



# PROCEDURE

HR-107

## Maintaining Employee Safety While Working with Students

**Board Received:** May 30, 2022

**Review Date:** June 2026

### **Purpose:**

The purpose of this procedure is to outline the process that board staff will take to maintain employee safety while working with students.

### **1.0 Introduction**

In Grand Erie it is recognized that we have a responsibility, in partnership with pupils, their families, staff and the community, to provide a safe, positive learning and working environment for staff working with students.

The main purpose of this procedure is to provide schools with direction in dealing with situations in which the behaviour of students has resulted in injury to a board employee.

It is recognized that enhanced measures for staff working with students who display violent or aggressive behaviours may be required.

It is recognized that students may, at times, exhibit some aspects of behaviours that are considered aggressive. This may be due to cognitive or developmental level, or as part of the nature of their exceptionality as a student who has special needs. The behaviours are not necessarily intended to harm others and could be attributed to environmental components, communication needs, avoidance or escape of expectations, or to gain access to items or attention from others.,

It is recognized that, despite the challenges presented by the behaviour of students, every precaution reasonable will be taken in the circumstances for the protection of a worker to maintain a safe working environment. The safe working environment may be achieved through protective equipment and/or effective educational programming to address student - specific needs, staff training, and effective incident response to staff procedures and debriefing. Staff will have the opportunity to debrief after a traumatic event.

### **2.0 Background**

Principals, vice principals, regular education and special education teachers, educational assistants, early childhood educators, and support staff provide instructional programs and services to students. As well, secretaries and custodians are involved in supporting students.

On occasion, aggressive behaviour may be directed toward staff members posing a risk to the safety of staff.

All reasonable precautions will be taken to ensure the safety of staff for anticipated and unanticipated acts that result in physical or emotional injury to staff due to the behaviour of students.

There is a commitment to working with staff and students to plan proactively to minimize occurrences of injury and to respond effectively when unsafe situations arise.

**Authority**

Under the Occupational Health and Safety Act, and applicable regulations, The Board is required to take every precaution reasonable for the protection of a worker. Under Regulation 857, the principal and vice principal are supervisors and are therefore responsible for taking reasonable precautions when dealing with students in our schools.

Also, under the Education Act, Part 13, Behaviour, Discipline, and Safety, the principal has a duty to ensure that a student's behaviour does not affect the safety of staff, students, and others. In exercising this duty, the principal or Vice Principal may exclude a student from attending school pending a review of safety precautions as indicated in Exclusion of Students Policy (SO-32).

The Board's Code of Conduct Policy (SO-12) outlines the expectations for ensuring a safe environment, student behaviour expectations, and consequences for failure to meet these expectations.

**3.0 Guiding Principle**

There is a commitment to working with staff and students to plan proactively to minimize occurrences of injury and to respond effectively when unsafe situations arise.

**4.0 Responsibilities**

Board staff have varying responsibilities depending on their role. However, all staff must work together to respond appropriately to incidents that occur. It is the responsibility of:

- a) The principal to respond to concerns about staff safety, to investigate and develop follow up plans regarding incidents and to communicate this procedure to staff.
- b) All staff are to complete training in De-escalation Techniques for Students with Problem Behaviour.
- c) All staff are to follow instructions for safety procedures in the school, and to follow procedures outlined in Individual Education Plan, behaviour plan, and/or safety plan (BeSafe plan), for students, as needed.
- d) The Family of Schools Superintendent, in consultation with the Superintendents responsible for Special Education and/or Safe Schools (or designates), to oversee program adjustments and staff or resource needs that may be required to provide for the learning needs of students that demonstrate violent or aggressive behaviour and the safety of staff.
- e) The Joint Occupational Health and Safety Committee (JOHSC) to monitor and review concerns regarding the implementation of this Procedure and consider training when necessary.
- f) The Superintendent of Education with responsibilities for Human Resources to assist with procedures for employee support, deployment, and response to concerns.

