendent in consultation with Human Resource Services after the complaint is received and during the investigation.
3. The investigator assigned by the Superintendent must complete the investigation in a timely manner, generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation. If the matter is the subject of an external investigation the internal investigation may be suspended until a future date.

4. The investigator, whether internal or external to the workplace must:

- ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- thoroughly interview the worker who allegedly experienced the non-code workplace harassment and the alleged harasser(s), if the alleged harasser is a worker of the employer. If the alleged harasser is not a worker, the investigator should make reasonable efforts to interview the alleged harasser.
- give the alleged harasser(s) the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker who allegedly experienced the non-code workplace harassment should be given a reasonable opportunity to reply.
- interview any relevant witnesses employed by the employer who may be identified by either the worker who allegedly experienced the non-code workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
- collect and review any relevant documents.
- take appropriate notes and statements during interviews with the worker who allegedly experienced non-code workplace harassment, the alleged harasser and any witnesses.
- prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the non-code workplace harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether non-code workplace harassment was found or not.
- inform the worker who allegedly experienced the non-code workplace harassment and the alleged harasser, if he or she is a worker of the employer, in writing within 10 days of the investigation being completed, and a finding determined, of the results of the investigation and if any corrective action taken will be taken. The nature and specifics of the action will not be shared.

### **Confidentiality**

All incidents or complaints of non-code workplace harassment shall be kept confidential except to the extent necessary to protect staff, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not to discuss the incident or complaint or the investigation with each other or other staff or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

### **Record Keeping**

The investigator and Human Resource Services will keep records of the investigation including:

- a copy of the complaint or details about the incident;
- a record of the investigation including notes;
- a copy of the investigation report, if any;
- a summary of the results of the investigation that was provided to the worker who allegedly experienced the non-code workplace harassment and the alleged harasser, if a worker of the employer; and

- a copy of any corrective action taken to address the complaint or incident of non-code workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of non-code workplace harassment, take corrective action or otherwise as required by law.

### **Corrective and/or Disciplinary Action**

Where it is found that there has been non-code workplace harassment, corrective and/or disciplinary action may result and be applied in line with the Board's [Progressive Discipline](#) policy and procedure.

### **Other Assistance Available**

If a worker needs further assistance, he or she may contact their union or federation or Employee and Family Assistance Program.

### **Reporting and Investigation of Reprisals**

All complaints of reprisal must be immediately reported to the supervisor unless the incident relates to that person (supervisor), in which case the person to whom the supervisor reports must be notified.

The supervisor, in consultation with the superintendent and Human Resources Services, must promptly investigate complaints of reprisal. Appropriate disciplinary action, up to and including dismissal will be rendered where appropriate.

### **Responsibilities**

*The Director of Education shall:*

- allocate staff and resources to support the Non-Code Workplace Related Harassment procedure.

*The Direction of Education, Associate Directors and/or the Coordinating Superintendents, Superintendents, Principals, Managers and Supervisors shall:*

- support the implementation of the Non-Code Workplace Related Harassment procedure;
- communicate and review the Non-Code Workplace Related Harassment procedure with the staff members they supervise or manage;
- investigate and respond to incidents of non-code workplace harassment in a fair and timely manner;
- support and participate in harassment training
- verify that all persons working at, attending or visiting a school or workplace are aware of and adhere to this procedure; and
- post this policy and procedure on the health and safety bulletin board.

*Human Resource Services shall:*

- support the implementation of the Non-Code Workplace Related Harassment procedure;
- communicate and review the Non-Code Workplace Harassment procedure with staff members;
- provide consultative services to superintendents, principals, managers and supervisors in responding to incidents of non-code workplace harassment;
- engage staff members when conducting investigations, where appropriate; and
- work with and refer complaints that are code related to the Human Rights Office.

*Staff members shall:*

- immediately notify their supervisor if they are involved in or have observed any incident of workplace harassment;
- immediately notify the person to whom their supervisor reports, if the supervisor is involved in or has observed any incident of workplace harassment that involves or relates to their supervisor; and
- participate in any investigations and/or workplace harassment training.

**History**

Working Document: October 2017

Approved June 2018