Greater Essex County District School Board

Title: Health and Safety, Workplace Violence and Workplace Harassment

Category: Policy
Responsibility: Superintendent of Business, Treasurer and Facility Services and Board of Trustees
Effective Date: November 2, 1999
Review Date: October 20, 2026
Next Review Year: 2027 (Annually)

Policy Statement

Under the Occupational Health and Safety Act (OHSA), the Board, as the employer, is responsible for establishing, maintaining and enforcing its own combined:

1. Health & Safety Policy.
2. Workplace Violence Policy.
3. Workplace Harassment and Workplace Sexual Harassment Policy.

In addition, to this combined policy the Board shall establish, maintain and enforce the required management programs to implement this policy.

The Board supports and is committed to:

a. A safe, healthy working and learning environment for all Greater Essex County District School Board employees, students, visitors and contractors.
b. Protection from Workplace Violence as defined under the OHSA for all employees. Violence in the workplace is unacceptable. Everyone should be able to work without fear of violence, in a safe and healthy workplace.
c. Providing a Workplace Harassment and Workplace Sexual Harassment-free working environment as defined under the OHSA. Workplace Harassment and Workplace Sexual Harassment is unacceptable, and the Board will take all reasonable steps to prevent it and, where it has occurred, to respond decisively and effectively.
d. The Board's commitment to Health & Safety is further exemplified by requiring the signatures of the Chief Executive Officer, Site Supervisor and OJH&SC worker members on each site's posted copy of this Operations Procedure. While this is not a legislative requirement under the OHSA, it is a best practice which signifies the commitment to Health & Safety at all levels of the Board.

Definitions

OHSA defines "Workplace Violence" as:

1. The exercise of physical force by a person (**Worker, Student, or non-board employee**) against a **Worker**, in a workplace, that causes or could cause physical injury to the **Worker**.

2. An attempt to exercise physical force against a **Worker** in a workplace that could cause physical injury to the **Worker**.

3. 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**.

This definition of Workplace Violence is broad enough to include threats or acts of violence that could be a criminal matter and constitute offences to be dealt with by the police under Canada's Criminal Code.

OHSA defines "Domestic Violence" as:

Domestic violence is considered workplace violence if a person who has a personal relationship with a **Worker**, such as a current or former spouse, intimate partner or a family member may physically harm, or threaten to physically harm, that **Worker** at work.

OHSA defines "Workplace Harassment" as:

Engaging in a course of vexatious comment or conduct against a **Worker** in a workplace including verbally through the use of information and communications technology that is known or ought reasonably to be known to be unwelcome and includes workplace sexual harassment.

OHSA defines "Workplace Sexual Harassment" as:

1. Engaging in a course of vexatious comment or conduct against a **Worker** in a workplace including verbally through the use of information and communications technology 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.

Workplace Harassment and Workplace Sexual Harassment could also fall under protected grounds on the Ontario Human Rights Code. The Board acknowledges its responsibilities under the Ontario Human Rights Code to foster welcoming and inclusive work environments and to address Code-related harassment and discrimination when they do occur.

Policy Guidelines

Occupational Health and Safety Management Program:

The Board's Occupational Health and Safety Management Program was designed to help protect the health and safety of the Board's **Workers** and **Students** from both known and unknown health

and safety hazards at the Board through risk management and mitigation. The goal is to reduce and prevent accidents and injuries to maintain healthy and safe working and learning environments for all parties.

This Management Program contains duties and responsibilities for all parties aligned with **Worker** Rights and reporting requirements, hazard identification, prevention, mitigation, training, prohibitions and enforcement as legislatively prescribed. This includes general workplace job hazards, prevention and mitigation that are common across the system and applicable to all **Workers** / **Worker** groups as well as uniquely identified job specific hazards, prevention and mitigation to certain groups of **Workers** and assigned tasks.

