

VIOLENCE IN THE WORKPLACE

What happens when a teacher is the victim?

By Joe Pece

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Over the past 15 years, there have been a number of legislative changes intended to address violence in Ontario schools. Unfortunately, these changes have not stopped incidences of violence. OECTA's Counselling and Member Services Department still receives calls from teachers who are victims of violence. More often than not, the aggressor is a student. However, a teacher can also be victimized by a colleague, administrator or parent.

Assault is an act of verbal aggression, or an act or threat of physical aggression, which produces damaging or hurtful results. By definition, acts of workplace violence fall under the *Occupational Health and Safety Act* (OHSA) and must be reported and investigated.

Workers' Rights

All workers have the right to a safe and healthy workplace, and the responsibility for providing and maintaining this safe workplace belongs to the employer. All workers also have the right to know about hazards in their workplace and safe procedures. Employers must provide training programs to all workers to enable them to identify any hazard in their workplace and to help them perform their work in a safe manner.

Where a potentially violent situation has been identified and cannot be eliminated, specific protective measures should be developed. This usually involves modifying existing practices or written procedures to conform to the board's violence prevention policy as required under the OHSA.

When acts of violence are perpetuated by a student, the Behaviour, Discipline and Safety section of the *Education Act* governs the discipline of students.

Steps to Take

If a teacher has suffered an assault in the workplace, the following steps should be taken:

- The assailant is to be removed from the presence of the teacher immediately.
- The teacher is to receive immediate medical attention where warranted.
- The incident should be reported immediately to the administration and the police. If the police have not been notified, the teacher should do so.
- The teacher should contact the local OECTA Unit President and the OECTA health and safety representative.
- If the investigation establishes that an assault has taken place and that the assailant is a student in that school, the student should be immediately suspended from school.

- The parent or guardian should be informed.
- The student should subsequently not be assigned to the teacher's classes. In the event that the assaulted member is not a teacher of the student, the principal shall, in consultation with the member, develop a strategy to ensure the student and member are not in close proximity during the school day.
- In the cases where the student is identified as special needs, there may be mitigating factors that limit the discipline imposed on the student. This does not limit the development of a strategy involving parents, teachers and administration, in order to address recurring incidents of violence by that particular student.
- The teacher should document what took place before, during and after the assault, including the names of witnesses. The teacher should ensure that the appropriate safe schools and/or violent incident reporting forms are filled out and provided to the principal.
- The teacher should visit a doctor and report any injury. The doctor should complete Form 8 with the Workplace Safety Insurance Board (WSIB). If the teacher requires time off from teaching duties it should be without loss of pay or sick days. The administration should file a Form 7 with WSIB to claim workers' compensation. If the administration does not file a Form 7, the teacher has the right to file a Form 6 with the WSIB.

Further information related to Safe Schools and Health and Safety can be found in the Members' Centre on the OECTA website at www.oecta.on.ca.

Joe Pece is the Department Head for the Counselling and Member Services Department at OECTA Provincial Office.