

BY VALENCE YOUNG



Put the Acts into Action

Workplace violence is a major hazard in our schools. It gets in the way of teaching, learning, and well-being; dealing with it is stressful and traumatic. ETFO members are getting hurt on the job, sometimes sustaining serious injuries (including broken bones) that require medical care and may take months to heal. School boards lack the financial and human resources to provide consistent and sustained supports. Community resources and mental health services for students with violent behaviours are often limited.

Recent changes to the both the *Education Act* and the *Occupational Health and Safety Act (OHSA)* have introduced new and challenging requirements for school safety. It has been difficult for school boards, administrators, and educators to figure out how to meet their obligations for reporting and responding to serious violent incidents. The result is that risks of workplace violence are not being dealt with soon enough.

Here is a summary of the reporting and response requirements in three provincial documents. The documents – a law, a reporting form, and a policy – were written to make schools safer. Let's take a look at how each of them can be put to good use.

The law

The *Occupational Health and Safety Act* provides a broad definition of workplace violence that leaves room for early recognition and intervention:

“workplace violence” means

- (a) *the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker*
- (b) *an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker*

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(c) a statement or behaviour 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.

Under the *OHSA*, a school board must provide workplace violence programs. These could be developed for an entire school or a single classroom, for a school trip, or for a new student. The program must include measures and procedures to control the risks of workplace violence identified in a risk assessment. It must contain procedures for getting help quickly, and for reporting incidents to the principal. The school board and the principal must investigate and deal with these incidents.

A workplace violence incident is a health and safety hazard that must be reported to the principal. If you are blocked in your efforts to report it, then contact your steward and your ETFO local for support.

The reporting form

The ministry of education's **Safe Schools Incident Reporting form** (SSIR form) is a simple template that identifies 13 serious student incidents, including bullying, uttering a threat to inflict serious bodily harm, and using a weapon. Most of these are also workplace violence incidents. Under the *Education Act*, the principal must consider suspension or expulsion for these incidents.

When a serious student incident also includes workplace violence, then both the workplace violence report and the SSIR form must be completed. The principal's response to each report is different. Under *OHSA*, the principal responds by investigating and dealing with the incident so that the educator can be safe. Under the *Education Act*, a principal responds by focusing on the student, with actions based on progressive discipline that may include suspension or expulsion. If you submit a SSIR form, your principal must provide you with a written acknowledgement of receipt. This is an important record and should be stored carefully.

When there has been a serious violent inci-

dent resulting in suspension or expulsion, the SSIR form and its documentation are placed in the aggressor's Ontario Student Record. These provide vital information about whether a student poses a risk of workplace violence.

The policy

PPM 120 is a ministry of education policy/program memorandum written for school boards and principals. Revised in 2011, its primary purpose is to collect data about seven types of serious violent incidents in Ontario schools. These include possessing a weapon, physical assault causing injury that requires medical attention, sexual assault, robbery, using a weapon to cause or to threaten bodily harm, extortion, and hate or bias-motivated occurrences. School boards must include incidents committed by both students and non-students during school-run programs and on school premises.

However, PPM 120 leaves out a number of serious violent incidents that could just as easily be part of the school day. For example, it does not include bullying, vandalism causing extensive damage, gang-related occurrences, relationship-based violence, threats of serious physical injury (including threats made through social media), or criminal harassment.

There is a concern that the requirements of PPM 120 may draw attention to the management of a few serious violent incidents and ignore others that are equally serious. ETFO is currently discussing the limitations of PPM 120 with the ministry of education, other teacher federations, and school boards.

There you have it: three provincial documents designed to make our schools safer. Every time you report a concern about school safety you put a provincial law into action. A request for a risk assessment engages the need for a workplace violence program. When you recognize a threat of serious physical harm and get help, you assert your right to work safely. And when you need support to deal with workplace violence, your ETFO local and ETFO provincial are ready to assist. ✓