Accidents and injuries sustained by **Workers** and **Students** can be very dangerous and hazardous to both their physical and psychological health and safety, resulting in time lost from work and learning as well as any associated costs, which is why prevention and mitigation is so important.

This Management Program is aligned with the "**Guide to the Occupational Health and Safety Act**" as outlined by the Ontario Ministry of Labour, Immigration, Training, and Skills Development "MLITSD".

Workplace Violence Prevention Management Program:

The Board's Workplace Violence Prevention Management Program contains detailed responsibilities and control measures related to workplace violence reporting, summoning assistance, responding and investigating duties, expectations, notification of risk, assessments, re-assessments, training and records.

This Management Program is aligned with "**Workplace Violence in School Boards: A Guide to the Law**" as outlined by the Ontario Ministry of Labour Training, Immigration, and Skills Development.

Workplace Harassment, Workplace Sexual Harassment Prevention Management Program:

The Board's Workplace Harassment, Workplace Sexual Harassment Prevention Management Program contains detailed responsibilities and control measures related to Workplace Harassment, Workplace Sexual Harassment reporting, investigating duties, expectations, training, and records.

This Management Program follows the "**Code of Practice**" as outlined by the Ontario Ministry of Labour, Immigration, Training and Skills Development this includes but is not limited to:

1. Reasonable action taken by the Employer or a Supervisor relating to the management and direction of workers, or the workplace is not Workplace Harassment.

2. Workers are encouraged to report any incidents of Workplace Harassment to the appropriate person, as outlined in the Workplace Harassment / Workplace Sexual Harassment Management Program. Workers also have the right to pursue complaints with the Human Rights Tribunal of Ontario, the MLITSD and through the grievance process.

3. The responsible individual, as outlined in the Workplace Harassment / Workplace Sexual Harassment Management Program, will investigate and deal with all complaints or incidents of Workplace Harassment in a fair, respectful and timely manner, will not disclose information provided about an incident or about the complaint except as necessary to protect workers, will investigate the complaint or incident, and will take corrective action or as otherwise required by law.

4. All Board staff are expected to adhere to the Board's Workplace Harassment/ Workplace Sexual Harassment Policy, Regulation and Management Program, and will be held responsible by the Employer for not following it. Workers will not be penalized or disciplined for reporting an incident or for participating in an investigation involving Workplace Harassment / Workplace Sexual Harassment. All Board staff are expected to participate and collaborate with investigators, in a timely fashion and without unreasonable delay, should they be required during an investigation. Accommodations may be provided to staff if communicated with the investigator and where required.
   A. The perpetrator of Workplace Harassment may be disciplined, up to and including termination.
   B. The Employer or a Supervisor, who has the authority to prevent or address harassment of which they are aware or ought reasonably to be aware is occurring, may be held responsible for failing to exercise their authority to do so.

5. Any Board staff that requires / needs further assistance may contact their Supervisor, Occupational Joint Health & Safety Member, the Board's Human Resources Department, their Union Representative or the Board's Employee Assistance Resources such as Wellness Officers and Dialogue.

Reporting Requirements

A policy review cycle of every five years has been established to ensure regular review of Greater Essex County District School Board policies, unless otherwise required by system need or legislation.

Reference

- Occupational Health and Safety Act, R.S.O. 1990, c. 01
- Guide to the Occupational Health and Safety Act
- Workplace Violence in School Boards: A Guide to the Law

- Workplace Harassment Code of Practice
- Policy and Regulation AD-48, Human Rights.
- Policy P-HR-20, Mental Health & Resilience – Staff.
- Administrative Procedure AP-HR-30, Correcting Employee Behaviour & Progressive Discipline.
- Policy and Regulation AD-16, Risk Management (Insurance).
- Board Management Programs:
  - Occupational Health and Safety Management Program.
  - Workplace Violence Prevention Management Program.
  - Workplace Harassment, Workplace Sexual Harassment Prevention Management Program.



Chief Executive Officer and Secretary of the Board

Site Supervisor

Site OJH&SC Worker Member(s)