**5.0 General Procedures to Prevent Occurrences of Violence Against Staff**

Wherever possible, preventative planning should take place to be prepared for situations where risk may occur.

The application of consequences may be mitigated and/or modified to meet the needs of some students based on information contained in the student's Individual Education Plan. Responses will be handled consistently, and in compliance with the policies and procedures of the Board and legislation found in the Education Act, Occupational Health and Safety Act, and other legislative statutes governing residents of Ontario.

The following information outlines areas that need to be addressed:

- a) At the initiation of the principal, an individualized behaviour plan, and/or safety plan (BeSafe plan), will be developed for any student whose behaviour is known to pose ongoing risk to staff or others.

- b) The principal and educators will participate in the development of the behaviour plan, and/or safety plan (BeSafe plan), and will gather input from educational assistants, staff and parent/guardians, as appropriate. All staff that work directly with the student will sign the behaviour plan, and/or safety plan (BeSafe plan), and receive a copy. These plans are to be stored in a secure location. Principals and/or vice principals are required to ensure that the behaviour plan, and/or safety plan (BeSafe plan), is shared with the parent/guardian.
- c) If a situation occurs where the behaviour plan, and/or safety plan (BeSafe plan), is utilized, the principal or vice principal may debrief with staff after the incident to ensure measures were implemented correctly, and the plan is effective at mitigating risks to staff.
- d) Changes to any plan will be documented and shared with all appropriate staff members and parent/guardian by the principal. The plan will be reviewed at least annually.
- e) The review of the behaviour plan, and/or safety plan (BeSafe plan), will be used to identify and facilitate staff training and orientation appropriate for staff assigned to that student.
- f) Notification of Risk map located in the main office

The principal is responsible for informing all staff including supply staff, of existing or new safety plans.

## **6.0 Staff Training**

Staff training is an essential part of effective planning and programming for students with challenging behaviours.

In addition, enhanced training measures may be required for staff dealing with students with known high levels of needs to promote prevention of incidents occurring due to student behaviour.

A variety of training materials and methods will form the basis of ongoing training and are reviewed regularly. Some examples are:

- Behaviour Management Systems Training
- Principles of Applied Behaviour Analysis
- Workplace violence reporting
- De-escalation Techniques for Student Problem Behaviour
- Data Collection on Student Behaviour in Grand Erie

Other appropriate training as deemed necessary by Human Resources or the Superintendents with responsibilities for Special Education, Safe and Inclusive Schools, and/or principals will be provided for staff as required.

Employees will be expected to undertake training where it is deemed necessary, to deal effectively and proactively with students demonstrating challenging behaviour. The Board will provide opportunities for training as required by the Occupational Health & Safety Act. For staff routinely working with students who have challenging behaviours, the level of training will need to be in accordance with the level of behaviour exhibited by the students.

## **7.0 Specific Incident Procedures to Address Injury or Violence Toward a Staff Member**

The following guidelines are intended to support school staff in dealing with a behavioural situation involving the injury of a staff member that results from aggressive behaviour of students.

**Immediate Actions:**

Employees will immediately report to the principal or principal designate:

- a violent incident or a serious threat by a student
- any situation in which an employee requires medical, emotional, or other assistance

The principal will conduct a preliminary investigation to assess the seriousness of the incident and immediate responses needed. Also refer to Workplace Violence Policy (HR-8) and follow if appropriate.

It is the responsibility of all staff to ensure that the safety and physical well-being of the student(s) and employee(s) involved are attended to immediately.

The principal (or designate) will ensure that all persons involved are safely and securely situated and will determine whether any person needs emergency first aid, emotional, or other immediate assistance.

The appropriate Superintendent will be notified as soon as possible for any serious incident.

The parent/guardian of the student (if the student is under 18) will be notified. If 18 years of age or older the student (or the person with legal entitlement to make decisions for them) will be notified directly.

