

Right to Refuse Dangerous Work

- Employees may refuse to work or do particular work if they believe, on reasonable grounds, that the work constitutes a danger to their safety.
- If the employer asks another employee to do that work, they must inform them in writing that someone has refused to do it and their reasons for refusal.
- The employee may be reassigned during investigation.
- **If you are considering a work refusal, contact an MTS Staff Officer.**
PHONE: (204) 888-7961
TOLL FREE: 1-800-262-8803

The Cost of Violence

For the Victim

- Feelings of fear, stress, embarrassment, frustration and loss of power
- Missing work or quitting
- Personal, financial and economic impacts if they leave the job

For the Workplace

- Low morale
- Toxic work environment
- Absenteeism and employee turnover
- WSH Investigations and financial liabilities
- Damage to the workplace identity

Who Investigates?

Type of Violent Incident

Investigator(s)

Serious Incident

death, injury resulting from electrical contact, fracture, amputation, electrocution, loss of sight, unconsciousness, poisoning, third degree burns, asphyxiation, laceration requiring medical treatment, collapse or structural failing of a building, etc. (WSH Reg 2.6)

Serious incidents **MUST** be reported to the Workplace Safety and Health Branch (WSH Reg 2.7(1) and 2.8)

Winnipeg:
204-957-SAFE (7233)
or
Toll-free:
1-855-957-SAFE (7233)

Non-Serious Incident with Medical Treatment

eg. concussion requiring medical treatment, but no loss of consciousness

OR

Accident or Dangerous Occurrence with Potential for Serious Incident (near miss)

eg. baseball bat swung at head but missed

WSH Reg 2.9(1)(b)

Non-Serious and no Medical Treatment Required

eg. slap, scratch, bruise, bump, bite, pinch, kick, hit by object, or threats to injure

First - Workplace Safety Officers (at their discretion)

Second - Co-Chairs of the Workplace Safety and Health Committee (or their designates)

*No-one should access the site until the WSH Officers release it.

WSH Reg 2.9(2)

Co-Chairs of the Workplace Safety and Health Committee (or their designates)

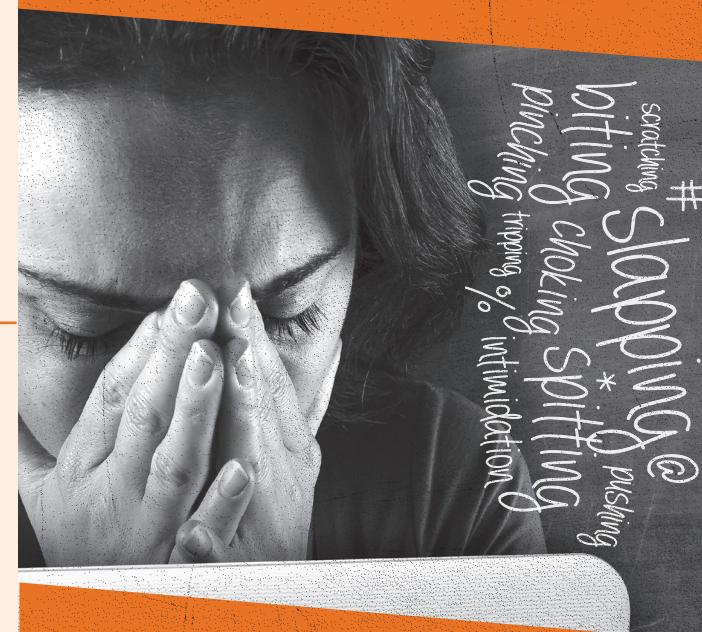
OR

Employer Rep and Workplace Rep

Principal
OR
Employer Rep
*Check your Division's Policy

REPORTING VIOLENT INCIDENTS IN SCHOOLS

Report violence to your principal or supervisor.
To learn more go to **mbteach.org**



THE MANITOBA TEACHERS' SOCIETY

November 2019

Manitoba Legislation: Violence

In Manitoba Workplace Safety and Health legislation, **violence** is defined as:

- a. the attempted or actual exercise of physical force against a person; and
- b. any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person.

Employees' Right to Know

Each employee has the right to know their Division's policy on violence reporting. The policy must be shared with employees, as should the form used to report violent incidents.

Employers' Duty to Inform

Each employee must be informed about the nature and extent of the risk of violence in the workplace. The employer must provide the minimum amount of information required to keep employees safe.

The Importance of Reporting

In Manitoba, Workplace Safety and Health is built on an internal responsibility system. This means that everyone has a role in the prevention of workplace violence.