The principal will decide whether the student should be suspended or excluded from school pending the completion of the investigation and follow-up measures by the principal. This decision will be communicated to the parent/guardians by the principal.

The emergency contact/family member of the employee may be notified depending on the seriousness of the incident and employee wishes.

The principal will decide regarding police involvement. In circumstances where the principal has chosen not to involve the police, the affected employee will be informed of their right to notify the police.

If the employee feels that the situation endangers their health or safety and indicates a refusal to work due to this concern, the "Work Refusal Process" (See Appendix A) agreed upon through the Joint Occupational Health and Safety Committee will be followed. The Superintendent responsible for Special Education and/or Safe Schools (or designates) and the Family of Schools Superintendent should be advised as soon as possible if a work refusal is initiated.

**Follow Up Actions:****Investigation:**

The principal will investigate the circumstances surrounding the incident. Investigation will include the review of:

- The details of the incident including interviewing of witnesses, examination of the incident site, medical treatment required, etc.
- Current work practices employed and student responses to same
- Previous history and documentation to date
- Current Individual Education Plan and behaviour plan, and/or safety plan (BeSafe plan), (if in place for the student) and adherence to the strategies contained in each

The principal shall follow appropriate disciplinary procedures with respect to the Board's Code of Conduct and individual student Individual Education Plans and behaviour plan, and/or safety plan (BeSafe plan), Also refer to Workplace Violence Policy (HR-8) regarding investigation.

Documentation:**If an employee is injured:**

Principal or supervisor must follow Employee Injury Report and Investigation Procedures (HR-121) which outlines the requirements for notification and investigation of the incident. If this falls within the definition of workplace violence, then Workplace Violence Policy (HR-8) will be followed.

Support of staff:

The principal may arrange other support for the staff as determined in consultation with board staff (Family of Schools Superintendent, Superintendent with responsibilities for Special Education and/or Safe Schools (or designates), Special Education, Safe Schools and Human Resources Departments). This support may be required to meet:

- Physical needs (medical assessment or treatment, recuperation)
- Emotional needs (counselling, Employee Assistance Plan, debriefing)
- Risk management needs (assistive devices, additional support staff, and training, Violence Threat Risk Assessment, review of behaviour plan, and/or safety plan (BeSafe plan),

Prevention of Recurrence:

Based on the findings of the above investigation, the principal will recommend appropriate actions to avoid a recurrence.

Short-term and long-term responses may include:

- Review of the Individual Education Plan and/or behaviour plan, and/or safety plan (BeSafe plan), and/or behaviour plan, with revisions as needed
- Violence Threat Risk Assessment
- Environmental modifications
- Restorative practices
- Cultural pedagogy
- Changes in work procedures
- Additional staff training
- Personal protective equipment
- Behaviour modification plans, counselling, suspension
- Modified school attendance
- Community Support Intervention
- Police intervention or Child and Family Services intervention
- Other intervention deemed appropriate

Student Re-entry Plan

The re-entry of a student after an aggressive incident must be well planned to avoid further difficulties.

The principal will make the determination of the appropriateness and timing of the student's return to school. In cases of any significant injury or safety concern, a student may need to be suspended or excluded from school until the necessary actions have been taken to address the safety concerns and prevent further incidents.

Written communication should be sent to the parent/guardian following notification of the status of the student that has taken place in the immediate response phase. This notification would generally consist of one of the following:

- Notice of concern about student behaviour
- Modifications to the work environment or procedures for the student may require an extended period of absence of the student from the class or school
- Suspension, Suspension Pending Expulsion, or Exclusion letters

The following steps must be taken prior to the return of the student:

- The principal will meet with the classroom educator(s), the learning resource teacher, and other appropriate school personnel to plan for the return of the student prior to meeting with the student or the student's parent/guardian.
- The principal will schedule a case conference with parent/guardian or the student who is 18 years of age or older (or the person legally entitled to make decisions for them), appropriate school, board and/or community personnel to prepare for the transition back to school for the student
- The principal will support the preparation and/or review of a safety and/or behaviour plan or a Student Action Plan and modify where necessary.
- Short- and long-term responses may include:
  - Environmental modifications
  - Staff training as needed
  - Involvement of community agencies to support the school in meeting the student's needs (e.g., counselling)
  - Modified school day
  - Review and modify the Individual Education Plan, safety and/or behaviour plan as appropriate
  - Other interventions which the principal may deem appropriate

### **8.0 Monitoring**

It is the responsibility of all staff and system partners within the board to initiate and implement pre-emptive measures and/or develop plans to prevent incidents resulting from the behaviour of students. Utilizing behaviour data collection methods to inform behaviour and safety supports and/or interventions, while also monitoring employee incidents of injury and/or concerns about the behaviour of students is necessary to minimize further occurrences.

The following steps will be taken annually to monitor the area of employee injury due to the behaviour of a student:

- All Employee Injury Reports will be forwarded to the Human Resources Department.
- Reports identifying aggressive behaviour will be reported to the Joint Occupational Health and Safety Committee.

Monthly reports will be provided to the Joint Occupational Health and Safety Committee to monitor the implementation of this procedure and make the necessary recommendations to the employer.

### **Reference:**

- Occupational Health & Safety Act
- Occupational Health & Safety Act; Work Refusal for Workplace Violence - Regulation 857
- Education Act Part 13; Behaviour, Discipline & Safety
- Exclusion of Students Policy (SO-32)
- Code of Conduct Policy (SO-12)
- Workplace Violence Policy (HR-8)
- Employee Injury Reporting and Investigation Procedure (HR-121)
- Regulations for Industrial Establishments – Regulations 851 – Section 43
- Right to Refuse Unsafe Work (Administrative Memo 27)

## Appendix A



## GRAND ERIE DISTRICT SCHOOL BOARD WORK REFUSAL PROCESS

As per The Occupational Health and Safety Act and Regulations for Industrial Establishments Regulations 851, Section 43.

### The Right to Refuse Unsafe Work

A worker has the right to refuse unsafe work that they have reason to believe may endanger themselves or another worker.

The right to refuse unsafe work applies to all those covered under the Occupational Health and Safety Act. Certain workers who have a responsibility to protect public safety cannot refuse work that is in the normal course of their duty, i.e.: firefighters, police, ambulance etc.

### Limitations:

Teachers employed under the Education Act and governed by the Teaching Profession Act have a "limited" right to refuse work. Teachers may not exercise the right if the life, health, or safety of a student is placed in imminent jeopardy (RRO 1990 Reg. 857). It should be noted however, that teachers have always had the right to refuse to use unsafe equipment. Refer to Administrative Memo 27 – Right to Refuse Unsafe Work.

From the Occupational Health and Safety Act

### Refusal to work

A worker may refuse to work or do particular work where they have reason to believe that,

- (a) any equipment, machine, device or thing the worker is to use or operate is likely to endanger themselves or another worker
- (b) the physical condition of the workplace or the part thereof in which they work or is to work is likely to endanger themselves
- (b.1) workplace violence is likely to endanger themselves; or
- (c) any equipment, machine, device or thing they are to use or operate or the physical condition of the workplace or the part thereof in which they work or are to work is in contravention of this Act or the regulations and such contravention is likely to endanger themselves or another worker. R.S.O. 1990, c O.1, s. 43 (3).

**\*Note:** Due to the complexity of the refusal process, a principal/supervisor should contact the Health and Safety Officer immediately and in the meantime the employee should not be required to undertake the work that they consider unsafe.

The Occupational Health and Safety Act describes the exact process for refusing dangerous work and the responsibilities of the supervisor, Joint Occupational Health and Safety Committee member designated to handle work refusals, and the refusing worker.