Consider:

- If it happens to you, it can happen to others. You have an obligation to protect your colleagues—present and future—from violence.
- If a student is repeatedly violent, they may not be getting the supports they need.
- Allowing violent behaviours in school sends a negative message about the acceptability of violence in society.
- It is expected under the law that all violent incidents are reported, regardless of age or ability of the aggressor.

Why Don't Teachers Report Violence?

There are many reasons that teachers do not report violence to their supervisors, including:

- Lack of awareness of legislation or divisional policy
- Lack of training or knowledge
- Lack of response when reports are filed
- Subtle or overt pressure to suppress reports
- Belief that violence is 'part of the job'. **IT IS NOT.**

What to Expect When Violence is Reported

When an employee submits a Violent Incident Report, it triggers an investigation into the incident. The severity of the injury to the employee determines who investigates the incident. (*See back panel for examples*).

Regardless of who investigates, the following basic procedures should be followed:

1. Gather information (name of victim, assailant, and all witnesses).
2. Inspect the scene (take photos, measurements, or sketch key elements of the scene).
3. Ask for written statements and/or conduct interviews (victim and witnesses)
4. Determine direct and indirect causes (ex. lack of training or knowledge; triggers; situational factors).
5. Report results back to the employee, as well as control measures that will be put in place.

Control Measures

Control measures are **all** measures, existing and new, that the employer will implement to eliminate or control further violence to the employee. These must be communicated to the employee after the investigation.

Examples:

- Training (WEVAS, NVCI, etc)
- Protective clothing or equipment
- Different room arrangement
- Update Behaviour Plan (consult specialists such as OTs, psychologists, etc)
- Establish proactive and reactive measures (including when and how to remove a student)

Violent Incident Investigations

Under Manitoba Workplace Safety and Health Legislation, the employer must ensure that all violent incidents are investigated. (**Regulation 217/2006, section 11.6**) The person(s) responsible for carrying out investigations depends on the severity of the injury to the employee involved. See the chart below to determine who should be investigating each type of incident.

Since a principal of a school is considered the supervisor of the school, they may be the person responsible for investigating any violent incidents that are **not** "serious" or potentially "serious", and did not require medical treatment. (**Regulation 217/2006, section 11.6**)

Consult your Division's policy to find out what is expected of Principals regarding investigating violent incidents.

NOTE: Serious Incidents must be reported immediately to the Workplace Safety and Health Branch at:
Winnipeg: 204-957-SAFE (7233) or Toll-free: 1-855-957-SAFE (7233).

Type of Violent Incident

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OR

Employer Rep and Workplace Rep

Principal

OR

Employer Rep

*Check your Division's Policy

The Investigation Process

UPON RECEIVING A REPORT, USE THE FOLLOWING PROCEDURES:

IMMEDIATE ACTIONS TAKEN

The Principals' supportive reaction upon receiving a Violent Incident Report is very important to the worker affected by the violence. Always:

- Ask the employee if they are okay and advise them to seek medical treatment, if needed.
- Ensure the incident is reported on the appropriate form and ensure that the employee receives a copy of the completed form for their own records.
- Assure the employee that you will investigate and report back to them.
- Remove the assailant and report the incident to police, if appropriate.

THE INVESTIGATION

- Ask if the employee is able to remain at work or needs to go home.
- Gather information (name of victim, assailant, and all witnesses).
- Inspect the scene (take photos, measurements or sketch key elements of the scene).
- Ask for written statements and/or conduct interviews (victim and witnesses). Attach these to the report.
- Determine direct and indirect causes (eg. lack of training or knowledge; triggers; situational factors).

CONTROL MEASURES

New and existing measures that will eliminate or control further risk of violence to the worker(s). These must be communicated to the worker after the investigation.

(NOTE THAT THIS IS NOT AN EXHAUSTIVE LIST AND IS INTENDED TO BE USED AS EXAMPLES ONLY).

Examples:

- Provide training on how to work safely in specific situations.
- Provide protective clothing or equipment.
- Different room or furniture arrangements.
- Implement or update student behaviour plan (consult specialists such as OTs, psychologists, social workers, etc.).
- Establish proactive and reactive measures (including when and how to remove a student).
- Provide a copy of the completed Summary Report to the employee who filed the Incident Report.

For more information, contact MTS at **(204) 888-7961** or **1-800-262-8803**

For further information on investigations, **SAFE Work Manitoba** has an excellent online resource called "A Guide to Investigating Workplace Incidents." Follow this link:

<https://www.safemanitoba.com/Page%20Related%20Documents/uploads/investigatingincidentsguide.pdf>